



**The Corporation of the City of Temiskaming Shores  
Regular Meeting of Council  
Tuesday, December 18, 2018**

**6:00 P.M.**

**City Hall Council Chambers – 325 Farr Drive**

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**Agenda**

- 1. Call to Order**
- 2. Roll Call**
- 3. Review of Revisions or Deletions to Agenda**

- 4. Approval of Agenda**

**Draft Motion**

Be it resolved that City Council approves the agenda as printed/amended.

- 5. Disclosure of Pecuniary Interest and General Nature**

- 6. Review and adoption of Council Minutes**

**Draft Motion**

Be it resolved that City Council approves the following minutes as printed:

- a) Regular meeting of Council – October 9, 2018
- b) Special meeting of Council – October 16, 2018

- c) Special meeting of Council – November 13, 2018
- d) Inaugural meeting of Council – December 3, 2018

**7. Public Meetings pursuant to the Planning Act, Municipal Act and other Statutes**

*7.1. Land Purchase Request (LM-2018-01) – 115164 Quarry Road*

**Owner:** Mike Fila

**Subject Land:** Parts 1 and 2 on Plan 54R-6054

**Purpose:** To acquire lands such that the driveway is located on his property and be in compliance with the zoning by-law from a side yard setback perspective.

*7.2. Cannabis License Act*

**Purpose:** The Province of Ontario, under the Cannabis License Act, has given municipalities the option of prohibiting cannabis retail stores within their jurisdiction. Municipalities have until January 22, 2019 to notify the Provincial Government if they wish to prohibit cannabis retail stores.

**8. Question and Answer Period**

**9. Presentations / Delegations**

**10. Communications**

- a) Carman Kidd, Mayor – City of Temiskaming Shores

**Re:** Letter of Support – Canadian Agricultural Partnership – Cost-Share Funding Assistance Program

**Reference:** Received for Information

- b) Anna Pace, Chair – Local Planning Appeal Support Centre

**Re:** Interim Guide to Services and Eligibility for Local Planning Appeal Support Centre

**Reference:** Received for Information

- c) Jamie Allan, Clerk – Town of Latchford

**Re:** Request for Support – Closure of Highway 11 for clearance of roadway

**Reference:** Received for Information

- d) Amanda Quehe, representative – Haileybury Figure Skating Club

**Re:** Renaming of the Haileybury Arena

**Reference:** Referred to Senior Management

- e) Greg Gormick – On Trac Strategies

**Re:** Update – Revival of the ONTC Passenger Service

**Reference:** Referred to Economic Development Officer

- f) Realty Circulation Portal – Ontario Infrastructure Ontario

**Re:** Surplus Land – 0.51 Ac. PCL 4565 NND – Lots 226-230 Plan M-73  
N.B.

**Reference:** Referred to the Economic Development Officer

- g) Jamie Hulan, Director (Equipment Division) – Natural Resources Canada

**Re:** Amendments to the Energy Efficiency Regulations, 2016

**Reference:** Referred to the Economic Development Officer

h) John Vanthof, MPP Timiskaming-Cochrane

**Re:** Congratulations newly elected Council

**Reference:** Received for Information

i) Jessica Trepanier, Minister's Office – Ministry of the Attorney General

**Re:** Regulations for the Licensing and Operation of Private Cannabis Stores

**Reference:** Referred to Senior Staff for a Report

j) Monica Turner, AMO Director of Policy – Association of Municipalities of Ontario

**Re:** Ontario Government – Legislation impacting Fire Sector

**Reference:** Received for Information

k) Derek Mundle, Reeve – Township of Ewanturel

**Re:** Request for Support – Maintenance of ONTC Rail Crossings at Municipal roadways

**Reference:** Motion to be presented under New Business

l) Bryan Searle, Municipal Advisor – Ministry of Municipal Affairs and Housing

**Re:** Financial Indicator and Municipal Financial Profile – City of Temiskaming Shores

**Reference:** Received for Information



- m) Honourable Steve Clark, Minister - Ministry of Municipal Affairs and Housing

**Re:** Acknowledgement Letter - Delegation meeting at 2018 AMO Conference

**Reference:** Received for Information

- n) Honourable Vic Fedeli, Minister of Finance – Ministry of Finance

**Re:** Allocation of Ontario Cannabis Legalization Implementation Fund (OCLIF)

**Reference:** Referred to Senior Staff

- o) Honourable Steve Clark, Minister of Municipal Affairs and Housing

**Re:** Congratulations on 2018 Municipal Election

**Reference:** Received for Information

- p) Jamie McGarvey, President – Association of Municipalities of Ontario (AMO)

**Re:** Congratulations on 2018 Municipal Election

**Reference:** Received for Information

- q) Honourable Steve Clark, Minister – Ministry of Municipal Affairs and Housing

**Re:** Municipal Reporting Burden

**Reference:** Received for Information

- r) OCWA Training Division

**Re:** Invitation to Council members – Standard of Care

**Reference:** Training added to Schedule of meetings

Draft Motion

Be it resolved that City Council agrees to deal with Communication Items 10. a) to 10. r) according to the Agenda references.

**11. Committees of Council – Community and Regional**

Draft Motion

Be it resolved that the following minutes and/or reports be accepted for information:

- a) Minutes of the Timiskaming Health Unit Board of Health meeting held on September 5, 2018;
- b) Minutes of the Temiskaming Shores Public Library meeting held on September 19, 2018;
- c) September 2018 Earlton-Timiskaming Regional Airport Authority Activity Report;
- d) Minutes of the Temiskaming Shores Public Library Board meeting held on October 17, 2018;
- e) Minutes of Temiskaming Municipal Association meeting held on October 4, 2018;
- f) Minutes of the Earlton-Timiskaming Regional Airport Authority meeting held on September 20, 2018;
- g) October 2018 Earlton-Timiskaming Regional Airport Authority Activity Report; and
- h) Minutes of the Temiskaming Municipal Association meeting held on November 29, 2018;

**12. Committees of Council – Internal Departments**

Draft Motion

Be it resolved that the following minutes be accepted for information:

- a) Minutes of the Recreation Committee meeting held on November 20, 2018;

**13. Reports by Members of Council**

**14. Notice of Motions**

**15. New Business**

**a) Support - Township of Evanturel – Railway Crossing Maintenance**

Whereas the Township of Evanturel has sent correspondence to the Premier's Office of Ontario outlining the Township's dispute with the Ontario Northland Transportation Corporation (ONTC) arising from maintenance work on level crossings in the Township of Evanturel; and

Whereas the ONTC has initiated an Appeal under the provisions of the *Land Planning Appeals Tribunals Act* as the Township of Evanturel has not made payment on invoices rendered by ONTC for maintenance work on level crossings; and

Whereas Evanturel has retained legal counsel that has sent correspondence to the Land Planning Appeals Tribunal setting out the Township's position that it bears no liability to pay the ONTC for repairs or maintenance at level crossings; and

Whereas Evanturel has requested of ONTC a copy of the Order or any Legislative Authority upon which maintenance costs incurred by ONTC can be invoiced to the Township of Evanturel; and

Whereas the City of Temiskaming Shores is in a similar position in that ONTC invoices for repairs and maintenance at level road crossings within Temiskaming Shores;

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby supports the position of the Township of Evanturel in regards to the invoicing by ONTC for repairs and maintenance at level crossings; and

Furthermore that a copy of this resolution be sent to the Honourable Douglas Ford, Premier of Ontario, Honourable Greg Rickford Minister of Energy, Northern Development and Mines and the Township of Evanturel.

**b) Support – Highway 11 – Two plus one Pilot Project**

Whereas a resolution was circulated on October 6, 2015 requesting support for the Four (4) Laning of Highway 11 from North Bay to Cochrane, which was supported by 34 municipalities from Northeastern Ontario; and

Whereas after meetings with MTO and OPP officials to review traffic counts and other statistics, and being informed that we did not meet the requirements for MTO to consider four (4) Laning of this portion of Highway 11; and

Whereas OPP findings showed that accidents were spread out over the entire length of the highway and not just in certain high-risk areas, with 15% involving Commercial Motor Vehicles, causing death or injuries; and

Whereas Highway 11 is the preferred truck route connecting Ontario to Manitoba and Western Canada, and almost all goods and services travel by truck through the Timiskaming and Cochrane Districts; and

Whereas the amount of transports and tourist traffic has been steadily increasing over the last few years, raising safety issues for those using this two (2) Lane highway; and

Whereas when major accident investigations occur, the road is closed down for periods of 8 to 10 hours, with no detours being available in many areas, resulting in isolation of our residents; and

Whereas the two plus one roads program has been successful in many European countries, as outlined in our attachments;

Now therefore be it resolved that the council of the City of Temiskaming Shores firmly endorses and petitions the Government of Canada, the Government of Ontario and the Ministry of Transportation to develop a pilot project involving a two plus one roads program, somewhere between North Bay and Cochrane; and

Further, that a copy of this resolution be sent to the Honourable Doug Ford, Premier of Ontario; the Honourable John Yakabuski, Minister of Transportation; John Vanthof, MP for Timiskaming-Cochrane; Victor Fedeli, MP for Nipissing; the Temiskaming Municipal Association (TMA); the Northeastern Ontario Municipal Association (NEOMA).

**c) Approval to transfer surplus/deficit funds to/from Municipal Transit Reserve**

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby directs the Treasurer to transfer any surplus/deficit budget in 2018 for Transit to/from the Municipal Transit Reserve.

**d) Approval to transfer surplus/deficit funds to/from Cemetery Reserve**

*Draft Motion*

Be it resolved that the Council of the City of Temiskaming Shores hereby directs the Treasurer to transfer any surplus/deficit budget in 2018 for Cemetery to/from the Cemetery Reserve.

**e) Approval to transfer current year surplus/deficit funds to/from Working Fund Reserve**

*Draft Motion*

Be it resolved that the Council of the City of Temiskaming Shores hereby agrees that any surplus or deficit from the 2018 Municipal Budget General Operations be transferred to or transferred from the Working Fund Reserve account; and

That Council hereby agrees that any surplus or deficit from the 2018 Municipal Budget Environmental Operations be transferred to or transferred from the Environmental Water Working Fund Reserve and/or Environmental Sewer Working Fund Reserve account.

**f) Approval to transfer Gain on Sale of Surplus Fleet Assets to Fleet Replacement Reserve**

*Draft Motion*

Be it resolved that the Council of the City of Temiskaming Shores hereby directs the Treasurer to transfer any gain realized from the sale of surplus fleet assets in 2018 to the Fleet Replacement Reserve.

**g) Approval to transfer Land Leases and Net Land Sales to Community Development Reserve**

*Draft Motion*

Be it resolved that the Council of the City of Temiskaming Shores hereby directs the Treasurer to transfer any land leases to the Community Development Reserve; and

Further directs the Treasurer to transfer the net proceeds derived from the sale of municipal land to the Community Development Reserve.

**h) Appointment of Acting Fire Chief – Steve Langford**

*Draft Motion*

Be it resolved that the Council of the City of Temiskaming Shores hereby confirms the appointment of Steve Langford as Acting Fire Chief effective November 26, 2018.

**i) Approval to transfer Net Fire Marque and Auto Extrication Revenues to the Fire Equipment Reserve**

*Draft Motion*

Be it resolved that the Council of the City of Temiskaming Shores hereby directs the Treasurer to transfer the net proceeds derived from the Fire Marque agreement to the Fire Equipment Reserve; and

That Council further directs the Treasurer to transfer any funds derived from Auto Extrication to the Fire Equipment Reserve.

**j) Memo No. 025-2018-PW – Musculoskeletal Disorders Policy & Program**

*Draft Motion*

Be it resolved that the Council of the City of Temiskaming Shores acknowledges receipt of Memo No. 025-2018-PW;

That Council approves of the Muscularskeletal Disorders (MSD) Prevention Program and Procedures Policy and the MSD Prevention Program Process for the purposes of finalizing the City's efforts and initiating the awareness and assessment portions of the Program.

**k) Administrative Report No. PW-038-2018 – Equipment Rental – Excavator for Emergency Repairs (Water Breaks)**

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. PW-038-2018, more particularly Appendix 01 - Tender Results and Appendix 02 - Draft Agreement;

That as outlined in By-law No. 2017-015, Procurement Policy, Section 10.2, Request for Quotations and Section 6.0 Approval Authority, Council approves the award of the Equipment Rental – Excavator c/w Operator for Water Breaks and repairs to *Pedersen Construction (2013) Inc.* at the following rental rates:

<b>Float Cost:</b> Regular Work Hours - \$135/hr	<b>All Other Hours - \$175/hr</b>
<b>Breaker Attachment:</b> Regular Work Hours - \$225/hr	<b>All Other Hours - \$265/hr</b>
<b>Excavator Working Time:</b> Regular Work Hours - \$130/hr	<b>All Other Hours - \$170/hr</b>

plus HST as applicable; and

That Council directs Staff to prepare the necessary by-law and agreement for the said contract for consideration at the December 18, 2018 Regular Council meeting.

**l) Administrative Report No. RS-011-2018 – WHO Global Network for Age Friendly Cities and Communities Application**

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. RS-011-2018;

That Council acknowledges receipt of invitation from Public Health Agency of Canada (PHAC) to apply for recognition by the World Health Organization (WHO) Global Network for Age-Friendly Cities and Communities; and

That Council authorizes the submission of a completed application seeking to become a recognized Age Friendly Community by (WHO) and (PHAC) and added to the Global Network.

**m) Memo No. 010-2018-CGP – Deeming By-law for 222 Cobalt Avenue**

Draft Motion

Whereas Marcel Germain, owner of 222 Cobalt Avenue would like to merge Lots on title through the adoption of a deeming by-law in compliance with the Planning Act in order to create one property with one Roll number; and

Whereas the owner has acknowledged that registration of the pending deeming by-law on title will be at his expense;

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby directs staff to prepare the necessary by-law to deem Lots 222, 224, 226, 228, 230, 232, 234 on Plan M-52 NB, Parcel 21919 SST and Lots 221, 223, 225, 227 on Plan M-52 N.B., Parcel 196774 SST to no longer be Lots on a Plan of Subdivision for consideration at the December 18, 2018 Regular Council meeting.

**n) Memo No. 011-2018-CGP – Deeming By-law for 26 Birch Street**

Draft Motion

Whereas Roy Smith, owner of 26 Birch Street would like to merge Lots on title through the adoption of a deeming by-law in compliance with the Planning Act in order to create one property with one Roll number; and

Whereas the owner has acknowledged that registration of the pending deeming by-law on title will be at his expense;

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby directs staff to prepare the necessary by-law to deem Lots 26 and 27 on Plan M-27T, Parcel 11934 SST to no longer be Lots on a Plan of Subdivision for consideration at the December 18, 2018 Regular Council meeting.

**o) Memo No. 012-2018-CGP – Deeming By-law for 480 Little Street**

Draft Motion

Whereas Michael and Kimberley Abraham, owners of 480 Little Street would like to merge Lots on title through the adoption of a deeming by-law in compliance with the Planning Act in order to create one property with one Roll number; and

Whereas the owner has acknowledged that registration of the pending deeming by-law on title will be at his expense;



Now therefore be it resolved that Council for the City of Temiskaming Shores hereby directs staff to prepare the necessary by-law to deem Lots 121 and 124 on Plan M-48 N.B., Parcel 9357 SST and 4312 NND to no longer be Lots on a Plan of Subdivision for consideration at the December 18, 2018 Regular Council meeting.

**p) Memo No. 031-2018-CS – Amendment to By-law No. 2012-101 (Traffic By-law) – Bus Staging area Dymond Street**

*Draft Motion*

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 031-2018-CS; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2012-101 to extend the *School Bus Parking Only* area on Dymond Street to the entrance to New Lisheard Public School for consideration at the December 18, 2018 Regular Council meeting.

**q) January to December 2018 Year-t-Date – Capital Financial Report**

*Draft Motion*

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of the January to December 2018 Year-to-Date Capital Financial Report for information purposes.

**r) Administrative Report No. CS-037-2018 – Rogers Communications Inc. – Lease Agreement**

*Draft Motion*

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-037-2018; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2013-127 exercising the option to extend the term of the lease with Rogers Communications Inc. for a period of five (5) years commencing September 1, 2018 to August 31, 2023 as well as to allow for the addition of one (1), five (5) year extension term commencing September 1, 2023 for consideration at the December 18, 2018 Regular Council meeting.

**s) Administrative Report No. CS-044-2018 – Lease Agreement with Timiskaming Home Support for space at the Haileybury Arena**

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-044-2018; and

That Council directs staff to prepare the necessary by-law to enter into a lease agreement with the Temiskaming Home Support for the use of the Lions Den located in the Haileybury Arena from January 1, 2019 to December 31, 2019 for consideration at the December 18, 2018 Regular Council meeting.

**t) Administrative Report No. CS-045-2018 – Lease Amendments – Haileybury Family Health Team and Doctor Currie**

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-045-2018;

That Council directs staff to amend By-law No. 2016-169 (lease agreement with Dr. Nichole Currie) for the removal of 91 square feet of office space in the Haileybury Medical Centre for consideration at the December 18, 2018 Regular Council meeting; and

That Council directs staff to amend By-law No. 2018-051 (lease agreement with the Haileybury Family Health Team) for the addition of 91 square feet of office space in the Haileybury Medical Centre for consideration at the December 18, 2018 Regular Council meeting.

**u) Administrative Report No. CS-046-2018 – Municipal Property Tax Policy**

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-046-2018;

That Council directs staff to prepare the necessary by-law to repeal By-laws 2007-045 and 2015-138 and adopt a new Municipal Property Tax Policy for consideration at the December 18, 2018 Regular Council meeting; and

That Council directs staff to amend By-law 2012-039, being a by-law to establish departmental user fees and service charges for consideration at the December 18, 2018 Regular Council meeting.

**v) Administrative Report No. CS-047-2018 – Development Agreement with 2373775 Ontario Inc. for the development of Beach Gardens**

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-047-2018; and

That Council directs staff to prepare the necessary by-law to authorize the entering into a Development Agreement with 2373775 Ontario Inc. c.o.b. as Rivard Bros. for the development of property locally known as Beach Gardens for consideration at the December 18, 2018 Regular Council meeting.

**w) Administrative Report No. PPP-009-2018 – Amendment to By-law No. 2004-132 – Emergency Response Plan**

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. PPP-009-2018, more specifically Appendix 01 - Revised Draft of the City of Temiskaming Shores Emergency Response Plan;

That Council approves the Revised Draft Appendix “01” of the Emergency Response Plan for the City of Temiskaming Shores as presented; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2004-132 to adopt the Revised Draft of the Emergency Response Plan for consideration at the December 18, 2018 Regular Council meeting.

**16. By-laws**

Draft Motion

Be it resolved that:

- By-law No. 2019-003      Being a by-law to amend By-law No. 2013-127 being a by-law to authorize the Lease of Land to Rogers Communications Inc.
- By-law No. 2019-004      Being a by-law to Stop up and Close a Highway – a portion of Lakeview Avenue being Parts 1 and 2 on Plan 54R-6054
- By-law No. 2019-005      Being a by-law to amend By-law No. 2004-132, as amended being a by-law to adopt an Emergency Management Program
- By-law No. 2019-006      Being a by-law to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed as not a registered plan of subdivision 222 Cobalt Avenue Roll Nos. 54-18-030-012-013.01 and 54-18-030-012-021.00
- By-law No. 2019-007      Being a by-law to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed as not a registered plan of subdivision 26 Birch Street Roll Nos. 54-18-030-012-009.00
- By-law No. 2019-008      Being a by-law to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed as not a registered plan of subdivision 480 Little Street Roll No. 54-18-030-012-106.00
- By-law No. 2019-009      Being a by-law to amend By-law No. 2012-101, as amended being a by-law to Regulate Traffic and Parking of vehicles in the City of Temiskaming Shores

- By-law No. 2019-010      Being a by-law to authorize the entering into a Lease Agreement with the Temiskaming Home Support for the use of space at the Haileybury Arena – Lion's Den
- By-law No. 2019-011      Being a by-law to amend By-law No. 2016-169 being a by-law to authorize the entering into a Lease Agreement with Dr. Nichole Currie for the rental of space at the Haileybury Medical Centre
- By-law No. 2019-012      Being a by-law to amend By-law No. 2018-051 being a by-law to authorize the entering into a Lease Agreement with the Haileybury Family Health Team for the rental of space at the Haileybury Medical Centre
- By-law No. 2019-013      Being a by-law for the adoption of a Municipal Property Tax Policy
- By-law No. 2019-014      Being a by-law to amend By-law No. 2012-039, as amended being a by-law to adopt Schedules of Departmental User Fees and Services for the City of Temiskaming Shores – Municipal Property Tax Policy
- By-law No. 2019-015      Being a by-law to authorize the execution of a Development Agreement with 2373775 Ontario Inc. for the development of Beach Gardens
- By-law No. 2019-016      Being a by-law to enter into an agreement with Pedersen Construction (2013) Inc. for the rental of an Excavator complete with Operator for Water Break repairs at various locations within the City of Temiskaming Shores

be hereby introduced and given first and second reading.

Draft Motion

By-law No. 2019-003;  
By-law No. 2019-004;  
By-law No. 2019-005;  
By-law No. 2019-006;  
By-law No. 2019-007;  
By-law No. 2019-008;  
By-law No. 2019-009;  
By-law No. 2019-010;  
By-law No. 2019-011;  
By-law No. 2019-012;  
By-law No. 2019-013;  
By-law No. 2019-014;  
By-law No. 2019-015; and  
By-law No. 2019-016

be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

**17. Schedule of Council Meetings**

- a) Regular – Tuesday, January 8, 2019 at 6:00 p.m.
- b) Regular – Tuesday, January 15, 2019 at 6:00 p.m.
- c) Training – Wednesday, January 23, 2019 at 5:30 p.m. (Standard of Care)

**18. Question and Answer Period**

**19. Closed Session**

Draft Motion

Be it resolved that Council agrees to convene in Closed Session at \_\_\_\_\_ p.m. to discuss the following matters:

- a) **Adoption of the October 9, 2018 – Closed Session Minutes**
- b) **Under Section 239 (2) (a) of the Municipal Act, 2001 – the security of the property of the municipality – Confidential Administrative Report No. PPP-010-2018 – Critical Infrastructure Identification**
- c) **Under Section 239 (2) (b) of the Municipal Act, 2001 – personal matters about an identifiable individual, including municipal or local board employees – Committee Appointments**
- d) **Under Section 239 (2) (c) of the Municipal Act, 2001 – proposed or pending disposition of land by the municipality – Confidential Administrative Report CS-048-2018 – Craven Industrial Park;**
- e) **Under Section 239 (2) (c) of the Municipal Act, 2001 – proposed or pending disposition of land by the municipality – Confidential Administrative Report CS-049-2018 – Raymond and Roland;**
- f) **Under Section 239 (2) (d) of the Municipal Act, 2001 – labour relations – Pay Equity Update;**

Draft Motion

Be it resolved that Council agrees to rise with report from Closed Session at \_\_\_\_\_ p.m.

**20. Confirming By-law**

Draft Motion

Be it resolved that By-law No. 2019-017 being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Regular Meeting held on **December 18, 2018** be hereby introduced and given first and second reading.

Draft Motion

Be it resolved that By-law No. 2019-017 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

**21. Adjournment**

**Draft Motion**

Be it resolved that City Council adjourns at \_\_\_\_\_ p.m.





**The Corporation of the City of Temiskaming Shores  
Regular Meeting of Council  
Tuesday, October 9, 2018**

**6:00 P.M.**

**City Hall Council Chambers – 325 Farr Drive**

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**Minutes**

**1. Call to Order**

The meeting was called to order by Mayor Carman Kidd at 6:00 p.m.

**2. Roll Call**

Council: Mayor Carman Kidd; Councillors Jesse Foley, Patricia Hewitt, Doug Jelly, Jeff Laferriere, Mike McArthur and Danny Whalen

Present: Christopher W. Oslund, City Manager  
David B. Treen, Municipal Clerk  
Doug Walsh, Director of Public Works  
Tammie Caldwell, Director of Recreation  
Shelly Zubych, Director of Corporate Services  
Tim Uttley, Fire Chief  
Jennifer Pye, Planner

Regrets:

Media: Bill Buchberger, CJTT 104.5 FM  
Diane Johnston, Temiskaming Speaker

Members of the Public Present: 9

**3. Review of Revisions or Deletions to Agenda**

None

**4. Approval of Agenda**

Resolution No. 2018-433

Moved by: Councillor Laferriere

Seconded by: Councillor Hewitt

Be it resolved that City Council approves the agenda as printed.

**Carried**

**5. Disclosure of Pecuniary Interest and General Nature**

Councillor Laferriere disclosed a pecuniary interest in regards to Item 19 d) Under Section 239 (2) (f) of the Municipal Act, 2001 – advice that is subject to solicitor-client privilege, including communications necessary for the purpose – Statement of Claim

**Comment:** The disclosure was made at the beginning of the Closed Session.

**6. Review and adoption of Council Minutes**

Resolution No. 2018-434

Moved by: Councillor McArthur

Seconded by: Councillor Foley

Be it resolved that City Council approves the following minutes as printed:

a) Regular meeting of Council – September 11, 2018

**Carried**

**7. Public Meetings pursuant to the Planning Act, Municipal Act and other Statutes**

*7.1. Application for Zoning By-law Amendment – ZBA-2018-03*

**Owner:** 2373775 Ontario Inc.

**Subject Land:** 415 Lakeshore Road S.

**Purpose:** The purpose of the application is to rezone the subject land from High Density Residential Exception 6 Hold 4 (R4-E6 (H4) to Medium Density Residential (R3) to permit the development of eighteen (18) individually owned residential units on the property.

Mayor Kidd indicated that the public meeting scheduled tonight is for one (1) Zoning By-law amendment application and that the Planning Act requires that a public meeting be held before Council decides whether to pass a by-law adopting a proposed amendment.

The public meeting serves two purposes: first, to present to Council and the public the details and background to the proposed amendment and second, to receive comments from the public and agencies before a decision is made by Council.

Mayor Kidd declared the meeting to be open and to be a public meeting pursuant to Section 34 of the Planning Act and requested that Planner, Jennifer Pye present the background and details to the proposed amendment.

Jennifer Pye, utilizing powerpoint, outlined that 2373775 Ontario Inc. (Rivard Bros.) has filed Application No. ZBA-2018-03 for the subject land known as 415 Lakeshore Road North locally known as Beach Gardens. The purpose of the amendment is site-specific to rezone the property from High Density Residential Exception 6 Hold 4 (R4-6 (H4)) to Medium Density Residential (R3) to permit the creation of 18 separately transferrable lots including 4 semi-detached dwelling houses (8 units total); 2 four-unit street townhouses and 2 single-detached houses. Lots are proposed to be created using Part-Lot Control Exemption in Section 50(7) of the *Planning Act*.

Jennifer illustrated the current condition and location of the property utilizing a variety of aerial photos and pictures. The subject property is designated as Residential Neighbourhood in the Official Plan and the current zoning is High Density Residential Exception 6 Hold 4 (R4-6 (H4)). The proposed zoning is to Medium Density Residential (R3) to be applied to each individual property.

Jennifer provided additional information in regards to the Species at Risk Survey which was originally completed in 2013 and was recently updated to include Gypsy Cuckoo Bumble Bee, newly listed and requiring consideration. A Stage 3 Archeological Assessment was also completed on the peninsula area with the findings indicating that the area has been disturbed and is of low cultural heritage value or interest. The development is proposing a roadway to extend from Lakeshore Road to service the development to which the developer is responsible for constructing and will be assumed by the City upon completion. Similarly water and sanitary will be installed/upgraded and the City has entered into a cost sharing agreement with respect to the upgrading of the sanitary sewer main.

Planner Jennifer Pye read an opposition letter from Peter Ramsay to the Zoning By-law Application in regards to concerns with storm water run off. Strongly suggest that a Site Plan Control agreement be in place which includes; 1) a comprehensive storm water management plan; 2) a 5 m vegetative buffer strip along the waterfront; 3) an Environmental Impact Study (on Lake Temiskaming) for the project as part of the ZBA.

Mayor Kidd inquired if there were any comments from the public.

Rod Mathews (455 Lakeshore Rd. N.) raised concern with lighting especially in regards to the cul-du-sac as well as the fact the proponent is utilizing the existing easement to establish a roadway and is the City setting a precedent wherein he would be able to utilize the easement across his property in a similar manner.

Mayor Kidd inquired if Director of Public Works (Doug Walsh) if he could comment on the use of the easement. Mr. Walsh indicated that the easement is for existing infrastructure (water & sanitary) and is 20 ft wide; under this project the developer is establishing the road with a 66 ft wide road allowance which is the minimum road width requirement which is detailed in the development agreement. Use of the easement is limited to the provisions contained in the easement agreement.

Mayor Kidd inquired if the applicant wished to speak to the application. The engineering consultant, EXP as represented by Mike Del Monte and Amy Kwaka indicated they have addressed the concerns from Mr. Ramsay. Amy outlined that standard engineering practices have been used with respect to storm drainage for this type of project; it is receiving the same type of treatment as any other residential area. Based on the type of development that is 100% reasonable. In regards to lighting there will two light standards installed, one at the cul-de-sac and one near the bend as well there are no curbs and no sidewalks.

Mayor Kidd inquired if there was going to be a vegetative between the cul-de-sac and the southern border of the development. Amy indicated that there will be 20 m buffer between Lake Temiskaming and the property – there is no indication of vegetative buffer along the south side.

Mayor Kidd inquired if any members of Council had any questions or concerns. Councillor Jelly commented that perhaps a vegetative buffer along the south side should be considered. Councillor Hewitt inquired if an Environmental Assessment has commenced or would be commenced in regards to Lake Temiskaming. Planner Jennifer Pye stated that other than the species at risk assessment and the lot grading plan there has not been any other environmental impact studies done for the development. Councillor Laferriere thanked the Rivard's for investing in the community and is a big project and housing is an issue for the City and it is a challenge to attract development. Councillor McArthur indicated that one of the biggest problems is *"are we open for business"* and we are going to need a lot more housing.

Mayor Kidd declared this portion of the public meeting to be closed and advised that Council would give due consideration to all comments and an Administrative Report would be considered by Council at a future meeting.

## **8. Question and Answer Period**

None

**9. Presentations / Delegations**

a) Lynn Marcella, Healthy Kids Manager

**Re:** Healthy Kids Community Challenge Update

Lynn Marcella, utilizing powerpoint provided an update to Council on regards to the Healthy Kids Community Challenge program outlining that funding has come to an end as of September 30, 2018; activities and programs have wrapped up, however the Facebook page and Twitter account will stay active and some program will be sustained based on equipment purchased.

Lynn outlined the highlights and stats from the four (4) various Themes throughout the challenge.

Mayor Kidd thanked Lynn for the presentation as well as her dedication to the program.

**Resolution No. 2018-435**

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that Council acknowledges the presentation update from Lynn Marcella in regards to the Healthy Kids Community Challenge program.

**Carried**

**10. Communications**

a) Annamaria Cross, Environmental Assessment and Permissions Branch – Ministry of the Environment, Conservation and Parks

**Re:** Notice of Completion of Environmental Assessment Review – New Waste Management Capacity – Open for Public comment

**Reference:** Referred to Director of Public Works and the Technical and Environmental Compliance Coordinator

- b) Susan Stone, CAO/Clerk-Treasurer – Township of Amaranth  
**Re:** Request for Support – NAFTA – Dairy Supply Management Program  
**Reference:** Received for Information
  
- c) Shelly Straughan, Management Forester – Ministry of Natural Resources and Forestry  
**Re:** Notice – 2019-2029 Forest Management Plan – Temagami Management Unit  
**Reference:** Received for Information
  
- d) Réjeanne Bélisle-Massie, Présidente – Centre culturel ARTEM  
**Re:** Request for Sponsorship – Application to Temiskaming Foundation  
**Reference:** Motion to be presented under New Business
  
- e) Craig Reid, AMO Senior Advisor – Association of Municipalities Ontario (AMO)  
**Re:** AMO Policy Update – Private Cannabis Retail Legislation  
**Reference:** Senior Staff for a Report
  
- f) Mélanie Watson, Communications Coordinator – North Eastern Ontario Family and Children's Services  
**Re:** Request for Proclamation – October 24 as Dress Purple Day  
**Reference:** Motion to be presented under New Business
  
- g) Susan M. Stone, CAO-Clerk-Treasurer – Township of Amaranth  
**Re:** Request for Support – Commercial Water Bottling Process  
**Reference:** Received for Information

h) Roger Sigouin, Mayor – Town of Hearst

**Re:** Transforming Ontario's North Summit – Endorsement of Accord

**Reference:** Received for Information

i) Rachelle Cote, Executive Assistant – Timiskaming Health Unit

**Re:** Municipal Election – Health Unit Priorities

**Reference:** Received for Information

Resolution No. 2018-436

Moved by: Councillor Foley

Seconded by: Councillor McArthur

Be it resolved that City Council agrees to deal with Communication Items 10. a) to 10. i) according to the Agenda references.

**Carried**

**11. Committees of Council – Community and Regional**

Resolution No. 2018-437

Moved by: Councillor Laferriere

Seconded by: Councillor Whalen

Be it resolved that the following minutes and/or reports be accepted for information:

- a) Minutes of the Business Improvement Area (BIA) meeting held on June 11, 2018;
- b) Minutes of the Business Improvement Area (BIA) meeting held on July 26, 2018;
- c) Minutes of the Business Improvement Area (BIA) meeting held on August 1, 2018;
- d) Minutes of the Business Improvement Area (BIA) meeting held on September 5, 2018;

- e) Minutes of the Timiskaming Health Unit Board of Health meeting held on June 6, 2018;
- f) Minutes of the Temiskaming Shores Public Library Board meeting held on June 20, 2018;
- g) Minutes of the Earlton-Timiskaming Regional Airport Authority meeting held on July 19, 2018;
- h) August 2018 Earlton-Timiskaming Regional Airport Authority activity report;
- i) Second Quarter Timiskaming Health Unit Report to the Board of Health;
- j) Minutes of the City of Temiskaming Shores Committee of Adjustment meeting held on June 27, 2018;
- k) Minutes of the Temiskaming Transit Committee meeting held on September 19, 2018;

**Carried**

**12. Committees of Council – Internal Departments**

None

**13. Reports by Members of Council**

Councillor Whalen reported on the following:

- McLean's Article: The Police Services Board had had a request from a Meridian One Development Officer to research a McLean's article on the most dangerous places to live to which Temiskaming Shores was listed. It has been determined that people are much more forthcoming with reporting incidents creating an up surge. Also, it could be one individual with multiple charges however they are tracked as individual charges.

Councillor Jelly also clarified when there is one investigation with multiple charges they are reported individually and not on the conviction rate. We asked the inspector have a look at those statistics and will report back.

Councillor Hewitt reported on the following:



- Green Mining Conference: Attended the conference held in Cobalt sponsored by Cobalt, Coleman and Latchford looking at innovative ways to support sustainable mining in the north. There were key players from throughout the north as well as some international players. Encourage anyone interested in Green Mining to research on the internet.
- State of the North Conference: Attended the conference in North Bay; eight of the eleven populations in the north are declining and looked at different ways to consider taxing and other ways to increase the tax base and increase growth for smaller communities. Many different speakers, one in particular that spoke in regards to indigenous challenges and basically they need to institutionalize in order to move forward and work along side all various governments. Overall the City needs to embrace what we have already built and on some of the items we do not necessarily consider as economic growth such as retail.

Mayor Kidd reported on the following:

- Northern Ontario Business Awards: Attended the NOBA awards in North Bay, unfortunately there were no businesses from the local area that received any awards. Last year the PDAC did receive an award.

Councillor Jelly reported on the following:

- DTSSAB Housing: The two housing units on Grant Drive have commenced.

#### 14. Notice of Motions

None

#### 15. New Business

##### a) **Proclamation – November 2018 as Pulmonary Hypertension Awareness Month**

Resolution No. 2018-438

Moved by: Councillor Laferriere

Seconded by: Councillor Hewitt

Whereas Pulmonary Hypertension is a very complex and serious lung disease, which is progressive and potentially fatal and can strike anyone regardless of age, sex, social, or ethnic background; and

Whereas someone with Pulmonary Hypertension (which means high blood pressure in the lungs) experiences the arteries of the lungs becoming narrowed and scarred, which can result in the almost complete closing of the arteries; and

Whereas Pulmonary Hypertension shares a number of its symptoms with other conditions, resulting in many people being misdiagnosed; and

Whereas without treatment, the average life expectancy of someone with Pulmonary Hypertension is less than three years; and

Whereas it is estimated that approximately 5,000 Canadians have been diagnosed with Pulmonary Hypertension, but as many as 10,000 may be affected by the condition and while there is currently no cure for Pulmonary Hypertension, thanks to available treatments, many patients are living longer, healthier lives; and

Whereas Pulmonary Hypertension Awareness Month is an international event working to help support those living or affected by this difficult disease in Canada through education, support, research, and better access to life-saving treatments.

Now therefore be it resolved that the Council for the City of Temiskaming Shores hereby proclaims November 2018 as **Pulmonary Hypertension Month** in the City of Temiskaming Shores.

**Carried**

**b) Proclamation – October 28<sup>th</sup> to November 3<sup>rd</sup>, 2018 as “English as a Second Language Week”**

Resolution No. 2018-439

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Whereas the Province of Ontario has welcomed many people from around the world who have chosen this province as the place to start a new life in Canada; and

Whereas many of these immigrants undertake to learn English in order to communicate with their fellow Ontarians, allowing them to start the process of building productive and rewarding lives in their new country; and

Whereas this diverse and multifaceted group of learners of English as a Second Language can be found throughout all levels of society in Ontario, whether they are students in school, teachers, researchers, caregivers,

volunteers and workers, business owners and employees, professionals and labourers, all benefit from instruction in English as a Second Language and use that new knowledge to contribute to this province on an ongoing basis; and

Whereas the professional organization “Teachers of English as a Second Language” (TESL) Ontario hosts a conference each fall in Toronto that features professional development in the form of workshops, keynote speakers and diverse presentations for teachers of English as a Second Language to develop, update and expand their knowledge base, skills and abilities to aid newcomers to our province in their efforts to acquire English language skills.

Now therefore be it resolved that Council of the City of Temiskaming Shores does hereby proclaim October 28<sup>th</sup> to November 3<sup>rd</sup>, 2018 as “**English as a Second Language Week**” in the City of Temiskaming Shores.

**Carried**

**c) Proclamation – October 24<sup>th</sup> “Dress Purple Day”**

Resolution No. 2018-440

Moved by: Councillor Foley

Seconded by: Councillor Whalen

Whereas every October, Children’s Aid Societies (CAS) across the province raise awareness about the rights of children and youth to safety and well-being and the responsibility of adults and community services to help children, youth and families who need support; and

Whereas Boards of Education, schools, child care centres and homes share this positive message that help is available join together on Dress Purple Day to celebrate the community that cares for kids and families;

Now therefore be it resolved that Council of the City of Temiskaming Shores hereby proclaims October 24, 2018 as “**Dress Purple Day**” in the City of Temiskaming Shores.

**Carried**

**d) Memo No. 009-2018-CGP – Deeming By-law for 617 Latchford Street**

Resolution No. 2018-441

Moved by: Councillor Laferriere

Seconded by: Councillor Jelly

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 009-2018-CGP; and

Whereas Colette Wright, owner of 617 Latchford Street would like to merge Lots on title through the adoption of a deeming by-law in compliance with the Planning Act in order to create one property with one Roll number; and

Whereas the owner has acknowledged that registration of the pending deeming by-law on title will be at her expense; and

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby directs staff to prepare the necessary by-law to deem Lots 119 & 120 on Plan M-54 N.B.; Parcel 161 SST to no longer be Lots on a Plan of Subdivision for consideration at the October 9, 2018 Regular Council meeting.

**Carried**

**e) Administrative Report No. CGP-022-2018 – Official Plan Amendment No. 02 (OPA-2018-01) and Zoning By-law Amendment (ZBA-2018-02) – New Liskeard Golf Club**

Resolution No. 2018-442

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CGP-022-2018;

That Council directs staff to prepare the necessary by-law to adopt Amendment No. 2 to the City of Temiskaming Shores Official Plan to re-designate from Recreation to Mixed Use Areas a 30.48 m x 60.96 m piece of land on the northeast corner of the Golf Course property to permit the lot addition to the property at 998090 Highway 11 North for consideration at the October 9, 2018 Regular Council meeting; and

That Council directs staff to prepare the necessary by-law to amend the City of Temiskaming Shores Zoning By-law 2017-154 to rezone from Open Space (OS) to Highway Commercial (C2) a 30.48 m x 60.96 m piece of land on the northeast corner of the Golf Course property to permit the lot addition to the property at 998090 Highway 11 North for consideration at the October 9, 2018 Regular Council meeting.

**Carried**

**f) Request for Exemption from Noise By-law No. 2012-019 – Demathieu Bard Construction – Replacement of Calamity Creek Culvert**

Resolution No. 2018-443

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Whereas Council considered Memo No. 025-2018-CS at the September 11, 2018 Regular Council meeting;

And whereas Council carried Resolution No. 2018-415 at the September 11, 2018 Regular Council meeting directing staff to provide public notice of a proposed six (6) month exemption from Noise By-law No. 2012-019 for replacement of Calamity Creek Culvert to be considered at the October 9, 2018 Regular Council meeting;

And whereas public notice was provided with no comments received either in favour or against the requested exemption;

Now therefore be it resolved that Council hereby grants a six (6) month exemption to Article 3.11 of By-law No. 2012-019 to Demathieu Bard Construction relating to the replacement of the Calamity Creek Culvert on Highway 11 between Toblers Road and Maille Drive from October 22, 2018 to April 19, 2019.

**Carried**

**g) Memo No. 027-2018-CS – Amendment to By-law No. 2018-058 – Election Worker Honorariums**

Resolution No. 2018-444

Moved by: Councillor Whalen

Seconded by: Councillor Hewitt

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 027-2018-CS; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2018-058 being a by-law to adopt a Municipal Elections Procedural Policy for the 2018 Municipal Election and increase the honorarium rates for Election Workers in accordance to Appendix 01 for consideration at the October 9, 2018 Regular Council meeting.

**Carried**

**h) Memo No. 028-2018-CS – Request for Sponsorship – Le Centre culturel ARTEM**

Resolution No. 2018-445

Moved by: Councillor Laferriere

Seconded by: Councillor Hewitt

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 028-2018-CS; and

Whereas Le Centre culturel ARTEM has applied for funding to the Temiskaming Foundation in the amount of \$1,065 to assist with workshops for youth at Village Noel; and

Whereas ARTEM requires a registered charitable organization to sponsor their application to the Temiskaming Foundation and has requested that the City partner on the said application.

Now therefore be it resolved that the Council of the City of Temiskaming Shores hereby agrees to sponsor ARTEM application to the Temiskaming Foundation.

**Carried**

**i) Memo No. 029-2018-CS – Amendment to By-law No. 2017-127 – Lease Agreement with Dr. Brittany Barron**

Resolution No. 2018-446

Moved by: Councillor McArthur

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 029-2018-CS; and

That Council hereby directs staff to prepare the necessary by-law to amend By-law No. 2017-127 by replacing any reference to Dr. Brittany Barron to Brittany Barron Medicine Professional Corporation

**Carried**

**j) Administrative Report No. CS-032-2018 – Lease Agreement – Haileybury Arena Concession**

Resolution No. 2018-447

Moved by: Councillor Jelly

Seconded by: Councillor Whalen

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-032-2018; and

That Council directs staff to prepare the necessary by-law to enter into a lease agreement with Josee and Marc Dupuis for the use of the Haileybury Arena Concession Stand from October 1, 2018 to April 30, 2019 for consideration at the October 9, 2018 Regular Council meeting.

**Carried**

**k) Administrative Report No. CS-042-2018 – Municipal Employee Group Benefit Plan**

Resolution No. 2018-448

Moved by: Councillor Foley

Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-042-2018; and

That Council directs staff to retain DiBrina Group for Municipal Employee Benefit Plan Brokerage Services for a period of three (3) years with the option of a two (2) year renewal at a commission rate of 2%.

**Carried**

**16. By-laws**

Resolution No. 2018-449

Moved by: Councillor McArthur

Seconded by: Councillor Foley

Be it resolved that:

By-law No. 2018-146      Being a by-law to amend By-law No. 2018-058, as amended being a by-law to adopt a Municipal Elections Procedural Policy for the 2018 Municipal Election

By-law No. 2018-147      Being a by-law to adopt Amendment No. 2 to The City of Temiskaming Shores Official Plan Part of 804027 Golf Course Road Roll No. 5418-020-002-098.00

By-law No. 2018-148 Being a by-law to enact a Zoning By-law Amendment to rezone property from Open Space (OS) to Highway Commercial (C2) in the City of Temiskaming Shores Zoning By-law 2017-154 Part of 804027 Golf Course Road Roll No. 5418-020-002-098.00

By-law No. 2018-149 Being a by-law to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed as not a registered plan of subdivision 617 Latchford Street Roll No. 54-18-030-001-106.00

By-law No. 2018-150 Being a by-law to enter into a Lease Agreement with Josee and Marc Dupuis for the operation of the Haileybury Arena Concession – October 2018 to April 2019

By-law No. 2018-151 A by-law of The Corporation of the City of Temiskaming Shores to authorize the borrowing upon serial debentures in the principal amount of \$820,275.00 towards the cost of the Pool Fitness Centre upgrades, SCBA replacement

By-law No. 2018-152 Being a by-law to amend By-law No. 2017-127 being a by-law to authorize the entering into a Lease Agreement with Dr. Brittany Barron (now *Brittany Barron Medicine Professional Corporation*) for the rental of space at the Haileybury Medical Centre

be hereby introduced and given first and second reading.

**Carried**

Resolution No. 2018-450

Moved by: Councillor Laferriere

Seconded by: Councillor Jelly

Be it resolved that:



By-law No. 2018-146;  
By-law No. 2018-147;  
By-law No. 2018-148;  
By-law No. 2018-149;  
By-law No. 2018-150;  
By-law No. 2018-151; and  
By-law No. 2018-152;

be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

**Carried**

**17. Schedule of Council Meetings**

- a) Special Meeting – Tuesday, October 16, 2018 at 6:00 p.m.
- b) Inaugural – Monday, December 3, 2018 at 6:00 p.m.

**18. Question and Answer Period**

City Manager, Chris Oslund outlined that Advanced Polls for the Municipal Election will be held on Friday, October 12, 2018 at Riverside Place, Saturday, October 13, 2018 at Dymond Community Hall and Monday, October 15, 2018 at City Hall. It was further noted that any resident of Temiskaming Shores could vote at any one of the Advance Polls.

Mayor Kidd indicated that the annual general meeting of the BIA is scheduled to be held tomorrow evening and encouraged members of Council to attend.

**19. Closed Session**

**Resolution No. 2018-451**

Moved by: Councillor Jelly  
Seconded by: Councillor Foley

Be it resolved that Council agrees to convene in Closed Session at 7:30 p.m. to discuss the following matters:

- a) **Adoption of the June 5, 2018 – Closed Session Minutes**
- b) **Adoption of the June 28, 2018 – Closed Session Minutes**
- c) **Adoption of the August 16, 2018 – Closed Session Minutes**
- d) **Under Section 239 (2) (f) of the Municipal Act, 2001 – advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Statement of Claim**

**Carried**

Resolution No. 2018-452

Moved by: Councillor Hewitt

Seconded by: Councillor Foley

Be it resolved that Council agrees to rise with report from Closed Session at 8:07 p.m.

**Carried**

**Matters from Closed Session:**

- a) **Adoption of the June 5, 2018 – Closed Session Minutes**

Resolution No. 2018-453

Moved by: Councillor McArthur

Seconded by: Councillor Foley

Be it resolved that Council approves the June 5, 2018 Closed Session Minutes as printed.

**Carried**

- b) **Adoption of the June 28, 2018 – Closed Session Minutes**

Resolution No. 2018-454

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that Council approves the June 28, 2018 Closed Session Minutes as printed.

**Carried**

**c) Adoption of the August 16, 2018 – Closed Session Minutes**

Resolution No. 2018-455

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Be it resolved that Council approves the August 16, 2018 Closed Session Minutes as printed.

**Carried**

**d) Under Section 239 (2) (f) of the Municipal Act, 2001 – advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Statement of Claim**

Council provided direction to staff in Closed Session.

**20. Confirming By-law**

Resolution No. 2018-456

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that By-law No. 2018-153 being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Regular Meeting held on **October 9, 2018** be hereby introduced and given first and second reading.

**Carried**

Resolution No. 2018-457

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that By-law No. 2018-153 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

**Carried**

**21. Adjournment**

Resolution No. 2018-458

Moved by: Councillor Laferriere

Seconded by: Councillor Hewitt

Be it resolved that City Council adjourns at 8:10 p.m.

**Carried**

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Mayor – Carman Kidd

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Clerk – David B. Treen



**The Corporation of the City of Temiskaming Shores**

**Special Meeting of Council**

**Tuesday, October 16, 2018**

**6:00 P.M.**

**City Hall – Council Chambers – 325 Farr Drive**

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**Minutes**

**1. Call to Order**

The meeting was called to order by Mayor Carman Kidd at 6:01 p.m.

**2. Roll Call**

Council: Mayor Carman Kidd; Councillors Jesse Foley, Patricia Hewitt, Doug Jelly, Jeff Laferriere, Mike McArthur and Danny Whalen

Present: Christopher W. Oslund, City Manager/Deputy Clerk  
Doug Walsh, Director of Public Works  
Tammie Caldwell, Director of Recreation Services  
Tim Uttley, Fire Chief  
Jennifer Pye, Planner

Regrets: None

Media: Diane Johnston, Temiskaming Speaker

Members of the Public Present: 1

**3. Approval of Agenda**

**Resolution No. 2018-459**

Moved by: Councillor Laferriere

Seconded by: Councillor Jelly

Be it resolved that City Council approves the agenda as printed.

**Carried**

**4. Declaration of Special Council Meeting**

Resolution No. 2018-460

Moved by: Councillor McArthur

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores declares this meeting a “Special Meeting of Council” in accordance to Section 7 of Procedural By-law No. 2008-160.

**Carried**

**5. Disclosure of Pecuniary Interest and General Nature**

None

**6. New Business**

**a) Administrative Report CGP-023-2018 – Zoning By-law Amendment – 415 Lakeshore Road (Beach Gardens)**

Resolution No. 2018-461

Moved by: Councillor Laferriere

Seconded by: Councillor Jelly

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CGP-023-2018;

That Council agrees to amend the provisions of the City of Temiskaming Shores Zoning By-law 2017-154 to permit the zone change from High Density Residential Exception 6 Hold 4 (R4-6(H4)) to Medium Density Residential (R3), Medium Density Residential Exception 17 (R3-17) and Medium Density Residential Exception 18 (R3-18); and

That Council directs staff to prepare the necessary by-law to amend the City of Temiskaming Shores Zoning By-law 2017-154 for consideration at the October 16, 2018 Special Council Meeting.

**Carried**

**b) Administrative Report PPP-008-2018 – Appointment of Volunteer Firefighter**

Resolution No. 2018-462

Moved by: Councillor Hewitt  
Seconded by: Councillor Whalen

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. PPP-008-2018; and

That Council hereby appoints Spencer Wilson as a Volunteer Firefighter to the Temiskaming Shores Fire Department in accordance with the *Recruitment and Retention Program*.

**Carried**

**7. By-laws**

Resolution No. 2018-463

Moved by: Councillor Jelly  
Seconded by: Councillor Foley

Be it resolved that:

By-law No. 2018-154 Being a by-law to the City of Temiskaming Shores Comprehensive Zoning By-law No. 2017-154 (415 Lakeshore Road – Beach Gardens)

be hereby introduced and given first and second reading.

**Carried**

Resolution No. 2018-464

Moved by: Councillor Laferriere  
Seconded by: Councillor Hewitt

Be it resolved that By-law No. 2018-154 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

**Carried**

**8. Adjournment**

Resolution No. 2018-465

Moved by: Councillor McArthur  
Seconded by: Councillor Jelly

Be it resolved that City Council hereby adjourns at 6:08 p.m.

**Carried**

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Mayor – Carman Kidd

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Clerk – David B. Treen





**The Corporation of the City of Temiskaming Shores**

**Special Meeting of Council**

**Tuesday, November 13, 2018**

**6:00 P.M.**

**City Hall Council Chambers – 325 Farr Drive**

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**Minutes**

**1. Call to Order**

The meeting was called to order by Mayor Carman Kidd at 6:00 p.m.

**2. Roll Call**

Council: Mayor Carman Kidd; Councillors Jesse Foley, Doug Jelly, Jeff Laferriere, Mike McArthur and Danny Whalen

Present: Christopher W. Oslund, City Manager  
David B. Treen, Municipal Clerk  
Doug Walsh, Director of Public Works  
Tammie Caldwell, Director of Recreation  
Shelly Zubyck, Director of Corporate Services  
Tim Uttley, Fire Chief

Regrets: Councillor Patricia Hewitt

Media: Bill Buchberger, CJTT 104.5 FM  
Diane Johnston, Temiskaming Speaker

Members of the Public Present: 0

**3. Approval of Agenda**

**Resolution No. 2018-466**

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Whereas Section 36.5 (b) of Procedural By-law No. 2008-160, as amended states should an item deemed to be time sensitive need to be added to the Agenda

without advance public notice such as during the “Review of Revisions or Deletions to the Agenda”, Council shall vote to allow such item(s) to be added to the Agenda;

Now therefore Council for the City of Temiskaming Shores in accordance with Section 36.5 (b) hereby allows the addition of:

- Item 6 e) Notice of Motion – Surplus Breathing Apparatus

to be added to the Agenda.

**Carried**

Resolution No. 2018-467

Moved by: Councillor Foley

Seconded by: Councillor McArthur

Be it resolved that City Council approves the agenda as amended.

**Carried**

**4. Declaration of Special Council Meeting**

Resolution No. 2018-468

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Be it resolved that the Council of the City of Temiskaming Shores declares this meeting a “Special Meeting of Council” in accordance to Section 7 of Procedural By-law No. 2008-160.

**Carried**

**5. Disclosure of Pecuniary Interest and General Nature**

None

**6. New Business**

**a) Memo No. 030-2018-CS – Memorandum of Understanding – Beach Gardens Development**

Resolution No. 2018-469

Moved by: Councillor Foley

Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 030-2018-CS; and

That Council directs staff to execute a Memorandum of Understanding with 2373775 Ontario Inc. (Rivard Bros.) for the Beach Gardens Property.

**Carried**

**b) Administrative Report No. CS-043-2018 – Temiskaming Shores Development Corporation**

Resolution No. 2018-470

Moved by: Councillor Laferriere

Seconded by: Councillor Whalen

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-043-2018;

That Council authorizes staff to amend Resolution No. 2018-412 as outlined in Appendix 04 for consideration at the November 13, 2018 Special Council meeting;

That Council directs staff to prepare the necessary By-law to adopt the Community Economic Development Strategic Plan as presented for consideration at the November 13, 2018 Special Council meeting; and

That Council directs staff to prepare the necessary By-law to adopt the Temiskaming Shores Development Corporation – Business Case Study as presented for consideration at the November 13, 2018 Special Council meeting.

**Carried**

**c) Amendment to Resolution No. 2018-412 (Amendments in bold)**

Resolution No. 2018-471

Moved by: Councillor Laferriere

Seconded by: Councillor Jelly

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CGP-043-2018; and

That Council amends Resolution No. 2018-412 to read as follows:

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CGP-021 -2018;

That Council endorses the individuals and one representative from each of the organizations to act as the inaugural Temiskaming Shores Development Corporation (TSDC) Board listed below:

- The Temiskaming Shores & Area Chamber of Commerce;
- Temfund;
- South Temiskaming Community Futures Development Corporation;
- Timiskaming First Nation;
- Northern Ontario Farm Innovation Alliance;
- Bill Mackey;
- Tom Cambridge;
- Mike Baker; and
- Hugo Rivet.

That Council hereby appoints Mayor Kidd, Councillor Whalen, Councillor Hewitt and the City Manager or designate as the municipal representatives to the TDSC Board, **the Class A member designates of the Corporation, and shall be the incorporators of the TSDC;**

**That the TSDC shall be a designated economic development corporation pursuant to O. Reg. 599/06 s. 9(1).**

That Council directs staff to prepare the necessary by-law to enter into an Operating Agreement with the Temiskaming Shores Development Corporation for consideration at a future meeting; and

**This resolution is passed in accordance with the requirements of the Municipal Act, 2001, as amended, and O. Reg. 599/06, s. 4.**

**Carried**

**d) Administrative Report No. RS-010-2018 – Pete’s Dam Trail – Land Exchange**

Resolution No. 2018-472

Moved by: Councillor Foley

Seconded by: Councillor Jelly

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. RS-010-2018;

That Council directs staff to engage Surveyor’s on Site to survey the Pete’s Dam Property and the parts of the portion of the trail that are located on Mr. Steve Allen’s property; and

That Council directs the Director of Corporate Services to execute a Memorandum of Understanding on behalf of the City with Mr. Steve Allen for the use of his property as part of the Pete's Dam Trail system until such time that the Survey is complete and the lands transferred into the ownership of the City.

**Carried**

**e) Notice of Motion – Surplus Breathing Apparatus**

Resolution No. 2018-473

Moved by: Councillor Whalen

Seconded by: Councillor McArthur

Be it resolved that Council does hereby waive the Rules of Procedure as outlined in Section 38.1 a) of Procedural By-law No. 2008-160, as amended and agree to allow debate on the Notice of Motion presented by Councillor Jelly in regards to the donation of breathing apparatus to the Northern College Northern Training Centre.

**Carried**

Resolution No. 2018-474

Moved by: Councillor Jelly

Seconded by: Councillor Laferriere

Whereas the City of Temiskaming Shores has entered into a program for the replacement of breathing apparatus for the Temiskaming Shores Fire Department; and

Whereas with the arrival of the new breathing apparatus the current breathing apparatus will be considered surplus as per By-law No. 2012-157, as amended being a by-law for the adoption of a Disposal of Surplus and Obsolete Assets Policy; and

Whereas a visit to the South Porcupine Campus of Northern College confirmed that they offer a very impressive Fire Fighter training course which is recognized and Accredited by the Ontario Fire College and known as a Northern Training Centre; and

Whereas the Temiskaming Shores Fire Department will be able to take advantage of this accredited and more cost-effective training to ensure that members continue to receive the training necessary to serve the City and ensure their safety; and

Whereas the declared surplus breathing apparatus can still be used and valuable for Northern College in the delivery of the Fire Fighter Training Course;

Now therefore be it resolved that the City of Temiskaming Shores hereby directs the Treasurer to donate the sixteen (16) MSA Self Contained Breathing Apparatus to Northern College, Integrated Emergency Services Complex, for use in Pre-Service Firefighter education and training at the facility.

**Carried**

**7. By-laws**

*Resolution No. 2018-475*

Moved by: Councillor Foley

Seconded by: Councillor Jelly

Be it resolved that

By-law No. 2018-155 being a by-law to adopt a Community Economic Development Strategic Plan for the City of Temiskaming Shores

By-law No. 2018-156 being a by-law to adopt a Business Case Study for the City of Temiskaming Shores

be give first and second reading.

**Carried**

*Resolution No. 2018-476*

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that By-law No. 2018-155 and By-law No. 2018-156 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

**Carried**

**8. Adjournment**

*Resolution No. 2018-477*

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Be it resolved that City Council adjourns at 6:30 p.m.

**Carried**

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Mayor – Carman Kidd

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Clerk – David B. Treen



**The Corporation of the City of Temiskaming Shores  
Inaugural Meeting of Council**

**Monday, December 3, 2018**

**6:00 P.M.**

**City Hall Council Chambers – 325 Farr Drive**

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**Minutes**

**1. Call to Order**

The meeting was called to order by Mayor Carman Kidd at 6:00 p.m.

**2. Roll Call**

Council: Mayor Carman Kidd; Councillors Jesse Foley, Doug Jelly, Patricia Hewitt, Jeff Laferriere, Mike McArthur and Danny Whalen

Present: Christopher W. Oslund, City Manager  
David B. Treen, Municipal Clerk  
Doug Walsh, Director of Public Works  
Shelly Zubych, Director of Corporate Services  
Paul Allair, Superintendent of Parks  
Jeff Thompson, Superintendent of Programs

Regrets: None

Media: Diane Johnston, Temiskaming Speaker

Members of the Public Present: 11

**3. Approval of Agenda**

Resolution No. 2019-001

Moved by: Councillor Jelly

Seconded by: Councillor Foley



Be it resolved that City Council approves the agenda as printed.

**Carried**

**4. Declaration of Office - Mayor**

Carman Kidd declared his Oath of Office as Mayor of the City of Temiskaming Shores for the 2019-2022 Term of Council.

**5. Presentation of the Chain of Office**

The Municipal Clerk presented Mayor Kidd with the Chain of Office.

**6. Declaration of Office - Councillors**

Jesse Foley, Doug Jelly, Patricia Hewitt, Jeff Laferriere, Mike McArthur and Danny Whalen declared their respective Oaths of Office as Councillors for the City of Temiskaming Shores for the 2019-2022 Term of Council.

**7. Inaugural Address – Mayor Carman Kidd**

Mayor Carman Kidd delivered his Inaugural Address.

**8. Inaugural Address – Council Members**

Each member of Council delivered an Inaugural Address.

**9. New Business**

**a) Signing Authorities**

Resolution No. 2019-002

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Be it resolved that the Council of the City of Temiskaming Shores approves the following as signing authorities for the City of Temiskaming Shores:

- Mayor Carman Kidd **or** Councillor Danny Whalen as alternate; plus

- Laura-Lee MacLeod, Treasurer **or** Christopher W. Oslund, City Manager as alternate.

And be it further resolved that Council authorizes the mechanical or electronic reproduction of signatures on a cheque of the municipality in accordance with Section 287 of the Municipal Act, 2001, c.25, as amended.

**Carried**

**b) Approval of Council Meeting Schedule – December 2018 to July 2019**

Resolution No. 2019-003

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Whereas By-law 2008-160, as amended indicates that Regular Meetings of Council shall be held on the first and third Tuesdays of each month commencing at 6:00 p.m. unless otherwise decided by Council; and

Whereas the inaugural meeting of Council is scheduled for Monday, December 3, 2018; and

Whereas New Year's Day falls on the first Tuesday in January 2019.

Now therefore be it resolved that Council does hereby confirm the following schedule of meetings for the months of December 2018 to July 2019:

Tuesday, December 18, 2018	Regular Meeting
Tuesday, January 8, 2019	Regular Meeting
Tuesday, January 15, 2019	Special Meeting (Budget)
Tuesday, January 22, 2019	Regular Meeting
Tuesday, January 29, 2019	Special Meeting (Budget)
Tuesday, February 5, 2019	Regular Meeting
Tuesday, February 19, 2019	Regular Meeting
Tuesday, March 5, 2019	Regular Meeting
Tuesday, March 19, 2019	Regular Meeting
Tuesday, April 2, 2019	Regular Meeting
Tuesday, April 16, 2019	Regular Meeting
Tuesday, May 7, 2019	Regular Meeting
Tuesday, May 21, 2019	Regular Meeting
Tuesday, June 4, 2019	Regular Meeting

Tuesday, June 18, 2019

Regular Meeting

**Carried**

**c) Approval of Attendance at various Conferences**

***Rural Ontario Municipal Association Conference***

***Resolution No. 2019-004***

Moved by: Councillor Laferriere

Seconded by: Councillor Hewitt

Be it resolved that Council for the City of Temiskaming Shores approves the attendance of **Mayor Kidd** and **Councillor Jelly** to the Rural Ontario Municipal Association (ROMA) Conference scheduled for January 27 to January 29, 2019 in Toronto;

That Council acknowledges that Councillor Whalen will also be attending the ROMA Conference as President of the Federation of Northern Ontario Municipalities (FONOM); and

Further be it resolved that the expenses incurred in attending the said conference be covered in accordance to the Municipal Business Travel and Expense Policy.

**Carried**

***PDAC Conference***

***Resolution No. 2019-005***

Moved by: Councillor Whalen

Seconded by: Councillor Hewitt

Be it resolved that Council for the City of Temiskaming Shores approves the attendance of **Mayor Kidd** and **Councillor Jelly** to the Prospectors and Developers Association of Canada (PDAC) Convention scheduled for March 3 to March 6, 2019 in Toronto;

That Council acknowledges that Councillor Whalen will also be attending the PDAC Conference as President of the Federation of Northern Ontario Municipalities (FONOM); and

Further be it resolved that the expenses incurred in attending the said conference be covered in accordance to the Municipal Business Travel and Expense Policy.

**Carried**

***Northeastern Ontario Fire Education Conference***

***Resolution No. 2019-006***

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that Council for the City of Temiskaming Shores approves the attendance of **Councillor McArthur** and **Councillor Hewitt** to the annual Northeastern Fire Education Conference scheduled for March 29 to March 31, 2019 in Hunstville; and

Further be it resolved that the expenses incurred in attending the said conference be covered in accordance to the Municipal Business Travel and Expense Policy.

**Carried**

***Federation of Northern Ontario Municipalities (FONOM) Conference***

***Resolution No. 2019-007***

Moved by: Councillor Laferriere

Seconded by: Councillor McArthur

Be it resolved that Council for the City of Temiskaming Shores approves the attendance of **Mayor Kidd**, and **Councillor Hewitt** to the Federation of Northern Ontario Municipalities (FONOM) Conference scheduled for May 8 to May 10, 2019 in Toronto;

That Council acknowledges that Councillor Whalen will also be attending the FONOM Conference as President of the Federation of Northern Ontario Municipalities (FONOM); and

Further be it resolved that the expenses incurred in attending the said conference be covered in accordance to the Municipal Business Travel and Expense Policy.

**Carried**

***Association of Municipalities Ontario (AMO) Conference***

***Resolution No. 2019-008***

Moved by: Councillor Laferriere

Seconded by: Councillor Hewitt

Be it resolved that Council for the City of Temiskaming Shores approves the attendance of **Councillor McArthur** and **Councillor Foley** to the Association of Municipalities Ontario (AMO) Conference scheduled for August 18 to August 21, 2019 in Ottawa;

That Council acknowledges that Councillor Whalen will also be attending the AMO Conference as President of the Federation of Northern Ontario Municipalities (FONOM); and

Further be it resolved that the expenses incurred in attending the said conference be covered in accordance to the Municipal Business Travel and Expense Policy.

**Carried**

## **10. By-laws**

### Resolution No. 2019-009

Moved by: Councillor Whalen

Seconded by: Councillor Foley

Be it resolved that:

By-law No. 2019-001      Being a by-law to appoint Committee Chairs/Vice Chairs and Council Representatives to Committees and Boards for the December 1, 2018 to November 30, 2022 Term of Council

be hereby introduced and given first and second reading.

**Carried**

### Resolution No. 2019-010

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that By-law No. 2019-001 be hereby given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

**Carried**

**11. Schedule of Council Meetings**

- a) Regular Meeting of Council – Tuesday, December 18, 2018 at 6:00 p.m.
- b) Regular Meeting of Council - Tuesday, January 8, 2019 at 6:00 p.m.

**12. Confirming By-law**

Resolution No. 2019-011

Moved by: Councillor Laferriere

Seconded by: Councillor Hewitt

Be it resolved that By-law No. 2019-002 being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Special meeting held on **November 13, 2018** and its Inaugural meeting held on **December 3, 2018** be hereby introduced and given first and second reading.

**Carried**

Resolution No. 2019-012

Moved by: Councillor Laferriere

Seconded by: Councillor Jelly

Be it resolved that By-law No. 2019-002 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

**Carried**

**13. Adjournment**

Resolution No. 2019-013

Moved by: Councillor Foley

Seconded by: Councillor Hewitt

Be it resolved that City Council adjourns at 6:33 p.m.

**Carried**

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Mayor – Carman Kidd

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Clerk – David B. Treen

# Application to Purchase Municipal Land

## Background

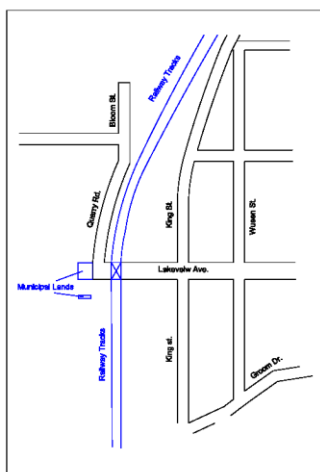
Application from Mike Fila to purchase a portion of Lakeview Avenue for lot addition purposes;

Application circulated to internal departments and Memo 005-2018-CS was considered at the February 6, 2018 Regular meeting with Council authorizing staff to proceed with the potential land sale;

**115164 Quarry Rd  
Mike Fila**

**Municipal Lands  
Portion of Lakeview  
and Laneway**

477



**Key Map**



## Background continued

Subsequent to Council approval to move forward a deposit was attained for the preparation of Reference Plan 54R-6054;

Council considered Admin Report CS-040-2018 at the September 11, 2018 Regular Council meeting directing staff to:

- provide public notice of this meeting;
- Prepare a by-law to stop up and close a portion of Lakeview Ave; and
- Prepare a by-law for the Purchase and Sale of Land (Parts 1 & 2 on Plan 54R-6054).

## Disposition of Land By-law No. 2015-160

### Sec 3 – Disposal Method

Recommend a direct sale;

### Sec 4 – Determination of Value

Recommend price based on recent sales in the amount of \$2,281.70 plus all costs (legal, survey, registration, etc.);

# Application to Purchase Municipal Land

## **Next Steps** – *conditional on public input*

December 18, 2018

- By-law to Stop Up & Close Lakeview (Parts 1 & 2 54R-6054)

Registration of Stop Up & Close By-law at Land Registry Office;

January 8, 2019

- By-law for the Purchase and Sale of land to Mr. Fila;

Once in ownership of Mr. Fila, a deeming by-law to merge the properties.

October 23, 2018

**Northern Ontario Farm Innovation Alliance**

51B Armstrong Street  
P.O. Box 2976  
New Liskeard, Ontario  
P0J 1P0

Attn.: Emily Potter, Project Development Advisor

**RE: Canadian Agricultural Partnership – Cost-Share Funding Assistance Program**

On behalf of the City of Temiskaming Shores, I am pleased to support your project "Emergency Livestock Response Plan for First Responders in Northern Ontario" through the Canadian Agricultural Partnership Cost-Share Funding Assistance Program.

Thank you for taking the initiative to apply for funding that would help municipalities in the north such as ours develop an emergency response preparedness guide and offer hands-on training to First Responders in the safe handling of livestock following an emergency. The skills acquired by our team following this type of training would provide them with the necessary tools and knowledge needed for this type of emergency. The preparedness guide would also be a great addition to the city's existing Emergency Plan. Knowing how to handle livestock in an emergency is something that would greatly reduce additional injuries to both humans and animals, as well as reduce the time period in which an animal is exposed to poor welfare conditions.

As a community partner, the City of Temiskaming wishes you all the success in this endeavour.

Yours truly,



Carman Kidd  
Mayor



Local Planning  
Appeal Support Centre

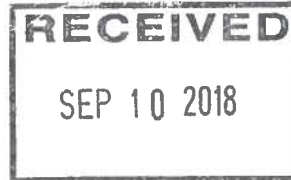
700 Bay Street, 12<sup>th</sup> Floor  
Toronto, ON M5G 1Z6  
[www.lpasc.ca](http://www.lpasc.ca)

Centre d'assistance pour les appels en  
matière d'aménagement local

700 rue Bay, 12<sup>e</sup> étage  
Toronto, (Ontario) M5G 1Z6  
[www.caamal.ca](http://www.caamal.ca)

August 22, 2018

Mayor Carman Kidd  
City of Temiskaming Shores  
P.O. Box 2050 325 Farr Drive  
Haileybury ON  
POJ 1K0



Dear Mayor Kidd,

I am pleased to share with you an **Interim Guide to Services and Eligibility** for the new Local Planning Appeal Support Centre. Since our new agency began operation in April, we have been working to develop a full complement of services to support the Ontario public with information, advice and representation in planning matters.

We are now consulting broadly on our interim plan for services with our stakeholders and would like your help. Please review our enclosed brochure and let us know what you think. Are we meeting the needs of the Ontario public with our plan? How could we better support your needs? We invite you to comment on our online form at [www.lpasc.ca/consultation](http://www.lpasc.ca/consultation).

As a new agency of the Government of Ontario, it is imperative that we listen to our stakeholders and clients and adapt our services according to their needs. Your feedback is important to helping us achieve this goal. Our consultation period will remain open until October 31, 2018.

I have also included copies of our new poster that can be displayed in the public areas of your constituency or municipal offices to let your community know about our services. We would appreciate your help in bringing our services to the attention of your community. You can obtain copies of our brochure or poster, in English or French, by downloading them from our website at [www.lpasc.ca](http://www.lpasc.ca) or emailing us at [info@lpasc.ca](mailto:info@lpasc.ca).

Please do not hesitate to contact us if you have any questions or would like to discuss a planning matter.

Yours sincerely,

Anna Pace  
Chair, LPASC

**TOWN OF LATCHFORD  
RESOLUTION**

**MOVED BY:** Mike Brook

**No.:** 18/ 110

**SECONDED BY:** Jo-Anne Carter


**Date:** September 20<sup>th</sup> 2018.

Whereas motor vehicle accidents on Highway 11 between Latchford and North Bay appear to be occurring with much greater frequency,  
And Whereas most of these accidents involve heavy transports that result in extensive periods of having the highway closed to traffic while clean-up occurs thereby resulting in residents of this area being unable to attend much needed medical appointments in places like North Bay and Sudbury,  
And Whereas the recent Angus Lake accident resulted in Highway 11 being closed to all traffic for a period of approximately 10 hours during the day which is the period of time when said appointments are scheduled causing numerous much needed medical appointments to be missed because of the extrication of a transport that could well have been accomplished during the night utilizing all the equipment that was used during the day with readily available auxiliary lighting equipment.  
Therefore be it resolved that the Council for the Town of Latchford respectfully request that the Ontario Provincial Police give serious consideration in future to conducting such highway clearance as can be accomplished during the light traffic hours so as to reduce the inconvenience to those who live in the southern Temiskaming.  
And further, that this resolution be shared with the member municipalities of the Temiskaming Municipal Association for their consideration and support.

**Carried** ✓

**Amended** \_\_\_\_\_

**Defeated** \_\_\_\_\_

  
**Signature of Presiding Officer**

**DIVISION VOTE**

<b>FOR</b>	<b>AGAINST</b>
_____	_____
_____	_____
_____	_____
_____	_____

**Declaration of Pecuniary Interest/Conflict of Interest**

\_\_\_\_\_ declared interest, abstained from discussion and did not vote on the question.

\_\_\_\_\_  
**Clerk-Treasurer**

Haileybury Figure Skating Club  
500 Ferguson Ave  
Haileybury, ON  
P0J1K0

City of Temiskaming Shores Council and Mayor

I am writing to request the renaming of the Temiskaming Shores City Arena located at 500 Ferguson Ave. Haileybury, ON. to the Shelley Herbert-Shea Memorial Arena.

Shelley was one half of our coaching team at HFSC. Her sudden passing was felt by our entire community, Shelley dedicated most of her life to her love of skating and her presence in the coaching world at all of our local arenas will be greatly missed, she spent countless hours coaching and mentoring generations of our local youths. She was involved in NLFSC, HFSC, Can Skate beginner skating programs as well as Power skating programs for our local Minor hockey organizations as well as our Lions and Cubs. She was also known for her longstanding community volunteer work in the annual Fall Fair Harvest queen contest. In short Shelley dedicated herself to building our youth up, she made every kid feel like they were something special and we feel her lifelong dedication to our community merits the renaming of the Haileybury arena in her honour.

The HFSC will seek local sponsorship to assist with any costs associated in changing the signage if this honour is granted.

Thank you for your consideration.  
Amanda Quehe

On behalf of Haileybury Figure Skating Coaching Staff, Executives, Skaters and Parents of Skaters

October 4, 2018

Mayor George Lefebvre  
The Corporation of the Town of Latchford  
10 Main Street  
Highway 11  
P.O. Box 10  
Latchford, Ontario  
P0J 1N0

Dear George:

My colleague, Eric Boutilier of All Aboard Northern Ontario, has asked me to provide you and your colleagues with an update on our upcoming NortheastLynx proposal for the revival of the former Ontario Northland Transportation Commission (ONTC) rail passenger service linking Temiskaming, Cochrane, North Bay and Toronto.

We have made tremendous progress over the summer and we are now aiming for a public launch of the proposal in late October, immediately following the municipal elections.

At the outset, let me say that we have received tremendous support and input from numerous members of the rail industry, retired and active, and the new provincial government. These have included Minister of Finance Vic Fedeli, members of Minister of Transportation John Yakabuski's staff, ONTC staff, MP Charlie Angus, MPP John Vanthof and retired Amtrak president David Gunn, who now resides on Cape Breton.

Our NortheastLynx proposal draws on many of the service-proven concepts I employed in the development of my SouthwestLynx plan for Oxford County. It may be accessed at:

<http://www.oxfordcounty.ca/Your-Government/Speak-up-Oxford/Campaign-Details/ArticleId/14251/SouthwestLynx-Integrated-High-Performance-Transportation-for-Southwestern-Ontario>

SouthwestLynx is part of a four-component plan for the improvement of rail and public transportation throughout Southwestern Ontario, much of which is adaptable to the needs and the realities of transportation in Northern Ontario. The four-part series of reports, under the banner *Connecting Southwestern Ontario*, may be accessed at:

[http://www.county.oxford.on.ca/Portals/15/Documents/SpeakUpOxford/2018/SouthwestLynx/Connecting%20SW%20Ontario\\_electronic%2020180816.pdf](http://www.county.oxford.on.ca/Portals/15/Documents/SpeakUpOxford/2018/SouthwestLynx/Connecting%20SW%20Ontario_electronic%2020180816.pdf)

Like this plan, NortheastLynx is not merely a proposal for rail passenger service restoration, but a plan for integrated, multi-modal transportation that optimizes the resources and services of the ONTC and local transit operations.

The NortheastLynx draft report will be completed at the beginning of next week and, after peer review by industry experts, it will proceed to graphic design. Among the major points we have developed are:



- (1) A phased implementation plan to deliver an interim Cochrane-Temiskaming-North Bay-Toronto rail service by 2019 with coordinated improvements to ONTC and provincially-owned GO Transit feeder bus services;
- (2) A second phase that will improve the interim Cochrane-Toronto service in 2020;
- (3) A third phase that will add a second North Bay-Toronto rail frequency in 2021;
- (4) Opportunities to take advantage of economies of scale, should certain aspects of the SouthwestLynx plan be adopted and implemented by the Government of Ontario;
- (5) Strict adherence to the financial limits placed on ONTC rail service restoration by the new provincial government in the policy statements issued during this year's election campaign;
- (6) Benefits for the freight service provided on the entire line by both the ONTC and the Canadian National Railway;
- (7) Longer-range improvements that can be undertaken on an incremental basis on the Cochrane-Temiskaming-North Bay-Toronto corridor, including a westward extension to Kapuskasing, and on the Toronto-Parry Sound-Sudbury rail corridor; and
- (8) Scalability based on the actual ridership generation and financial performance of each phase of the NortheastLynx plan.

As endorsed by our advisers, we have taken an approach to NortheastLynx that can best be described as "adopt, adapt and optimize." Everything in the plan rests on techniques and technologies that have been proven elsewhere and may be readily adapted for implementation here. It also aims to optimize the use of the existing resources of the ONTC and its partners in the delivery of this service.

Please feel free to forward this brief update to your fellow council members and the members of the Temiskaming Municipal Association, to whom we are most grateful for the generous support you have all extended to us. If you or any of your colleagues require further information in advance of our delivery of the NortheastLynx plan, please feel free to contact Eric or me at any time.

Best wishes,

Greg Gormick,  
On Track Strategies.

(416) 802-7555

## Dave Treen

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**From:** RCPEmail-DoNotReply@GeoPortalMail.com  
**Sent:** October-22-18 9:35 AM  
**To:** Dave Treen  
**Subject:** IO - RCP Non-GREP Provincial Property Circulation - BPS Notification - PCL 4565 NND Browning St. (ID-1437)

(Vous trouverez la version française de ce courriel au bas de la page.)



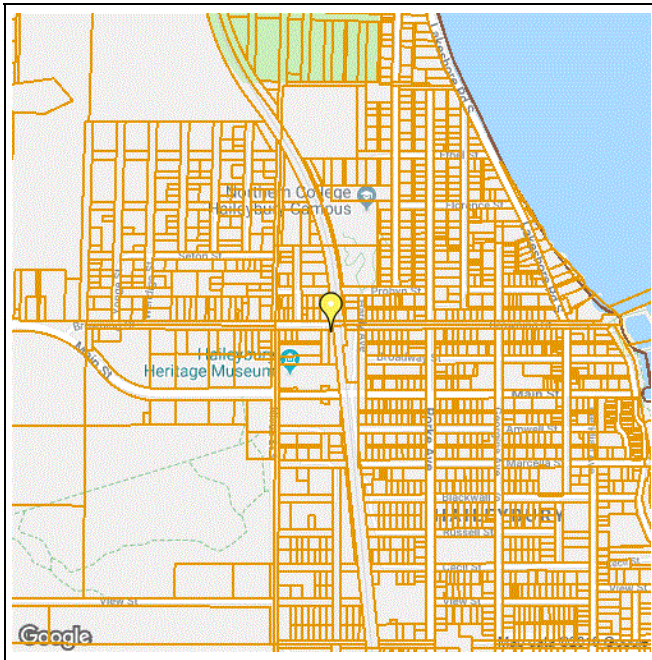
## Realty Circulation Portal

David,

The Management Board of Cabinet Realty Directive requires that surplus government realty be circulated to specified entities outside the Government of Ontario for a period of 180 days so that they may express interest in acquiring surplus government realty. This stage of circulation of surplus government realty is known as Stage 3 Circulation. Infrastructure Ontario (IO) on behalf of the Ministry of Infrastructure is sending this email via IO's Realty Circulation Portal (IO RCP) to identify surplus government realty for your review and consideration. The following circulation is being published for Stage 3 review.

The purpose of Stage 3 Circulation is to determine whether surplus government realty is of interest to specified entities outside the Government of Ontario. Any realty that is acquired as a result of Stage 3 interest must be transacted at fair value.

Please see below for more details regarding the subject realty. If you would like to express interest in acquiring the following property, please do so through the IO-RCP website.



### Submitted By

Erin Mullens  
Ontario Northland Transportation  
Commission  
Provincial Government Agency User  
erin.mullens@ontarionorthland.ca  
7054724500

Circulation Review Stage	<i>Broader Public Sector Review</i>
Circulation Type	<i>Non-GREP Provincial Property</i>
Circulation Name/ID	<i>PCL 4565 NND Browning St.</i>
Review Start Date	<i>October 22, 2018</i>
Review End Date	<i>April 20, 2019</i>
Project Number	
Property ID	<i>PCL 4565 NND</i>
Property Name	<i>Browning St.</i>
Street Address	<i>NOT ASSIGNED</i>
City	<i>TEMISKAMING SHORES</i>
Postal Code	<i>P0J 1K0</i>
Closest Intersection	<i>Ogden Ave &amp; Spruce St. South</i>
UT Municipality	<i>Timiskaming, District of</i>
LT Municipality	<i>Temiskaming Shores, City of</i>
Zoning	<i>M1 - General Industrial</i>
PIN	<i>613970923</i>
Legal Description	<i>LT 226-230 PL M73NB BUCKE; TEMISKAMING SHORES; DISTRICT OF TIMISKAMING</i>
Circulation Description	<i>Five vacant lots. One with frontage on Browning Street. Total depth 210 feet. Total area approximately 22,137.5 feet.</i>

Land ID and Name	PCL 4565 NND - Lots 226 - 230 PL M73NB
Land Area	0.51 - Acres

[Click to access the Realty Circulation Portal](#)

If you need help please contact: [support@ontariogeoportal.com](mailto:support@ontariogeoportal.com)

Please do not reply to this email.

## **Notice: Moving Forward with Amendment 14 to the Energy Efficiency Regulations**

Dear Stakeholders,

This is to inform you that Amendment 14 to Canada's Energy Efficiency Regulations has been published in the [Canada Gazette, Part II](#). This is a significant milestone for Natural Resources Canada's continued work under its [Forward Regulatory Plan 2018-20](#).

The Regulations Amending the Energy Efficiency Regulations, 2016 have been published, along with a Regulatory Impact Analysis Statement. Some provisions offering flexibility to dealers, including revised import reporting provisions will come into force upon publication, while the balance of the Amendment will come into force on May 1, 2019, six months after the date of publication in the Canada Gazette, Part II.

Stakeholders are encouraged to visit the [Canada Gazette](#) or [Natural Resources Canada's](#) website for more information.

Contact:

Jamie Hulan

Director, Equipment Division

Office of Energy Efficiency

Natural Resources Canada

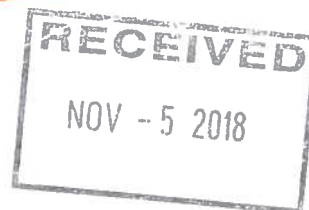
930 Carling Ave, Building 3, 1st Floor

Ottawa, Ontario, K1A 0Y3

Email: [nrcan.equipment-equipement.rncan@canada.ca](mailto:nrcan.equipment-equipement.rncan@canada.ca)



**John Vanthof**  
MPP/député Timiskaming-Cochrane



Oct 29, 2018

City of Temiskaming Shores  
Box 2050  
Haileybury, Ontario  
P0J 1K0

Dear Mayor Kidd and Council;

As the MPP for Timiskaming-Cochrane, it is my pleasure to write this letter of congratulations to the newly elected mayor and council of the City of Temiskaming Shores.

Over the next four years, many of the challenges and opportunities your council will engage may involve the Provincial Government Ministries & Ministers that I deal with on a daily basis. My role as MPP involves serving the constituents of this riding and advocating on behalf of the municipalities where those constituents live, work and play. If there are issues arising that are Provincial in nature, my office can work with you to find a suitable resolution.

I look forward to working with you over the next four years.

Sincerely,

John Vanthof, MPP Timiskaming-Cochrane

## **Ontario Establishes Strict Regulations for the Licensing and Operation of Private Cannabis Stores**

*Tightly-regulated private cannabis retail store system will protect children and combat the illegal market*

November 14, 2018 5:30 P.M.

Today, Ontario's Government for the People implemented the latest phase of its planned response to the federal government's legalization of cannabis by passing strict new regulations to protect children and youth, keep communities and roads safe and combat the illegal market.

The result of widespread consultations with the people of Ontario, these regulations provide clarity for a private recreational cannabis store system that will begin April 1, 2019 under the close oversight of the Alcohol and Gaming Commission of Ontario (AGCO).

The regulations establish a minimum distance of 150 metres (approximately 500 feet) between cannabis retail stores and schools, including private and federally-funded First Nation schools off-reserve. This distance buffer will help protect students and keep communities safe, while other regulations will combat the influence and participation of organized crime in the legal licensed framework.

"The purpose of these regulations is to keep kids safe and to ensure all people operating in this tightly-regulated retail system behave with integrity, honesty, and in the public interest," said Attorney General Caroline Mulroney. "The application process for private cannabis retail store licences will begin on December 17, 2018, and we will be ready with laws and regulations to protect Ontario's youth and to combat the criminal market in response to the federal government's legalization of cannabis."

Other new strict regulations established by the Ontario Government include:

- Retailers will not be permitted to allow anyone under the age of 19 to enter their stores. This approach and other regulations were developed to address the risk of youth exposure to the cannabis retail market.
- Specific instances in which applicants will be denied a licence, including cannabis-related criminal offences. Notably, illegal cannabis retailers who were operating after October 17, 2018 are not eligible for Ontario cannabis sales licenses.
- A prohibition on the issuance of a licence to any individual or organization who has an association with organized crime.
- Requirement that individuals or entities applying for an operator licence demonstrate their tax compliance status to show that they are in good standing with the government.

- A requirement for all private recreational cannabis retail storefronts to be stand-alone stores only.
- Individuals with a store authorization, cannabis retail managers and all retail employees will be required to complete the approved training to ensure that any individual who works in the cannabis retail market is trained in the responsible sale of cannabis.

## QUICK FACTS

- The government has consulted with municipalities, Indigenous communities, law enforcement, public health advocates, businesses and consumer groups, as well as representatives from other provinces to create these new regulations.
- The private retail store model will be tightly-regulated and strictly enforced by the AGCO, establishing a zero-tolerance approach for any retailer who provides cannabis to anyone under the age of 19.
- It is anticipated that the AGCO will begin accepting applications on December 17, 2018 and private retailing of cannabis will begin on April 1, 2019.
- The government has committed to providing \$40 million over two years to help municipalities with the implementation costs of recreational cannabis legalization.
- Private retail recreational cannabis stores will be permitted to open between 9:00 a.m. and 11:00 p.m. on any day. These operating hours are consistent with on-site retail stores for alcohol and will provide retailers with the flexibility to respond to local market conditions and consumer demands.
- A market concentration limit of 75 stores per operator has been set to prevent a high degree of market consolidation, promote opportunities for small businesses and promote investment in the cannabis retail sector.

## LEARN MORE

- The new recreational cannabis regulations will be posted on [Ontario.ca/e-Laws](https://www.ontario.ca/e-laws)
- Find out more about the licensing process for private recreational cannabis stores on the [AGCO website](https://www.ontario.ca/agco)

---

**Jessica Trepanier** Minister's Office  
Jessica.Trepanier@ontario.ca  
**Brian Gray** Communications Branch  
MAG-Media@ontario.ca  
416-326-2210

[Available Online](#)  
[Disponible en Français](#)

## FTR Now

# Ontario Government Tables Legislation Impacting Bargaining and Interest Arbitration in the Fire Sector

**Date:** November 15, 2018

On November 15, 2018, the Ontario government introduced Bill 57, [\*Restoring Trust, Transparency and Accountability Act, 2018\*](#) (Bill 57), omnibus legislation giving effect to initiatives found in its [\*2018 Ontario Economic Outlook and Fiscal Review\*](#). If passed, Schedule 18 of Bill 57 will amend the *Fire Protection and Prevention Act, 1997* (FPPA) to, among other things, address collective bargaining and interest arbitration in the sector, and enhance protections for volunteer firefighters engaged in “two-hatting.”

In this *FTR Now*, we specifically discuss the proposed FPPA amendments which represent a new opportunity for Ontario’s municipalities to explore ways of strategically managing the ever escalating cost of delivering fire suppression services.

Note that other legislative initiatives found in Bill 57 will be addressed in a separate *FTR Now*.

## Collective Bargaining and Interest Arbitration in the Fire Sector

If passed in its current form, Schedule 18 of Bill 57 will make a number of substantive and procedural changes to the interest arbitration process in Ontario’s fire sector, which changes are expected to be helpful to municipalities. These changes include the following:

### 1. Elimination of Boards of Arbitration

Effective upon Royal Assent, any interest arbitration that has not already commenced will be conducted by a single arbitrator mutually agreed upon by the parties or appointed by the Minister. This change will bring the fire interest arbitration process more in line with that which occurs under the *Police Services Act*, and may serve to expedite the interest arbitration process by alleviating scheduling conflicts that can otherwise delay the hearing and decision-making process.

### 2. New Legislative Criteria

Schedule 18 of Bill 57 fundamentally reforms the statutory criteria under the FPPA which must be considered by an interest arbitrator when fashioning an award. The new statutory criteria proposed by the legislation are as follows:



- A comparison, as between the employees and other employees in the public and private sectors, of the terms and conditions of employment.
- A comparison of collective bargaining settlements reached in the same municipality and in comparable municipalities, including those reached by employees in bargaining units to which the *Labour Relations Act, 1995* applies, having regard to the relative economic health of the municipalities.
- The economic health of Ontario and the municipality, including, but not limited to, changes to labour market characteristics, property tax characteristics and socio-economic characteristics.
- The employer's ability to attract and retain qualified firefighters.
- The interest and welfare of the community served by the fire department.
- Any local factors affecting the community.

Notably, the legislation will no longer require an interest arbitrator to consider a municipality's "ability to pay" – a statutory criterion that many Ontario municipalities believed interest arbitrators were quick to dismiss. Instead, more concrete criteria including labour market, property tax and socio-economic characteristics will have to be considered by the arbitrator, along with purely local factors including the interest and well-being of the community.

Furthermore, prior reference to the "nature of the work performed" by the employees and comparable employees in the public and private sectors has been omitted. In its place, arbitrators will be required to consider other collective bargaining settlements reached within the same municipality, along with those in comparable municipalities while having regard to their differing economic circumstances.

While it remains to be seen how these new criteria will be interpreted and applied by interest arbitrators, the new criteria focus more significantly on local circumstances and settlements. As such, they present employers with a new set of tools for use in collective bargaining and interest arbitration, which may lead to more similarity in wage increases as between the various employee groups within a municipality.

### 3. Other Procedural Changes

Schedule 18 makes a number of other important procedural changes to the interest arbitration process, including:

- A requirement that the arbitrator keep the Minister advised of the progress of the arbitration so that, if a decision is not rendered within the timelines under the legislation, the Minister may issue any order they consider necessary to ensure that the award is rendered within a reasonable period of time;
- A requirement that written submissions be exchanged in advance of the hearing date set by the arbitrator; and

- A requirement that the arbitrator provide written reasons, demonstrating their consideration of the statutory criteria under the legislation, upon the request of either party.

## Enhanced Protections for “Two-Hatters”

Schedule 18 will also strengthen protections for “two-hatters” by:

- Prohibiting fire associations from penalizing or otherwise disciplining a firefighter because they have worked, are working or intend to work as a volunteer, even if the work is within the jurisdiction of the association or otherwise adversely affects its interests. Prohibited activities include denying a person membership within the association, suspending or expelling a member, or fining or attempting to collect fines from firefighters.
- Prohibiting civil actions against firefighters who have worked, are working or intend to work as a volunteer firefighter, where the civil action is an attempt to collect a fine or other monetary penalty from the firefighter, or to enforce or give effect to any decision by the association that is prohibited by the legislation (on account of it being a penalty against the firefighter for having worked, working or intending to work as a volunteer).
- Rounding out these provisions is a mirror restriction prohibiting municipalities from refusing to employ a firefighter, discharging a firefighter, or refusing to assign a firefighter because they have worked, are working or intend to work as a volunteer firefighter.
- Where parties to the collective agreement have negotiated “closed shop” language into their collective agreements, associations will be prohibited from requiring the employer to refuse employment to a person as a firefighter, discharging a firefighter or refusing to assign a firefighter because they have been expelled, suspended or refused membership in the association because:
  - the firefighter was or is a member of another trade union or association;
  - the firefighter has engaged in activity against the association or on behalf of another association or trade union;
  - the firefighter has engaged in reasonable dissent within the association, *including in respect of the individual’s work, past work or intended work as a volunteer firefighter*;
  - the association has discriminated against the firefighter with respect to the application of its membership rules, *including in respect of the person’s work, past work or intended work as a volunteer firefighter*;
  - the firefighter has refused to pay unreasonable initiation fees, dues and assessments levied against them by the association; or
  - *the firefighter has worked, is working or intends to work as a volunteer firefighter, even if that work is within the jurisdiction of the association or adversely affects its interests.* (Note that the italicized provisions show the Schedule 18 amendments.)

Associations with “closed shop” language in their collective agreements will still be permitted to require employers to discharge firefighters who have engaged in “unlawful activity” against the

association. If passed in its current form, Schedule 18 clarifies that working as a volunteer firefighter will *not* constitute “unlawful activity.” Accordingly, associations will not be permitted to require employers to discharge firefighters because they have, are or intend to work as a volunteer firefighter.

Schedule 18 will prohibit any penalties and discipline levied against a volunteer firefighter by the association after November 15, 2018.

## Conclusions and Next Steps

As readers can appreciate, if passed in its current form, Schedule 18 of Bill 57 has the potential to significantly impact interest arbitration, and therefore collective bargaining, in the fire sector. The legislation’s enhanced protections for two-hatters are expected to provide all workplace parties – both associations and employers alike – with much needed clarity on their rights and responsibilities towards volunteer firefighters in relation to this important and longstanding issue.


Municipalities are encouraged to carefully review these proposed amendments in advance of the commencement or continuation of fire collective bargaining.

Hicks Morley will continue to monitor this legislation and will report on its progress.

If you have any questions related to this *FTR Now*, please contact [Julia Nanos](#) at 416.864.7341, [John Saunders](#) at 416.864.7247, [Craig Rix](#) at 416.874.7284, [Mark Mason](#) at 416.864.7280 or your regular [Hicks Morley lawyer](#).

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November 2, 2018

**The Honourable Douglas Ford**  
Premier, Province of Ontario  
Legislative Building  
Queen's Park  
Toronto ON M7A 1A1

**The Honourable Minister Greg Rickford**  
Minister of Energy, Northern Development  
And Mines, Minister of Indigenous Affairs  
Room 5630  
99 Wellesley Street West, 5<sup>th</sup> Floor  
Whitney Block  
Toronto ON M7A 1W1

**The Honourable Victor Fedeli**  
Minister of Finance  
7 Queen's Park Crescent  
7<sup>th</sup> Floor, Frost Building South  
Toronto ON M7A 1Y7

**Ontario Northland**  
**Transportation Commission**  
555 Oak Street East  
North Bay ON P1B 8L3

**Attention:**

- Thomas Bruce Laughren - Chair
- Steven Carmichael – Board Member
- Ewen Cornick – Board Member
- Debra Sikora – Board Member
- Lillian Trapper – Board Member
- Gaetan Michel Malette – Board Member
- Ila Watson – Board Member

Dear Premier Ford, Honourable Ministers; and Chair and Board Members of the Ontario Northland Transportation Commission:

**Re: Township of Evanturel - Our File No: 17077-4**  
**Ontario Northland Railway – (Ontario Northland Transportation Commission)**

---

I am writing to you as the Reeve of the Township of Evanturel, a small rural community located within the District of Temiskaming, with a population of 449 residents.

I had the opportunity to forward a letter to the Honourable Minister Greg Rickford, a copy of which I attach for your review, which sets out the Township's dispute with the Ontario Northland Railway (ONR), which is operated by the Ontario Northland Transportation Commission (ONTC), arising from invoices rendered by ONR for maintenance work on level crossings in the Township of Evanturel.

Since forwarding the letter to Minister Rickford, the ONTC has initiated an Appeal under the provisions of the *Land Planning Appeals Tribunals Act*, citing the *Railways Act of Ontario* as the authority for this Appeal.

Please be mindful that our small municipality could ill-afford the invoices which were rendered by the ONR without previously consulting with the Township. Nor can the Township afford to defend this costly Appeal. We are at a complete loss to understand why the ONR has only recently chosen to render invoices to the Township when historically it paid for all maintenance costs. This is certainly a departure from past practice.

I am hopeful that the ONTC will see that there is wisdom in discontinuing the Appeal for the reasons stated in this letter.

Our legal counsel has recently forwarded an email to the Land Planning Appeals Tribunal Case Manager. That email clearly sets out the Township's position that it bears no liability to pay the ONR invoices for repairs and maintenance at level crossings. The Township takes the position that the ONR does not have the legal right to issue invoices.

The Township has not been able to locate any evidence of past payment of ONR invoices for crossing maintenance.

As our legal counsel Orlando M. Rosa has stated in the attached email, not only is there no basis for the Appeal under Section 30(1) of the *Land Planning Appeals Tribunals Act*, there is no basis in the *Railway Act*, 1950 which would permit the ONR to render invoices to the Township for the cost of maintenance to level crossings. I do urge you to read the email together with my earlier letter as that does provide the basis that the Township bears no liability for the invoices rendered.

This is an issue that affects the Township of Evanturel and other small municipalities where the ONR operates. It is not fair that the ONR undertakes work at a crossing without consultation

Page 3  
November 2, 2018

with the Township and then expects the Township to pay the invoice. Small municipalities simply do not have the money to pay for this work.

I do want to bring this to your attention with the hope that the ONR withdraws the invoices and follows the past practice of paying for the maintenance at road crossings.

I look forward to hearing from you.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Derek Mundle', with a stylized, flowing script.

**Derek Mundle**  
Reeve  
THE CORPORATION OF THE  
TOWNSHIP OF EVANTUREL

Encl.

c.c. Municipalities in the District of Temiskaming  
TeMAG – Temiskaming Mayors Action Group  
TMA – Temiskaming Municipal Association

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245453 Hwy. 569  
P.O. Box 209  
Englehart, Ontario  
P0J 1H0

VIA EMAIL  
[greg.rickford@pc.ola.org](mailto:greg.rickford@pc.ola.org)

September 26, 2018

The Honourable Minister Greg Rickford  
Minister of Energy, Northern Development  
and Mines, Minister of Indigenous Affairs  
Room 5630  
99 Wellesley Street West, 5<sup>th</sup> Floor  
Whitney Block  
Toronto ON M7A 1W1

Dear Honourable Minister:

**Re: Ontario Northland Railway – (Ontario Northland Transportation Commission)**

I am writing to you as the Reeve of the Township of Evanturel, a small rural community located within the District of Temiskaming.

The Township of Evanturel has a population of 449 and has a modest tax base.

Located within the Township is the Temagami Subdivision of the Ontario Northland Railway (ONR) which is operated by the Ontario Northland Transportation Commission (ONTC). The ONR is governed by Provincial legislation and is not considered a Federal railway.

There are several level road crossings within the Township where municipal roads intersect with ONR's Temagami Subdivision.

It is believed that the Temagami Subdivision was originally constructed by the Temiskaming and Northern Ontario Railroad between 1911 to 1915. The Township of Evanturel was incorporated in 1904; and furthermore, it is my understanding that the roads within the municipality were already laid out at the time; and that the railroad was constructed over existing roads.

There does not appear to be any Provincial law which allocates the responsibility to pay expenses related to the construction and maintenance of level crossings between the ONR and the municipalities.

Level Road Crossings over which Federal railways operate, typically have Board Orders which set forth the respective responsibility of the railway and the municipality regarding the construction and maintenance of the crossing. There is no equivalent of a Board Order for Provincially regulated railways or any mechanism that allocates these costs.

From our examination of Township records, the Township has never been asked by the ONR to contribute to the construction or maintenance of any rail crossing within the Township of Evanturel.

Surprisingly, within the last few years, the ONR rendered several invoices to the Township of Evanturel regarding upgrades at various level crossings within the Township. Particulars of these invoices are set out below:

Date of Invoice	Invoice Number	Location	Amount
March 17, 2018	Estimate/Demand Letter	Bryan's Road, Mile 137.65	\$16,400.00 + HST
March 17, 2017	Estimate/Demand Letter	McBride Road, Mile 134.17	\$16,400.00 + HST
February 16, 2017	2015344	Boundary Road, Mile 131.67	\$17,909.88
December 7, 2015	2003079	Kerr's Road, Mile 136.52	\$16,119.91

There was no forewarning that these invoices would be rendered by the ONR. The "Estimate/Demand Letter" invoices have been included for information only; these projects have not yet been completed.

As indicated, there does not appear to be any legal authority which mandates the Township to contribute to the maintenance of the rail crossing.

The Township's dispute to pay these invoices has never been satisfactorily addressed by the ONR. Rather, legal counsel for the ONR has threatened an Application to the Local Planning Appeal Tribunal to force the Township to pay these invoices.

The Township finds this entire situation extremely unsettling since historically it was never required to make any payment towards the maintenance or construction of these rail crossings. This expense was exclusively paid for by ONR. Furthermore, for budgetary purposes our small municipality would consider these invoiced repairs/rehabilitations capital projects, which require planning over several years (not a project in the year payment was demanded); and would make budgeting even more difficult than it already is!

It is difficult to reconcile the fact that no invoices were ever rendered to the Township for well over 100 years.

Needless to say, the Township of Evanturel cannot afford and pay for the invoices rendered by ONR given its small tax base.

I would respectfully request that you review this with ONR so that the invoices rendered to the Township of Evanturel be withdrawn.

I do look forward to hearing from you.

Yours very truly,



Derek Mundle  
Reeve

THE CORPORATION OF THE  
TOWNSHIP OF EVANTUREL

c.c. TeMAG – Temiskaming Mayors Action Group  
TMA – Temiskaming Municipal Association



**From:** Orlando Rosa

**Sent:** Tuesday, October 23, 2018 10:35 AM

**To:** 'John.Norris2@ontario.ca.' <John.Norris2@ontario.ca.>

**Cc:** 'Donna Jaques' <Donna.Jaques@ontarionorthland.ca>; Gina Cicchelli <GCicchelli@wishartlaw.com>;  
Brittany Wenmann <BWenmann@wishartlaw.com>

**Subject:** Case Number/File Number MM180069; Municipality of Evanturel:

Dear Mr. Norris,

It is my understanding that you have been appointed as case manager for the above noted matter.

I have been retained by the Township of Evanturel which in the named Respondent in this "Appeal" brought by the Ontario Northland Transportation Commission (ONTC) pursuant to the provisions of Subsection 30(1) of the Local Planning Tribunal Act, 2017. C. 23 Sch.1.(LPTA)

In making this Appeal, ONTC relies upon the provisions of Section 123 of the Railways Act, RSO 1950 c.331.

There are two preliminary issues that must be addressed which in my view are fatal to ONTC's Appeal.

## **Tribunal Has No Jurisdiction Under LPTA**

Subsection 30(1) of the LPTA provides:

### **Jurisdiction and powers of Tribunal**

**30 (1)** The Tribunal has **jurisdiction and power,**

- (a) **to hear and determine any application with respect to any railway or public utility, its construction, maintenance or operation by reason of the contravening of or failure to comply on the part of any person, firm, company, corporation or municipality with the requirements of this**

**or any other general or special Act, or of any regulation, rule, by-law or order made thereunder, or of any agreement entered into in relation to such railway** or public utility, its construction, maintenance or operation; and

- (b) to hear and determine any application with respect to any tolls charged by any person, firm, company, corporation or municipality operating a railway or public utility in excess of those approved or prescribed by lawful authority, or which are otherwise unlawful. **[Emphasis Added]**

The Tribunal can only determine an application with respect to ONTC's maintenance or operation if the Township of Ewanturel contravened the provisions of any legislation, order or agreement.

I have requested of ONTC a copy of the Order or any Legislative Authority upon which maintenance costs incurred by ONTC can be invoiced to the Township of Ewanturel.

ONTC has not produced any order nor has ONTC provided any documentation of any contravention of any law or regulation.

There simply is nothing upon which ONTC can base its Appeal under Subsection 30(1) of the LPTA.

Accordingly, the Tribunal has no Jurisdiction to adjudicate on the matters raised in the Appeal.

## **ONTC IMPROPERLY RELIES ON THE RAILWAY ACT, 1950**

In its appeal, ONTC relies upon Section 123 of the Railway Act 1950 RSO 1959 c.331 as the basis of making its claim to recover for the invoices rendered to the Township of Ewanturel for the maintenance of the crossings identified in the Appeal. Sections 123 and 124 of the Railway Act 1950 provide:

Powers of Board as to existing crossings.

123.—(1) Where a railway is already constructed upon, along or across any highway the Board may, upon its own motion, or upon complaint or application by or on behalf of the Crown, or any municipal or other corporation, or any person aggrieved, order the company to submit to the Board, within a specified time, a plan and profile of such portion of the railway and may cause inspection of the portion and may inquire into and determine all matters and things in respect of the portion, and the crossing, if any, and may make such order as to the protection, safety and convenience of the public as it deems expedient, or may order that the railway be carried over, under or along the highway or that the highway be carried over, under or along the railway, or that the railway or highway be temporarily or permanently diverted, and that such other work be executed, watchmen or other persons employed, or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction, in the opinion of the Board, arising or likely to arise in respect of the portion or crossing, if any, or any other crossing directly or indirectly affected.

Provisions as to taking land and compensation.

(2) When the Board of its own motion, or upon complaint or application, makes an order that a railway be carried across or along a highway, or that a railway be diverted, all the provisions of law at such time applicable to the taking of land by

the company, to its valuation and sale and conveyance to the company, and to the compensation therefor, shall apply to the land, exclusive of the highway crossing, required for the proper carrying out of any order made by the Board.

(3) Notwithstanding anything in this or in any other Act, the Board may, subject to the provisions of section 124, order what portion, if any, of the cost is to be borne respectively by the company, municipal or other corporation, or person in respect of any order made by the Board under this section or section 122, and such order shall be binding on and enforceable against any railway company, municipal or other corporation or person named in the order. R.S.O. 1937, c. 259, s. 123.

124. Where a railway is constructed after the passing of this Act the company shall, at its own cost and expense, unless and except as otherwise provided by agreement, approved of by the Board, between the company and a municipal or other corporation or person, provide, subject to the order of the Board, all protection, safety and convenience for the public in respect of any crossing of a highway by the railway. R.S.O. 1937, c. 259, s. 124.

Railways hereafter constructed to provide for safety of public at highway crossings.

Section 123(1) provides that the Board (now the Tribunal) may order ONTC to submit a plan or profile of the crossing and may such order as to “ the protection, safety and convenience of the public” or may make an order as to where the railway is to be located.

Subsection 123(1) does not provide that the Tribunal has the jurisdiction to order the Township to pay any costs relating to the maintenance.

Subsection 123(3) does provide that, subject to Section 124, the Tribunal may order what portion, if any, of the cost is to be borne by the Railway, municipality or other corporation “in respect of any order made by the Board under section 122 or 123 of the Railway Act.

Section 124 provides that where a Railway is constructed after the passing of the Act, that the Railway shall pay all costs and expenses of “all protection, safety and convenience for the public in respect of any crossing of a highway by a railway unless there is an agreement between the municipality and Railway or an order of the Board. There is no such agreement between ONTC and the Township of Ewanturel.

Clearly there is no Order of the Board as contemplated under subsection 123(3). Therefore the Tribunal has no jurisdiction to make an Order for the payment of the invoices in the absence of the Order contemplated under subsection 123(3).

Even more importantly, the Legislation by passing Section 124 clearly contemplates and intended that if a crossing was built after the passing of the Railway Act (The original Railway Act was passed in 1906), then the Railway would pay for the cost of maintenance and operation of the crossing. This is further support for the proposition

that ONTC is solely responsible to pay for cost of maintenance and repair of crossings.

The Appeal by ONTC has no legal basis and the Tribunal has no jurisdiction to adjudicate on matters in the clear absence of legislative authority.

## **The Provisions of Railway Act 1906 are Applicable**

The predecessor to the Ontario Northland Railway was the Temiskaming and Northern Ontario Railway which constructed the railway crossings which are the subject of this Appeal between 1911 and 1915.

As such this Railway was built under the auspices of the Railway Act 1906, SO 1906 c. 30. The relevant portions of this Act are reproduced herein:

### *Highway Crossings.*

90.—(1) Subject to the provisions of this Act respecting the operation of railways along highways, the railway may be carried along or across an existing highway upon leave therefor having been first obtained from the Board as hereinafter provided. Railway on highway.  
Consent of municipality.

(2) No obstruction of such highway with the works shall be made without turning the highway so as to leave an open and good passage for carriages, and, on completion of the works, restoring the highway to as good condition, as nearly as possible, as it was originally. No obstruction permitted.  
Restoration of highway.

(3) Every company which violates the provisions of this section shall incur a penalty of not less than forty dollars for each such violation. Penalty.

91. Whenever the railway crosses any highway at rail-level, whether the level of the highway remains undisturbed Variation of  
inch between  
rail and levels.

or

of highway  
permitted.

or is raised or lowered to conform to the grade of the railway, the top of the rail may, when the works are completed, rise above or sink below the level of the highway to the extent of one inch without being deemed an obstruction, unless otherwise directed by the Board.

Plan of  
crossing of  
highway to be  
submitted.

92.—(1) Upon any application for leave to construct the railway across an existing highway, or to construct a highway across an existing railway, the applicant shall submit a plan and profile of such crossing, showing the portion of railway or highway affected, to the Board. The Board may by order grant such application upon such terms and conditions as to protection, safety and convenience of the public, as it may deem expedient, or may order that the highway be carried over or under the railway, or be temporarily or permanently diverted, and that such works be executed, watchmen or other persons employed, gates erected or measures taken as under the circumstances appear to the Board best adapted to remove or diminish the danger or obstruction arising or likely to arise therefrom.

Powers of  
Board in such  
case.

Overhead  
crossings.

(2) The highway at any overhead railway crossing shall not at any time be narrowed by means of an abutment or structure to an extent less than twenty feet, nor shall the clear headway from the surface of the highway to the

centre of any overhead structure constructed after the passing of this Act be less than fourteen feet, unless otherwise directed or permitted by the Board.

As to existing crossings.

93. Where any railway is already constructed across any highway, the Board may order the company within a specified time to submit to the Board a plan and profile of such portion of the railway, and may, upon such submission, make any order in respect thereto that may to the Board seem proper.

All structures must be safely constructed and maintained.

94. Every structure, by which any highway is carried over or under any railway, shall be so constructed, and, at all times, be so maintained, as to afford safe and adequate facilities for all traffic passing over, under or through such structure.

Inclination of highway.

95. The inclination of the ascent or descent, as the case may be, of any approach by which any highway is carried over or under any railway, or across it at rail level, shall not be greater than one foot of rise or fall for every twenty feet of the horizontal length of such approach, unless the Board directs otherwise; and a good and sufficient fence shall be made on each side of such approach, and of the structure connected with it, which fence shall be at least four feet six inches in height from the surface of the approach or structure.

Fencing approaches.



96. Signboards at least twelve feet in height at every highway crossed at rail level by any railway, shall be erected and maintained at each crossing, and shall have the words "Railway Crossing" painted on each side of the sign board, in letters at least six inches in length, and every company which neglects to comply with the requirements of this section shall incur a penalty not exceeding ten dollars.

Signboards  
at level  
crossings.

Penalty.

97.—(1) Where a level crossing on any railway is out of repair, the warden, mayor, or reeve of the municipality within whose jurisdiction the crossing is situate, may serve a notice upon the company in the usual manner, requiring the repair to be forthwith made; and if the company does not forthwith make the same, such head of the municipality may transmit a copy of the notice so served to the Board; and thereupon the Board may order an inspection to be made and may appoint an inspector for that purpose who shall with all possible despatch, appoint a day when he will examine into the matter; and he shall, by mail, give notice to the warden, mayor, or reeve, and to the company, of the day he so fixes; and upon the day so named he shall examine the crossing; and a certificate under his hand shall be final on the subject so in dispute between the parties; and if the said Inspector determines that any repairs are required, he shall specify the nature thereof in his said certificate, and direct the company to make the same; and the company shall thereupon, with all possible despatch, comply with

Railway may  
be required to  
repair any level  
crossing out of  
repair.

Inspector's  
certificate to  
be conclusive.

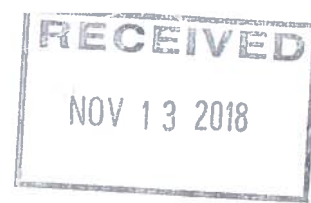
the requirements of the certificate; and in case of default, the municipality within whose jurisdiction the said crossing is situate, may make such repairs, and may recover all costs, expenses and outlays in the premises by action against the company in any court of competent jurisdiction, as money paid to the company's use.

(2) The Inspector shall be entitled to be paid the sum of \$10 and actual travelling expenses while engaged on such inspection and in case he finds that any repairs are required he shall be paid by the company, but if he finds that no repairs are required he shall be paid by the municipality whose chief officer served the said notice.

Payments of  
inspectors.

(3) Neither this section nor any proceeding had thereunder shall at all affect any liability otherwise attaching to such company in the premises.

Proviso.



The Railway Act 1906 clearly contemplates under section 97 that the Railway had the exclusive obligation to repair and maintain the railway crossings. There is nothing in the Legislation which permitted the Board to make an order against a municipality to pay for any part of the maintenance of a crossing. In fact the opposite is true and the it is the Railway that exclusively bears this responsibility.

I represent a small municipality with a population of 449 individuals who can ill afford a costly Appeal under the LPTA. I am writing this email at an early stage with a view that a meaningful discussion takes place in regards to whether the Tribunal has the Jurisdiction to entertain this appeal and secondly whether ONTC has the legislative basis for seeking the order requested.

I look forward to your early reply.

**Orlando M. Rosa**

Partner



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# FINANCIAL INDICATOR REVIEW

(Based on 2017 Financial Information Return)

## Temiskaming Shores C

Date Prepared:	21-Nov-18
MSO Office:	Northeast
Prepared By:	Bryan Searle
Tier	ST

2017 Households:	4,380
2017 Population	9,920
2018 MFCI Index	7.3

Median Household Income:	60,789
Taxable Residential Assessment as a % of Total Taxable Assessment:	70.2%
Own Purpose Taxation:	16,806,788

## SUSTAINABILITY INDICATORS

Indicator	Ranges	Actuals	North - Population > 2500 <= 10000		Level of Risk	
			Median	Average		
Total Taxes Receivable less Allowance for Uncollectibles as a % of Total Taxes Levied	Low: < 10% Mod: 10% to 15% High: > 15%	2013	5.4%	10.4%	13.8%	LOW
		2014	4.3%	12.5%	14.5%	LOW
		2015	4.3%	10.3%	14.2%	LOW
		2016	5.0%	9.3%	13.4%	LOW
		2017	5.9%	9.7%	11.7%	LOW
Net Financial Assets or Net Debt as % of Own Purpose Taxation, User Fees and Service Charges	Low: > -50% Mod: -50% to -100% High: < -100%	2013	2.4%	-15.1%	-17.0%	LOW
		2014	-3.2%	-3.5%	-8.2%	LOW
		2015	-14.7%	1.1%	-10.3%	LOW
		2016	-10.8%	-17.2%	-10.5%	LOW
		2017	-20.8%	12.9%	-7.4%	LOW
Total Reserves and Discretionary Reserve Funds as a % of Municipal Expenses	Low: > 20% Mod: 10% to 20% High: < 10%	2013	23.0%	29.9%	34.7%	LOW
		2014	18.2%	32.5%	37.9%	MODERATE
		2015	12.3%	32.9%	39.5%	MODERATE
		2016	14.6%	32.8%	37.3%	MODERATE
		2017	21.8%	35.8%	40.0%	LOW
Cash Ratio (Total Cash and Cash Equivalents as a % of Current Liabilities)	Low: > 0.5:1 Mod: 0.5:1 to 0.25:1 High: < 0.25:1	2013	2.05:1	1.69:1	2.82:1	LOW
		2014	1.7:1	1.84:1	2.55:1	LOW
		2015	0.52:1	1.78:1	2.35:1	LOW
		2016	0.48:1	1.73:1	2.34:1	MODERATE
		2017	1.19:1	2.16:1	3.18:1	LOW

## FLEXIBILITY INDICATORS

Debt Servicing Cost as a % of Total Revenues	Low: < 5% Mod: 5% to 10% High: >10%	2013	2.8%	4.6%	5.6%	LOW
		2014	2.6%	4.2%	6.4%	LOW
		2015	2.6%	4.6%	9.8%	LOW
		2016	2.7%	4.5%	5.0%	LOW
		2017	2.9%	4.0%	4.7%	LOW
Closing Amortization Balance as a % of Total Cost of Capital Assets (Asset Consumption Ratio)	Low: < 50% Mod: 50% to 75% High: > 75%	2013	49.8%	42.9%	44.2%	LOW
		2014	48.8%	43.8%	44.5%	LOW
		2015	47.2%	44.6%	45.3%	LOW
		2016	46.5%	46.1%	46.1%	LOW
		2017	45.1%	46.9%	47.1%	LOW
Annual Surplus / (Deficit) as a % of Own Purpose Taxation, User Fees and Service Charges (Operating Surplus Ratio)	Low: > -1% Mod: -1% to -30% High: < -30%	2013	18.3%	7.7%	15.8%	LOW
		2014	6.2%	10.8%	15.8%	LOW
		2015	26.3%	8.3%	3.0%	LOW
		2016	29.4%	9.3%	20.4%	LOW
		2017	29.0%	5.2%	9.0%	LOW

\*\*\*\*\*  
 The data and information contained in this document is for informational purposes only. It is not an opinion about a municipality and is not intended to be used on its own - it should be used in conjunction with other financial information and resources available. It may be used, for example, to support a variety of strategic and policy discussions.  
 \*\*\*\*\*

# FINANCIAL INDICATOR REVIEW

(Based on 2017 Financial Information Return)

## Temiskaming Shores C

### NOTES

*Financial Information Returns ("FIRs") are a standard set of year-end reports submitted by municipalities to the Province which capture certain financial information. On an annual basis, Ministry staff prepare certain financial indicators for each municipality, based on the information contained in the FIRs. It is important to remember that these financial indicators provide a snapshot at a particular moment in time and should not be considered in isolation, but supported with other relevant information sources. In keeping with our Financial Information Return review process and follow-up, Ministry staff may routinely contact and discuss this information with municipal officials.*

#### Supplementary Indicators of Sustainability and Flexibility

The following is a summary, adapted from the Chartered Professional Accountants of Canada Statement of Recommended Practice (SORP) 4.

- A government (including a municipality) may choose to report supplementary information on financial condition, to expand on and help explain the government's financial statements.
- Supplementary assessment of a government's financial condition needs to consider the elements of sustainability and flexibility.
- Sustainability in this context may be seen as the degree to which a municipality can maintain its existing financial obligations both in respect of its service commitments to the public and financial commitments to creditors, employees and others without inappropriately increasing the debt or tax burden relative to the economy within which it operates.
- Sustainability is an important element to include in an assessment of financial condition because it may help to describe a government's ability to manage its financial and service commitments and debt burden. It may also help to describe the impact that the level of debt could have on service provision.
- Flexibility is the degree to which a government can change its debt or tax level on the economy within which it operates to meet its existing financial obligations both in respect of its service commitments to the public and financial commitments to creditors, employees and others.
- Flexibility provides insights into how a government manages its finances. Increasing taxation or user fees may reduce a municipality's flexibility to respond when adverse circumstances develop if the municipality approaches the limit that citizens and businesses are willing to bear.

A municipality may temporarily use current borrowing, subject to the requirements set out in the Municipal Act to meet expenses and certain other amounts required in the year, until taxes are collected and other revenues are received. Municipal current borrowing cannot be carried over the long term or converted to long term borrowing except in very limited circumstances.

- For each element of financial condition, the report on indicators of financial condition should include municipality-specific indicators and municipality-related indicators. It may be useful to also include economy-wide information when discussing financial condition.

#### ***Additional Notes on what Financial Indicators may indicate:***

**Total Taxes Receivable less Allowance for Uncollectibles as a % of Total Taxes Levied** - *How much of the taxes billed are not collected.*

**Net Financial Assets or Net Debt as % of Own Purpose Taxation, User Fees and Service Charges** - *How much tax and fee revenue is servicing debt?*

**Reserves and Reserve Funds as a % of Municipal Expenses** - *How much money is set aside for future needs / contingencies?*

**Cash Ratio (Total Cash and Cash Equivalents as a % of Current Liabilities)** - *Measures the ability of the municipality to meet its current obligations with its current resources on hand.*

**Debt Servicing Cost as a % of Total Revenues** - *Indicates the extent to which past borrowing decisions may impact the current budget.*

**Closing Amortization Balance as a % of Total Cost of Capital Assets (Asset Consumption Ratio)** - *measures the age of a municipality's physical assets. It measures the extent to which depreciable assets have been consumed by comparing the amount of the assets that have been used up and their historical cost.*

**Annual Surplus / (Deficit) as a % of Own Purpose Taxation, User Fees and Service Charges (Operating Surplus Ratio)** - *Indicates the municipality's ability to cover its operational costs and have funds available for other purposes (i.e. reserves, debt repayment, etc.)*

**The Northern and Rural Municipal Fiscal Circumstances Index (MFCI)** is used by the Ministry of Finance to calculate the "Northern and Rural Fiscal Circumstances Grant" aimed at northern as well as single and lower-tier rural municipalities. The index measures a municipality's fiscal circumstances. The MFCI is determined by six indicators: Weighted Assessment per Household, Median Household Income, Average Annual Change in Assessment (New Construction), Employment Rate, Ratio of Working Age to Dependent Population, and Per Cent of Population Above Low-Income Threshold. A lower MFCI corresponds to relatively positive fiscal circumstances, whereas a higher MFCI corresponds to more challenging fiscal circumstances. (Note: the MFCI index is only available for northern and rural municipalities)

# FINANCIAL INDICATOR REVIEW

(Based on 2017 Financial Information Return)

## Temiskaming Shores C

### CALCULATIONS

Total Taxes Rec. less Allowance for Uncollectibles as % of Total Taxes Levied	SLC 70 0699 01 / (SLC 26 9199 03 - SLC 72 2899 09)
Net Financial Assets or Net Debt as % of Own Purpose Taxation, User Fees and Service Charges	SLC 70 9945 01 / (SLC 10 0299 01 + SLC 10 1299 01)
Total Reserves and Reserve Funds as a % of Municipal Expenses	(SLC 60 2099 02+SLC 60 2099 03)/(SLC 40 9910 11-SLC 12 9910 03-SLC 12 9910 07)
Cash Ratio (Total Cash and Cash Equivalents as a % of Current Liabilities)	SLC 70 0299 01 / (SLC 70 2099 01 + SLC 70 2299 01)
Debt Servicing Cost as a % of Total Revenues	(SLC 74 3099 01 + SLC 74 3099 02) / SLC 10 9910 01
Closing Amortization Balance as a % of Total Cost of Capital Assets (Asset Consumption Ratio)	SLC 51 9910 10 / SLC 51 9910 06
Annual Surplus / (Deficit) as a % of Own Purpose Taxation, User Fees and Service Charges (Operating Surplus Ratio)	SLC 10 2099 01 / (SLC 10 0299 01 + SLC 10 1299 01)

MUNICIPAL FINANCIAL PROFILES

(Based on 2017 Financial Information Return)

Temiskaming Shores C

Date Prepared:		2017 FIR Load Status:	Updated Under Review	2017 Households:	4,380	Median Household Income (2016) : *4	60,789
MSO Office:	Northeast	Last Updated:	September 6, 2018	2017 Population:	9,920	2018 Annual Repayment Limit:	4,441,793
Prepared By:				2018 MFCI Index: *8	7.3	Borrowing Capacity 7% over 10 yrs:	31,197,295

STATISTICAL INFORMATION

	2013	2014	2015	2016	2017	2017 AVERAGES FOR:		17/16 %	16/15 %	15/14 %	14/13 %
						North - Population > 2500 <= 10000	PROVINCE				
Population *3	10,400	10,400	10,400	10,400	9,920	4,582	47,872	-4.6%	0.0%	0.0%	0.0%
Households *3	4,400	4,400	4,400	4,400	4,380	2,483	18,941	-0.5%	0.0%	0.0%	0.0%
Municipal Expenses *7	\$ 23,741,565	\$ 25,086,108	\$ 26,190,004	\$ 26,145,565	\$ 26,535,941	\$ 16,296,017	\$ 100,375,104	1.5%	-0.2%	4.4%	5.7%
Own Source Revenues	\$ 19,042,736	\$ 20,036,151	\$ 20,410,383	\$ 20,844,282	\$ 21,207,122	\$ 12,728,640	\$ 84,801,934	1.7%	2.1%	1.9%	5.2%
Own Source Revenue per Household	\$ 4,328	\$ 4,554	\$ 4,639	\$ 4,737	\$ 4,842	\$ 5,297	\$ 3,417	2.2%	2.1%	1.9%	5.2%
Own Source Revenue as a % of Total Revenues	70.9%	76.0%	66.0%	66.0%	66.1%	73.8%	73.9%	0.3%	0.0%	-13.1%	7.1%
Total Revenues	\$ 26,853,202	\$ 26,380,431	\$ 30,936,845	\$ 31,605,231	\$ 32,069,176	\$ 17,781,288	\$ 118,389,398	1.5%	2.2%	17.3%	-1.8%
Annual Repayment Limit	\$ 4,003,527	\$ 4,014,494	\$ 4,135,227	\$ 4,378,493	\$ 4,345,480	\$ 2,218,890	\$ 14,720,124	-0.8%	5.9%	3.0%	0.3%
Own Purpose Taxation	\$ 15,188,998	\$ 15,628,577	\$ 15,909,262	\$ 16,085,619	\$ 16,806,788	\$ 7,317,034	\$ 46,528,272	4.5%	1.1%	1.8%	2.9%
Direct Water Billings as % of Gross Water Expenditures	6.1%	5.3%	5.0%	8.7%	4.8%	77.4%	64.8%				
Taxable Res. Assessment as a % of Total Taxable Assessment	69.0%	69.1%	69.5%	69.6%	70.2%	71.7%	79.2%				

DISCOUNTED WEIGHTED ASSESSMENT \*1 (Source: Financial Information Return)

	2013	2014	2015	2016	2017	2017 AVERAGES FOR:	
						North - Population > 2500 <= 10000	PROVINCE
Taxable	840,248,942	891,136,198	936,432,640	984,823,344	1,026,424,786	563,376,021	8,818,454,773
PIL	18,951,677	20,023,304	20,223,048	21,089,202	22,261,691	11,012,429	116,919,377
Total	859,200,619	911,159,502	956,655,688	1,005,912,546	1,048,686,477	574,388,450	8,935,374,150

MUNICIPAL FINANCIAL PROFILES

(Based on 2017 Financial Information Return)

Temiskaming Shores C

Date Prepared:		2017 FIR Load Status:	Updated Under Review	2017 Households:	4,380	Median Household Income (2016) : *4	60,789
MSO Office:	Northeast	Last Updated:	September 6, 2018	2017 Population:	9,920	2018 Annual Repayment Limit:	4,441,793
Prepared By:				2018 MFCI Index: *8	7.3	Borrowing Capacity 7% over 10 yrs:	31,197,295

RESIDENTIAL TAXES

	2013	2014	2015	2016	2017	2017 AVERAGES FOR:		17/16 %	16/15 %	15/14 %	14/13 %
						North - Population > 2500 <= 10000	PROVINCE				
# of Residential Households	4,413	4,430	4,432	4,414	4,404	2,294	14,578	-0.2%	-0.4%	0.0%	0.4%
Avg Municipal Property Taxes Per Avg Residential Household	\$ 1,767	\$ 1,827	\$ 1,841	\$ 1,860	\$ 1,915	\$ 2,037	\$ 2,327	3.0%	1.0%	0.8%	3.4%
Avg Total Property Taxes per Avg Residential Household	\$ 2,037	\$ 2,100	\$ 2,118	\$ 2,140	\$ 2,195	\$ 2,319	\$ 2,746	2.6%	1.0%	0.8%	3.1%
Avg Total Property Taxes per Avg Residential Household as a % of Median Household Income (Tax Effort)	4.1%	4.2%	4.3%	3.5%	3.6%	3.3%	3.8%				
# of Residential Households Excluding Recreational Properties (Excl. RDUs)	4,384	4,401	4,402	4,386	4,377	1,984	13,806	-0.2%	-0.4%	0.0%	0.4%
Avg Municipal Property Taxes Per Avg Residential Household (Excl. RDUs)	\$ 1,768	\$ 1,828	\$ 1,841	\$ 1,859	\$ 1,914	\$ 2,007	\$ 2,304	3.0%	1.0%	0.7%	3.4%
Avg Total Property Taxes per Avg Residential Household (Excl. RDUs)	\$ 2,038	\$ 2,101	\$ 2,117	\$ 2,139	\$ 2,194	\$ 2,274	\$ 2,714	2.6%	1.0%	0.8%	3.1%
Avg Total Property Taxes per Avg Residential Household (Excl. RDUs) as a % of Median Household Income (Tax Effort)	4.1%	4.2%	4.3%	3.5%	3.6%	3.2%	3.8%				

RESIDENTIAL TAX RATES \*2 (Source: Financial Information Return)

	2013	2014	2015	2016	2017	17/16 %	16/15 %	15/14 %	14/13 %
Lower / Single-Tier General Rate	0.0138678	0.0135897	0.0129961	0.0124833	0.0122494	-1.9%	-3.9%	-4.4%	-2.0%
Upper-Tier General Rate	-	-	-	-	-	0.0%	0.0%	0.0%	0.0%
Education Rate	0.0021200	0.0020300	0.0019500	0.0018800	0.0017900	-4.8%	-3.6%	-3.9%	-4.2%

TAXES RECEIVABLE

	2013	2014	2015	2016	2017	2017 AVERAGES FOR:		17/16 %	16/15 %	15/14 %	14/13 %
						North - Population > 2500 <= 10000	PROVINCE				
Total Taxes Receivable less Allowance for Uncollectibles	\$ 984,224	\$ 796,832	\$ 811,202	\$ 948,098	\$ 1,160,779	\$ 847,332	\$ 3,180,124	22.4%	16.9%	1.8%	-19.0%
Total Taxes Rec. less Allowance for Uncollectibles as % of Total Taxes Levied	5.4%	4.3%	4.3%	5.0%	5.9%	11.7%	9.7%				
Current Year Taxes Receivable as % of Total Taxes Receivable	60.3%	45.3%	47.0%	46.2%	64.9%	44.2%	50.8%				
Working Fund Reserves & Contingency Funds as % of Current Yr Taxes Rec.	219.8%	167.4%	236.7%	109.7%	220.1%	443.3%	254.1%				
Previous and Prior Years Taxes Receivable as % of Total Taxes Receivable	32.4%	44.6%	41.8%	39.5%	28.2%	44.1%	32.4%				

MUNICIPAL FINANCIAL PROFILES

(Based on 2017 Financial Information Return)

Temiskaming Shores C

Date Prepared:		2017 FIR Load Status:	Updated Under Review	2017 Households:	4,380	Median Household Income (2016) : *4	60,789
MSO Office:	Northeast	Last Updated:	September 6, 2018	2017 Population:	9,920	2018 Annual Repayment Limit:	4,441,793
Prepared By:				2018 MFCI Index: *8	7.3	Borrowing Capacity 7% over 10 yrs:	31,197,295

GRANTS

	2013	2014	2015	2016	2017	2017 AVERAGES FOR:		17/16 %	16/15 %	15/14 %	14/13 %
						North - Population > 2500 <= 10000	PROVINCE				
Total Unconditional Grants	\$ 3,921,300	\$ 3,835,100	\$ 3,743,100	\$ 3,653,300	\$ 3,573,000	\$ 2,051,247	\$ 1,163,801	-2.2%	-2.4%	-2.4%	-2.2%
Ontario Municipal Partnership Fund	\$ 3,921,300	\$ 3,835,100	\$ 3,743,100	\$ 3,653,300	\$ 3,573,000	\$ 2,051,247	\$ 1,156,403	-2.2%	-2.4%	-2.4%	-2.2%
As % of Municipal Expenses	16.5%	15.3%	14.3%	14.0%	13.5%	13.7%	10.6%				
Other	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,398	0.0%	0.0%	0.0%	0.0%
Total Ontario Conditional Grants	\$ 2,204,574	\$ 1,580,458	\$ 3,654,204	\$ 3,282,741	\$ 3,836,816	\$ 1,999,785	\$ 17,881,742	16.9%	-10.2%	131.2%	-28.3%
As a % of Municipal Expenses	9.3%	6.3%	14.0%	12.6%	14.5%	10.7%	10.4%				
Total Ontario Conditional and Unconditional Grants											
As a % of Municipal Expenses	25.8%	21.6%	28.2%	26.5%	27.9%	24.9%	19.0%				

TOTAL DEBT BURDEN

	2013	2014	2015	2016	2017	2017 AVERAGES FOR:		17/16 %	16/15 %	15/14 %	14/13 %
						North - Population > 2500 <= 10000	PROVINCE				
Total Debt Burden	\$ 3,755,301	\$ 3,348,846	\$ 3,360,049	\$ 3,839,470	\$ 9,186,935	\$ 8,569,036	\$ 49,501,852	139.3%	14.3%	0.3%	-10.8%
Per Household	\$ 853	\$ 761	\$ 764	\$ 873	\$ 2,097	\$ 3,453	\$ 1,351	140.4%	14.3%	0.3%	-10.8%
Debt Servicing Cost	\$ 744,039	\$ 692,548	\$ 811,834	\$ 861,759	\$ 920,556	\$ 912,954	\$ 5,867,413	6.8%	6.1%	17.2%	-6.9%
Per Household	\$ 169	\$ 157	\$ 185	\$ 196	\$ 210	\$ 374	\$ 179	7.3%	6.1%	17.2%	-6.9%
As a % of Municipal Expenses	3.1%	2.8%	3.1%	3.3%	3.5%	5.1%	4.0%				
As a % of Own Purpose Taxation	4.9%	4.4%	5.1%	5.4%	5.5%	11.5%	8.0%				
As a % of Own Source Revenue	3.9%	3.5%	4.0%	4.1%	4.3%	6.4%	4.8%				
As a % of Total Revenues	2.8%	2.6%	2.6%	2.7%	2.9%	4.7%	3.5%				
Debt Service Coverage Ratio (Target: Ratio >= 2)	7	5	9	10	10	6	28				



MUNICIPAL FINANCIAL PROFILES

(Based on 2017 Financial Information Return)

Temiskaming Shores C

Date Prepared:		2017 FIR Load Status:	Updated Under Review	2017 Households:	4,380	Median Household Income (2016) : *4	60,789
MSO Office:	Northeast	Last Updated:	September 6, 2018	2017 Population:	9,920	2018 Annual Repayment Limit:	4,441,793
Prepared By:				2018 MFCI Index: *8	7.3	Borrowing Capacity 7% over 10 yrs:	31,197,295

LIABILITIES (Including Post-Employment Benefits)

						2017 AVERAGES FOR:					
						North - Population > 2500 <= 10000	PROVINCE				
	2013	2014	2015	2016	2017			17/16 %	16/15 %	15/14 %	14/13 %
Temp. Loans for Current Purposes as % of Municipal Expenses	4.2%	0.0%	7.6%	1.5%	0.0%	1.1%	0.6%				
Post-Employment Benefits	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 528,416	\$ 18,914,639	0.0%	0.0%	0.0%	0.0%
Total Reserves and Reserve Funds for Post-Employment Benefits	\$ 65,078	\$ 27,803	\$ 27,803	\$ 77,803	\$ 77,803	\$ 48,178	\$ 3,147,326	0.0%	179.8%	0.0%	-57.3%

RESERVES AND RESERVE FUNDS

						2017 AVERAGES FOR:					
						North - Population > 2500 <= 10000	PROVINCE				
	2013	2014	2015	2016	2017			17/16 %	16/15 %	15/14 %	14/13 %
Total Reserves	\$ 4,102,607	\$ 3,120,434	\$ 1,934,268	\$ 2,499,539	\$ 4,462,645	\$ 3,898,102	\$ 21,983,187	78.5%	29.2%	-38.0%	-23.9%
Total Discretionary Reserve Funds	\$ 1,348,367	\$ 1,448,490	\$ 1,279,831	\$ 1,318,778	\$ 1,332,750	\$ 2,052,500	\$ 26,228,644	1.1%	3.0%	-11.6%	7.4%
Total Reserves and Discretionary Reserve Funds	\$ 5,450,974	\$ 4,568,924	\$ 3,214,099	\$ 3,818,317	\$ 5,795,395	\$ 5,950,601	\$ 48,211,831	51.8%	18.8%	-29.7%	-16.2%
Per Household	\$ 1,239	\$ 1,038	\$ 730	\$ 868	\$ 1,323	\$ 2,505	\$ 2,184	52.5%	18.8%	-29.7%	-16.2%
As a % of Total Taxes Receivable	445.8%	379.0%	288.2%	299.6%	466.3%	863.4%	822.8%				
As a % of Municipal Expenses	23.0%	18.2%	12.3%	14.6%	21.8%	40.0%	57.1%				
As a % of Own Purpose Taxation	35.9%	29.2%	20.2%	23.7%	34.5%	83.5%	105.3%				

FINANCIAL ASSETS

						2017 AVERAGES FOR:					
						North - Population > 2500 <= 10000	PROVINCE				
	2013	2014	2015	2016	2017						
Net Financial Assets or Net Debt as a % of Total Revenues	1.5%	-2.1%	-8.4%	-6.1%	-12.1%	-2.8%	26.7%				
Net Financial Assets or Net Debt as % of Own Purpose Taxation, User Fees and Service Charges	2.4%	-3.2%	-14.7%	-10.8%	-20.8%	-7.4%	41.9%				
Net Working Capital as a % of Municipal Expenses	26.7%	28.5%	14.3%	20.8%	28.6%	39.1%	55.7%				
Net Book Value of Capital Assets as a % of Cost of Capital Assets	56.3%	55.4%	57.4%	57.8%	59.4%	53.6%	54.8%				
Asset Sustainability Ratio (Target: > 90%)	86.8%	275.5%	311.7%	250.9%	311.3%	141.0%	152.1%				
Closing Amortization Balance as a % of Total Cost of Capital Assets (Asset Consumption Ratio)	49.8%	48.8%	47.2%	46.5%	45.1%	47.1%	45.5%				

MUNICIPAL FINANCIAL PROFILES

(Based on 2017 Financial Information Return)

Temiskaming Shores C

Date Prepared:		2017 FIR Load Status:	Updated Under Review	2017 Households:	4,380	Median Household Income (2016) : *4	60,789
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Prepared By:				2018 MFCI Index: *8	7.3	Borrowing Capacity 7% over 10 yrs:	31,197,295

SURPLUS / DEFICIT

						2017 AVERAGES FOR:					
	2013	2014	2015	2016	2017	North - Population > 2500 <= 10000	PROVINCE	17/16 %	16/15 %	15/14 %	14/13 %
Annual Surplus / (Deficit)	\$ 3,034,605	\$ 1,072,406	\$ 4,638,554	\$ 5,279,374	\$ 5,393,509	\$ 1,297,848	\$ 17,205,627	2.2%	13.8%	332.5%	-64.7%
Annual Surplus / (Deficit) Adjusted for Ontario Budget Reg. 284/09)	\$ 4,673,532	\$ 3,063,755	\$ 6,452,269	\$ 7,506,821	\$ 7,872,946	\$ 3,296,008	\$ 26,868,685	4.9%	16.3%	110.6%	-34.4%
Annual Surplus / (Deficit) as a % of Own Purpose Taxation, User Fees and Service Charges (Operating Surplus Ratio)	18.3%	6.2%	26.3%	29.4%	29.0%	9.0%	18.1%				
Current Ratio (Target: >= 100%)	269.4%	273.0%	109.2%	111.5%	214.7%	488.7%	553.9%				

OTHER INDICATORS

						2017 AVERAGES FOR:					
	2013	2014	2015	2016	2017	North - Population > 2500 <= 10000	PROVINCE				
Rates Coverage Ratio (Target: >=40%)	69.7%	68.1%	67.1%	68.3%	69.7%	67.9%	73.3%				
Cash Ratio (Total Cash and Cash Equivalents as a % of Current Liabilities)	2.05:1	1.7:1	0.52:1	0.48:1	1.19:1	3.18:1	3.92:1				
Operating Balance as a % of Total Revenues *5	11.3%	4.1%	15.0%	16.7%	16.8%	5.0%	10.1%				
Cumulative Annual Growth Rate *6	1.0%	-4.7%	-1.3%	2.2%	5.0%	-0.8%	1.7%				
Interest Payments as a % of Total Revenues	0.5%	0.4%	0.4%	0.3%	0.4%	1.2%	0.9%				

MUNICIPAL FINANCIAL PROFILES

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VULNERABILITY MEASURES

	2013	2014	2015	2016	2017	2017 AVERAGES FOR:					
						North - Population > 2500 <= 10000	PROVINCE				
Own Source Revenue as a % of Total Revenues	70.9%	76.0%	66.0%	66.0%	66.1%	73.8%	73.9%	0.3%	0.0%	-13.1%	7.1%
Own Source Revenue per Household	\$ 4,328	\$ 4,554	\$ 4,639	\$ 4,737	\$ 4,842	\$ 5,297	\$ 3,417	2.2%	2.1%	1.9%	5.2%
Avg Municipal Property Taxes Per Avg Residential Household	\$ 1,767	\$ 1,827	\$ 1,841	\$ 1,860	\$ 1,915	\$ 2,037	\$ 2,327	3.0%	1.0%	0.8%	3.4%
as a % of Median Household Income (Tax Effort)	4.1%	4.2%	4.3%	3.5%	3.6%	3.3%	3.8%				

SUPPLEMENTARY INDICATORS OF SUSTAINABILITY, FLEXIBILITY AND VULNERABILITY

The following is a summary, adapted from the Chartered Professional Accountants of Canada Statement of Recommended Practice (SORP) 4:

- A government (including a municipality) may choose to report supplementary information on financial condition, to expand on and help explain the government's financial statements.
- Supplementary assessment of a government's financial condition needs to consider, at a minimum, the elements of sustainability, flexibility and vulnerability.
- Vulnerability in this context may be seen as the degree to which a municipality is dependent on sources of funding outside its control or influence or is exposed to risks that could impair its ability to meet its existing financial obligations both in respect of its service commitments to the public and financial commitments to creditors, employees and others.
- Vulnerability is an important element of financial condition because it provides insights into a municipality's reliance on funding sources outside its direct control or influence and its exposure to risks. A municipality whose vulnerability is relatively low has greater control over its financial condition.
- For each element of financial condition, the report on indicators of financial condition should include municipality-specific indicators and municipality-related indicators. It may be useful to also include economy-wide information when discussing financial condition.

ADDITIONAL NOTES ON WHAT FINANCIAL MEASURES MAY INDICATE:

Own Source Revenue as a % of Total Revenues

Indicates the extent to which a municipality has a high proportion of revenues for its own sources, reducing its impact to a change in transfers from other levels of government.

Own Source Revenue per Household

Indicates the demand for resources and the municipality's ability and willingness to provide resources.

Average Municipal Property Taxes per Average Residential Household

Indicates the level of taxes on residential households for municipal purposes.

Average Municipal Property Taxes per Average Residential Household as a % of Average Household Income

Indicates the portion of a ratepayer's income used to pay municipal property taxes.

MUNICIPAL FINANCIAL PROFILES
(Based on 2017 Financial Information Return)
Temiskaming Shores C

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The data and information contained in this document is for informational purposes only. Any use of the data and information in this document should be done by qualified individuals.
This information is not intended to be used on its own and should be used in conjunction with other financial information and resources available.

NOTES

- 1\* 2013, 2014, 2015 and 2016 assessment use phase-in assessment based on 2012 property values. 2017 assessment uses phase-in assessment based on 2016 property values.
- 2\* Average tax rates are calculated where necessary when amalgamations occur.
- 3\* Household and Population data are as reported by the municipality on Schedule 02 of the FIR.
- 4\* Median Household Income - Source: Statistics Canada - 2016 Census - File: 98-402-X2016006-t1-CSD-ENG.
- 5\* Total Revenues include revenues from other municipalities.
- 6\* The Cumulative Annual Growth Rate has been measured over a three year period. Infrastructure Ontario uses a five year period.
- 7\* Total Municipal Expenses exclude amounts for other municipalities
- 8\* MFCI index - Source: Ministry of Finance. This index is only available for northern and rural municipalities.

NUMBER OF MUNICIPALITIES IN COMPARISON GROUPS

	North - Population > 2500 <= 10000	Province
2013	25	444
2014	25	444
2015	25	444
2016	25	444
2017	25	428

MUNICIPAL FINANCIAL PROFILES

(Based on 2017 Financial Information Return)

Temiskaming Shores C

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CALCULATIONS

STATISTICAL INFORMATION

Population *3	SLC 02 0041 01
Households *3	SLC 02 0040 01
Municipal Expenses *7	SLC 40 9910 11 - SLC 12 9910 03 - SLC 12 9910 07
Own Source Revenues	SLC 10 9910 01 - SLC 10 0699 01 - SLC 10 0899 01 - SLC 10 1098 01 - SLC 10 1099 01 - SLC 10 1811 01 - SLC 10 1812 01 - SLC 10 1813 01 - SLC 10 1814 01 - SLC 10 1830 01 - SLC 10 1831 01 - SLC 12 1850 04
Own Source Revenue per Household	Own Source Revenues / SLC 02 0040 01
Own Source Revenue as a % of Total Revenues	Own Source Revenues / SLC 10 9910 01
Total Revenues	SLC 10 9910 01
Annual Repayment Limit	The annual repayment limit is calculated annually as per Ontario regulation 403/02. To view the full calculation of the annual repayment limit, please go to the FIR website. <a href="https://efis.fma.csc.gov.on.ca/fir/ViewARL.htm">https://efis.fma.csc.gov.on.ca/fir/ViewARL.htm</a>
Own Purpose Taxation	ARLs for all municipalities (except the City of Toronto) are posted here as they are made available.
Direct Water Billings as % of Gross Water Expenditures	SLC 10 0299 01
Taxable Res. Assessment as a % of Total Taxable Assessment	(SLC 12 0831 04 + SLC 12 0832 04) / (SLC 40 0831 11 + SLC 40 0832 11) SLC 26 0010 17 / SLC 26 9199 17

DISCOUNTED WEIGHTED ASSESSMENT \*1 (Source: Financial Information Return)

Taxable	SLC 26 9199 17
PIL	SLC 26 9299 17
Total	SLC 26 9199 17 + SLC 26 9299 17

RESIDENTIAL TAXES

# of Residential Households	Residential CVA and corresponding household counts are provided by OPTA (excludes the City of Toronto). Residential assessment includes:
Avg Municipal Property Taxes Per Avg Residential Household	Single Family, 2 - 6 Units, Farm Residential and Recreational (where included). Note: does not include vacant land.
Avg Total Property Taxes per Avg Residential Household	
Avg Total Property Taxes per Avg Residential Household as a % of Median Household Income (Tax Effort)	If labeled (Excl. RDUs) Recreational units are excluded.
# of Residential Households Excluding Recreational Properties (Excl. RDUs)	An average household assessment is calculated by taking the sum of the CVA for these residential groups divided by the corresponding households.
Avg Municipal Property Taxes Per Avg Residential Household (Excl. RDUs)	An estimated tax rate for each tier (i.e. lower tier, upper tier and school) is applied to the average household assessment to calculate the averages taxes per household by tier.
Avg Total Property Taxes per Avg Residential Household (Excl. RDUs)	(the estimated tax rates are provided by OPTA).
Avg Total Property Taxes per Avg Residential Household (Excl. RDUs) as a % of Median Household Income (Tax Effort)	

MUNICIPAL FINANCIAL PROFILES

(Based on 2017 Financial Information Return)

Temiskaming Shores C

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RESIDENTIAL TAX RATES \*2 (Source: Financial Information Return)

Lower / Single-Tier General Rate	SLC 22 0010 12 / SLC 22 0010 16
Upper-Tier General Rate	SLC 22 0010 13 / SLC 22 0010 16
Education Rate	SLC 22 0010 14 / SLC 22 0010 16

TAXES RECEIVABLE

Total Taxes Receivable less Allowance for Uncollectibles	SLC 70 0699 01
Total Taxes Rec. less Allowance for Uncollectibles as % of Total Taxes Levied	SLC 70 0699 01 / (SLC 26 9199 03 - SLC 72 2899 09)
Current Year Taxes Receivable as % of Total Taxes Receivable	SLC 70 0610 01 / (SLC 70 0690 01 + SLC 70 0699 01)
Working Fund Reserves & Contingency Funds as % of Current Yr Taxes Rec.	(SLC 60 5010 02 + SLC 60 5020 03) / SLC 70 0610 01
Previous and Prior Years Taxes Receivable as % of Total Taxes Receivable	(SLC 70 0620 01 + SLC 70 0630 01) / (SLC 70 0699 01 + SLC 70 0690 01)

GRANTS

Total Unconditional Grants	SLC 10 0699 01
Ontario Municipal Partnership Fund	SLC 10 0620 02
As % of Municipal Expenses	SLC 10 0620 01 / (SLC 40 9910 11 - SLC 12 9910 03 - SLC 12 9910 07)
Other	SLC 10 0699 01 - SLC 10 0620 01
Total Ontario Conditional Grants	SLC 10 0810 01 + SLC 10 0815 01
As a % of Municipal Expenses	(SLC 10 0810 01 + SLC 10 0815 01) / (SLC 40 9910 11 - SLC 12 9910 03 - SLC 12 9910 07)
Total Ontario Conditional and Unconditional Grants	
As a % of Municipal Expenses	(SLC 10 0699 01 + SLC 10 0810 01 + SLC 10 0815 01) / (SLC 40 9910 11 - SLC 12 9910 03 - SLC 12 9910 07)

TOTAL DEBT BURDEN

Total Debt Burden	SLC 74 9910 01
Per Household	SLC 74 9910 01 / SLC 02 0040 01
Debt Servicing Cost	SLC 74 3099 01 + SLC 74 3099 02
Per Household	(SLC 74 3099 01 + SLC 74 3099 02) / SLC 02 0040 01
As a % of Municipal Expenses	(SLC 74 3099 01 + SLC 74 3099 02) / (SLC 40 9910 11 - SLC 12 9910 03 - SLC 12 9910 07)
As a % of Own Purpose Taxation	(SLC 74 3099 01 + SLC 74 3099 02) / SLC 10 0299 01
As a % of Own Source Revenue	(SLC 74 3099 01 + SLC 74 3099 02) / (SLC 10 9910 01 - SLC 10 0699 01 - SLC 10 0899 01 - SLC 10 1098 01 - SLC 10 1099 01 - SLC 10 1811 01 - SLC 10 1812 01 - SLC 10 1813 01 - SLC 10 1814 01 - SLC 10 1830 01 - SLC 10 1831 01 - SLC 12 1850 04)
As a % of Total Revenues	(SLC 74 3099 01 + SLC 74 3099 02) / SLC 10 9910 01
Debt Service Coverage Ratio (Target: Ratio >= 2)	(SLC 10 9910 01 - SLC 40 9910 11 + SLC 40 9910 02 + SLC 40 9910 16) / (SLC 74 3099 01 + SLC 74 3099 02)

MUNICIPAL FINANCIAL PROFILES

(Based on 2017 Financial Information Return)

Temiskaming Shores C

Date Prepared:	
MSO Office:	Northeast
Prepared By:	

2017 FIR Load Status:	Updated Under Review
Last Updated:	September 6, 2018

2017 Households:	4,380
2017 Population:	9,920
2018 MFCI Index: *8	7.3

Median Household Income (2016) : *4	60,789
2018 Annual Repayment Limit:	4,441,793
Borrowing Capacity 7% over 10 yrs:	31,197,295

LIABILITIES (Including Post-Employment Benefits)

Temp. Loans for Current Purposes as % of Municipal Expenses	SLC 70 2010 01 / (SLC 40 9910 11 - SLC 12 9910 03 - SLC 12 9910 07)
Post-Employment Benefits	SLC 70 2899 01
Total Reserves and Reserve Funds for Post-Employment Benefits	SLC 60 5060 02 + SLC 60 5060 03 + SLC 60 5070 02 + SLC 60 5070 03 + SLC 60 5080 02 + SLC 60 5080 03 + SLC 60 5090 02 + SLC 60 5090 03

RESERVES AND RESERVE FUNDS

Total Reserves	SLC 60 2099 03
Total Discretionary Reserve Funds	SLC 60 2099 02
Total Reserves and Discretionary Reserve Funds	SLC 60 2099 02 + SLC 60 2099 03
Per Household	(SLC 60 2099 02 + SLC 60 2099 03) / SLC 02 0040 01
As a % of Total Taxes Receivable	(SLC 60 2099 02 + SLC 60 2099 03) / (SLC 70 0699 01 + SLC 70 0690 01)
As a % of Municipal Expenses	(SLC 60 2099 02 + SLC 60 2099 03) / (SLC 40 9910 11 - SLC 12 9910 03 - SLC 12 9910 07)
As a % of Own Purpose Taxation	(SLC 60 2099 02 + SLC 60 2099 03) / SLC 20 0299 01

FINANCIAL ASSETS

Net Financial Assets or Net Debt as a % of Total Revenues	SLC 70 9945 01 / SLC 10 9910 01
Net Financial Assets or Net Debt as % of Own Purpose Taxation, User Fees and Service Charges	SLC 70 9945 01 / (SLC 10 0299 01 + SLC 10 1299 01)
Net Working Capital as a % of Municipal Expenses	(SLC 70 0299 02 + SLC 70 0499 01 + SLC 70 0699 01 + SLC 70 0830 01 + SLC 70 0835 01 + SLC 70 6250 01 + SLC 70 6260 01 + SLC 70 2010 01 + SLC 70 2299 01) / (SLC 40 9910 11 - SLC 12 9910 03 - SLC 12 9910 07)
Net Book Value of Capital Assets as a % of Cost of Capital Assets	(SLC 70 6210 01 - SLC 51 2005 11 - SLC 51 2205 11) / (SLC 51 9910 06 - SLC 51 2005 11 - SLC 51 2205 11)
Asset Sustainability Ratio (Target: > 90%)	SLC 51 9910 03 / SLC 51 9910 08
Closing Amortization Balance as a % of Total Cost of Capital Assets (Asset Consumption Ratio)	SLC 51 9910 10 / SLC 51 9910 06

SURPLUS / DEFICIT

Annual Surplus / (Deficit)	SLC 10 2099 01
Annual Surplus / (Deficit) Adjusted for Ontario Budget Reg. 284/09)	SLC 10 2099 01 + SLC 40 9910 16 + (SLC 70 2799 01 (CY) - SLC 70 2799 01 (PY)) + (SLC 70 2899 01 (CY) - SLC 70 2899 01 (PY)) - SLC 74 3099 01 (CY = CURRENT YEAR, PY - PREVIOUS YEAR)
Annual Surplus / (Deficit) as a % of Own Purpose Taxation, User Fees and Service Charges (Operating Surplus Ratio)	SLC 10 2099 01 / (SLC 10 0299 01 + SLC 10 1299 01)
Current Ratio (Target: >= 100%)	(SLC 70 9930 01 - SLC 70 0829 01 - SLC 70 0845 01 - SLC 70 0898 01) / (SLC 70 2099 01 + SLC 70 2299 01)

OTHER INDICATORS

Rates Coverage Ratio (Target: >=40%)	(SLC 10 0299 01 + SLC 10 1299 01) / SLC 40 9910 01
Cash Ratio (Total Cash and Cash Equivalents as a % of Current Liabilities)	SLC 70 0299 01 / (SLC 70 2099 01 + SLC 70 2299 01)
Operating Balance as a % of Total Revenues *5	(SLC 10 9910 01 - SLC 40 9910 07) / SLC 10 9910 01
Cumulative Annual Growth Rate *6	((SLC 10 9910 01 (CY) / SLC 10 9910 01 (CY - 3) ^ (1/3) - 1) - ((SLC 40 9910 07 (CY) / SLC 40 9910 07 (CY -3) ^ (1/3) - 1)
Interest Payments as a % of Total Revenues	SLC 74 2099 02 / SLC 10 9910 01

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
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**Ministère des  
Affaires municipales  
et du Logement**

Bureau du ministre

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



000818

OCT 31 2018

Your Worship  
Mayor Carman Kidd  
City of Temiskaming Shores  
325 Farr Drive, P.O. Box 2050  
Haileybury, ON P0J 1K0

Dear Mayor Kidd:

*Carman*

I would like to thank you for taking the time to meet with my Parliamentary Assistant Jim McDonell at the 2018 Association of Municipalities of Ontario Conference in Ottawa. Your input and knowledge of local matters are important to us.

PA McDonell shared with me your municipality's ideas about positioning the city as a regional centre for services in the Temiskaming District and the challenges you have had working with other municipalities in the district to fairly apportion costs.

I understand that PA McDonell referenced the shared services study completed by the Sudbury East Municipal Association that you may wish to learn more about in order to assist you in pursuing shared services arrangements. I have asked ministry staff in the Northern Municipal Services Office to forward you a copy of the study.

Our government supports the efforts of municipalities to achieve efficiencies and improve services and tax savings through shared services arrangements. I encourage you to continue to work with the municipalities to negotiate shared arrangements that benefit the local residents.

If you or your staff would like to discuss these matters further, ministry staff would be pleased to assist. Please feel free to contact Kathy Horgan, Manager, Local Government and Housing in the Northern Municipal Services Office at 705-564-6851 or [kathy.horgan@ontario.ca](mailto:kathy.horgan@ontario.ca). You can also contact my Senior Policy Advisor for Municipal Affairs, Alex Barbieri, ([Alex.Barbieri@ontario.ca](mailto:Alex.Barbieri@ontario.ca)) at 416-585-6853.



Once again, thank you for meeting with PA McDonell at the 2018 Association of Municipalities of Ontario Conference. Our government wants to build a stronger relationship with municipalities, one that respects your role as the government closest to the people.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Steve Clark', with a stylized flourish at the end.

Steve Clark  
Minister

c. John Vanthof, MPP, Timiskaming—Cochrane

**Ministry of Finance**

Office of the Deputy  
Minister

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**Ministère des Finances**

Bureau du sous-ministre

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Tél 416-325-0420

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November 26, 2018

Dear Treasurer:

**Re: Ontario Cannabis Legalization Implementation Fund**

In his November 20, 2018 letter to Heads of Council (elect), the Minister of Finance announced funding for all municipalities through the Ontario Cannabis Legalization Implementation Fund ("Fund"). This Fund will provide \$40 million in funding over two years to municipalities across Ontario to help with the implementation costs of recreational cannabis legalization.

This letter sets out the terms and conditions of receiving money under the Fund.

**1. First Payment of Funds**

For the first payment in January, the Province will distribute \$15 million of the Fund between all municipalities based on the following:

- 2018 MPAC Household numbers
- 50/50 split in household numbers between lower- and upper-tier municipalities
- Adjustments to provide at least \$5,000 to each municipality

Municipalities will receive a first payment in the amount set out in the attached allocation notice.

**2. Second Payment of Funds**

For the second payment, the Province will distribute \$15 million of the Fund between all municipalities based on the following:

- If a municipality has not opted-out of hosting private retail stores in accordance with *Cannabis Licence Act*, it will receive funding based on the 2018 MPAC household numbers, adjusted so that at least \$5,000 is provided to each municipality.

.../cont'd

- If a municipality has opted-out of hosting private retail stores in accordance with the *Cannabis Licence Act*, it will receive a maximum amount of \$5,000. Please note that if a municipality opts-out by January 22, 2019, and opts back in at a later date, that municipality will not be eligible for additional funding.

Municipalities will receive a second payment based on the above criteria. The Province will send an allocation notice to municipalities setting out the amount of the second payment by March 2019.

The amount of the Fund allocated to each municipality in Ontario will be posted at [www.fin.gov.on.ca/en/budget/oclif/](http://www.fin.gov.on.ca/en/budget/oclif/) in December.

### **3. Use of Funds**

Municipalities must use the money they receive from the Fund solely for the purpose of paying for implementation costs directly related to the legalization of cannabis.

Examples of permitted costs include:

- Increased enforcement (e.g., police, public health and by-law enforcement, court administration, litigation)
- Increased response to public inquiries (e.g., 311 calls, correspondence)
- Increased paramedic services
- Increased fire services
- By-law / policy development (e.g., police, public health, workplace safety policy)

Municipalities must not use the money they receive from the Fund to pay for:

- Costs that have been, or will be, funded or reimbursed by any other government body, or third party
- Costs not related to cannabis legalization

### **4. Transfer of Funds Within Upper-Tier and Lower-Tier Municipalities**

Upper-tier municipalities and lower-tier municipalities may transfer any money that they receive from the Fund between each other. Despite any transfer of money that may occur under this section, municipalities remain responsible for ensuring compliance with the terms and conditions of this letter with respect to the transferred money.

.../cont'd

## **5. Funding Assessment**

To assess the impact of this funding, the Province has requested that the Association of Municipalities of Ontario and the City of Toronto work with the Ministry of Finance to establish a process by which a sample group of municipalities will provide information on use of funds and impact of funding. More information will be available as this process is developed.

If municipalities are asked to provide information on the use of the money received under the Fund and impact of such funding, they must provide the information requested, in a timely manner. As such, municipalities must keep and maintain all records relating to money received from the Fund.

In addition, the Province or any authorized representative or identified independent auditor, may request to review the records or conduct an audit in respect of the expenditure of money a municipality has received from the Fund.

If you have any further questions, please contact:

Cannabis Retail Implementation Project  
Ministry of Finance  
Email: OCLIF@ontario.ca

Yours sincerely,



Greg Orensak  
Deputy Minister

Attachment

- c. Paul Boniferno, Deputy Attorney General  
Laurie LeBlanc, Deputy Minister of Municipal Affairs and Housing  
Nicole Stewart, Executive Lead, Cannabis Retail Implementation Project  
Allan Doheny, Assistant Deputy Minister, Provincial-Local Finance Division  
Renu Kulendran, Ontario Legalization of Cannabis Secretariat, Ministry of Attorney General

Kate Manson-Smith, Assistant Deputy Minister, Local Government and Planning  
Policy Division, Ministry of Municipal Affairs and Housing  
Pat Vanini, Executive Director, Association of Municipalities of Ontario



7<sup>th</sup> Floor, Frost Building South  
7 Queen's Park Crescent  
Toronto ON M7A 1Y7  
Telephone: 416-314-6331

7<sup>e</sup> étage, Édifice Frost Sud  
7 Queen's Park Crescent  
Toronto ON M7A 1Y7  
Téléphone: 416-314-6331

November 20, 2018

Dear Head of Council (elect):

Recently, Ontario's Government for the People moved to a new cannabis retail model to meet our key priorities of combatting the illegal market and keeping our children and communities safe.

Today, the Province is beginning the fulfillment of its commitment to provide \$40 million in funding over two years to municipalities to help with the implementation costs of recreational cannabis legalization.

The Ontario Cannabis Legalization Implementation Fund (OCLIF) will be distributed as follows:

- In early January, the first payment of \$15 million will be made to all municipalities on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This will enable all municipalities to proceed with their planned legalization activities.
- A second payment of \$15 million will then be distributed following the deadline for municipalities to opt-out under the *Cannabis Licence Act*, which is January 22, 2019.
  - Municipalities that have not opted-out as of January 22, 2019 will receive funding on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This funding will support initial costs related to hosting retail storefronts.
  - Municipalities that have opted-out will receive only a second \$5,000 each.
- The Province is setting aside \$10 million of the municipal funding to address costs from unforeseen circumstances related to the legalization of recreational cannabis, and priority will be given to municipalities that have not opted-out. Further details will be provided at a later date.

.../cont'd

- Finally, if Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, the Province will provide 50 per cent of the surplus only to municipalities that have not opted-out as of January 22, 2019.

Our government is committed to respecting taxpayers and their hard-earned money. We believe municipalities have an obligation to do likewise.

As such, municipalities must use this funding to address the costs that directly relate to the legalization of recreational cannabis. Examples of permitted costs include:

- increased enforcement (e.g. police, public health and by-law enforcement, court administration, litigation);
- increased response to public inquiries (e.g. 311 calls, correspondence);
- increased paramedic services;
- increased fire services; and
- by-law / policy development (e.g. police, public health, workplace safety policy).

Lower-tier and upper-tier municipalities will receive a 50/50 split of the allocation. The household numbers will be split between the upper- and lower-tier, and the allocation calculated accordingly. Decisions to adjust the split in allocation and transfer funding can be made at the local level as needed. Upper-tier municipalities will receive funding in relation to opt-out decisions made by the lower-tier municipality.

The Deputy Minister of Finance will write to your Treasurer with further details on the administration of this funding and attach each municipality's specific allocation notice.

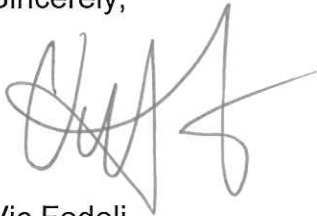
To assess the impact of the funding, the Association of Municipalities of Ontario and the City of Toronto have been asked to work with the Ministry of Finance to establish a process by which a sample group of municipalities can assess the use and impact of these funds. More information on this process will be provided at a later date.

Our government is committed to building a retail system for cannabis sales that will help eliminate the illegal market and is safe and reliable with rules that keep cannabis out of the hands of children and youth, while keeping our roads safe. Complementary to this municipal funding, the Province continues to do the following:

- Increase the capacity of law enforcement to help detect drug impaired driving through training. The Province has also created a specialized legal team to support drug impaired driving prosecutions, increased capacity at the province's Centre of Forensic Sciences, and has created a Cannabis Intelligence Coordination Centre.
- Support local boards of health (public health units) by providing a suite of tools and resources for enforcement of the *Smoke-Free Ontario Act, 2017*, which includes rules for smoking and vaping of cannabis.
- Conduct an integrated public awareness campaign to communicate the rules and regulations for recreational cannabis and educate Ontarians about the health and safety measures in place to protect them.

We appreciate the efforts of municipalities in the implementation of the federal government's legalization of cannabis and look forward to continuing to work together.

Sincerely,



Vic Fedeli  
Minister of Finance

c: The Honourable Caroline Mulroney, Attorney General  
The Honourable Steve Clark, Minister of Municipal Affairs and Housing  
Paul Boniferno, Deputy Attorney General  
Greg Orencsak, Deputy Minister of Finance  
Laurie LeBlanc, Deputy Minister of Municipal Affairs and Housing  
Renu Kulendran, Ontario Legalization of Cannabis Secretariat, Ministry of Attorney General  
Nicole Stewart, Executive Lead, Cannabis Retail Implementation Project, Ministry of Finance  
Kate Manson-Smith, Assistant Deputy Minister, Local Government and Planning Policy Division, Ministry of Municipal Affairs and Housing  
Dan Miles, Chief of Staff



# Ontario Cannabis Legalization Implementation Fund

## 2018-19 First Payment - Allocation Notice



**City of Temiskaming Shores**

5418

The Ontario Cannabis Legalization Implementation Fund (OCLIF) is provided to municipalities to help with the implementation costs of recreational cannabis legalization.

**Funding Allocation**

**\$12,368**

**A Funding Amount based on Number of Households ( $A1 \times A2 \div 100$ )**

**\$12,368**

1. Number of Households

4,850

2. Funding Amount per 100 Households

\$255

### **Notes and Data Sources**

A - funding amount is rounded up to the nearest dollar.

A1 - household figures are based on the 2018 returned roll provided by the Municipal Property Assessment Corporation (MPAC).

A2 - represents the funding amount per 100 households for single-tier municipalities.

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> 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<sup>e</sup> étage  
Toronto (Ontario) M5G 2E5  
Tél. : 416 585-7000  
Télec. : 416 585-6470



November 30, 2018

Carman Kidd  
Mayor  
City of Temiskaming Shores  
[dtreen@temiskamingshores.ca](mailto:dtreen@temiskamingshores.ca)

Dear Mayor Kidd and Council:

Please accept my congratulations on your success in the recent municipal elections. I want to thank you for your decision to serve the public, and I look forward to working with you in the years ahead.

As a former mayor, I know firsthand that municipal government is closest to the people and delivers important services every day. I also know your constituents expect local government to be effective and responsive, and you expect the same in the provincial-municipal relationship.

At the AMO conference this year, I was proud to sign a renewed Memorandum of Understanding one year before it expired. The MOU signals our government's commitment to consult when introducing measures that affect municipalities.

There is much work ahead of us. Our government is working hard to remove red tape that stands in the way of job creation and development in communities across the province. We will be working together to increase housing supply and find efficiencies by reducing the reporting burden you face when dealing with the province. Our goal is to ensure that local governments are working well and supporting future economic prosperity.

As we work together to serve the people of our great province, I want to hear about the challenges you face. I know that local representatives understand their communities and that you can help us ensure that local government is working harder, smarter and more efficiently. Best wishes to you and to council for success over the next four years.

Sincerely,

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

Steve Clark  
Minister

November 2018

To Councillors and Heads of Council  
AMO Member Municipal Governments

Dear Colleagues:

On behalf of the Association of Municipalities of Ontario (AMO), congratulations to you on the results of the 2018 municipal elections. Whether you are new to council or returning to office, your commitment to public service and to your community is applauded.

In 2019, AMO will celebrate 120 years of service to Ontario municipal governments. Municipalities in Ontario are stronger and more influential because we work together through shared interests to advance good public policy and financial sustainability for the communities we serve.

If you are new to AMO, I want to extend a warm welcome and invite you to participate fully in the life of Ontario's vibrant and diverse municipal sector. AMO's membership includes every tier of municipal government, of all sizes, from every part of Ontario.

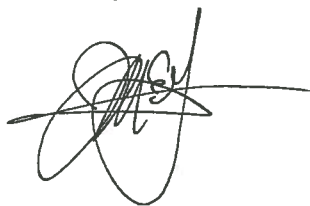
This package contains a pin for elected municipal officials and we hope you will wear it with pride. There is also information about services available to municipalities through AMO's Local Authority Services (LAS), ONE Investment program, the Municipal Employers Pension Centre of Ontario (MEPCO), and extensive education and training programs.

Please take a quick look at AMO's website to preview AMO's work and the range of benefits and services we provide to our members at [www.amo.on.ca](http://www.amo.on.ca).

Think about how you might become involved with AMO. Your membership and participation in AMO makes a world of difference.

I look forward to meeting you in the months and years ahead. On behalf of AMO, I wish you and your Council every success over the next four years.

Yours truly,



Jamie McGarvey  
President

**Ministry of  
Municipal Affairs  
and Housing**

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M5G 2E5  
Tel.: 416 585-7000

**Ministère des  
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Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M5G 2E5  
Tél. : 416 585-7000



DEC 05 2018

RE: Municipal Reporting Burden

Dear Heads of Council,

As you have heard me say, reducing the provincial reporting burden affecting the municipal sector is a priority for the government. I addressed municipal concerns about the reporting burden at the Association of Municipalities of Ontario (AMO) conference in Ottawa this past summer. I have heard from municipalities that the province asks for too many reports, which impacts the ability of municipalities to focus on local priorities.

I have struck a team in my ministry to lead the reduction of the municipal reporting burden across government. In addition to reducing the number of reports, we must make sure any remaining information collected is necessary for the province's work. We must confirm the information requested is not duplicative, and that the reporting requirements for small municipalities are appropriate.

To address these goals, my ministry will be convening a cross-government working group to bring together ministries with municipal reporting requirements. This group will be tasked with reducing reporting and undertaking the work to meet the aforementioned commitments.

In addition to our cross-government working group, in 2018, my team will be convening a stakeholder working group of various municipal associations with a shared common interest in municipal reporting requirements.

I invite you to share your thoughts on what changes can be made to municipal reporting directly to my office, as well.

Thank you for your support.

A handwritten signature in black ink, appearing to read 'Steve Clark'.

Steve Clark  
Minister, Ministry of Municipal Affairs and Housing

c: Laurie LeBlanc, Deputy Minister, MMAH

# OCWA is pleased to host a Standard of Care training session delivered by the Walkerton Clean Water Centre

## Be informed about your responsibilities under the *Safe Drinking Water Act*

The Standard of Care course is designed to inform municipal councillors and officials of their oversight responsibilities under Section 19 of the Safe Drinking Water Act, which came into effect on December 31, 2012. Severe penalties are possible for municipal officials who fail to act in good faith and do not exercise honesty, competence and integrity to ensure the protection and safety of the users of municipal drinking water systems.

### Who is this course for?

This course is designed for mayors, councillors and municipal officials with oversight responsibility for drinking water treatment and/or distribution systems.

### Course description:

- Several examples of waterborne disease outbreaks are examined that highlight the importance of competent oversight.
- General information about drinking water systems, the multi-barrier approach to treatment and some of the risks associated with drinking water production and distribution.
- Information about additional specialized training that's available.

### Details:

DATE / TIME: Wed. January 23<sup>rd</sup>, 2019 at 5:30 pm

LOCATION: Riverside Place

ADDRESS: 55 Riverside Drive, Temiskaming Shores ON (New Liskeard)

RSVP by January 9<sup>th</sup> to Sylvie Lemieux at [slemieux@ocwa.com](mailto:slemieux@ocwa.com)





## MINUTES

### Timiskaming Health Unit Board of Health

Regular Meeting held on September 5, 2018 at 6:30 P.M.

New Liskeard – Timiskaming Health Unit Boardroom

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1. The meeting was called to order at 6:40 p.m.

2. **ROLL CALL**

**Board of Health Members**

Carman Kidd	Chair, Municipal Appointee for Temiskaming Shores
Tony Antoniazzi	Vice-Chair, Municipal Appointee for Town of Kirkland Lake
Mike McArthur	Municipal Appointee for Temiskaming Shores
Jesse Foley	Municipal Appointee for Temiskaming Shores ( <i>teleconference</i> )
Merrill Bond	Municipal Appointee for Township of Chamberlain, Charlton, Evanturel, Hilliard, Dack & Town of Englehart
Jean-Guy Chamaillard	Municipal Appointee for Town of Kirkland Lake
Sue Cote	Municipal Appointee for Town of Cobalt, Town of Latchford, Municipality of Temagami, and Township of Coleman
Audrey Lacarte	Municipal Appointee for Township of Brethour, Harris, Harley & Casey, Village of Thornloe

**Regrets**

Vacant	Provincial Appointee
Kathleen Bougie	Municipal Appointee for Township of Larder Lake, McGarry & Gauthier
Maria Overton	Provincial Appointee
Kimberly Gauthier	Municipal Appointee for Township of Armstrong, Hudson, James, Kerns & Matachewan
Dr. Glenn Corneil	Medical Officer of Health (A)

**Timiskaming Health Unit Staff Members**

Randy Winters	Director of Corporate Services, CEO (A)
Kerry Schubert-Mackey	Director of Community Health
Rachelle Cote	Executive Assistant

**Guest**

Dr. Monika Dutt

3. Presentation: **Public Health Policy Priorities for Consideration - 2018 Municipal Election Candidates** by Kerry Schubert-Mackey & Amanda Mongeon

Mrs. Mongeon left the meeting at 7:25 p.m.

4. **APPROVAL OF AGENDA**

**MOTION #39R-2018**

Moved by: Merrill Bond

Seconded by: Sue Cote

Be it resolved that the Board of Health adopts the agenda for its regular meeting held on September 5, 2018, as amended:

- 9a – Grown Your Own – Nurse Practitioner Certification
- 9b - Leases – Policies/Procedures
- 11c – Identifiable Individual

CARRIED

5. **DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE**

None.

6. **APPROVAL OF MINUTES**

**MOTION #40R-2018**

Moved by: Mike McArthur

Seconded by: Jesse Foley

Be it resolved that the Board of Health approves the minutes of its regular meeting held on June 6, 2018 as amended. Minutes of July 11, 2018 (Personnel Sub-Committee) and July 11, 2018 (Special Meeting) were approved as presented.

CARRIED

7. **BUSINESS ARISING**

None

8. **MANAGEMENT REPORTS**

The Q2 Board Report, Staff List and the Immunization Coverage Report (2016-2017) were all received for review and for information purposes.

Jesse Foley arrived at the meeting at 7:10 p.m.

9. **NEW BUSINESS**

a. **GROW YOUR OWN – NURSE PRACTITIONER PROGRAM**

Discussed employee retention strategies for future employee training opportunities such as the Grown Your Own program. Many leave or move on to other employment opportunities. It was expressed that it is difficult to retain nurse practitioners due the continued shortage in the area.

b. **LEASES – POLICIES AND PROCEDURES**

Discussed engaging legal advice when signing future leases. It is important to include a termination clause when agreeing to a long-term lease and negotiate a shorter reasonable length of years when possible.

9. **CORRESPONDENCE**

**MOTION #41R-2018**

Moved by: Audrey Lacarte

Seconded by: Tony Antoniazzi

The Board of Health acknowledges receipt of the correspondence for information purposes.

CARRIED

Dr. Monika Dutt left the meeting at 7:40 p.m.

10. **IN-CAMERA**

**MOTION #42R-2018**

Moved by: Merrill Bond

Seconded by: Sue Cote

Be it resolved that the Board of Health agrees to move in-camera at 7:42 p.m. to discuss the following matters under section 239 (2):

- a. In-Camera Minutes (June 6, 2018)
- b. MOH-CEO Update
- c. Identifiable Individual

CARRIED

11. **RISE AND REPORT**

**MOTION #43R-2018**

Moved by: Tony Antoniazzi

Seconded by: Jesse Foley

Be it resolved that the Board of Health agrees to rise with report at 7:55 p.m.

CARRIED

**In-Camera Minutes**

**MOTION #44R-2018**

Moved by: Mike McArthur

Seconded by: Merrill Bond

Be it resolved that the Board of Health approves the in-camera minutes of meeting held on June 6, 2018 as presented.

CARRIED



**Hire of MOH/CEO**

**MOTION #45R-2018**

Moved by: Merrill Bond

Seconded by: Tony Antoniazzi

Be it resolved that the Board of Health agrees to hire Dr. Monika Dutt as MOH (A) – CEO, and direct staff, upon her registration with the College of Physicians & Surgeons of Ontario being approved, to submit the required documentation to the Ministry for appointment as MOH/CEO.

CARRIED

**MOH/CEO Moving Expenses**

**MOTION #46R-2018**

Moved by: Sue Cote

Seconded by: Jean-Guy Chamaillard

Be it resolved that the Board of Health agrees to cover the moving expenses of Dr. Monika Dutt to a maximum of \$3,000.00.

CARRIED

12. **DATES OF NEXT MEETINGS**

The next Board of Health meeting will be held on October 3, 2018 at 6:30 p.m. in Kirkland Lake.

13. **ADJOURNMENT**

**MOTION #47R-2018**

Moved by: Audrey Lacarate

Seconded by: Sue Cote

Be it resolved that the Board of Health agrees to adjourn the regular meeting at 7:56 p.m.

CARRIED

## **Temiskaming Shores Public Library Board**

### **Meeting Minutes**

Wednesday, September 19, 2018

7:00 p.m. at the New Liskeard Branch

#### **1. Call to Order**

Meeting called to order by Vice Chair Roger Oblin at 7:00 p.m.

#### **2. Roll Call**

Present: Danny Whalen, Anna Turner, Brenda Morissette, Roger Oblin, and CEO/Head Librarian Rebecca Hunt.

Regrets: Jeff Laferriere, Donald Bisson

Members of the Public: 0

#### **3. Adoption of the Agenda**

**Moved by:** Danny Whalen

**Seconded by:** Anna Turner

Be it resolved that the Temiskaming Shores Public Library Board accepts the agenda as presented.

**Carried.**

#### **4. Adoption of the Minutes**

**Moved by:** Brenda Morissette

**Seconded by:** Danny Whalen

Be it resolved that the Temiskaming Shores Public Library Board approves the minutes of the meeting held on Wednesday, June 20, 2018, as presented.

**Carried.**

**5. Business arising from Minutes**

- a. Confirmation of transaction of CIBC Security Investment. The CEO confirmed that the account has been closed as directed by the Library Board.

**6. Correspondence:**

- a. **From:** Megan Presseault, Student.

Re: Thank you for May Ball Bursary.

Received as information.

- b. **From:** Annik Boucher, Principal—Ecole secondaire catholique Sainte-Marie.

Re: Thank you for May Ball Bursary.

Received as information.

**7. Secretary–Treasurer’s Report**

Report and monthly financial statement included in the trustees’ information packet

**Library CEO’s Report**

**September 11, 2018**

**Buildings and Equipment:**

**Carpet cleaning:** The carpets were cleaned in both buildings in June.

**Fire safety checks** were conducted in the library buildings.

**Business:**

**Digital Creator North (Near North Mobile Media Lab Trillium project):** Dominique Lafontaine started in the intern position in mid-July. He is on the Near North Mobile Media Lab payroll. He has done several workshops over the summer and has some great ideas for fall workshops. The Timmins Public Library has submitted an application to the Ontario Library Services North Public Library Service Awards for this project. I believe the library should have a 3-D printer and will work on this project this fall to get it into place before the N2M2 Lab project ends.

**Federation of Ontario Public Libraries board:** I will be attending the meeting on Friday, September 14, 2018.

**Inventory:** We are now finished with the initial inventory and are in the clean up phase. A final report will be requested from OLS-North in early October.

**Ministry of Tourism, Culture and Sport Library Services Award application:** In July Dayna DeBenedet from Dryden Public Library nominated Temiskaming Shores Public Library and the Library Value Toolkit project for a Minister's award. Dayna submitted the application and our library signed as the lead applicant. We should find out during Public Library Week if we made the shortlist.

**Ontario Library Association Superconference January 30-February 3, 2019:** I have been invited to present on the Library Value Study at the Ontario Library Association Superconference in Toronto at the end of January. Since I will already be there to attend the Federation of Ontario Public Libraries board meeting I have accepted.

**Proctoring Exams:** I proctored 11 exams in June, July and August.

**Public Library Operating Grant:** The deadline is October 16 this year. The application has been submitted.

**Joint Automation Server Initiative (JASI) Steering Committee:** The next meeting is on Wednesday, September 19. I will not be able to attend as I will be at the Seniors Information Fair.

**Seniors Information and Active Living Fair:** I will attend and distribute information on behalf of the library on Wednesday, September 19.

**Programming:**

**Visits to the Extendicare, Lodge and Manor nursing homes to exchange books**  
Ongoing on Fridays and Saturdays by staff members and volunteers.

**Life Skills visits at the New Liskeard Branch**

The Life Skills group visits will start up again in the fall.

**Gadget Helper at both branches of the library**

The Gadget Helper is starting up again in September.

**Fall Session Preschool Storytime at Both Branches of the Library**

Preschool aged children accompanied by an adult are invited to join us for stories, rhymes, songs and a gentle introduction to early literacy and the library.

**Every Wednesday, starting September 5 from 11:00 a.m.—11:30 a.m.**

**Haileybury Branch Sessions:**

September 19 and October 3 and 17

**New Liskeard Branch Sessions:**

September 12 and 26 and October 10 and 24

**Interested in Joining a Book Club?**

Join us at the New Liskeard Branch on Thursday, September 13th at 6 PM for a new season of the Temiskaming Shores Public Library Book Club!

We will discuss what everyone's been reading over the summer, as well as our upcoming book picks. This is a great opportunity to meet other future book club members and chat about books!

**Les Liseuses de la bibliothèque de Temiskaming Shores**

De septembre à décembre, de 10 h 15 à 11 h 15 à la succursale de New Liskeard  
Livres choisis

Le mardi 11 septembre— Livres "Surprise"

Le mardi 2 octobre— *La couveuse* par Marie-Claude Barrette

Le mardi 6 novembre— *Flavie Les infirmières de Notre-Dame*  
par Marylène Pion

Le mardi 4 décembre — *Les femmes du fleuve* par Aimée Laberge

**DGTL CREATOR NORTH Workshops at the New Liskeard Branch**

Every Saturday, from 11:30am– 1pm

**Sept 8: Audio Synthesis:** Teens are invited to create sounds using simple waveforms and audio filters. There will be noise!

**Sept 15: Fall Foto:** Using different camera equipped devices, teens will be invited to explore the different perspectives created by their respective lenses and viewpoints.

**Sept 22: Meme Workshop:** A workshop about the history of memes and the use of images and words to convey meaning. Get ready to laugh.

**Sept 29: Illustrator Patterns:** A workshop delving deep into pattern creation using advanced techniques in Adobe Illustrator.

**Finances and Statistics**

The Board reviewed the financial and statistical reports as provided by the CEO.

**Motion #2018-33**

**Moved by:** Brenda Morissette

**Seconded by:** Anna Turner

Be it resolved that the Temiskaming Shores Public Library Board accepts the September Secretary-Treasurer's report, Workplace Inspection report and Financial report.

**Carried.**

**8. Committee Reports**

- a. **Finance and Property Committee:** Schedule a budget committee meeting when the Chair has returned.
- b. **Planning, Personnel, Policy and Publicity Committee.** Nothing to report.
- c. **Building Committee:** Nothing to report.
- d. **Library Services Committee.** Nothing to report.

**9. New Business**

- a. **Report LIB-012-2018.** Update on the New Liskeard building project. Received for information.

**10. Plan, Policy review and By-law review**

- a. **Review Policy**
  - i. **Internet and Library Computer and Device Use Policy, Facilities-4.**

**Motion #2018-34**

**Moved by:** Brenda Morissette

**Seconded by:** Anna Turner

Be it resolved that the Temiskaming Shores Public Library Board accepts the library's policy: Internet and Library Computer and Device Use—Facilities-4 as amended by the Board.

**Carried.**

## **11. Closed Session**

### **Motion #2018-35**

**Moved by:** Danny Whalen

**Seconded by:** Anna Turner

Be it resolved that the Temiskaming Shores Public Library Board go into Closed Session at 8:00 p.m. in regards to identifiable individuals.

**Carried.**

### **Motion #2018-36**

**Moved by:** Brenda Morissette

**Seconded by:** Danny Whalen

Be it resolved that the Temiskaming Shores Public Library Board rise from Closed Session at 8:15 p.m. without report.

**Carried.**

## **12. Adjournment**

Adjournment by Danny Whalen at 8:16 p.m.

---

Chair – Donald Bisson

# EARLTON-TIMISKAMING REGIONAL AIRPORT SEPTEMBER 2018

## REVENUE

	<u>ACTUAL</u>	<u>YTD</u>
Fuel	\$28,870	\$877,016
Operations	\$9,560	\$621,841
	<hr/>	<hr/>
	\$38,430	\$1,498,857

## EXPENSES

Fuel	\$17,557	\$746,288
Operations	\$33,174	\$265,956
Capital Expenses		\$31,558
	<hr/>	<hr/>
	\$50,731	\$1,043,802

## NET PROFIT/LOSS

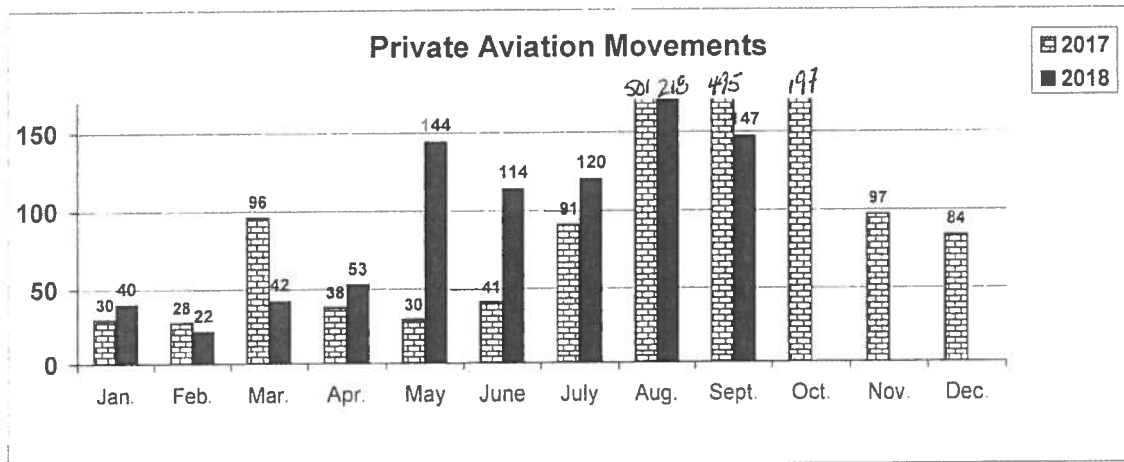
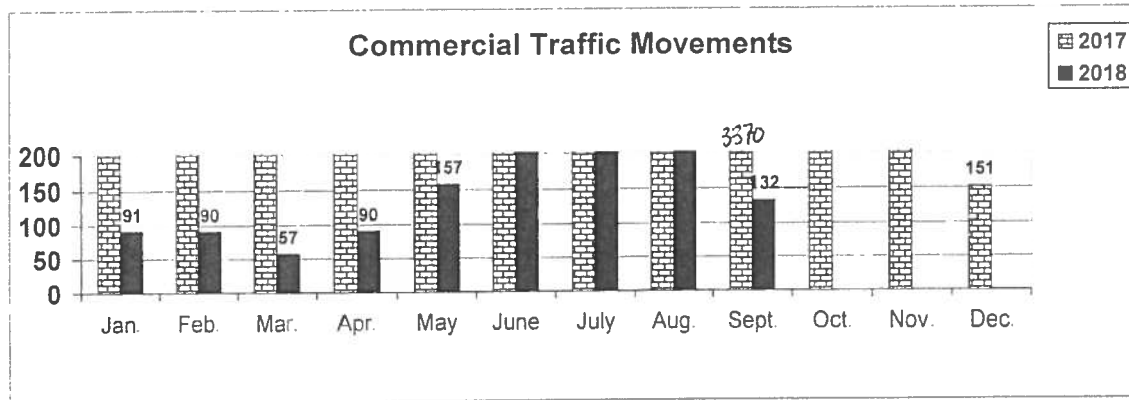
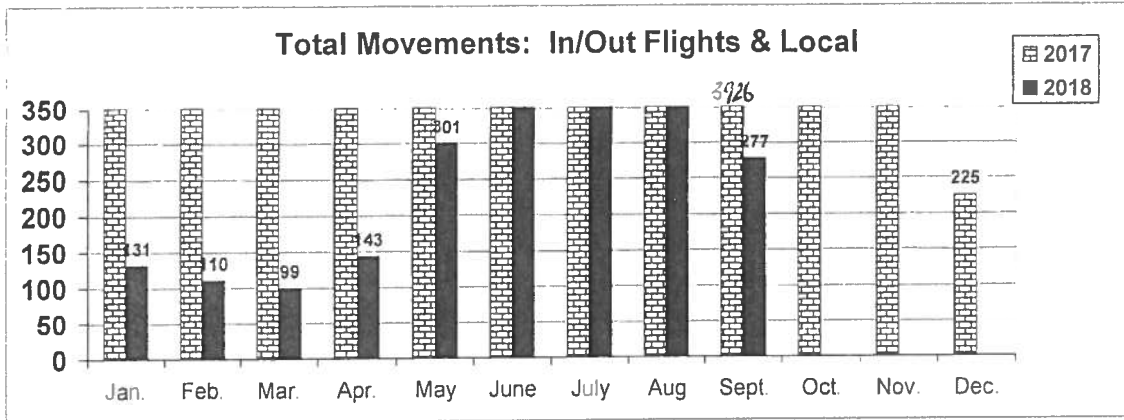
Fuel	\$11,313	\$130,728
Operations	-\$23,614	\$355,885
Capital Expenses		\$980
	<hr/>	<hr/>
	-\$12,301	

<u>FUEL INVENTORY - JET A1</u>	\$	22,304
<u>FUEL INVENTORY - AVGAS</u>	\$	8,153
<u>FUEL INVENTORY - DIESEL</u>	\$	2,320



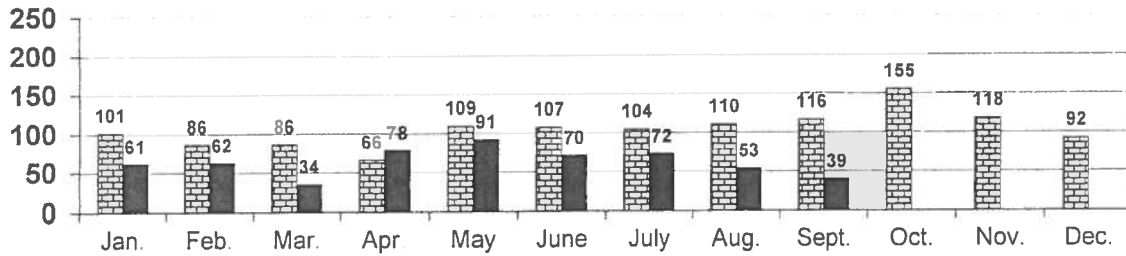
## ANNUAL AIRCRAFT MOVEMENTS

AS OF SEPTEMBER 30, 2018



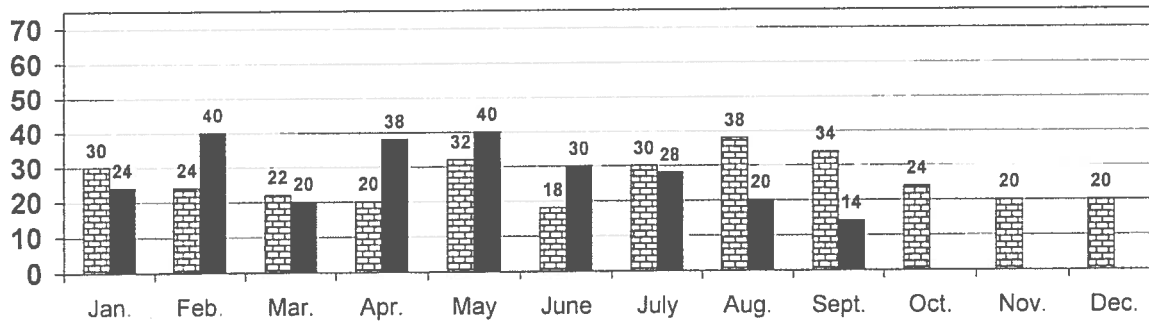
### Air Carriers Movements

2017  
2018



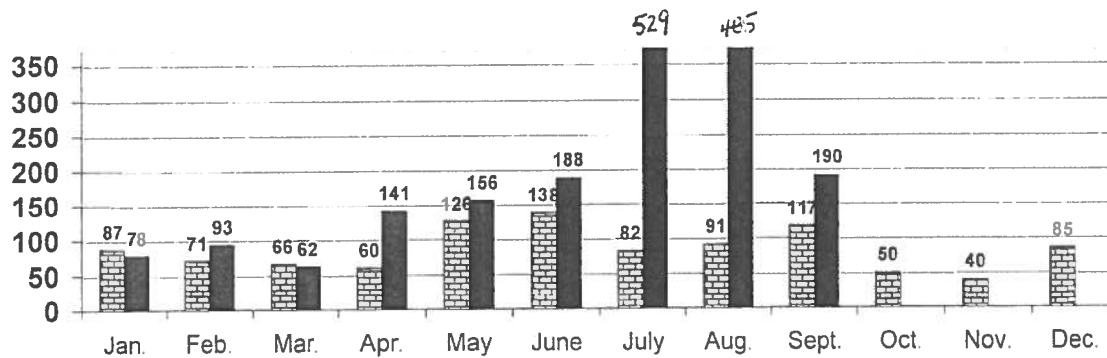
### Air Ambulance Movements

2017  
2018



### # Pgrs. via Air Charter

2017  
2018



## **MANAGER'S REPORT SEPTEMBER 2018**

### **Fuel Sales:**

We know the lean months are ahead, so I have to toot this horn while I can. 16,352 litres of Jet A1 sold in September is a 10 year high for any previous September. The Avgas sales at 2660 litres are the second highest for any prior September.

### **"T" Hangars:**

Progress is being made on all fronts to get our T Hangar construction started as soon as possible. Permits have been granted by Transport Canada and Nav Canada. The PCO (Proposal for Construction Operation) for the project has also been approved by Transport Canada. A meeting of all parties involved in the construction phase will be held at the Airport on the 17th of October.

### **Snowblower:**

We drove our snowblower to Nor Arc to have repairs made. A hole had been worn through the impeller housing in the centre of the unit. This meant that the auger and impeller had to be removed to access the damaged area to make the necessary repairs. A new steel liner was fabricated, shaped, and welded into the cavity. Repairs were also required to repair cracks emanating from the retention bolt holes in the impeller paddles. The impeller was balanced before installation. The unit is now back at our garage anticipating what we know is coming.

### **Cardlock:**

Although the cardlock system is now ready to go, I chose not to operate it until all of our fleet card holders have a chance to familiarize themselves with the new system. I went for vacation, so this training will start soon. Operation and emergency procedures training will need to be documented to satisfy the requirements.

Harold Cameron  
Earlton-Timiskaming Regional Airport Manager

**Community Contribution Summary**  
**2018 Sharing Contribution**  
**Per Capita Contribution - \$9.33**

<u>Community</u>	<u>Population</u>	<u>Contribution</u>	<u>Paid</u>
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<b>Total Contributions</b>	<b>16384</b>	<b>\$152,863</b>	<b>\$150,087.50</b>

**Donation**

Kerns	358	\$3,340	
<b>Total Contributions</b>		<b>\$156,203</b>	<b>\$150,088</b>

As of Oct. 9, 2018

## **Temiskaming Shores Public Library Board**

### **Meeting Minutes**

Wednesday, October 17, 2018

7:00 p.m. at the Haileybury Branch

#### **1. Call to Order**

Meeting called to order by Chair Donald Bisson at 7:00 p.m.

#### **2. Roll Call**

Present: Donald Bisson, Jeff Laferriere, Danny Whalen, Brenda Morissette, Roger Oblin, Anna Turner and CEO/Head Librarian Rebecca Hunt.

Regrets: None

Members of the Public: 0

#### **3. Adoption of the Agenda**

**Moved by:** Jeff Laferriere

**Seconded by:** Danny Whalen

Be it resolved that the Temiskaming Shores Public Library Board accepts the agenda as amended.

**Carried.**

#### **Additions:**

New Business c. Remembrance Day Wreath laying

New Business d. Cannabis laws

New Business e. Application for Boards and Committees

Policy Review b. Amendment to policies for snacks in buildings

#### **4. Adoption of the Minutes**

**Moved by:** Danny Whalen

**Seconded by:** Brenda Morissette

Be it resolved that the Temiskaming Shores Public Library Board approves the minutes of the meeting held on Wednesday, September 19, 2018, as presented.

**Carried.**

#### **5. Business arising from Minutes**

- a. Relocation of New Liskeard Library project update: the CEO updated the board on the latest.

#### **6. Correspondence:**

- a. **From:** Ellen Walpole, Staff—John F. Ross Collegiate and Vocational Institute Staff Association.

Re: Donation in memory of Ethel St. Jean.

Received as information. The CEO will write a note thanking the association for their generous donation in Ethel's memory.

- b. **From:** Julia Harke, Student —Timiskaming District Secondary School.

Re: Thank you for May Ball Bursary.

Received as information.

## 7. **Secretary–Treasurer’s Report**

Report and monthly financial statement included in the trustees’ information packet

### **Library CEO’s Report**

**October 10, 2018**

#### **Buildings and Equipment:**

**Fire safety checks** were conducted in the library buildings.

#### **Business:**

**Digital Creator North (Near North Mobile Media Lab Trillium project):** The Timmins Public Library submitted an application to the Ontario Library Services North Public Library Service Awards for this project and the project was presented with an award for Excellence in Technology and Innovation at the OLS-North conference in September. I am working on the 3-D printer project.

**Federation of Ontario Public Libraries board:** FOPL confirmed that provincial funding to libraries in Ontario is temporarily frozen until the line by line review is completed. The technology capacity fund and the connectivity fund have both been discontinued until further notice. The next meeting is on November 23.

**Inventory:** We have completed inventory in both branches of the library. An item that came to light was the disarray in the Local History room in Haileybury. We will be working on organizing that collection more efficiently over the course of the winter.

**Ontario Library Service North Conference:** The conference sessions were informative, as usual. I was especially interested in a session on Mental Health issues in libraries where the speaker was from the OPP and talked about drugs and addiction in library patrons. He said that the local health unit should be able to set us up with some cleanup kits for when we find drugs in the library. He also talked a bit about the legalization of cannabis and the implications for libraries. The session that I presented was well received as well.

**Proctoring Exams:** I will be proctoring real estate and other exams in December this year.

**Seniors Information and Active Living Fair:** I attended and distributed information on behalf of the library at the fair on September 19. It was a great opportunity to hand out gadget helper pamphlets and connect with the other organizations who were exhibiting.

#### **Programming:**

**Visits to the Extendicare, Lodge and Manor nursing homes to exchange books**

Ongoing on Fridays and Saturdays by staff members and volunteers.

**Life Skills visits at the New Liskeard Branch**

The Life Skills group visits have started up again this fall.

**Gadget Helper at both branches of the library**

The Gadget Helper program started up again in September.

**Fall Session Preschool Storytime at Both Branches of the Library**

Preschool aged children accompanied by an adult are invited to join us for stories, rhymes, songs and a gentle introduction to early literacy and the library.

**Every Wednesday, starting September 5 from 11:00 a.m.—11:30 a.m.**

**Haileybury Branch Sessions:**

September 19 and October 3 and 17

**New Liskeard Branch Sessions:**

September 12 and 26 and October 10 and 24

**Les Liseuses de la bibliothèque de Temiskaming Shores**

De septembre à décembre, de 10 h 15 à 11 h 15 à la succursale de New Liskeard  
Livres choisis

Le mardi 11 septembre— Livres “Surprise”

Le mardi 2 octobre— *La couveuse* par Marie-Claude Barrette

Le mardi 6 novembre— *Flavie Les infirmières de Notre-Dame* par Marylène Pion

Le mardi 4 décembre — *Les femmes du fleuve* par Aimée Laberge

**DGTL CREATOR NORTH Workshops at the New Liskeard Branch**

Saturdays beginning at 11:30am

Oct 20<sup>th</sup> Photoshop Fun: using photo montage techniques to create other worlds.

Oct 27<sup>th</sup> Halloween Noise! Teens will learn how to make ghostly audio experiences.

**Pumpkin Decorating Program at Both Branches of the Library**

We supply everything you need & you get to enter our literary pumpkin contest & bring your decorated pumpkin home! Open to children aged 5-10 years old.

Saturday October 20, 2018

New Liskeard Branch: 1:00—2:30 p.m.

Haileybury Branch: 1:00—2:30 p.m.

REGISTER EARLY AS SPACE IS LIMITED! To register or for more information please call 705-647-4215 or 705-672-3707

**Pumpkin Decorating CONTEST at both Branches of the Library**

Paint or decorate a pumpkin to resemble a literary character for your chance to **win a Chat Noir gift card!**

Contest begins October 10 and closes October 24 at 5 p.m.

To Enter: Take a picture of your decorated pumpkin (with the book the character is



from if possible). Drop the picture off at the New Liskeard or Haileybury branch, or email it to [NewLiskeard@temisklibrary.com](mailto:NewLiskeard@temisklibrary.com) or [Haileybury@temisklibrary.com](mailto:Haileybury@temisklibrary.com). Please include your name, age, phone number, and the character's name. Visit either branch of the Temiskaming Shores Public Library between October 25-27 to vote for your favourite pumpkin picture! All are welcome to vote. One vote per person per day. For more information call (705) 647-4215 or (705) 672-3707

### **Finances and Statistics**

The Board reviewed the financial and statistical reports as provided by the CEO.

### **Motion #2018-37**

**Moved by:** Roger Oblin

**Seconded by:** Jeff Laferriere

Be it resolved that the Temiskaming Shores Public Library Board accepts the October Secretary-Treasurer's report, Workplace Inspection report and Financial report.

**Carried.**

## **8.Committee Reports**

- a. **Finance and Property Committee:** Nothing to report.
- b. **Planning, Personnel, Policy and Publicity Committee.** Nothing to report.
- c. **Building Committee:** Nothing to report.
- d. **Library Services Committee.** Nothing to report.

## **9.New Business**

- a. **Service to Indigenous community.** The board discussed strategies to improve service to local indigenous communities.
- b. **Report LIB-015-2018 OLA Conference and FOPL meeting.** The report was reviewed.

### **Motion #2018-38**

**Moved by:** Anna Turner

**Seconded by:** Danny Whalen

Be it resolved that the Temiskaming Shores Public Library Board accepts report LIB-015-2018 OLA conference and FOPL Meeting and recommends sending Library CEO Rebecca Hunt to the Ontario Library Association 2019 conference and Federation of Ontario Public Libraries Annual General Meeting in Toronto from January 30-February 2, 2018.

**Carried.**

- c. Remembrance Day Wreath laying.** Board members volunteered to lay wreaths in each community.
- d. Cannabis Law changes.** Discussion of possible policy changes.
- e. Applications for Boards and Committees.** The application forms for the new term were distributed to board members.

## **10. Plan, Policy review and By-law review**

### **a. Review Policy**

- i. Policy Development Policy, Facilities Use and Patron Code of Conduct Policies.**

#### **Motion #2018-39**

**Moved by:** Roger Oblin

**Seconded by:** Brenda Morissette

Be it resolved that the Temiskaming Shores Public Library Board accepts the library's policies: Policy Development Policy, Facilities Use and Patron Code of Conduct as amended by the Board.

**Carried.**

**11. Adjournment**

Adjournment by Danny Whalen at 8:00 p.m.

---

Chair – Donald Bisson

# TEMISKAMING MUNICIPAL ASSOCIATION

## REGULAR MEETING

**OCTOBER 4<sup>th</sup>, 2018**

[illegible]

**October 4<sup>th</sup>, 2018**

**Meeting opened at 6:30 pm.**

Moved by: Cheryl Drummond

Seconded by: from McGarry

That the minutes of the Regular Meeting of March 22<sup>nd</sup>, 2018 be approved.

Carried

**Integrity Commissioner / By-law official**

- Will send it back to Executive Committee.

**CORRESPONDENCE:**

- |                             |                    |
|-----------------------------|--------------------|
| - FONOM                     | - AMO              |
| - Latchford Motion          | - August Bank Rec. |
| - Evanturel Township Motion |                    |

**DISCUSSIONS:**

**George Lefebvre:**

- Talked about motion re road closure due to accidents on Highway 11 preventing people from attending needed medical appointments in North Bay and Sudbury.
- Why can the work not be done at night?
- Why can you not leave one lane opened if the circumstance allows it?
- There is a need to work more closely with those making the decision to close the highway. Municipalities must be notified and should be part of the decision-making process.
- What is the cause of most of these accidents? Lack of adequate training?
- OPP must enforce the speed limits and cell phone usage on a more regular basis.
- Who owns the liability if something happens to an individual scheduled to be at a doctor's appointment or surgery but is not able to attend on time because he/she is stuck on the road because of road closure.
- Committee is still working on 2 + 1 highway. Would like to do a 20 kilometres stretch on a trial basis.
- Should have committee bring TMA up to date on their progress at the next meeting and we should invite MTO and OPP to attend the meeting for their comment.

Motion was presented to TMA to support the Latchford motion but same was tabled and an accurate motion will be prepared and presented to TMA at the November meeting.

**George Lefebvre:**

- Phase 2 to repair Latchford Bridge is scheduled to begin July 2019.
- Eric Boutilier of All Aboard Northern Ontario sent progress letter which will be forwarded to all TMA members.

**October 4<sup>th</sup>, 2018**

**Tina Sartoretto reported on Green Mining Conference:**

- Green Mining Conference was hosted in Cobalt.
- Seventeen (17) speakers from Mining, MNR, Atomic Energy.... On how to do mining more responsibly.
- Attended by environmentalists, geologists....
- It was a very good event and economically successful.
- There is a definite need to do more of these type of events highlighting our resources.

**Township of Evanturel re ONR Level Road Crossings:**

- Barb Beachy presented letter from Township of Evanturel addressed to Ontario Northland Railway disputing the charges from ONR for upgrades at various level crossings within their township. Over the last few years ONR rendered several invoices to the Township for some of these upgrades.
- Is the same situation happening in other municipalities? Yes for the Village of Thornloe, Temiskaming Shores and the Township Of Armstrong.
- Send an email to all municipalities asking if this is happening to municipalities where ONR has railroad crossings. Would like a summary for the years 2015/2016/2017 of these charges and the amount of taxes recuperated from ONR during those same three years.
- Will invite John Corley, ONR, to the November meeting.

**Earl Read re light at corner of Highway 11 and Highway 562:**

- This matter was brought to the table at the September Police Committee meeting and the OPP offices attending the meeting was in full agreement that a light was needed and he would bring it up to his seniors.
- The matter is still on the radar at FONOM.
- 

**OTHER BUSINESS:**

**Bank Reconciliation:**

March to August 2018

Moved by: Cheryl Drummond

Seconded by: Kim Gauthier

That the meeting of October 4<sup>th</sup>, 2018 be adjourned at 7:40 pm.

Carried

***Executive meeting on \_\_\_\_\_ at 6:30.***

***TMA meeting on November 29<sup>th</sup>, 2018 at 6:30 pm at the Earlton Recreation Centre.***

**EARLTON-TIMISKAMING REGIONAL  
AIRPORT AUTHORITY (ETRAA)  
MINUTES**

Thursday, September 20, 2018  
Corporation of the Township of Armstrong  
Council Chambers  
Earlton, Ontario

**Attendance:** Barbara Beachey, Kevin Leveille, Doug Metson, Earl Read, Carman Kidd,  
Bryan McNair, Morgan Carson, Kerry Stewart, Sheila Randell  
(Suzanne Boucher taking notes for Marc Robillard)

**Regrets :** Marc Robillard, Pauline Archambault, Debbie Veerman, Harold Cameron

**Absent:** Ken Laffrenier

**1. Welcome - Meeting called to order**

Moved by: Doug Metson

Seconded by: Kerry Stewart

BE IT RESOLVED THAT "the meeting of September 20, 2018 be called  
to order at 6:30 p.m. "

Carried

**2. Approval of Agenda**

Moved by: Kerry Stewart

Seconded by: Doug Metson

BE IT RESOLVED THAT "the Agenda be approved as presented."

Carried

**3. Approval of Minutes of Last Meeting**

Moved by : Doug Metson

Seconded by : Kerry Stewart

BE IT RESOLVED THAT "the Minutes of the Meeting held July 19, 2018,  
be adopted as presented."

Carried

**4. Business Arising from Minutes**

None

Carried

**5. Committee Reports**

(a) Financial Report:

Moved by: Kerry Stewart

Seconded by: Doug Metson

BE IT RESOLVED THAT "the report of the Finance Committee for the month  
of August 2018 be adopted as presented and be attached hereto, forming part of  
these Minutes."

Carried

Kevin Leveille advised that our GIC has been locked in at 1.5% for 18 months, bank charges have been dropped to \$3.00 per month (for not for profit organization), and that he is still checking on Credit Card Fees.

Sheila has been dealing with the HST people, and they had previously advised that municipal contributions would have to be taxed. However, upon further investigation, Canada Revenue has deemed the Airport a "para-municipal organization" and the levies are not taxable. But this also means that ITC's are not going to be 100% refundable. Sheila is still in communication with Canada Revenue, and working on getting this sorted out.

(b) Property & Maintenance  
No Report

(c) Human Resources  
No Report

**6. Correspondence**

Moved by: Barbara Beachey

Seconded by: Earl Read

BE IT RESOLVED THAT "the Correspondence for August 2018 be filed".

Carried

**7. Manager's Report**

Moved by : Earl Read

Seconded by : Barbara Beachey

BE IT RESOLVED THAT "the Manager's Report for the month of August 2018 be adopted as presented, and attached hereto forming part of these Minutes."

Carried

**8. Chairman's Remarks/Report**

- Carman advised that he has made arrangements with the Nine Mile Co-Op to spray the runway to kill the grass;
- regarding crack scaling - options are still being investigated, therefore have gotten an extension from NOHFC to next May or June;
- still waiting for a couple of permits regarding T-hangars - a chart of projection was handed out, with a final inspection and close off date being first part of December 2018.

Moved by : Doug Metson

Seconded by: Bryan McNair

BE IT RESOLVED THAT "the Chairman's Remarks/Report be adopted as presented."

Carried

**9. Any New Business**

- Grant Propane sent a new contract for propane deliveries.

Moved by : Doug Metson

Seconded by : Bryan McNair

BE IT RESOLVED THAT "the ETRAA accept the contract for propane @ 66.9 cents per litre from Grant Propane effective Sept. 1, 2018 to August 31, 2019."

Carried



- Harold obtained quotes, as requested, from various suppliers for a new generator for the Airport.

Moved by : Barbara Beachey

Seconded by : Kevin Leveille

BE IT RESOLVED THAT "the ETRAA purchase a generator from Val's Equipment Services at a cost of \$47,505 plus tax (includes installation)."

Carried

- Harold obtained quotes, as requested, for CCR (Constant Current Regulators)

Moved by : Doug Metson

Seconded by : Earl Read

BE IT RESOLVED THAT "the ETRAA agrees to order 5 units through ADB, as per quote, up to a maximum of \$40,000."

Carman to check on kw needed.

Carried

- TRACC representatives were present (including Peggy Harrison and Claude Daviau), and handed in an Expense sheet for 2018, with invoices attached, which they are seeking compensation for, because the drag races had to be cancelled. Kevin to email copies of these expenses to all Board members to take to their councils for consideration.

A very heated discussion followed, with Claude Daviau wanting answers and making accusations. He claims that Al Winters from MNR called him the week before the drag races were to be held, and said that he was "sorry", and that if he had known that this would have affected the drag races, that the MNR would not have set up at the airport. Carman said the MNR was informed of the drag races before they set up, and at that time, the MNR did not think it would be an issue.

Claude would not back down, and most board members got very upset. Claude was asked to leave a couple of times, but would not. A couple of other representatives stepped in and gave their thoughts and concerns on the drag races and then they all departed.

**12. Closed Session**

None

**13. Adjournment**

Moved by : Bryan McNair

Seconded by : Doug Metson

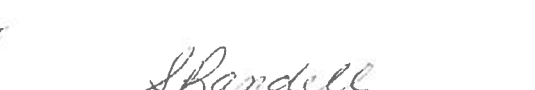
BE IT RESOLVED THAT "this meeting be adjourned at 7:58 p.m."

Next full board meeting will be November 15, 2018

Carried



Chair



Secretary

# EARLTON-TIMISKAMING REGIONAL AIRPORT OCTOBER 2018

<u>REVENUE</u>	<u>ACTUAL</u>	<u>YTD</u>
Fuel	\$6,224	\$883,240
Operations	\$5,163	\$627,005
	<hr/>	<hr/>
	\$11,387	\$1,510,245

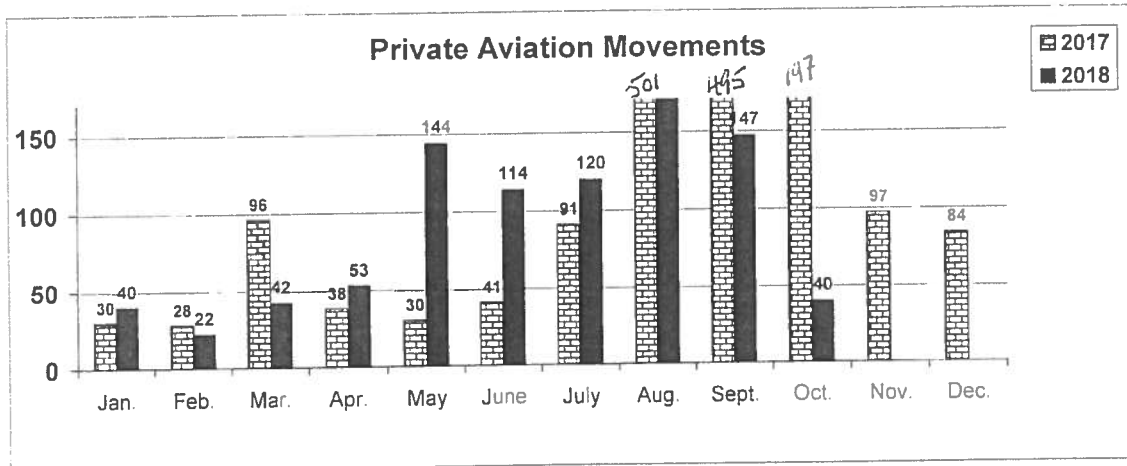
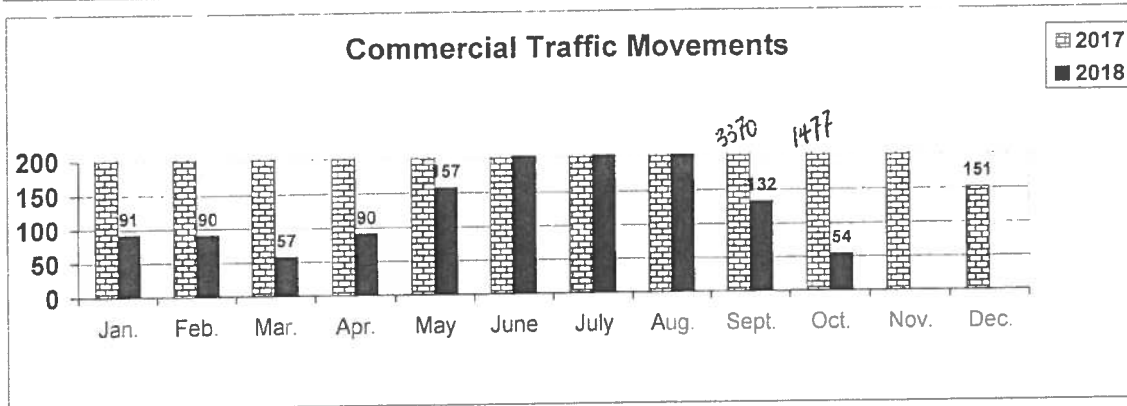
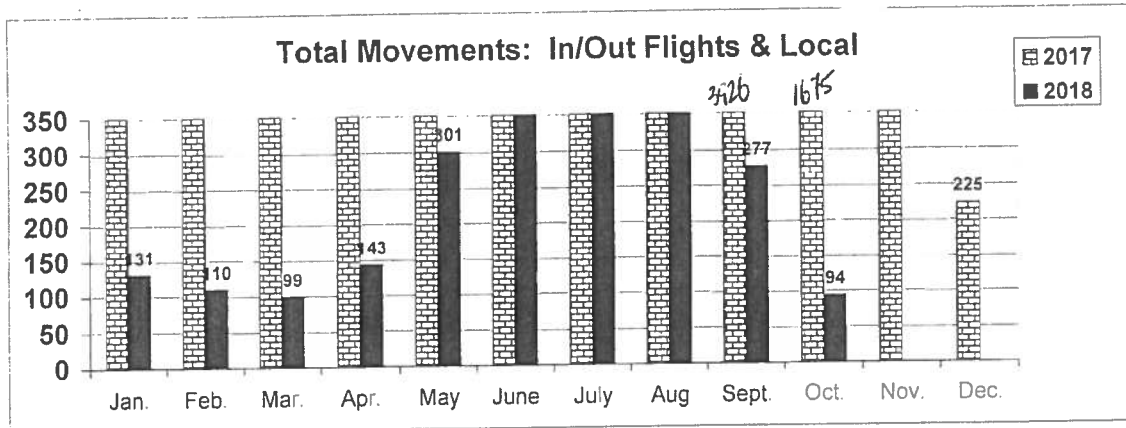
<u>EXPENSES</u>		
Fuel	\$0	\$746,288
Operations	\$27,189	\$212,297
Capital Expenses		\$112,404
	<hr/>	<hr/>
	\$27,189	\$1,070,989

<u>NET PROFIT/LOSS</u>		
Fuel	\$6,224	\$136,952
Operations	-\$22,026	\$414,708
Capital Expenses		\$112,404
	<hr/>	<hr/>
	-\$15,802	

<u>FUEL INVENTORY - JET A1</u>	\$	19,222
<u>FUEL INVENTORY - AVGAS</u>	\$	5,530
<u>FUEL INVENTORY - DIESEL</u>	\$	2,320

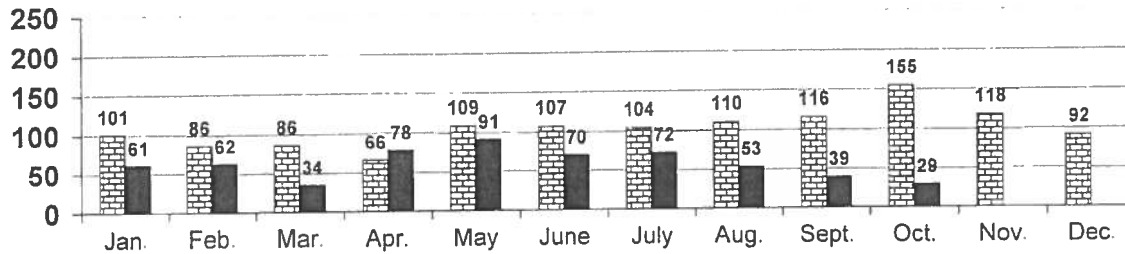
# ANNUAL AIRCRAFT MOVEMENTS

AS OF OCTOBER 31, 2018



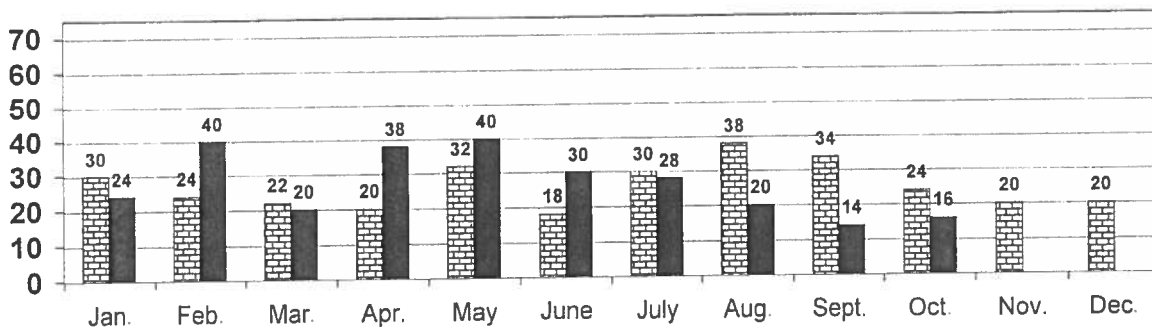
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2017  
2018



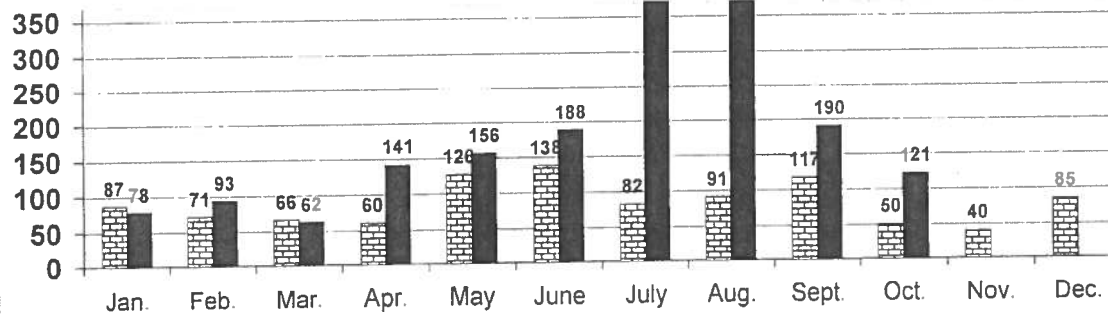
### Air Ambulance Movements

2017  
2018



### # Pgrs. via Air Charter

2017  
2018



## **MANAGER'S REPORT OCTOBER 2018**

### **Cardlock:**

Our cardlock aircraft fuelling system is up and running at our Airport. We could consider a two tiered pricing system to attract after hours and weekend users. Our selling price right now for Avgas is \$2.04 with taxes included, and that's full service. We could go \$2.00 even on the Avgas to encourage the self-serve option. Our profit margin would move from 23 cents to 20 cents. This would only be done on the Avgas because most our Jet A1 customers are commercial operators, and generally speaking do not fuel themselves. We would be trying to get more privately owned, general aviation airplanes in here to boost sales in an otherwise very slow time of year.

### **Manuals:**

It has taken a very long time, but perseverance has paid off. The following manuals are all now complete, and approved:

- Airport Operations Manual
- Airport Safety Management Manual
- Airport Emergency Response Plan
- Apron Management and Safety Plan
- Snow Operations Plan
- Wildlife Management Plan
- Airport Standard Operating Procedures
- Airport Fuel Emergency Response Plan

### **"T" Hangar:**

There has been a lot of work being done on the site of our new "T" hangar project. We are at the mercy of the weather as to whether or not the concrete will get poured this year. Everything is ready for the pour, and once that's done, the build will go forward on schedule. We are hopeful that all goes well, because we do have airplanes planning on using it this winter.

Harold Cameron  
Earlton-Timiskaming Regional Airport

**Community Contribution Summary**  
**2018 Sharing Contribution**  
**Per Capita Contribution - \$9.33**

<u>Community</u>	<u>Population</u>	<u>Contribution</u>	<u>Paid</u>
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<b>Total Contributions</b>	<b>16384</b>	<b>\$152,863</b>	<b>\$150,087.50</b>

**Donation**

Kerns	358	\$3,340	
<b>Total Contributions</b>		<b>\$156,203</b>	<b>\$150,088</b>

As of November 8, 2018

# TEMISKAMING MUNICIPAL ASSOCIATION

## REGULAR MEETING

NOVEMBER 29<sup>th</sup>, 2018

	MEMBER	MEMBER
Armstrong	Jean Marc Boileau	
Brethour	Tom Goddard	
Casey	Jacques Fortin	Guy Labonté
Chamberlain	Kerry Steward	
Charlton/Dack	Jim Huff	
Cobalt		
Coleman	Lois Perry	
Englehart	Doug Metson	
Evanturel	Barb Beachy	
Harley	Clifford Fielder	
Harris	Al Licop	Ron Sutton
Hilliard	Carolyn Gilbert	
Hudson	Larry Craig	
James		
Kerns		
Kirkland Lake		
Larder Lake		
Latchford	George Lefebvre	
Matachewan		
McGarry		
Temagami		
Tem. Shores	Carman Kidd	
Thornloe	Jason Kramp	Earl Read
The Speaker	Diane Johnston	
GEMS (2 and 1 Hwy)	Marc Wilson	
Tem. Shores	Chris Oslund	
e4m Solutions	Peggy Young-Lovelace	

**November 29<sup>th</sup>, 2018**

**Meeting opened at 6:30 pm.**

Moved by: Kerry Stewart

Seconded by: Doug Metson

That the minutes of the Regular Meeting of October 4<sup>th</sup>, 2018 be approved.

Carried

**DELEGATIONS:**

- 2 plus 1 Highway / Helene Culhane
- Integrity Commissioner / Peggy Lovelace

**Mark Wilson:**

- Committee is made up of 12 to 15 individuals.
- Visited Sweden last summer and discussed with different people to determine how the system was working for them.
- The people in Sweden designed a road system where if people failed the road would not fail.
- Sweden is approximately the size of Ontario and currently has 3,000 kilometres of 2 + 1 road.
- People objected to the design when it was implemented but acceptance came easily.
- The initial pilot project in Sweden was 40 kilometres and the initial pilot project in Ireland was 48 kilometres.
- 40% of Sweden's highways are also fenced to hold back wildlife.
- Slow moving vehicles are not an issue and when necessary the road was made a little larger to accommodate tractors, farm equipment....
- Snow removal is not an issue.
- 2 in 1 highways perform as well as four lane highways.
- WSP is preparing a report for Ministry of Transport to review shortly.
- A motion asking that the pilot project be accepted and implemented on Highway 11 will be prepared by Temiskaming Shores and sent to all municipalities asking for support and results will be discussed with the appropriate Minister at the ROMA conference.
- Road deaths per 100,000 in Ontario:

Ontario	4
Northern Ontario	8

**Peggy Young-Lovelace:**

- Explained the role and importance of Integrity Commissioner.
- The message is not very encouraging and leaves people asking themselves why they decided to become involved in municipal politics.



**November 29<sup>th</sup>, 2018**

- Lois Perry will resend the package submitted by **e4m solutions** immediately for all municipalities to review.
- Each municipality should contact their insurance providers to obtain details on the type of coverage available in case of a conflict of interest situation.
- If e4m solutions is hired as Integrity Commissioner there will be no retainer fees. You pay only if you use their expertise. The current rate is \$125 per hour.
- Training on the Code of Conduct policy, the Council/Staff relationship policy and the Integrity Commissioner will be arranged for a Saturday in late January or early February, 2019. Training will be for councillors and staff.

Moved by:

Seconded by:

Whereas many motor vehicle accidents happen in poor weather conditions, poor light conditions due to less than full moon situations, wet roads that make them dark, snow covered roads, and rainy or snowing conditions.

Whereas loss of motor vehicle control is often a contributing factor to motor vehicle accidents.

Whereas not being able to continually observe the yellow lines separating traffic, the white broke line separating lanes going in the same direction as well as the solid white line on the right-hand side of the pavement adjacent to the shoulder of the roadway is a contribution factor, to loosing vehicle control, when they realize they are out of their designated lane and may overcorrect their error.

Whereas the current pavement paint markings are not adequate to only be applied once per year as their visibility is less than adequate by time the winter comes and or when spring arrives.

Whereas the road maintenance season is often not completed before the winter season leaving the the road line identification not even in place.

Back ground information: We have had a few snow falls already this season and the Kings' Trans Canada Highway # 11 between Hwy 655 at Driftwood, ON east to the Frederick House River past Hwy's 668 and 636 is still under construction and the road line identification hasn't been painted as of 26 Nov 2018

Whereas many vehicles passing through our area have out of province drivers and may not be familiar with our unclear road lane identification.

Therefore, be it resolved: that the TMA lobby the Ontario Ministry of Transportation, our Member of provincial parliament, who in turn should also communicate with other Provincial Provinces and the federal government to try and improve the less than

**November 29<sup>th</sup>, 2018**

adequate road line identification situations we tolerate, even though we are sure the situations are contribution factors to, far too many, motor vehicle accidents.

**The preceding motion was not addressed by the group.**

**CORRESPONDENCE:**

- Thornloe Motion

- October Bank Rec.

Moved by:

Seconded by:

That the Temiskaming Municipal Association is again in full support of Motion No. 2018-121 from the Village of Thornloe requesting that the Ministry of Transport installs a street light at the intersection of Highway 11 and Highway 562.

This motion was sent to Township of Armstrong, Harley and Hilliard asking for their support. A package will be prepared and submitted by members of the Township of Harley at ROMA to the Minister.

**DISCUSSIONS:**

**George Lefebvre:**

- Was expecting an update from Eric Boutilier of All Aboard Northern Ontario but it did not arrive in time for the meeting. Will discuss at meeting on January 31, 2019.

**OTHER BUSINESS:**

Moved by:

Seconded by:

That the meeting of November 29<sup>th</sup>, 2018 be adjourned at \_\_\_\_\_ pm.

*Executive meeting on \_\_\_\_\_ at 6:30.*

*TMA meeting on January 31<sup>st</sup>, 2019 at 6:30 pm at the Earlton Recreation Centre.*

## **1.0 CALL TO ORDER**

The meeting was called to order at 6:32 p.m.

## **2.0 ROLL CALL**

PRESENT:	Mayor Carman Kidd; Councillor Mike McArthur; Councillor Jesse Foley; Chris Oslund, City Manager; Tammie Caldwell, Director of Recreation; Jeff Thompson, Superintendent of Community Programs; Paul Allair, Superintendent of Parks and Facilities; ;
REGRETS:	

## **3.0 REVIEW OF REVISIONS OR DELETIONS TO AGENDA**

There were no revisions or deletions to the Agenda.

## **4.0 APPROVAL OF AGENDA**

### **Recommendation RS-2018-035**

**Moved by:** Carman Kidd

**Seconded by:** Jesse Foley

Be it recommended that the Recreation Services Committee Agenda for the November 20, 2018 Special Budget meeting be approved as printed.

**CARRIED**

## **5.0 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE**

There was no disclosure of pecuniary interest.

## **6.0 REVIEW AND ADOPTION OF PREVIOUS MINUTES**

Minutes of the Recreation Services Committee for September will be reviewed at the February 11<sup>th</sup> meeting.

## **7.0 DELEGATIONS / PUBLIC PRESENTATIONS**

- None

## **8.0 UNFINISHED BUSINESS**

- None

## **9.0 NEW BUSINESS**

### **i. 2019 Operating Budget Highlights**

The Director presented a summary of the subsidization levels of the Recreation Cost Centres and provided the following recommendations for the 2019 Operating Budget:

#### **a) Proposed Fee/Rate Changes for the next three years**

- Ice/Hall/Ball and Soccer Fields/Marinas/Pool Rental Rates increase between 2% and 5% each year depending on the facility
- Non-Resident Arena User Fees increase to \$125.00 per person, maximum \$250.00 per family
- Introduce a Non-Resident User Fee for Seasonal Marina Slips at \$200.00 per boat owner

#### **b) Haileybury Arena**

- Analysis of Rentals at the Haileybury Arena in September of 2018 demonstrated not even 50% of available ice time was rented – staff will discuss at the Arena User Meeting the requirement to utilize the ice or shorten the season to begin in October.

#### **c) Dymond Rink**

- Cost for supervision of the Dymond rink is approximately \$14,500 for 8 to 10 weeks. Supervision to be re-scheduled to Friday evening, Saturday and Sunday with timers on the lights to allow it to be available and open for use Monday to Thursday. Washrooms and change rooms will not be available during this time and staff will maintain ice during the day shifts.

#### **d) Outdoor Rink Riding Ring**

- Staff has been working with the NL Agricultural Society to develop and land use agreement for the Riding Rink to put in an unsupervised outdoor rink in the Riding Ring. NL Arena staff will flood the ice with the arena ice-resurfacer.

e) Special Event Analysis

- For information purposes, a summary of staff hours dedicated to special events over the year was presented equalling 197 hours, equal to the reallocation of 2 employees for 2 ½ weeks reducing staff capacity for core services and total overtime cost of approximately \$3,000

f) Bucke Park

- The park is operating at a deficit of approximately \$13,000 in 2018 and projected same for 2019. The Committee discussed the option of divesting the park at the end of the 2019 season to ensure seasonal campers are notified well in advance. There are individuals interested in taking over the Park. Discussions on the maintenance of the Devil's Rock Trail are required.
- The Committee proposed that funding be allocated in the 2019 operating budget to develop the Devil's Rock Trail much like the Pete's Dam Trail.

**Recommendation RS-2018-036**

**Moved by:** Carman Kidd

**Seconded by:** Jesse Foley

Be it recommended that the Recreation Services Committee approves the divesting of Bucke Park operations for the year 2020 and that staff include \$10,000 for trail development in the 2019 operating budget, and that staff prepare an Administrative Report to Council.

**CARRIED**

g) Operating Projects

- The operating were presented and the Committee advised that the NL Arena Ice Surface re-lamping be included in the Building Mtce Budget and that LED lights be installed.

h) Age Friendly Coordinator Business Case

- The Director presented a Business Case for the development of a full time position to continue the work of the Age Friendly and Healthy Kids Community Challenge initiatives.

**Recommendation RS-2018-037**

**Moved by:** Carman Kidd

**Seconded by:** Mike McArthur

Be it recommended that the Recreation Services Committee approves the Business Case for the Age Friendly Coordinator and that the Business Case be presented to the Corporate Services Committee and Council

**CARRIED**

ii) 2019 Capital Budget

Staff presented the proposed 2019 capital projects with a total cost of \$350,000.

**10.0 SCHEDULE OF MEETINGS**

The next scheduled meeting of the Committee for the next term of Council will be February 11<sup>th</sup>, 2019 followed by:

**11.0 CLOSED SESSION**

- None

**12.0 ADJOURNMENT**

**Recommendation RS-2018-038**

**Moved by:** Mike McArthur

Be it resolved that the Recreation Services Committee Special Budget meeting be adjourned at 1:30 p.m.

**CARRIED**

\_\_\_\_\_  
Committee Chair

\_\_\_\_\_  
Recorder

# **Memo**

**To:** Mayor and Council  
**From:** Douglas Walsh, Director – Public Works  
**Date:** December 18, 2018  
**Subject:** Musculoskeletal Disorders Policy & Program  
**Attachments:** **Appendix 01** – Municipalities Initiative letter, (MOL dated April 6, 2018)  
**Appendix 02** – T Shores PW Dept MSD Policy (Draft 2 dated July 23, 2018)  
**Appendix 03** – T Shores PW Dept MSD Prevention Prgm (Draft 1 - Oct 11/18)

---

Mayor and Council:

On April 6, 2018 the City of Temiskaming Shores was advised by letter (Appendix 01) that the Ministry of Labour (MOL) and its health and safety partner, Public Services Health and Safety Association (PSHSA), were beginning a two-year initiative focusing on ergonomics in Municipalities, with a sub-focus on Public Works Departments. The initiative is to be part of the integrated occupational health and safety strategy for Ontario.

During the first year of the initiative (May 2018 - March 2019), our municipality was to be encouraged to work with a consultant from PSHSA, our designated health and safety association. The PSHSA consultant was to assist the City (Department) with preparing for a Ministry of Labour Ergonomist inspection and work with us to assess our health and safety management system with respect to ergonomics.

During the second year of the initiative (April 2019 - March 2020), a Ministry of Labour Ergonomist may conduct a proactive visit(s) to our workplace to conduct a health and safety inspection(s).

Having attended MOL sponsored webinars on May 10<sup>th</sup> and 28<sup>th</sup>, 2018, to assist in understanding this initiative and preparing for a Ministry of Labour inspection, City staff learning that the PSHSA did not have a consultant readily available to assist in the preparation for the initiative and began research into policy and program development.

Various policies and programs were reviewed and as a result Appendices 02 and 03 were prepared internally and reviewed as noted.

In order to prepare for the second phase of the initiative, April 2019 – March 2020, staff is seeking approval of Appendix 02 – MSD Prevention Program and Procedures and Appendix 03 – MSD Prevention Program Process in order to proceed with finalizing the City's work and initiating the awareness and assessment portions of the Program.

Prepared by: \_\_\_\_\_ Reviewed and submitted for  
Council's consideration by: \_\_\_\_\_

"Original signed by"

"Original signed by"

\_\_\_\_\_  
G. Douglas Walsh  
Director of Public Works

\_\_\_\_\_  
Shelly Zubyc  
City Manager (A)

**Ministry of Labour**

Director's Office

Occupational Health and Safety Branch

505 University Avenue  
19<sup>th</sup> Floor  
Toronto ON M7A 1T7  
Tel.: 416 326-7798  
Fax: 416 326-7242

**Ministère du Travail**

Bureau du Directeur

Direction de la santé et de la sécurité  
au travail

505, avenue Université  
19<sup>e</sup> étage  
Toronto ON M7A 1T7  
Tél. : 416 326-7798  
Téléc. : 416 326-7242



April 6, 2018

Dear Stakeholder,

The Ministry of Labour and its health and safety partner, Public Services Health and Safety Association (PSHSA), are beginning a two year initiative focusing on ergonomics in Municipalities, with a sub-focus on the public works department. The initiative is part of the integrated occupational health and safety strategy for Ontario. Detailed information on the initiative will be provided by a webinar.

In the first year of the initiative (May 2018 - March 2019), your municipality is encouraged to work with a consultant from PSHSA, your designated health and safety association. The PSHSA consultant will assist you with preparing for a Ministry of Labour Ergonomist inspection and will work with you to assess your health and safety management system with respect to ergonomics.

During the second year of the initiative (April 2019 - March 2020), a Ministry of Labour Ergonomist may conduct a proactive visit(s) to your workplace to conduct a health and safety inspection(s).

You are being invited to attend a webinar to assist you in understanding this initiative and preparing for a Ministry of Labour inspection. The information session will provide you some insight into what can be expected from this initiative. This session will also provide you with an opportunity to have a discussion about this initiative and MOL Ergonomist inspections.

There are 2 webinars being held. To register, please select the appropriate link:

[May 10 from 11:00 am – 12:00 pm](#)

[May 28 from 11:00 am – 12:00 pm](#)


We would like to thank you for your dedication and commitment to continually improve the health and safety of Ontario municipalities. If you have questions about this initiative, please feel free to contact Brian McInnes, Provincial Ergonomist, at [Brian.McInnes@ontario.ca](mailto:Brian.McInnes@ontario.ca) or 416-326-1410.

Sincerely,

Leon Genesove  
Acting Director, Chief Physician  
Occupational Health and Safety Branch  
Ministry of Labour

cc: PSHSA contact at municipality (if available)  
PSHSA consultant for municipality



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### **Purpose:**

To create awareness of musculoskeletal disorders (MSDs) and the hazards associated with them, and to begin to address potential MSDs through recognition, assessment and control activities.

### **Scope:**

This policy applies to day-to-day activities of all management and staff.

### **Commitment Statement**

The City of Temiskaming Shores (the City) is committed to providing a safe and healthy working environment for all staff and clients. The City recognizes the significant hazards related to musculoskeletal disorder (MSD) risk factors in the workplace and the responsibility to take every precaution reasonable in the circumstances to protect employees. Our organization will demonstrate its commitment by providing financial, physical and human resources for the development, implementation and maintenance of a sustainable MSD prevention program that will ensure MSD risk factors are recognized and effectively controlled.

The organization is committed to reviewing, evaluating and improving the program annually in consultation with the Joint Health and Safety Committee (JHSC) and stakeholders.


All workplace parties are required to comply with the outlined policy and procedures.

### **Goals**

- Increase MSD awareness
- Decrease the risk of workplace MSD
- Promote and support the health and safety of all clients and employees
- Provide equipment, resources and effective training and maintain records
- Recognize MSD prevention as a corporate priority strategy in reducing MSD injuries and associated injury costs; improving productivity, quality of work life, and quality of care and services

### **Objectives**

- Educate all management and employees regarding MSD hazards and prevention
- Promote and facilitate employee and management participation
- Recognize MSD hazards both proactively and reactively

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- Assess and prioritize MSD hazards
- Control MSD risks through application of engineering and administrative controls
- Evaluate the effectiveness of applied MSD controls
- Implement a continuous quality improvement process that includes employee and management participation

### **Definitions**

*Musculoskeletal disorder* – a condition that affects the musculoskeletal system, including muscles, tendons, ligaments, joints, blood vessels, nerves, joints, and spinal discs. These conditions are the result of chronic or sudden exposure to work activities that exceed the capacity of musculoskeletal structures.

*Hazard* – a source of potential damage, harm or adverse health effects on something or someone under certain conditions at work.

*Risk* – the chance or probability that a person will be harmed or experience an adverse health effect if exposed to a hazard. It may also apply to situations with risk of property and equipment loss.


### **Roles and Responsibilities of Workplace Parties**

#### ***Employer***

- Provide resources to develop, implement, maintain and continually improve the MSD prevention program
- Approve the policy and procedures, and annually review the program in consultation with the JHSC
- Provide employee related health and safety reports to JHSC
- Enforce the policy, procedures and program
- Provide resources for training and necessary equipment
- Ensure employees and management receive training and maintain records
  - Take every reasonable precaution in the circumstances for the protection of employees and clients

#### ***Supervisors***

- Participate in MSD hazard recognition, assessment, control and evaluation processes in the areas under their authority
- Enforce the program through regular monitoring strategies such as management workplace inspections, auditing of worker safe practices, performance management, etc.

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- Encourage employees to report hazards and MSD symptoms proactively and to report accidents and incidents to the supervisor immediately
- Respond promptly to employee reports
- Conduct MSD hazard, accident and incident investigations, and implement corrective actions
- Seek assistance and/or internal/external consultation when solutions and controls are not promptly identified
- Communicate solutions and controls to employees in a timely manner
- Provide employee-related health and safety reports to JHSC
- Ensure all new and existing staff receives MSD prevention training
- Maintain training records with employee signatures, scope and length of training and instructor name
- Encourage employee participation in hazard identification, equipment trials and brainstorming control solutions
- Purchase appropriate and adequate amount of equipment considering safety and reduction of MSD risk factors
- Maintain relevant equipment
- Ensure pre-use inspections of equipment are performed as required (e.g. inspect casters on carts for damage)
- Take every reasonable precaution in the circumstances for the protection of employees and clients

### **Employees**

- Participate in MSD hazard recognition, assessment, control and evaluation of effective controls as required
- Comply with policy and procedures at all times
- Attend MSD prevention training as established by the organization
- Use properly and maintain relevant equipment provided by the employer
- Report any MSD concerns, hazards, symptoms, incidents or accidents to the supervisor immediately
- Co-operate with MSD hazard, accident and incident investigations as required

### **Joint Health and Safety Committee**

- Review incident/accident data related to MSDs
- Inspect the workplace for MSD hazards as part of the monthly workplace inspection process
- Review MSD prevention program and training needs annually
- When necessary, make recommendations in writing to management

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### ***Ergonomic (ERGO) Team***

- Consists of a Health and Safety representative and an Ergonomic Specialist
- Participate in workplace inspections to identify MSD hazards.
- Identify MSD hazard priority areas and complete simple MSD hazard assessments. Develop recommendations for controls.
- Engage appropriate assistance to identify MSD hazards/controls when the root cause and/or solution to a hazard are not unanimously agreed upon.
- Meet and discuss MSD control recommendations with the area Supervisor/Manager.
- Arrange meetings with upper management to review unresolved items
- Collect assessment paperwork and provide to the department Supervisor/Manager to keep on file.

### **Procedures**

#### ***General***

- The MSD Prevention program will be reviewed annually with the JHSC.
- New equipment and/or tools will be assessed by the Ergonomic Team for proper ergonomic design principles prior to purchase/recommendations.
- An Ergonomic summary/review will be provided to all workers involved and completed prior to any changes to people, equipment, materials, environment, or process.

#### ***Reporting Discomfort/Pain/Injury***


- All workers will report to their supervisor if medical aid or lost time has occurred to complete an Accident / Incident Form. Otherwise MSD hazards and any incidence of MSD signs and symptoms can be reported through worker discomfort surveys (Form 1B) or to their supervisor.
- Managers and supervisors will ensure positive reinforcement of workers that report MSD hazards, signs and symptoms.

#### ***MSD Hazard Recognition***

The following processes will be utilized to identify MSD Hazards:

Recognize jobs with existing MSD issues by:

- Reviewing accident/incident investigation reports
- Reviewing discomfort surveys/reports of concerns

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Recognize jobs with potential MSD hazards by:

- Understanding the MSD hazards; posture, force, repetition, as well as other contributing factors
- MSD Prevention Checklist (Form 1A) – Completed by Supervisor
- Conducting a Worker Discomfort Survey (Form 1B) – Completed by Worker
- Optional: MSD Hazard identification tool (Form 2A) – Completed by Ergonomic Team
- Completing the In-Depth Risk Assessment Referral (Form 2C) – Completed by Ergonomic Team
- Observations during workplace inspections
- Talking to workers and follow up on worker reports
- Review worker suggestion box submissions/worker concerns

### **MSD Hazard Assessment**

A simple MSD Screening Assessment will be completed:

- MSD Prevention Checklist tasks identified by the Supervisor
- When an MSD injury and/or discomfort has been reported for a particular task
- For any task that has two or more MSD injuries

The MSD Hazard Identification Tool (Form 2A) may be used to assist the Ergonomic team to identify any risks.


At least one worker from the job/task being assessed will be recruited to assist and provide additional information for the MSD screening assessment.

The MSD Screening Assessment will include reviewing:

- A summary of reports of pain and discomfort
- A summary report about worker concerns
- Information related to MSD claims for the job/task
- Information and concerns related to absenteeism and productivity
- The Prevention Checklist (Form 1A)

The MSD Screening Assessment will include collecting input from the following:

- Other workers
- Workers who have experienced discomfort or injury on the job being assessed
- Supervisors
- Health and Safety Representative
- Ergonomic Specialist

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The people/person completing the MSD Screening Assessment will attempt to reach consensus on:

- If an MSD hazard exists and/or if further action is required.
- The type of MSD hazard(s) existing within the task.
- The root cause of the hazard (the team should consider the following contributing factors: people, equipment, materials, environment, and process) – Option to use Form 2B.

**When the people/person completing the MSD Screening assessment do(es) not reach a consensus on the hazards/root cause of the MSD hazard, or they do not fully understand the hazard, or the hazard is quite complex, an Ergonomic Specialist will complete an in-depth risk assessment comparing information to industry standards, or published guidelines (Form 2C).**

If it is agreed that the task exposes the worker to an increased risk of injury, and/or an in-depth risk assessment indicates that the MSD risk for workers is increased, then steps will be taken to select and implement controls for MSD hazards.

If there is no indication that the task has an increased risk of MSD, and there is no history of MSDs or reports of pain/discomfort for the task, then no further action may be required. However, the workplace will continue to monitor the task.

If the in-depth risk assessment indicates that the risk of MSD for a job is acceptable, but the job or task has a history of MSDs and/or reports of pain/discomfort, then the workplace will consider the following:

- Reviewing the risk assessment methods used to ensure that appropriate methods were used to identify and report MSDs
- Determine whether accommodations to address individual needs are necessary or possible
- If other factors not addressed during the risk assessment may be contributing to the development of MSDs.


In depth assessment reports will be provided to the Supervisor/Manager for follow up and record keeping.

### ***MSD Hazard Control***

If the results of the assessment indicate controls are necessary:

Recommendations regarding MSD hazard controls will be developed by the Ergonomic Team.



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The people/team developing the controls will:

- Ensure involvement of appropriate workers
- Review identified hazards and discuss priority hazards
- Brainstorm control options/ideas – Option to use Developing Solutions Worksheet (Form 3A)
- Review/investigate control options/ideas
- Select preferred control options

Recommendations regarding MSD hazard controls will be made as per the following priorities:

- Engineering changes, where feasible, will be the preferred method of control.
- If engineering controls are not feasible, administrative controls, work practices or personal protective equipment may be used.
- Temporary control measures may be used, until more permanent controls can be implemented.

A Summary Form (Form 3B) of the chosen MSD hazard controls will be reviewed and provided to the Supervisor/Manager for implementation and record keeping.

### ***Safe Job Task Design***


- The prevention of MSD shall be considered in the design or re-design of job tasks
- The supervisor will ensure that the job tasks have been evaluated for MSD risk factors and safety
- A physical demand description (PDD) may be required

### ***Building Design and Renovations***

- Managers coordinating renovations or re-design of the workplace will ensure ergonomic considerations are proactively integrated into the design to prevent MSD injuries
- Employees and end-users should be consulted in the design phase

### ***Equipment Design***

- Ergonomic considerations will be integrated into the modification, re-design or installation of equipment, machines and tools

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### ***Purchasing of Equipment and Devices***

- Purchasing services will consider ergonomic design and other safety features when purchasing equipment, machines, devices and tools
- Where appropriate, purchasing will consult vendors and suppliers and arrange equipment trials with supervisors and employee end-users
- Equipment will be evaluated based on pre-established criteria (e.g. meets required standards, maintenance requirements, ease of use, storage requirements, cost, vendor training, ergonomic and safety features, employee needs etc.)
- See corporate policy and procedures regarding the processes for approval to purchase minor equipment and capital budget requests

### ***Preventive Maintenance of Equipment***

- Environmental services will oversee the equipment preventive maintenance program
- All equipment will be maintained in safe operating condition
- Preventive maintenance programs will be carried out as recommended by the manufacturer
- Complete and accurate documentation of preventive maintenance will be maintained as per preventive maintenance policy and procedure (e.g. inventory and maintenance schedule)

### ***Follow-up/Evaluation***


The Supervisor will direct the implementation of MSD controls (Contact Ergonomic Team if assistance is required).

The Ergonomic Team and/or Supervisor will evaluate and report, using the Worker Feedback Survey (Form 4A), after any ergonomic changes are implemented to ensure the controls are having the desired effect. All reports are to be kept on file.

### ***Training***

- Mandatory orientation MSD training will be provided to all new employees
- Ongoing MSD training for existing employees will be provided with periodic refresher training
- Training matrix options include but are not limited to:
  - ✓ MSD hazard awareness including definitions, recognition of MSD risk factors, proper posture and body mechanics and injury prevention, etc.



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- ✓ Policies and procedures with emphasis on reporting work-related MSD-related symptoms, hazards, accident and incidents
- ✓ Department-specific MSD hazard prevention
- Records of training will be documented and maintained by the administration and/or supervisors
- Training records will include topic and scope of training, length of training, date, trainer, employee signature or computer-generated reporting record

### ***Program Evaluation and Quality Improvement***

- The MSD program will be evaluated annually in consultation with the JHSC.
- Qualitative and quantitative program indicators will be identified and evaluated (e.g. hazard/incident/accident data, MSD hazard inspections, MSD assessments, MSD training attendance, MSD program evaluations, employee surveys etc.)
- Recommendations for program enhancements will be presented to senior management for consideration
- Senior management will ensure implementation of approved program revisions
- Any changes to the program will be documented and communicated to workplace parties in a timely manner

Signed by: G. Douglas Walsh, CET

Title: Director Public Works

Date: \_\_\_\_\_

Reviewed in consultation with:  
PW Joint Health and Safety Committee  
Director of Corporate Services  
City Manager

# **City of Temiskaming Shores Musculoskeletal Disorders Prevention Program**

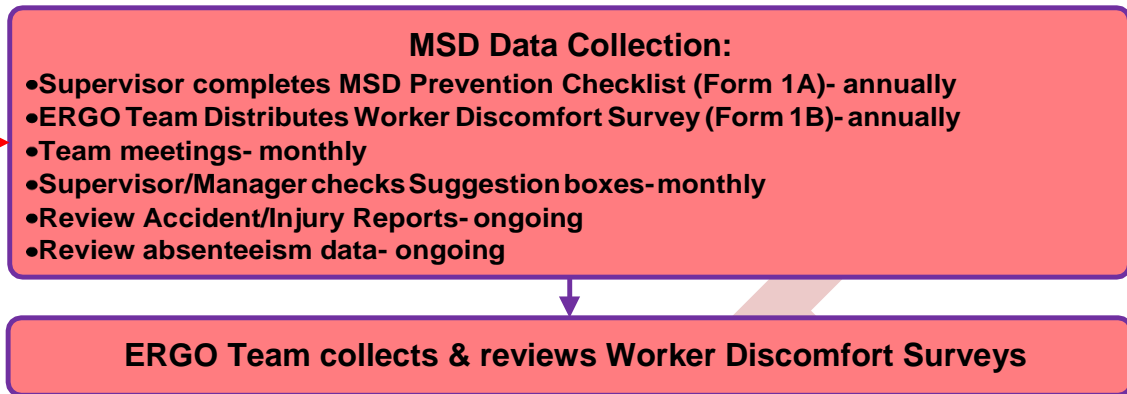
**October 2018**



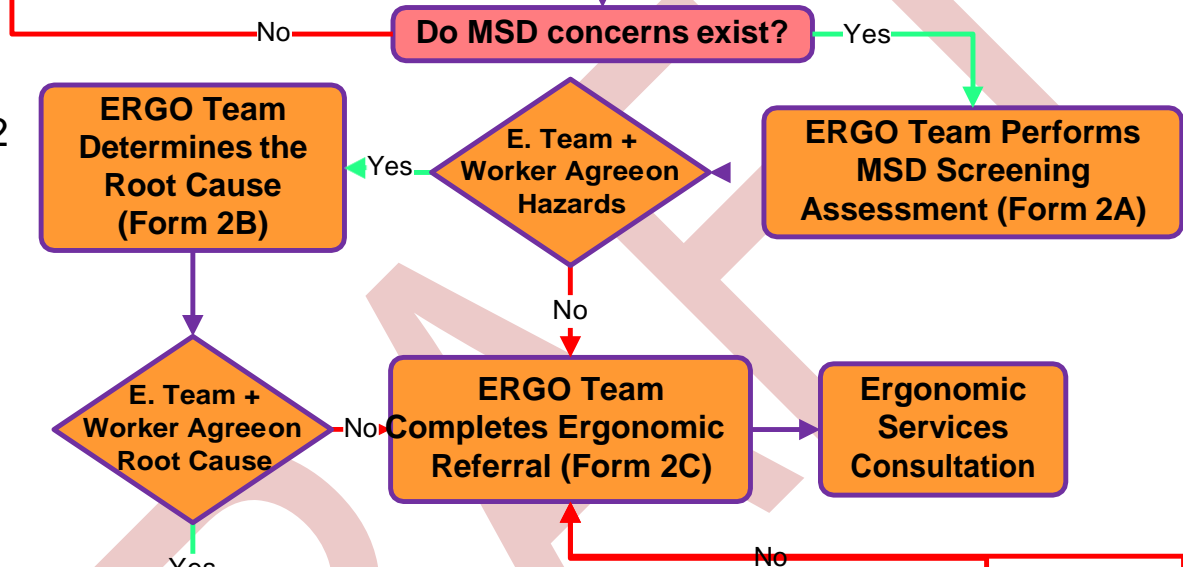
**MSD**  
MUSCULOSKELETAL DISORDERS

# MSD Prevention Process

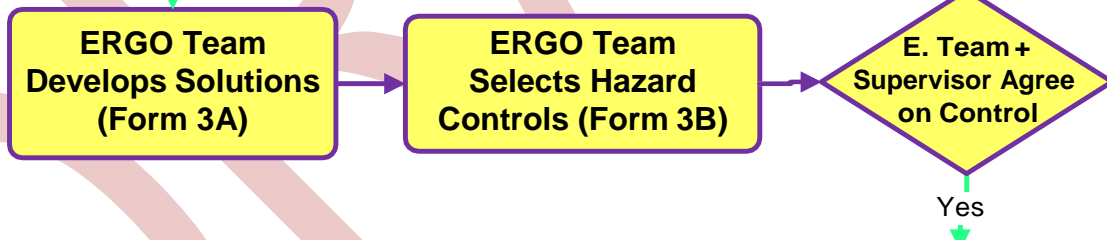
Step 1



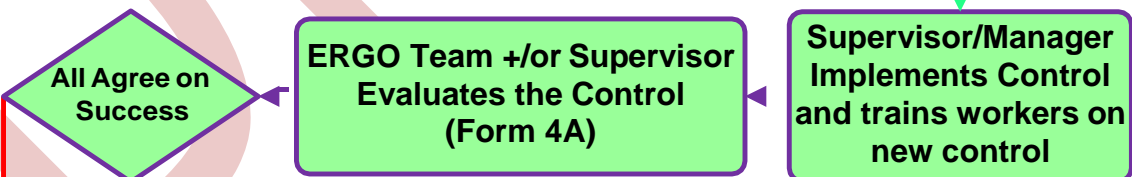
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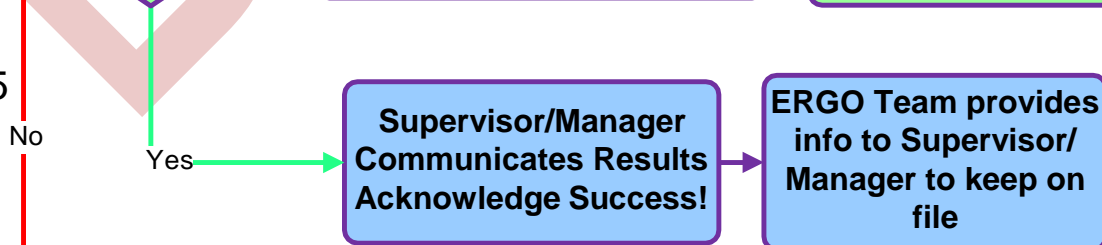
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Step 4



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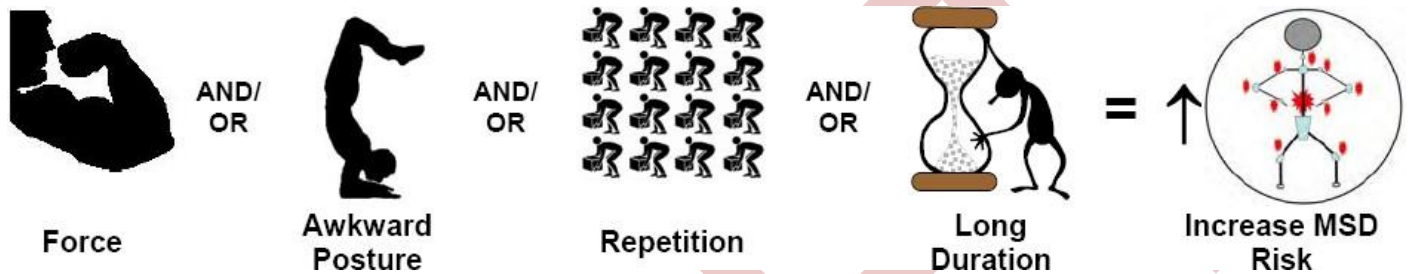


# What are MSDs?

Musculoskeletal Disorders (MSDs) are injuries and disorders that affect our musculoskeletal system (i.e. muscles, tendons, ligaments, nerves, discs, blood vessels, etc.).

## Why do MSDs Occur?

At a high enough level any one MSD hazard can cause an injury (for example: lifting a heavy box once even if the person is lifting properly). However the risk increases when more MSD hazards are present (example: lifting the heavy box repeatedly overhead).



## Signs and Symptoms of MSDs

Signs – Can be directly observed

- Redness
- Heat
- Swelling
- Reduced movement

Symptoms – Can be felt but not observed

- Pain
- Discomfort
- Weakness
- Tingling
- Numbness

## Stages of MSD Development

### Stage 1

- Aching and fatigue
- Symptoms go away with rest

### Stage 2

- Pain, aching and fatigue
- Symptoms present at work and home
- May interrupt sleep

### Stage 3

- Pain, aching, and fatigue, even at rest
- No longer working
- Sleep disturbance is common

\*Report Discomforts between Stage 1 & 2 -- Early Reporting Most Effective in Preventing Injuries

**Purpose:**

To create awareness of musculoskeletal disorders (MSDs) and the hazards associated with them, and to begin to address potential MSDs through recognition, assessment and control activities.

**Scope:**

This policy applies to day-to-day activities of all management and staff.

**Commitment Statement:**

The City of Temiskaming Shores (the City) is committed to providing a safe and healthy working environment for all staff and clients. The City recognizes the significant hazards related to musculoskeletal disorder (MSD) risk factors in the workplace and the responsibility to take every precaution reasonable in the circumstances to protect employees. Our organization will demonstrate its commitment by providing financial, physical and human resources for the development, implementation and maintenance of a sustainable MSD prevention program that will ensure MSD risk factors are recognized and effectively controlled.

The organization is committed to reviewing, evaluating and improving the program annually in consultation with the Joint Health and Safety Committee (JHSC) and stakeholders.

All workplace parties are required to comply with the outlined policy and procedures.

**Goals:**

- Increase MSD awareness
- Decrease the risk of workplace MSD
- Promote and support the health and safety of all clients and employees
- Provide equipment, resources and effective training and maintain records
- Recognize MSD prevention as a corporate priority strategy in reducing MSD injuries and associated injury costs; improving productivity, quality of work life, and quality of care and services

**Objectives:**

- Educate all management and employees regarding MSD hazards and prevention
- Promote and facilitate employee and management participation
- Recognize MSD hazards both proactively and reactively
- Assess and prioritize MSD hazards
- Control MSD risks through application of engineering and administrative controls
- Evaluate the effectiveness of applied MSD controls
- Implement a continuous quality improvement process that includes employee and management participation

**Definitions:**

Musculoskeletal disorder – a condition that affects the musculoskeletal system, including muscles, tendons, ligaments, joints, blood vessels, nerves, joints, and spinal discs. These conditions are the result of chronic or sudden exposure to work activities that exceed the capacity of musculoskeletal structures.

Hazard – a source of potential damage, harm or adverse health effects on something or someone under certain conditions at work.

Risk – the chance or probability that a person will be harmed or experience an adverse health effect if exposed to a hazard. It may also apply to situations with risk of property and equipment loss.

### **Roles and Responsibilities of Workplace Parties:**

#### **Employer**

- Provide resources to develop, implement, maintain and continually improve the MSD prevention program
- Approve the policy and procedures, and annually review the program in consultation with the JHSC
- Provide employee related health and safety reports to JHSC
- Enforce the policy, procedures and program
- Provide resources for training and necessary equipment
- Ensure employees and management receive training and maintain records
- Take every reasonable precaution in the circumstances for the protection of employees and clients

#### **Supervisors**

- Participate in MSD hazard recognition, assessment, control and evaluation processes in the areas under their authority
- Enforce the program through regular monitoring strategies such as management workplace inspections, auditing of worker safe practices, performance management, etc.
- Encourage employees to report hazards and MSD symptoms proactively and to report accidents and incidents to the supervisor immediately
- Respond promptly to employee reports
- Conduct MSD hazard, accident and incident investigations, and implement corrective actions
- Seek assistance and/or internal/external consultation when solutions and controls are not promptly identified
- Communicate solutions and controls to employees in a timely manner
- Provide employee-related health and safety reports to JHSC
- Ensure all new and existing staff receives MSD prevention training
- Maintain training records with employee signatures, scope and length of training and instructor name
- Encourage employee participation in hazard identification, equipment trials and brainstorming control solutions
- Purchase appropriate and adequate amount of equipment considering safety and reduction of MSD risk factors
- Maintain relevant equipment
- Ensure pre-use inspections of equipment are performed as required (e.g. inspect casters on carts for damage)
- Take every reasonable precaution in the circumstances for the protection of employees and clients

#### **Employees**

- Participate in MSD hazard recognition, assessment, control and evaluation of effective controls as required



- Comply with policy and procedures at all times
- Attend MSD prevention training as established by the organization
- Use properly and maintain relevant equipment provided by the employer
- Report any MSD concerns, hazards, symptoms, incidents or accidents to the supervisor immediately
- Co-operate with MSD hazard, accident and incident investigations as required

### **Joint Health and Safety Committee**

- Review incident/accident data related to MSDs
- Inspect the workplace for MSD hazards as part of the monthly workplace inspection process
- Review MSD prevention program and training needs annually
- When necessary, make recommendations in writing to management

### **Ergonomic (ERGO) Team**

- Consists of a Health and Safety representative and an Ergonomic Specialist
- Participate in workplace inspections to identify MSD hazards.
- Identify MSD hazard priority areas and complete simple MSD hazard assessments. Develop recommendations for controls.
- Engage appropriate assistance to identify MSD hazards/controls when the root cause and/or solution to a hazard are not unanimously agreed upon.
- Meet and discuss MSD control recommendations with the area Supervisor/Manager.
- Arrange meetings with upper management to review unresolved items
- Collect assessment paperwork and provide to the department Supervisor/Manager to keep on file.

### **Procedures**

#### **General**

- The MSD Prevention program will be reviewed annually with the JHSC.
- New equipment and/or tools will be assessed by the Ergonomic Team for proper ergonomic design principles prior to purchase/recommendations.
- An Ergonomic summary/review will be provided to all workers involved and completed prior to any changes to people, equipment, materials, environment, or process.

#### **Reporting Discomfort/Pain/Injury**

- All workers will report to their supervisor if medical aid or lost time has occurred to complete an Accident / Incident Form. Otherwise MSD hazards and any incidence of MSD signs and symptoms can be reported through worker discomfort surveys (Form 1B) or to their supervisor.
- Managers and supervisors will ensure positive reinforcement of workers that report MSD hazards, signs and symptoms.

### **MSD Hazard Recognition**

The following processes will be utilized to identify MSD Hazards:

Recognize jobs with existing MSD issues by:

- Reviewing accident/incident investigation reports
- Reviewing discomfort surveys/reports of concerns

Recognize jobs with potential MSD hazards by:

- Understanding the MSD hazards; posture, force, repetition, as well as other contributing factors
- MSD Prevention Checklist (Form 1A) – Completed by Supervisor
- Conducting a Worker Discomfort Survey (Form 1B) – Completed by Worker
- Optional: MSD Hazard identification tool (Form 2A) – Completed by Ergonomic Team
- Completing the In-Depth Risk Assessment Referral (Form 2C) – Completed by Ergonomic Team
- Observations during workplace inspections
- Talking to workers and follow up on worker reports
- Review worker suggestion box submissions/worker concerns

## **MSD Hazard Assessment**

A simple MSD Screening Assessment will be completed:

- MSD Prevention Checklist tasks identified by the Supervisor
- When an MSD injury and/or discomfort has been reported for a particular task
- For any task that has two or more MSD injuries

The MSD Hazard Identification Tool (Form 2A) may be used to assist the Ergonomic team to identify any risks.

At least one worker from the job/task being assessed will be recruited to assist and provide additional information for the MSD screening assessment.

The MSD Screening Assessment will include reviewing:

- A summary of reports of pain and discomfort
- A summary report about worker concerns
- Information related to MSD claims for the job/task
- Information and concerns related to absenteeism and productivity
- The Prevention Checklist (Form 1A)

The MSD Screening Assessment will include collecting input from the following:

- Other workers
- Workers who have experienced discomfort or injury on the job being assessed
- Supervisors
- Health and Safety Representative
- Ergonomic Specialist

The people/person completing the MSD Screening Assessment will attempt to reach consensus on:

- If an MSD hazard exists and/or if further action is required.
- The type of MSD hazard(s) existing within the task.
- The root cause of the hazard (the team should consider the following contributing factors: people, equipment, materials, environment, and process) – Option to use Form 2B.

When the people/person completing the MSD Screening assessment do(es) not reach a consensus on the hazards/root cause of the MSD hazard, or they do not fully understand the hazard, or the hazard is quite complex, an Ergonomic Specialist will complete an in-depth risk



assessment comparing information to industry standards, or published guidelines (Form 2C).

If it is agreed that the task exposes the worker to an increased risk of injury, and/or an in-depth risk assessment indicates that the MSD risk for workers is increased, then steps will be taken to select and implement controls for MSD hazards.

If there is no indication that the task has an increased risk of MSD, and there is no history of MSDs or reports of pain/discomfort for the task, then no further action may be required. However, the workplace will continue to monitor the task.

If the in-depth risk assessment indicates that the risk of MSD for a job is acceptable, but the job or task has a history of MSDs and/or reports of pain/discomfort, then the workplace will consider the following:

- Reviewing the risk assessment methods used to ensure that appropriate methods were used to identify and report MSDs
- Determine whether accommodations to address individual needs are necessary or possible
- If other factors not addressed during the risk assessment may be contributing to the development of MSDs.

In depth assessment reports will be provided to the Supervisor/Manager for follow up and record keeping.

### **MSD Hazard Control**

If the results of the assessment indicate controls are necessary:

Recommendations regarding MSD hazard controls will be developed by the Ergonomic Team.

The people/team developing the controls will:

- Ensure involvement of appropriate workers
- Review identified hazards and discuss priority hazards
- Brainstorm control options/ideas – Option to use Developing Solutions Worksheet (Form 3A)
- Review/investigate control options/ideas
- Select preferred control options

Recommendations regarding MSD hazard controls will be made as per the following priorities:

- Engineering changes, where feasible, will be the preferred method of control.
- If engineering controls are not feasible, administrative controls, work practices or personal protective equipment may be used.
- Temporary control measures may be used, until more permanent controls can be implemented.

A Summary Form (Form 3B) of the chosen MSD hazard controls will be reviewed and provided to the Supervisor/Manager for implementation and record keeping.

### **Safe Job Task Design**

- The prevention of MSD shall be considered in the design or re-design of job tasks
- The supervisor will ensure that the job tasks have been evaluated for MSD risk factors and safety

- A physical demand description (PDD) may be required

### **Building Design and Renovations**

- Managers coordinating renovations or re-design of the workplace will ensure ergonomic considerations are proactively integrated into the design to prevent MSD injuries
- Employees and end-users should be consulted in the design phase

### **Equipment Design**

- Ergonomic considerations will be integrated into the modification, re-design or installation of equipment, machines and tools

### **Purchasing of Equipment and Devices**

- Purchasing services will consider ergonomic design and other safety features when purchasing equipment, machines, devices and tools
- Where appropriate, purchasing will consult vendors and suppliers and arrange equipment trials with supervisors and employee end-users
- Equipment will be evaluated based on pre-established criteria (e.g. meets required standards, maintenance requirements, ease of use, storage requirements, cost, vendor training, ergonomic and safety features, employee needs etc.)
- See corporate policy and procedures regarding the processes for approval to purchase minor equipment and capital budget requests

### **Preventive Maintenance of Equipment**

- Fleet maintenance services will oversee the equipment preventive maintenance program
- All equipment will be maintained in safe operating condition
- Preventive maintenance programs will be carried out as recommended by the manufacturer
- Complete and accurate documentation of preventive maintenance will be maintained as per preventive maintenance policy and procedure (e.g. inventory and maintenance schedule)

### **Follow-up/Evaluation**

The Supervisor will direct the implementation of MSD controls (Contact Ergonomic Team if assistance is required).

The Ergonomic Team and/or Supervisor will evaluate and report, using the Worker Feedback Survey (Form 4A), after any ergonomic changes are implemented to ensure the controls are having the desired effect. All reports are to be kept on file.

### **Training**

- Mandatory orientation MSD training will be provided to all new employees
- Ongoing MSD training for existing employees will be provided with periodic refresher training

Training matrix options include but are not limited to:

- MSD hazard awareness including definitions, recognition of MSD risk factors, proper posture and body mechanics and injury prevention, etc.
- Policies and procedures with emphasis on reporting work-related MSD-related symptoms, hazards, accident and incidents
- Department-specific MSD hazard prevention
- Records of training will be documented and maintained by the administration and/or supervisors
- Training records will include topic and scope of training, length of training, date, trainer, employee signature or computer-generated reporting record

### **Program Evaluation and Quality Improvement**

- The MSD program will be evaluated annually in consultation with the JHSC.
- Qualitative and quantitative program indicators will be identified and evaluated (e.g. hazard/incident/accident data, MSD hazard inspections, MSD assessments, MSD training attendance, MSD program evaluations, employee surveys etc.)
- Recommendations for program enhancements will be presented to senior management for consideration
- Senior management will ensure implementation of approved program revisions
- Any changes to the program will be documented and communicated to workplace parties in a timely manner

Signed by: G. Douglas Walsh, CET

Title: Director Public Works

Date: \_\_\_\_\_

Reviewed in consultation with:  
PW Joint Health and Safety Committee  
Director of Corporate Services  
City Manager

# City of Temiskaming Shores - MSD Prevention Program

## MSD Prevention Checklist – Form 1A

Completed by Supervisor: \_\_\_\_\_ Area: \_\_\_\_\_ Date: \_\_\_\_\_

JOB:	How many workers assigned to this job?		
Do workers performing this job:	Yes	No	If yes, what task
<b>Force</b>			
Lift, lower or carry heavy objects			
Have difficulties pushing or pulling items/objects			
Do jobs that require difficult and forceful gripping with the hands			
Use tools that require a great deal of effort to hold, control or use			
Use the hands to pound or hammer things			
Do other high force jobs not covered above			
<b>Awkward Posture</b>			
Work with the hands above the shoulders or held far away from the body			
Do jobs with one or both arms behind the body			
Bend or twist the back/trunk			
Bend or twist the neck forward, back or to the side			
Hold the neck to one side (e.g. holding phone between ear and shoulder)			
Need to bend or twist the wrist			
Pick-up or hold things using difficult grips (pinch grips, wide finger grips)			
Need to use other awkward postures that are not covered above			
<b>Repetition</b>			
Have to lift, lower or carry objects repeatedly			
Repeatedly push or pull things when doing their job			
Repeatedly grip or manipulate things with the hands/fingers			
Repeatedly use awkward back or neck postures			
Repeatedly use poorly designed hand tools when doing their job			
Repeatedly use awkward postures that are not covered above			
Use hand tools that vibrate and/or are exposed to whole body vibration			
Have too little space/clearance at the workstation/work area			
Have to stay in awkward postures for a long time without a change			
Sit or stand for long periods of time without a change in posture			
The same task(s) is repeated every 30 seconds for 1 hour or more			

Please identify any areas to the Ergonomic Team where you feel the workers may be exposed to MSD hazards and further assessment is required.

# City of Temiskaming Shores - MSD Prevention Program

## Worker Discomfort Survey – Form 1B

Discomfort surveys have been widely used to further identify and “quantify” musculoskeletal discomfort/pain felt by workers. The concept of the survey is simple. Workers are presented with a figure of a body. This figure is broken down into areas representing the major regions/limbs/joints of the body. The worker is asked to rate their level of discomfort for each body region by numbering their pain on a scale from 0-10. A score of 0 indicates no discomfort while a score of 10 indicates the worst discomfort ever experienced.

The survey asks about other jobs that have been done in the past year in order to capture whether alternate work may have contributed to or been the cause of a worker's discomfort. At the end of the survey, the workers are given the opportunity to identify what they think caused the problem. This enhances the workplace's commitment to worker participation in the MSD prevention initiatives.

Just having one worker fill in one survey is not enough, as the survey is best suited for use on jobs with 10 or more workers. Ideally, all workers who perform a job should take part in the survey. The suggested method for use of a discomfort survey is:

- Supervisor/ERGO Team to meet with workers to be surveyed to discuss the survey, why it is being done, how it is filled out and the methodology you will use to conduct the survey. Stress that the survey is anonymous.
- Workers should be asked to fill in the survey during work hours, and, ideally, without assistance. Assistance should be provided, however, on request.
- Data from the surveys can be used to identify the body area/regions/joints in which workers are experiencing discomfort or pain. This information can then be related back to what is known about the job demands in order to identify the jobs or activities that may be contributing to worker discomfort.
- ERGO Team will look for common areas of discomfort between workers. If a number of workers are reporting discomfort in the same body part(s) then an effort should be made to determine if the job is contributing to this discomfort.
- Survey results can also be used to prioritize jobs for further action. Those jobs with the highest number of discomfort areas or the highest ratings of discomfort severity would become primary candidates for hazard identification and determining the need for controls.
- Data from surveys taken before a modification to the job, production levels or work method can be compared to data from surveys taken after the change to see if the levels of discomfort have increased or decreased.
- If using the survey before and after implementing a control, make sure the survey is given out on the same day of the week and at the same time of the day – Monday morning results can be very different than Friday afternoon. Make sure enough time has elapsed between the before and after so that the impact of the change can be seen.

# City of Temiskaming Shores - MSD Prevention Program

## Worker Discomfort Survey– Form 1B

The worker is asked to rate their level of discomfort for each body region by numbering their pain on a scale from 0-10. A score of 0 indicates no discomfort while a score of 10 indicates the worst discomfort ever experienced. All workers who perform a job should take part in the survey. For further information:

[http://www.uwo.ca/humanresources/facultystaff/h\\_and\\_s/rehab/ergonomics/index.htm](http://www.uwo.ca/humanresources/facultystaff/h_and_s/rehab/ergonomics/index.htm)

Date: \_\_\_\_\_ Job: \_\_\_\_\_ Area: \_\_\_\_\_

Hours worked/week : \_\_\_\_\_ Time on THIS Job: \_\_\_\_\_ Years \_\_\_\_\_ Months

1. Have you had pain or discomfort during the last year?

[ ] Yes

[ ] No (if NO, Stop here)

2. If YES, please rate the level of discomfort over the last MONTH by completing the 'how much?' box using the scale of 0 to 10, with 0 being no discomfort and 10 being the worst discomfort ever.

<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Neck		<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Right Shoulder
<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Left Shoulder		<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Upper Back
<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Left Elbow / Forearm		<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Right Elbow/ Forearm
<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Left Wrist / Hand		<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Lower Back
<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Left Hip / Thigh / Buttock		<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Right Hand / Wrist
<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Left Knee		<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Right Hip/ Thigh / Buttock
<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Left Ankle / Foot		<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Right Knee
			<b>How often?</b> Rarely <input type="checkbox"/> Occasionally <input type="checkbox"/> Frequently <input type="checkbox"/> Constantly <input type="checkbox"/>	<b>How much?</b> _____	Right Ankle/ Foot	

**If you are a recent hire, please list other jobs you have done in the last year (for more than 2 weeks)**

**Note:** If more than 2 jobs, only include those you worked on the most

Job \_\_\_\_\_ Time on THIS Job \_\_\_\_\_ months \_\_\_\_\_ weeks

Job \_\_\_\_\_ Time on THIS Job \_\_\_\_\_ months \_\_\_\_\_ weeks

**3. When did you first notice your discomfort?** \_\_\_\_\_ (month) \_\_\_\_\_ (year)

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**4. What do you think caused the discomfort? Is it a specific task?**

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**5. Please comment on what you think would help to reduce your level of discomfort. Any changes or recommendations you would make to the work environment to reduce risk of injury?**

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**6. Do you consider your discomfort to be a problem?**

☐ Yes ☐ No

**7. Have you have missed time from work (vacation, sick days,) or attended medical review as a result of your work related discomfort?**

☐ Yes ☐ No

**If yes, and you have not already completed an Accident/ Incident Report, you are required to notify your supervisor to follow the reporting process.**



# City of Temiskaming Shores - MSD Prevention Program

## MSD Hazard Identification Tool – Form 2A

This MSD Hazard identification Tool is an optional worksheet that can be used during the **MSD Screening Assessment**. It is provided to help you identify jobs that have MSD cautions and hazards, where workers **may** be at an increased risk of developing an MSD.

### IMPORTANT – READ THIS BEFORE USING THIS TOOL

**This tool is to be used to identify job related MSD hazards in a workplace.**

**This tool needs to be used with the full participation and input of workers who perform the job being looked at. Observations alone are not enough, and it is not appropriate for the person(s) using the tool to base decisions only on what they see or think about a job.**

**Other hazard identification methods such as analysis of injury, incident and first aid reports, worker concerns, pain and/or discomfort reports etc. should also be considered.**

**This tool IS NOT intended to be used for:**

- Return to work assessment/evaluations
- Job placement/worker selection
- Assessing the work relatedness of an injury or disorder

1. **Document** the job, date and name of person(s) completing the worksheet.
2. **Observe** a number of different workers performing regular work activities.
3. **Ask the workers** who perform the job if they think the objects are heavy, or the job is difficult/tiring.
4. **Ask the workers** if they adopt an awkward posture repeatedly or for a long period of time.
5. **Check** the appropriate box (es) that apply to the job or task.
  - \* **Only make a 'check'** when the specific activity exists and when workers report that it is difficult, tiring, heavy, done repeatedly, etc.
6. **Write** notes for any identified areas to clarify where it occurs.
7. **Review** the contents of the MSD Hazard Identification Tool with the workers who perform the job. Ask them if there are additional tasks that were not captured.

### Notes:

If the physical demands related to the job vary from day to day, due to different products/services being produced or provided, ask the worker if the activities being observed are more or less demanding than on a typical day.

- If less demanding, plan to come back when the demands are both more typical and, if appropriate, higher.
- If more demanding, complete the hazard identification tool. It may be that MSD hazards are only a concern when performing specific tasks/activities. You should also re-use the tool when the demands are more typical.
- If typical, but there are times when the demands are higher, re-use the tool when the demands are higher, especially if there are no MSD hazards identified when observing typical demands.

Some MSD hazards, (e.g. lighting, aspects of work organization, work practices, etc.) are not addressed in this tool. If these or other MSD hazards exist, make note of them and ask the workers who perform the job to see if they think that these hazards are contributing to their pain/discomfort and/or causing them other concerns.




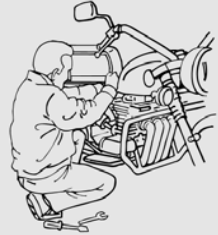









# MSD Hazard Identification Tool – Form 2A





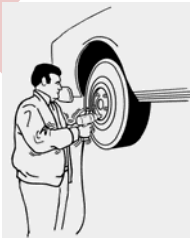
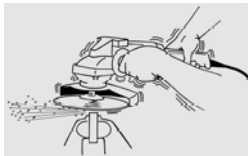
Ergonomic Team Member Name: \_\_\_\_\_ Date: \_\_\_\_\_

For further information refer to the MSD Prevention Program Workbook:

[http://www.uwo.ca/humanresources/facultystaff/h\\_and\\_s/rehab/ergonomics/index.htm](http://www.uwo.ca/humanresources/facultystaff/h_and_s/rehab/ergonomics/index.htm)

Job Screened:		
Movements or postures that are a regular and foreseeable part of the job, occurring more than one day per week, and more frequently than one week per year.	If done in this job <input checked="" type="checkbox"/> the box	Number of workers performing this job?
Awkward Posture		Comments/Observations
 <p>1. Working with the hand(s) above the head, or the elbow(s) above the shoulders more than 2 hours total per day</p>	<input type="checkbox"/>	
 <p>2. Working with the neck rotated more than 45 degrees in either direction for more than 2 hours total per day</p>	<input type="checkbox"/>	
 <p>3. Working with forward head/ neck bent back more than 20 degrees for more than 2 hours total per day.</p>	<input type="checkbox"/>	
 <p>4. Squatting more than 2 hours total per day.</p>	<input type="checkbox"/>	
 <p>5. Working while sitting or standing with the back bent forward, sideways, or twisted more than 30 degrees for more than 2 hours total per day.</p>	<input type="checkbox"/>	

	<p>6. Working while sitting or standing with the back bent back more than 20 degrees, and with no support for the back, for more than 2 hours total per day.</p>	<input type="checkbox"/>	
	<p>7. Kneeling more than 2 hours total per day.</p>	<input type="checkbox"/>	
High Hand Force		Comments/Observations	
	<p>8. Pinching an unsupported object(s) weighing 2 or more pounds per hand, or pinching with a force of 4 or more pounds per hand, more than 2 hours total per day (comparable to pinching half a ream of paper).</p>	<input type="checkbox"/>	
	<p>9. Gripping an unsupported object(s) weighing 10 or more pounds per hand, or gripping with a force of 10 or more pounds per hand, more than 2 hours total per day (comparable to clamping light duty automotive jumper cables onto a battery)</p>	<input type="checkbox"/>	
Highly Repetitive Motion		Comments/Observations	
	<p>10. Repeating the same motion with the neck, shoulders, elbows, wrists, or hands (excluding keying activities) with little to no variation every few seconds, more than 2 hours per day.</p>	<input type="checkbox"/>	
	<p>11. Performing intensive keying more than 4 hours total per day.</p>	<input type="checkbox"/>	

Repeated Impact		Comments/Observations
 <p>12. Using the hand (heel/base of palm) or knee as a hammer more than 10 times per hour, more than 2 hours total per day.</p> <input type="checkbox"/>		
Heavy, Frequent or Awkward Lifting (A simple scale can be used to determine the weight of materials)		Comments/Observations
 <p>13. Lifting object weighing more than 75 pounds once per day or more than 55 pounds more than 10 times per day.</p> <input type="checkbox"/>		
 <p>14. Lifting objects weighing more than 10 pounds if done more than twice per minute, more than 2 hours total per day.</p> <input type="checkbox"/>		
 <p>15. Lifting objects weighing more than 25 pounds above the shoulders, below the knees or at arms length more than 25 times per day.</p> <input type="checkbox"/>		
Moderate to high Hand-Arm Vibration (Closely estimate or obtain the vibration value of the tool in use)		Comments/Observations
 <p>16. Using impact wrenches, carpet strippers, chain saws, percussive tools (jack hammers, scalers, riveting or chipping hammers) or other tools that typically have high vibration levels, more than 30 minutes total per day</p> <input type="checkbox"/>		
 <p>17. Using grinders, sanders, jigsaws or other hand tools that typically have moderate vibration levels more than 2 hours total per day.</p> <input type="checkbox"/>		

# City of Temiskaming Shores - MSD Prevention Program

## Determine the Root Cause – Form 2B

Ergonomic Team Member Name: \_\_\_\_\_ Date: \_\_\_\_\_

Once workers and ERGO Team have agreed on the MSD hazards, use this tool to help guide brainstorming sessions to determining the root causes of the identified MSD hazards. The tool helps consider how different aspects of the job can cause an MSD hazard. Remember, MSD hazards can be caused by a number of different factors. It is important to consider different possible causes AND not just jump to conclusions or take what seems to be, at first, the most obvious reason.

To provide some structure to the discussion, use the following 5 categories of possible causes for any health and safety hazard – process, equipment, materials, environment and human (PEMEH).

Start by asking '**5 whys**' for each category:

Step 1: Write down the specific MSD hazard you are concerned about to help focus the group.

Step 2: Ask why the MSD hazard exists – write the answer in the category box

Step 3: If the answer doesn't identify the root cause of the hazard, continue to ask why until the group reaches agreement on the root cause (it usually takes less than '5 whys' to get to this point)

Following are examples of the kind of points to consider for each category:

### Process:

- Length of time allotted to jobs
- Machine paced jobs
- Variety of jobs
- Production/quality standards
- Communication between staff within the department and outside the department

### Equipment:

- Working height
- Location of controls and/or displays
- Operation of the controls
- Mobility
- Location
- Association with other equipment
- Insufficient adjustability
- Maintenance

### Materials:

- Packaging
- Weight and dimensions
- Storage location
- Quality

### Environment:

- Working space
- Overcrowding
- Temperature
- Flooring
- Housekeeping

### Human:

- Training on techniques/processes required
- Further supervision/coaching
- Production pressures and demands
- Differences in work methods/techniques
- Inconsistent use of equipment/controls that help reduce MSD risk

## Determine the Root Cause – Form 2B

Ergonomic Team Member Name: \_\_\_\_\_ Date: \_\_\_\_\_

If agreement on the root cause(s) is not reached by the Worker(s) and the Ergonomic Team, an in-depth risk assessment may be required. In which case, a referral must be sent to the City of Temiskaming Shores Ergonomic Specialist. See Form 2C.

For further information refer to the MSD Prevention Program Workbook:

**What is the MSD hazard we are concerned about?**

Process:

Equipment:

Materials:

Likely causes  
of MSD  
Hazards

Environment:

Human:

# City of Temiskaming Shores - MSD Prevention Program

## In-Depth Risk Assessment Referral – Form 2C

Completed by Ergonomic Team or Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

This form may be used for in-depth job assessment or a referral for the individual needs of a worker.

Worker Name (ID): \_\_\_\_\_ Phone Ext.: \_\_\_\_\_  
Job Title: \_\_\_\_\_ Union Group: \_\_\_\_\_  
Location (Building/Room #): \_\_\_\_\_ Department: \_\_\_\_\_  
Supervisor: \_\_\_\_\_ Phone Ext.: \_\_\_\_\_

Services Requested: ☐ MSD Risk Assessment  
☐ Job Coaching  
☐ Job Demands Description  
☐ Office Ergonomics Assessment  
☐ Lab Ergonomics Assessment  
☐ Vehicle Ergonomics Assessment  
☐ Safety Assessment  
☐ Group Training/Education

Priority: ☐ High (<2 weeks)  
☐ Medium (2-4 weeks)  
☐ Low (> 4weeks)

MSD Screening Assessment Results:

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Individual Worker Symptoms:

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Other Information:

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## Questions to Consider When Selecting MSD Hazard Controls

When implementing solutions to eliminate/control MSD hazards, there is often more than one option to consider. The following are some points to consider before choosing your preferred control opinion:

1. What experiences have others had with the solution?
2. How well does each option control the MSD hazard – for example, it is usually best to remove the hazard with engineered controls, as opposed to controlling exposure to the hazard?
3. What disruption would be caused by the implementation process?
4. What training is required?
5. Are there impacts on productivity or quality of service?
6. What feedback do workers have – what option would they prefer?
7. What impacts would the solution have either up-stream or down-stream in the process?
8. Will any new hazards be created?
9. What maintenance requirements will there be?
10. What is the cost?
11. Are there non-monetary benefits to one option over another?
12. How will you evaluate the success of the implementation?

# Tips for Eliminating and Controlling MSD Hazards

## Force

### Gripping tools/equipment

- Provide tools that allow workers to grip the tool using a power grip
- Eliminate the use of pinch or key grips as much as possible
- Choose tools that have triggers that allow for the use of multiple fingers rather than one finger or a thumb
- Choose tools that can be used with the wrist straight
- Choose tools with vibration reducing features
- Choose tools that are lighter and designed to reduce hand torque and kickback
- Ensure the tool is balanced and does not require extra muscular effort to hold it in position
- Ensure the handle of a tool does not create pressure points on the palm of the hand
- Use tools with handles that fit the hand, for example use a smooth, cushioned hand grip rather than one with hard ridges that space the fingers
- Provide rubber or sponge-type grips on tool handles
- Maintain tools regularly
- Inspect tools regularly. Ensure worn or damaged tools are fixed or replaced

### Pushing and pulling

- Provide carts that have vertical or height adjustable handles to enable different-sized workers to position their hands between waist and shoulder height
- Use larger wheels on carts and bins as this reduces push and pull forces and they are easier to roll over cracks or holes
- Ensure that wheels/casters are suitable for the load being transported and are compatible with the type of flooring
- Determine the most suitable swivel arrangement of casters – 2 or 4, front or back. Ensure there is enough space so the worker does not have to use awkward postures to move the cart
- Design/change the layout of the work area to eliminate the need to push wheeled objects up slopes or over uneven surfaces
- Ensure the flooring is level, smooth and in good condition
- Ensure workers can see over the top of the cart
- Push rather than pull carts
- Maintain carts, especially wheels and wheel bearings
- Provide brakes on carts where practical

### Heavy, Frequent or Awkward Lifting

- Use mechanical assists to lift/lower loads – such as hoist, pallet trucks, pump trucks ladder hoists, gin poles, daisy chains, cranes, or chain falls
- Move objects as close to the body as possible before lifting them – use turntables to bring loads close
- Ensure there are no obstacles between the worker and the load being lifted
- Provide height adjustable pallet trucks/scissor lifts to keep loads off the floor and allow for height adjustability to keep the loads above knee height
- Organize the starting and ending location of the lifts to limit the overall vertical travel distance a load has to be lifted



- Avoid lifts below knuckle level and above shoulder level – limit use of high and low shelves
- Avoid lifting loads that are heavier than 10 pounds when seated – stand and use larger, stronger muscles
- Improve grips/handles on objects being lifted
- Split the overall weight of a load into smaller loads
- Avoid uneven, unbalanced loads
- Use gravity to assist whenever possible (lower rather than lift)
- Use carts, motorized buggies, conveyors, gravity feed rollers to transport loads rather than carrying them
- Provide tools/devices to help with carrying jobs – carrying handles, extension handles
- Train workers to assess all material handling jobs and to ensure that the path is clear of obstructions/trip hazards when carrying items
- Do not carry objects up and down stairs if two hands are needed to hold objects. Keep one hand free to hold hand rail
- Improve housekeeping to prevent slips, trips and falls
- Require suppliers to include the weight on all objects/packages that are manually handled
- Use shoulder pads when carrying loads on shoulders

## Fixed or Awkward Postures

- Provide height adjustability in a standing workstation
- Establish a suitable working height depending on the type of work being done (i.e. precision, light or heavy work)
- Provide sit/stand stools at standing workstations and for jobs with prolonged standing
- Provide height adjustable chairs
- Utilize lift tables to position the objects close to the worker
- Utilize tilt tables to angle objects close to workers
- Utilize rotating platforms to minimize reaching for objects
- Provide self-elevating platforms in deep bins to keep items easily accessible and near the top of the bin
- Provide false bottoms in deep sinks or containers
- Limit shelf heights to between knee and shoulder height
- Provide foot rests at standing workstations
- Ensure the type of flooring will minimize shock absorption to the worker's body
- Provide anti-fatigue matting for standing work areas with hard floor surfaces
- Use devices such as lifts, duct jacks, scissor lifts, and extension poles or stands for operating tools overhead
- Use adjustable scaffolds, aerial and other work platforms to raise the whole body closer to work
- Place materials used often at appropriate height and less frequently used materials in less desirable locations
- Use tables, benches, or stands to bring work to waist height

## Repetition

- Implement well-designed job rotation
- Add different tasks to the job to increase the variety of activities
- Include flexibility in the job so the worker can control pace of work
- Encourage workers to take micro-breaks
- Mechanize the job where necessary

## Repeated Impacts

- Look for tools/equipment that will eliminate the need for repeated impacts
  - Use rubber mallets/other tools instead of the hand
  - Use power stretchers for carpet installations
- Provide workers with well-designed padded gloves/knee pads
- Change fittings/parts/equipment to minimize the forces used with repeated impacts
- Limit the duration of time that repeated impacts are required

## Contact Stress

- Change or modify equipment (e.g., use a long-handled screwdriver to prevent the butt from digging into the palm)
- Change or modify work area to prevent sharp edges from digging into skin (e.g., cover sharp or metal edges with padding)
- Use personal protective equipment (e.g., use knee pads while kneeling; use padded gloves when lifting heavy objects by narrow plastic strapping)
- Improve or change work practice to reduce resting or leaning against sharp edges

## Local or Hand-Arm Vibration

- Use vibration-absorbing padding on grips or handles
- Provide workers with anti-vibration gloves
- Keep tools well maintained/sharp to reduce vibration
- Source various suppliers who can supply tools with lower levels of vibration
- Reduce total exposure to vibration by alternating between tasks that use vibrating tools and tasks with non-powered tools or by incorporating job rotation between jobs
- Use cutting or powerhead vibration dampening devices
- Use equipment that includes vibration-dampening rubber grommets on controls and control box

## Whole-Body Vibration

- Avoid sitting or standing for prolonged periods on vibrating surface if possible (e.g. avoid working on catwalks attached to vibrating machinery)
- Isolate the source of vibration from the rest of the work space to prevent transmission of vibration to the sitting or standing area (e.g., isolation of truck cabs from diesel engine vibration)
- Train and instruct operators and drivers to:
  - adjust the driver weight setting on suspension seats
  - adjust the seat position and controls correctly to provide good lines of sight and support
  - adjust the vehicle speed to suit the ground conditions to avoid excessive bumping and jolting
  - steer, brake, accelerate, shift gears and operate attached equipment smoothly
  - follow worksite routes to avoid traveling over rough, uneven or poor surfaces
- Choose machinery suitable for the job
  - Select vehicles and machines with the appropriate size, power and capacity for the work and the ground conditions
- Maintain machinery and roadways
  - Make sure that paved surfaces or site roadways are well maintained (e.g. potholes filled in, ridges leveled, rubble removed)

- Maintain vehicle suspension systems correctly (e.g. cab, tire pressures, seat suspension)
- Replace solid tires on machines such as fork-lift trucks, sweepers and floor scrubbers before they reach their wear limits
- Obtain appropriate advice (from seat manufacturers, machine manufacturers and/or vibration specialists) when replacing a vehicle seat. Seats need to be carefully matched to the vehicle to avoid making vibration exposure worse
- Other measures
  - Introduce work schedules to avoid long periods of exposure in a single day and allow for breaks where possible
  - Avoid high levels of vibration and/or prolonged exposure for older employees, people with back problems, young people and pregnant women

## Cold Temperatures

- Ensure workers wear high-friction, well-fitting gloves
- Ensure that workers wear clothing that keeps them warm without adding a lot of bulk
- Ensure hand tools are stored in a warm place prior to use
- Provide alternating periods of cold and warm work (worker rotation) and allow workers to take rest breaks in warm areas
- Avoid having workers use tools that discharge cold gases over the hand
- Provide local source heating (portable heaters) for workers
- Educate workers about the adverse effects of cold and its influence on MSDs
- Encourage workers to stay well hydrated

## Hot Work Environments

- Provide alternating periods of cool/shaded and warm work (worker rotation) and allow workers to take rest breaks in cool areas
- Provide local source cooling (portable spot chillers) for workers
- Educate workers about the adverse effects of heat and its influence on MSDs
- Encourage workers to stay well hydrated

## Work Organization

- Ensure that repetitive or demanding jobs incorporate opportunities for rest or recovery (e.g., allow brief pauses to relax muscles; change work jobs; change postures or techniques)
- Incorporate task variability so that the worker does not have to perform similar repetitious tasks throughout the full shift. Provide the worker with the opportunity to vary work by rotating tasks or increasing the scope of the job

## Work Methods

- Evaluate jobs to determine whether work methods are compatible with worker capabilities.
- Analyze the differences in work methods between individuals to find the best work methods.
- Ensure that the official work method is the best work method and corresponds with what workers are actually doing

# City of Temiskaming Shores - MSD Prevention Program

## Developing Solutions Worksheet – Form 3A

Ergonomic Team Member Name: \_\_\_\_\_ Date: \_\_\_\_\_

This worksheet is designed to be used when brainstorming control options and ideas. The worksheet encourages workplaces to consider potential MSD controls from all aspects of the job: work processes, equipment, materials, environment, and human elements. All the individuals involved in the MSD prevention program, and especially the workers, should be part of the brainstorming session to identify controls that they think will help to solve the problem.

### Process:

- Self-paced jobs, cycle time allows for micro-breaks
- Job enlargement and/or job rotation
- Improved work/material flow
- Improve communication between workers performing job
- Improve communication between workers on adjacent jobs
- Improve communication between workers and production, quality, planning, engineering, etc. departments
- Timely response to reports of defects, equipment breakdown, product/tool/equipment damage

### Equipment:

- Mechanize a process
- Provide mechanical lifts, hoists, conveyors, motorized carts
- Improved workstation design/layout
- Workstation adjustability (sit/stand, height adjustable)
- Preventative maintenance
- Pre-shift checklist/inspections
- Move control, displays, tools for easier use, visibility access
- Provide space for workers to move, allow unconstrained postures
- Provide material handling equipment for moving materials

### Materials:

- Organize stock on shelves taking weights into consideration
- Reduce frequency of sub-standard/poor quality materials
- Purchase materials in bulk containers
- Redesign packaging to include handles
- Store materials in areas that are easy to access

### Environment:

- Organize workstation to enhance interactions
- Redesign workstation layout to provide space for movement and required tasks
- Improve housekeeping
- Comfortable working temperature
- Provide anti-fatigue matting

### Human:

- Training including:
  - o Signs and symptoms of MSDs
  - o MSD hazard awareness
  - o How to report MSDs/MSD hazards
  - o Work techniques and processes
- Team-based solutions/participatory problem solving
- Reinforce need for use of equipment/controls that help reduce MSD risk
- Support for early reporting of concerns
- Personal protective equipment (in-soles, knee pads, anti-vibration gloves)
- Production pressures and demands

## Developing Solutions Worksheet – Form 3A

Ergonomic Team Member Name: \_\_\_\_\_ Date: \_\_\_\_\_

If agreement on hazard control(s) is not reached by the Supervisor and the Ergonomic team, an In-Depth Risk Assessment may be required. In which case, a referral must be sent to the City of Temiskaming Shores Ergonomic Specialist. See Form 2C. Results to be reviewed by senior management for further discussion.

For further information refer to the MSD Prevention Program Workbook:

**What is the MSD hazard we are concerned about?**

Process:

Equipment:

Materials:

Likely Solutions  
to MSD  
Hazards

Environment:

Human:

# City of Temiskaming Shores - MSD Prevention Program

## Selected Control(s) Summary: Project List – Form 3B

Area: \_\_\_\_\_ Date: \_\_\_\_\_

Provide a copy of this Project List to the Unit Manager/Supervisor of the area for discussion and implementation of the recommended hazard controls to prevent MSDs.

1) Concern:
Solution: (i)
Follow up completed on:
2) Request:
Solution: (i)
Follow up completed on:
3) Concern:
Solution(s): i)
Follow up completed on:
4) Concern:
Solution: (i)
Follow up completed on:
5) Concern:
Solution: (i)
Follow up completed on:
6) Concern:
Solution: (i)
Follow up completed on:
7) Concern:
Solution: (i)
Follow up completed on:
8) Request:
Solution: (i)
Follow up completed on:

# City of Temiskaming Shores - MSD Prevention Program

## One Minute Worker Feedback Survey – Form 4A

The One Minute Worker Feedback Survey is a tool used to collect and document workers' feedback on MSD hazard controls that have been implemented. The supervisor/manager should distribute the survey to workers who have used the control. The survey allows workers to comment on their overall satisfaction with the tool, its advantages, disadvantages, and any suggestions for improvement. It is an excellent and quick way to obtain feedback from those who are using the controls.

Prior to using this tool, workers need to receive appropriate training on how to use the control and be given time to use the control under regular work conditions.

Depending on the number of workers involved, the survey may be sent to a sample of workers. The larger the sample, the more helpful the information received will be. All shifts should be covered.

# One Minute Worker Feedback Survey – Form 4A

This survey is being used to collect your opinions of the recent changes/improvements that have been made for your job/workstation. Please let us know what you think about the effectiveness, advantages, disadvantages, etc. of this change and provide any suggestions you might have for further improvement.

**Job Description:** \_\_\_\_\_

**MSD Hazard Control/Improvement:** \_\_\_\_\_

Picture or description of  
change / improvement

1. How would you rate this control/improvement?

<b>Dislike it – worse than before!</b>		<b>No different than before</b>		<b>Love it – huge improvement!</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>

2. What are some advantages of this control/improvement?

3. What are some disadvantages of this control/improvement?

4. Do you have any suggestions for control/improvement?



# MSD Prevention Process

Step 1

## MSD Data Collection:

- Supervisor completes MSD Prevention Checklist (Form 1A)- annually
- ERGO Team Distributes Worker Discomfort Survey (Form 1B)- annually
- Team meetings- monthly
- Supervisor/Manager checks Suggestion boxes- monthly
- Review Accident/Injury Reports- ongoing
- Review absenteeism data- ongoing

ERGO Team collects & reviews Worker Discomfort Surveys

Do MSD concerns exist?

No

Yes

Step 2

ERGO Team Determines the Root Cause (Form 2B)

E. Team + Worker Agree on Hazards

ERGO Team Performs MSD Screening Assessment (Form 2A)

No

E. Team + Worker Agree on Root Cause

ERGO Team Completes Ergonomic Referral (Form 2C)

Ergonomic Services Consultation

No

Step 3

ERGO Team Develops Solutions (Form 3A)

ERGO Team Selects Hazard Controls (Form 3B)

E. Team + Supervisor Agree on Control

Yes

Step 4

All Agree on Success

ERGO Team +/-or Supervisor Evaluates the Control (Form 4A)

Supervisor/Manager Implements Control and trains workers on new control

Step 5

No

Yes

Supervisor/Manager Communicates Results Acknowledge Success!

ERGO Team provides info to Supervisor/ Manager to keep on file

**Subject:** Equipment Rental – Excavator  
Water Breaks

**Report No.:** PW-038-2018  
**Agenda Date:** December 18, 2018

### **Attachments**

**Appendix 01:** Quotation Results

**Appendix 02:** Draft Agreement

### **Recommendations**

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. PW-038-2018, more particularly Appendix 01 - Tender Results and Appendix 02 - Draft Agreement;
2. That as outlined in By-law No. 2017-015, Procurement Policy, Section 10.2, Request for Quotations and Section 6.0 Approval Authority, Council approves the award of the Equipment Rental – Excavator c/w Operator for Water Breaks and repairs to *Pedersen Construction (2013) Inc.* at the following rental rates:

<b>Float Cost:</b> Regular Work Hours - \$135/hr	<b>All Other Hours</b> - \$175/hr
<b>Breaker Attachment:</b> Regular Work Hours - \$225/hr	<b>All Other Hours</b> - \$265/hr
<b>Excavator Working Time:</b> Regular Work Hours - \$130/hr	<b>All Other Hours</b> - \$170/hr

plus HST as applicable; and
3. That Council directs Staff to prepare the necessary by-law and agreement for the said contract for consideration at the December 18, 2018 Regular Council meeting.

### **Background**

The City of Temiskaming Shores requires the services of qualified owner / operators for the supply and operation of an Excavator to assist in the repair of water breaks at various locations within the City of Temiskaming Shores.

The work involves the provision and transportation of suitable equipment to and from the work site, **as and when required**, to assist the Water and Sewer Division of the Public Works Department with emergency repairs. The Contractor is to provide a qualified operator as well as a mechanical attachment suitable to penetrate asphalt, concrete or frozen ground as expedite the work required. Work on site is at the direction of City staff.

The Tender documents were prepared and Tender PW-RFQ-010-2018 was distributed to previous and known potential bidders for the supply of an Excavator for Water Breaks complete with Operator to meet the requirements of the Department. Closing date was set at 2:00 p.m. on Tuesday, December 11<sup>th</sup>, 2018.

### **Analysis**

One (1) response to the quotation request was received by the closing date.

Contractor	Float Rate (/Hr)		Breaker Attachment (/Hr)		Excavation (/Hr)	
	Working Hrs	After Hrs	Working Hrs	After Hrs	Working Hrs	After Hrs
Pedersen Construction	\$135	\$175	\$225	\$265	\$130	\$170

Working Hours – 7:00 a.m. to 5:00 p.m. Monday through Friday

After Hours – All other hours, Weekends and Stat Holidays

The submission was analysed and found to be correct and complete. The tendering process was in keeping with the City's Purchasing Policy (By-Law 2017-015).

The City has used the services of Pedersen Construction in the past for similar work. The contractor has equipment that is considered adequate and the operators have a significant amount of experience in working around the underground utilities that may be involved while excavating for water main repairs. The previous Agreement was approved in 2015 with several extensions.

Based on past experience, it is recommended that Pedersen Construction be awarded the contract.

### **Financial / Staffing Implications**

This item has been approved in the current budget: Yes ☒ No ☐ N/A ☐

This item is within the approved budget amount: Yes ☒ No ☐ N/A ☐

The prices have increased to reflect current equipment rates, wage rates and replacement costs associated with excessive wear and tear do to winter work.

Staffing implications related to this matter are limited to normal administrative functions and duties.

### **Alternatives**

The only alternative that was considered was to perform the work with City owned equipment and staff. The existing City owned equipment is not adequate to complete the work during winter months.

### **Submission**

Prepared by:

Reviewed and submitted for  
Council's consideration by:

"Original signed by"

"Original signed by"

G. Douglas Walsh, CET  
Director of Public Works

Shelly Zubycck  
City Manager (A)

Document Title: **PWO-RFQ-010-2018 Equipment Rental - Excavator**

Closing Date: **Tuesday, December 11, 2018**

Closing Time: **2:00 p.m.**

Department: **Public Works**

Opening Time: 2:00 p.m.

Submission Pricing

Bidder: PEDERSEN CONSTRUCTION (2013) INC Bidder:

Daytime Float (hr):	135.00/hr
After Hour Float (hr):	175.00/hr
Daytime Time (hr):	225.00/hr
After hours Time (hr):	265.00/hr
Daytime Excavation (hr):	130.00/hr
After hours Excavation (hr):	170.00/hr

Daytime Float (hr):	
After Hour Float (hr):	
Daytime Work (hr):	
After hours Time (hr):	
Daytime Excavation (hr):	
After hours Excavation (hr):	

Bidder:

Daytime Float (hr):	
After Hour Float (hr):	
Daytime Time (hr):	
After hours Time (hr):	
Daytime Excavation (hr):	
After hours Excavation (hr):	

Bidder:

Daytime Float (hr):	
After Hour Float (hr):	
Daytime Work (hr):	
After hours Time (hr):	
Daytime Excavation (hr):	
After hours Excavation (hr):	

Bidder:

Daytime Float (hr):	
After Hour Float (hr):	
Daytime Time (hr):	
After hours Time (hr):	
Daytime Excavation (hr):	
After hours Excavation (hr):	

Bidder:

Daytime Float (hr):	
After Hour Float (hr):	
Daytime Work (hr):	
After hours Time (hr):	
Daytime Excavation (hr):	
After hours Excavation (hr):	

**Note:** All offered prices are offers only and subject to scrutiny. Submissions will be reviewed for errors, omissions and accuracy by municipal staff prior to any awarding. All proponents whether successful or not will be notified of results, in writing at a later date.

Attendees:

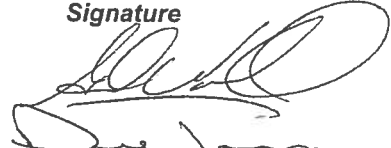
**Print Name**

G. D. WATSON  
D. E. TREEN  
L. MCKNIGHT

**Representing**

City of T.S.  
City of T.S.  
City of T.S.

**Signature**

  
Linda M. Knight

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-000**

**Being a by-law to enter into an agreement with Pedersen  
Construction (2013) Inc. for the rental of an Excavator complete  
with Operator for Water Break repairs at various locations  
within the City of Temiskaming Shores**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to responds to municipal issues;

**And whereas** under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**And whereas** under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** Council considered Administrative Report No. PW-038-2018 at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to enter into an agreement with Pedersen Construction (2013) Inc. for the rental of an Excavator complete with Operator for Water Break repairs for consideration at the December 18, 2018 Regular Council meeting;

**Now therefore** the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council authorizes the entering into an agreement with Pedersen Construction (2013) Inc. for the rental of an Excavator complete with Operator for Water Break repairs at various locations in the City of Temiskaming Shores, a copy of which is attached hereto as Schedule "A" and forming part of this by-law;
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

---

Mayor – Carman Kidd

---

Clerk – David B. Treen



Schedule “A” to

## **By-law 2019-000**

Agreement between

**The Corporation of the City of Temiskaming Shores**

and

**Pedersen Construction (2013) Inc.**

for the rental of an Excavator for Water Break repairs

**This agreement** made in duplicate this 18<sup>th</sup> day of December, 2018.

Between:

**The Corporation of the City of Temiskaming Shores**  
(hereinafter called "the Owner")

and

**Pedersen Construction (2013) Inc.**  
(hereinafter called "the Contractor")

Witnesseth:

That the Owner and the Contractor shall undertake and agree as follows:

**Article I:**

The Contractor will:

- a) Provide all material and perform all work described in the Contract Documents entitled:

**Corporation of the City of Temiskaming Shores  
Equipment Rental – Excavator c/w Operator for Water Break Repairs  
Tender No. PW-RFQ-010-2018**

- b) Do and fulfill everything indicated by this Agreement and in the Contract Documents attached hereto as Appendix 01 and forming part of this agreement; and
- c) Complete, as certified by the Director, all the work by **December 31<sup>st</sup>, 2020.**

**Article II:**

The Owner will:

- a) Pay the Contractor in lawful money of Canada for the material and services aforesaid **at hourly rates plus applicable taxes** subject to additions and deductions as follows:

**Float Cost:** Regular Work Hours - \$135/hr

**All Other Hours - \$175/hr**

**Breaker Attachment:** Regular Work Hours - \$225/hr

**All Other Hours - \$265/hr**

**Excavator Working Time:** Regular Work Hours - \$130/hr

**All Other Hours - \$170/hr**

- b) Make payment on account thereof upon delivery and completion of the said work and receipt of invoice, in accordance with the City of Temiskaming Shores Purchasing Policy, and with terms of Net 30 days after receiving such invoice.

**Article IV:**

All communications in writing between the parties, or between them and the Engineer shall be deemed to have been received by the addressee if delivered to the individual or to a member of the firm or to an officer of the Owner for whom they are intended or if sent by hand, Canada Post, courier, facsimile or by another electronic communication where, during or after the transmission of the communication, no indication or notice of a failure or suspension of transmission has been communicated to the sender. For deliveries by courier or by hand, delivery shall be deemed to have been received on the date of delivery; by Canada Post, 5 days after the date on which it was mailed. A communication sent by facsimile or by electronic communication with no indication of failure or suspension of delivery, shall be deemed to have been received at the opening of business on the next day, unless the next day is not a working day for the recipient, in which case it shall be deemed to have been received on the next working day of the recipient at the opening of business.

The Contractor:

**Pedersen Construction (20130 Inc.**  
P.O. Box 2409  
New Liskeard, Ontario  
P0J 1P0

The Owner:

**City of Temiskaming Shores**  
P.O. Box 2050 / 325 Farr Drive  
Haileybury, Ontario  
P0J 1K0

**Remainder of Page left blank Intentionally**



In witness whereof the parties have executed this Agreement the day and year first above written.

Signed and Sealed in )  
the presence of )

Contractor's Seal )  
(if applicable) )

Municipal Seal )

**Pedersen Construction (2013) Inc.**

\_\_\_\_\_  
President – Karl Pedersen

\_\_\_\_\_  
Witness

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Corporation of the City of  
Temiskaming Shores**

\_\_\_\_\_  
Mayor – Carman Kidd

\_\_\_\_\_  
Clerk – David B. Treen



Appendix 01 to  
Schedule “A” to

**By-law No. 2019-000**

Form of Agreement



**City of Temiskaming Shores**  
**PWO-RFQ-010-2018**  
Equipment Rental – Excavator

**Form of Quotation**

Each Quotation should contain the legal name under which the Bidder carries on business, telephone number and fax number, mailing address as well the name or names of appropriate contact personnel which the City may consult regarding the Quotation.

We, the undersigned, have carefully examined the attached documents and conditions of the Quotation.

We, the undersigned, understand and accept those specifications, conditions, and details as described herein, and, for these rates/prices offer to furnish all equipment, labour, apparatus and documentation as are required to satisfy this Quotation.

*NOTE: All portions of "Form of Quotation" must be accurately and completely filled out.*

Item	Description	Make, Model and Operating Weight	Unit	Daytime Rate Monday-Friday	After hour Rate Nights/Stat Holiday/Weekend
1	Float time	Mack	Hour	\$135.00	\$175.00
2	Work Time including breaker attachment	Cat 320D 21,000 kg	Hour	\$225.00	\$265.00
3	Excavation Time	11	Hour	\$130.00	\$170.00

Pricing shall exclude applicable taxes but will be considered extra.




## City of Temiskaming Shores

## PWO-RFQ-010-2018

## Equipment Rental – Excavator

## Form of Quotation

All hourly rates offered in this Quotation are firm, irrevocable and open for acceptance by the City for a period of sixty (60) days. The City will not reimburse any Bidder for any cost or expense of any kind incurred in preparation or submission of any response to this Request for Quotation.

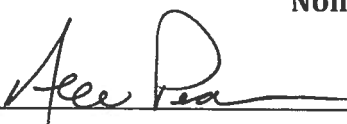
Company Name Pedersen Construction (2013) Inc.	Contact name (please print) Alec Pedersen
Mailing Address P.O. Box 2409 New Liskeard, Ontario P0J 1P0	Postal Code P0J 1P0
Authorizing Signature  "I have the authority to bind the company/corporation/partnership."	Title Secretary Treasurer
Telephone 705-647-6223	Fax 705-647-8851
Cell Phone if available 705-647-2707	Date December 11, 2018
Email address for Contact Person apedersen@pedersenconstruction.ca	

This is page 2 of 7 to be submitted



**City of Temiskaming Shores**  
**PWO-RFQ-010-2018**  
Equipment Rental – Excavator

**Non Collusion Affidavit**

I/ We  the undersigned am fully informed respecting the preparation and contents of the attached quotation and of all pertinent circumstances respecting such bid.

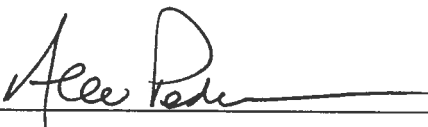
Such bid is genuine and is not a collusive or sham bid.

Neither the bidder nor any of its officers, partners, owners, agents, representatives, employees or parties of interest, including this affiant, has in any way colluded, conspired, connived or agreed directly or indirectly with any other Bidder, firm or person to submit a collective or sham bid in connection with the work for which the attached bid has been submitted nor has it in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other bidder, firm or person to fix the price or prices in the attached bid or of any other Bidder, or to fix any overhead, profit or cost element of the bid price or the price of any bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the City of Temiskaming Shores or any person interested in the proposed bid.

The price or prices quoted in the attached bid are fair and proper and not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

The bid, quotation or Tender of any person, company, corporation or organization that does attempt to influence the outcome of any City purchasing or disposal process will be disqualified, and the person, company, corporation or organization may be subject to exclusion or suspension.

Signed



Company Name

Pedersen Construction (2013) Inc.

Title

Secretary Treasurer



**City of Temiskaming Shores  
PWO-RFQ-010-2018**

Equipment Rental – Excavator

**Conflict of Interest Declaration**

Please check appropriate response:

- ☒ I/we hereby confirm that there is not nor was there any actual or perceived conflict of interest in our quotation submission or performing/providing the Goods/Services required by the Agreement.
- ☐ The following is a list of situations, each of which may be a conflict of interest, or appears as potentially a conflict of interest in our Company's quotation submission or the contractual obligations under the Agreement.

List Situations:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In making this quotation submission, our Company has / has no *(strike out inapplicable portion)* knowledge of or the ability to avail ourselves of confidential information of the City (other than confidential information which may have been disclosed by the City in the normal course of the quotation process) and the confidential information was relevant to the Work/Services, their pricing or quotation evaluation process.

Dated at New Liskeard this 11th day of December, 2018.

FIRM NAME:

Pedersen Construction (2013) Inc.

BIDDER'S AUTHORIZED OFFICIAL:

Alec Pedersen

TITLE:

Secretary Treasurer

SIGNATURE:

Alec Pedersen

This is page 4 of 7 to be submitted

**City of Temiskaming Shores  
Schedule "A"****List of proposed Operators**

A list of no less than two (2) operators that the Contractor proposes to employ in completing the required work outlined in this Quotation must be included in the Quotation documents submitted.

Operator	Experience Describe graduate training/ years as Operator	Employee Status Full Time/Part time
Oscar Vinette	15 years	Full Time
Bob Jibb	25 years	Full Time
David Dufresne	30 years	Full Time.

I / We verify that the information provided above is accurate and that the individuals are qualified, experienced operators capable of completing the work outlined in this Quotation document.

Signed by Company Official

Alec Pedersen  
Printed

Alec Pedersen  
Signed

**City of Temiskaming Shores  
Schedule "B"****List of Proposed Sub-Contractors**

A list of Sub-Contractors that the Contractor proposes to employ in completing the required work outlined in this Quotation must be included in the Quotation documents submitted.

The Contractor shall not show "Own Forces" in their list of proposed Subcontractors, except where the Bidder's intent is to employ the Bidder's own qualified on-staff personnel to perform such work.

The Contractor shall not indicate "TBD" (To Be Determined) or "TBA" (To Be Announced) or similar wording and shall not indicate multiple choices of Subcontractor names

One Subcontractor name shall be indicated for each Subcontractor category.

No names, either of Subcontractors or "Own Forces" may be changed after submission of the list of proposed Subcontractors unless prior written approval is received from the City

Should the Bidder indicate "N/A" (not applicable), "None", "Own Forces" or imply by either non completion or omission of this form, that no Sub-Contractor will be used in the execution of this agreement, It is then understood that the City will make no allowance for, nor shall any Sub-Contractors shall be allowed to perform any part of this agreement.

Name	Address	WSIB Certificate Number (copy attached)
Pedersen Const		E2000008BT3N

I / We verify that the information provided above is accurate and that the individuals are qualified, experienced operators capable of completing the work outlined in this Quotation document.

Signed by Company Official

Alex Pedersen  
Printed

Alex R  
Signed

This is page 6 of 7 to be submitted



**City of Temiskaming Shores  
Schedule "C"****Accessibility for Ontarians with Disabilities Act, 2005 Compliance Agreement**

I/We, by our signature below, certify that we are in full compliance with Section 6 of Ontario Regulation 429/07, Accessibility Standards for Customer Service made under the *Accessibility for Ontarians with Disabilities Act, 2005*. If requested, we are able to provide written proof that all employees have been trained as required under the act.

This regulation establishes accessibility standards for customer service as it applies to every designated public sector organization and to every person or organization that provides goods or services to members of the public or other third parties and that have at least one employee in Ontario.

Name Alec Pedersen Company Name Pedersen Construction (2013) Inc.  
Phone Number 705-647-6223 Address 177246 Bedard Road  
New Liskeard

I, Alec Pedersen, declare that I, or my company, are in full compliance with Section 6 of Ontario Regulation 429/07, Accessibility Standards for Customer Service under the *Accessibility for Ontarians with Disabilities Act, 2005*.

I, \_\_\_\_\_, declare that I, or my company, are not in full compliance with Section 6 of Ontario Regulation 429/07, Accessibility Standards for Customer Service under the *Accessibility for Ontarians with Disabilities Act, 2005*, yet fully agree to meet the required compliance training standards on or before the delivery of the required goods and/or services. In an effort to assist non-compliant vendors, a link to a free e-learning course module called Serve-Ability, Transforming Ontario's Customer Service is available at [www.gov.on.ca/mcss/serve-ability/splash.html](http://www.gov.on.ca/mcss/serve-ability/splash.html).

Date: December 11, 2018

Clearance Certificate / Certificat de décharge

Contractor Legal / Trade Name / Appellation commerciale ou raison sociale de l'entrepreneur	Contractor Address / Adresse de l'entrepreneur	Contractor Classification Unit and Description / Unité de classification de l'entrepreneur et description	Principal Legal / Trade Name / Appellation commerciale ou raison sociale de l'entrepreneur principal	Principal Address / Adresse de l'entrepreneur principal	Clearance certificate number / Numéro du certificat de décharge	Validity period (dd-mm- yyyy) / Période de validité (jj/mm/aaaa)
PEDERSEN CONSTRUCTION (2013) INC.	PO BOX 2409, C/O HEATHER BRAZEAU, NEW LISKEARD, ON, POJ1P0, CA	1000-010: Non- Exempt Partners and Executive Officers in Rate Group 748 4224-001: Concrete Finishing 3551-000: Ready-Mix Concrete Operations 4122-000: Waterworks and Sewage Systems 4211-001: Wrecking and Structural Demolition 4222-002: Form Work (Low- Rise) 4231-000: Masonry Operations 4121-001: Highways, Streets, and Small Bridges 4591-001: Highway, Street, and Bridge Maintenance	THE CORPORATION OF THE CITY OF TEMISKAMING SHORES / CITY OF TEMISKAMING SHORES	PO BOX 2050, HAILEYBURY, ON, POJ1K0, CA	E200000FC3Q N	28-Nov-2018 to 19-May-2019

**Subject:** 'WHO Global Network for Age Friendly Cites and Communities' application **Report No.:** RS-011-2018  
**Agenda Date:** December 18, 2018

### **Attachments**

None

### **Recommendations**

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. RS-011-2018;
2. That Council acknowledges receipt of invitation from Public Health Agency of Canada (PHAC) to apply for recognition by the World Health Organization (WHO) Global Network for Age-Friendly Cities and Communities; and
3. That Council authorizes the submission of a completed application seeking to become a recognized Age Friendly Community by (WHO) and (PHAC) and added to the Global Network.

### **Background**

The Ontario Ministry of Seniors Affairs, recognized the City of Temiskaming Shores as a Category 2, Age Friendly Community for continued implementation and evaluation of the AFC plan on March 26, 2018 in Toronto.

The Public Health Agency of Canada initiated the process for acceptance to the WHO Global Network of Age-Friendly Cities and Communities for those communities recognized by the provincial government. Involvement in the Global Network grants the City of Temiskaming Shores the opportunity to access the global community of Age Friendly environments.

There is no cost to submitting the application nor is there a membership fee. There is a required commitment for the community to invest in continued development of the Age Friendly environment and share learnings and achievements with fellow members.

### **Analysis**

#### **Financial / Staffing Implications**

This item has been approved in the current budget: Yes ☐ No ☐ N/A ☒

This item is within the approved budget amount: Yes ☐ No ☐ N/A ☒

There are no costs associated with this application

Staffing implications related to this matter are limited to normal administrative functions and duties.

### **Alternatives**

No alternatives were considered.

### **Submission**

Prepared by:

Reviewed and approved by:

Reviewed and submitted for  
Council's consideration by:

"Original signed by"

"Original signed by"

"Original signed by"

---

Danielle Covello  
AFC Get Active  
Programmer

---

Tammie Caldwell  
Director of Recreation  
Services

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Christopher W. Oslund  
City Manager

# **Memo**

**To:** Mayor and Council  
**From:** Jennifer Pye, Planner  
**Date:** December 18, 2018  
**Subject:** Deeming By-law for 222 Cobalt Avenue  
**Attachments:** **Appendix 01** - Deeming By-law Application Form  
**Appendix 02** - Draft Deeming By-law

---

Mayor and Council:

Marcel Germain submitted a request to purchase the lane between his properties. Mr. Germain owns seven lots on the west side of the lane and four lots on the east side; each lot measures 33' x 124'. As the lots are whole lots on a registered plan of subdivision they do not merge on title when owned in the same name unless Council passes a deeming by-law. Mr. Germain is not proposing any additional construction at this point as a result of the deeming by-law or the purchase of the lane.

The subject property is designated Residential Neighbourhood in the City of Temiskaming Shores Official Plan and is zoned Low Density Residential (R2) in the City of Temiskaming Shores Zoning By-law.

If the Deeming By-law is passed it will be registered on title at the owner's expense. It is recommended that Council pass the deeming by-law.

Prepared by:	Reviewed and approved by:	Reviewed and submitted for Council's consideration by:
 "Original signed by"	 "Original signed by"	 Original signed by"
<hr/> Jennifer Pye Planner	<hr/> Shelly Zubyc Director of Corporate Services	<hr/> Christopher W. Oslund City Manager

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**Application for Deeming By-law  
Under Section 50(4) of the Planning Act**

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**Approval authority:**  
Council of the City of Temiskaming Shores

**Fee:** \$200 + 13% HST  
= \$226.00  
+ legal and land titles fees required to register by-law  
(billed directly from solicitor)

**Office Use Only**

File No.: D-2018-06

Date Received: November 21, 2018

Roll No.: 5418- 030-012-013.01/021.00

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**1. Owner Information**

Name of Owner: Marcel Germain

Mailing Address: PO Box 373 Haileybury, ON P0J 1K0

Email Address: marcel.germain67@gmail.com

Phone: 705-672-3908

**If more than one registered owner, please provide information below (attach separate sheet if necessary):**

Name of Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**2. Applicant/Agent Information (if applicant is not the owner or applicant is an agent acting on behalf of the owner):**

Name of Agent: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_

Phone: \_\_\_\_\_

**3. Please specify to whom all communications should be sent:**

☒ Owner

☐ Applicant/Agent

#### 4. Property Information

a. Location of the subject land:

☐ Dymond    ☐ New Liskeard    ☒ Haileybury

Municipal Address

222 Cobalt Avenue

Legal Description (concession and lot numbers, reference plan and lot/part numbers)

Plan M52NB Lots 222 to 234 and 221 to 227 Parcels 21919SST and 19774SST

b. Date the property/properties were acquired by the current owner: 2015

c. Are there any easements or restrictive covenants affecting the property/properties?

☐ Yes    ☒ No

If yes, describe the easement or covenant and its effect:

#### 5. Reason a deeming by-law is required:

Purchasing the laneway between the parcels and lots need to be deemed.

#### 6. Registration of By-law

If approved the deeming by-law must be registered on title to the property/properties to which it applies. The City will send the approved by-law directly to the lawyer of the applicant's choosing to ensure registration. The applicant is responsible for all fees associated with the registration of the by-law.

Name of Lawyer: Bill Ramsay

Name of Firm: Ramsay Law Office

Mailing Address: PO Box 160 New Liskeard, ON P0J 1P0

Email Address: wramsay@ramsaylaw.ca

Phone: 705-647-4010

**7. Applicant/Agent Authorization**

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We, \_\_\_\_\_ are the registered owners of the subject land and I/we hereby authorize \_\_\_\_\_ to make this application on my/our behalf and to provide any of my/our personal information that will be included in this application or collected during the processing of the application.

Date: \_\_\_\_\_ Signature of Owner: \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Owner: \_\_\_\_\_

**8. Authorization for Site Visits**

I/We authorize Municipal Staff and Council and/or Committee members, as necessary, to enter the subject property to gather information necessary in the assessment of the application.



\_\_\_\_\_  
*Applicant Initial*

\_\_\_\_\_  
*Applicant Initial*

**9. Notice re: Use and Disclosure of Personal Information**

In accordance with the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, I/We acknowledge and understand that any information collected on this form and any supplemental information submitted as part of this application can be disclosed to any person or public body.



\_\_\_\_\_  
*Applicant Initial*

\_\_\_\_\_  
*Applicant Initial*



## 10. Declaration of Applicant

- ✓ If the application is being submitted by the property owner and there is more than one registered owner, each owner must complete a separate declaration.
- ✓ If the application is being submitted by the property owner and the owner is a firm or corporation the person signing this declaration shall state that he/she has authority to bind the corporation or affix the corporate seal.
- ✓ This declaration must be completed in front of a Commissioner for Taking Affidavits.

I, Marc Deneau of the City of Temiskaming Shores  
in the District of Temiskaming make oath and say  
(or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true and I make this solemn declaration conscientiously knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Sworn (or declared) before me

at the City of Temiskaming Shores  
in the District of Temiskaming  
this 01<sup>st</sup> day of November, 20 18

Marc Deneau  
Signature of Applicant

Jennifer Pye  
A Commissioner for Taking Affidavits

Jennifer Lynn Pye, a Commissioner,  
etc., Province of Ontario, for the  
Corporation of the City of Temiskaming  
Shores. Expires June 26, 2021.

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-000**

**Being a by-law to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed as not a registered plan of subdivision 222 Cobalt Avenue Roll Nos. 54-18-030-012-013.01 and 54-18-030-012-021.00**

**Whereas** Section 50(4) of the Planning Act, R.S.P. 1990, c.P.13, as amended authorizes the Council of a municipality to designate by by-law, a plan of subdivision, or any part thereof, that has been registered for eight (8) years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subdivision control;

**And whereas** the property owner has requested that the following properties be merged on title: Lots 221, 222, 223, 224, 225, 226, 227, 228, 230, 231, 232, 233, 234, Plan M52NB, Parcels 21919SST and 19774SST;

**And whereas** Council considered Memo No. 010-2018-CGP at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to deem Lots 221, 222, 223, 224, 225, 226, 227, 228, 230, 231, 232, 233, 234, Plan M52NB, Parcels 21919SST and 19774SST to no longer be Lots on a Plan of Subdivision for consideration at the December 18, 2018 Regular Council meeting.

**Now therefore** the Council of the Corporation of the City of Temiskaming Shores enacts as follows:

1. That the lands hereinafter described shall be deemed not to be a lot or block on a Registered Plan of Subdivision for the purposes of Section 50(4) of the Planning Act R.S.O. 1990, c.P.13, as amended and as generally illustrated on Schedule "A" attached hereto and forming part of this by-law.
2. That the lands are described as:
  - a) Parcel 21919 SST, Plan M-52 N.B., Lots 222, 224, 226, 228, 230, 232, 234;
  - b) Parcel 196774 SST, Plan M-52 N.B., Lots 221, 223, 225, 227;
3. That in accordance with Section 50(28) of the Planning Act, R.S.O. 1990, c.P.13, as amended, a certified copy or duplicate of this by-law shall be registered by the Clerk of the Corporation of the City of Temiskaming Shores at the Land Registry Office in Haileybury, Ontario.
4. That in accordance with Section 50(29) of the Planning Act, R.S.O. 1990, c.P.13, as amended, Council shall give notice of the passing of the by-law within 30 days of the passing to the owner of land to which the by-law applies.
5. That in accordance with Section 50(30) of the Planning Act R.S.O. 1990, c.P.13, as amended, Council shall hear in person or by an agent any person to whom a notice was sent, who within twenty days of the mailing of the notice gives notice to

the Clerk of The Corporation of the City of Temiskaming Shores that the person desires to make representations respecting the amendment or repeal of the by-law.

6. That the Mayor and Clerk are authorized to sign all necessary documents in connection with this by-law.
7. That this by-law shall not be effective until a certified copy or duplicate of this by-law is registered by the Clerk of The Corporation of the City of Temiskaming Shores at the Land Registry Office in Haileybury, Ontario.
8. That the passing of this by-law shall be subject to the provisions of the Planning Act.
9. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

---

Mayor – Carman Kidd

---

Clerk – David B. Treen

Schedule “A”

City of Temiskaming Shores



222 Cobalt Avenue

# Memo

**To:** Mayor and Council  
**From:** Jennifer Pye, Planner  
**Date:** December 18, 2018  
**Subject:** Deeming By-law for 26 Birch Street (lots 26 and 27 on Plan M27T)  
**Attachments:** **Appendix 01** - Deeming By-law Application Form  
**Appendix 02** - Draft Deeming By-law

---

Mayor and Council:

Roy Smith submitted a request to purchase the unopened Birch Street road allowance to the east of his property. Mr. Smith owns two lots (Lots 26 and 27 on Plan M-27T, Parcel 11934 SST) and as the lots are whole lots on a registered plan of subdivision they do not merge on title when owned in the same name unless Council passes a deeming by-law. Mr. Smith is not proposing any additional construction at this point as a result of the deeming by-law or the purchase of a portion of Birch Street.

The subject property is designated Residential Neighbourhood in the City of Temiskaming Shores Official Plan and is zoned Low Density Residential (R2) in the City of Temiskaming Shores Zoning By-law.

If the Deeming By-law is passed it will be registered on title at the owner's expense. It is recommended that Council pass the deeming by-law.

Prepared by:	Reviewed and approved by:	Reviewed and submitted for Council's consideration by:
 "Original signed by"	 "Original signed by"	 "Original signed by"
<hr/> Jennifer Pye Planner	<hr/> Shelly Zubyck Director of Corporate Services	<hr/> Christopher W. Oslund City Manager

---

**Application for Deeming By-law  
Under Section 50(4) of the Planning Act**

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**Approval authority:**  
Council of the City of Temiskaming Shores

**Fee:** \$200 + 13% HST  
= \$226.00  
+ legal and land titles fees required to register by-law  
(billed directly from solicitor)

**Office Use Only**

File No.: D-2018-016  
Date Received: November 29, 2018  
Roll No.: 5418- 030-012-009.00

---

**1. Owner Information**

Name of Owner: Roy Smith  
Mailing Address: P.O. Box 132 / North Cobalt, Ontario / P0J 1R0  
Email Address: rrrb.smith@hotmail.com Phone: 705-622-0047

**If more than one registered owner, please provide information below (attach separate sheet if necessary):**

Name of Owner: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**2. Applicant/Agent Information (if applicant is not the owner or applicant is an agent acting on behalf of the owner):**

Name of Agent: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**3. Please specify to whom all communications should be sent:**

☒ Owner ☐ Applicant/Agent

#### 4. Property Information

a. Location of the subject land:

☐ Dymond    ☐ New Liskeard    ☒ Haileybury

Municipal Address

Legal Description (concession and lot numbers, reference plan and lot/part numbers)

Lots 26 & 27; Plan M-27T; Pcl. 11934 SST

b. Date the property/properties were acquired by the current owner: September 2017

c. Are there any easements or restrictive covenants affecting the property/properties?

☐ Yes    ☒ No

If yes, describe the easement or covenant and its effect:

#### 5. Reason a deeming by-law is required:

Will be acquiring a portion of Birch Street abutting lots 26 & 27. Want to incorporate into one property.

#### 6. Registration of By-law

If approved the deeming by-law must be registered on title to the property/properties to which it applies. The City will send the approved by-law directly to the lawyer of the applicant's choosing to ensure registration. The applicant is responsible for all fees associated with the registration of the by-law.

Name of Lawyer: Lisa Neill

Name of Firm: Evans Braggmolla & Sullivan

Mailing Address: 488 Ferguson Avenue / Haileybury, Ontario / P0J 1K0

Email Address: lneil@ebslawyers.com

Phone: 705-672-3338

**7. Applicant/Agent Authorization**

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We, \_\_\_\_\_ are the registered owners of the subject land and I/we hereby authorize \_\_\_\_\_ to make this application on my/our behalf and to provide any of my/our personal information that will be included in this application or collected during the processing of the application.

Date: \_\_\_\_\_ Signature of Owner: \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Owner: \_\_\_\_\_

**8. Authorization for Site Visits**

I/We authorize Municipal Staff and Council and/or Committee members, as necessary, to enter the subject property to gather information necessary in the assessment of the application.

KS                      \_\_\_\_\_  
Applicant Initial              Applicant Initial

**9. Notice re: Use and Disclosure of Personal Information**

In accordance with the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, I/We acknowledge and understand that any information collected on this form and any supplemental information submitted as part of this application can be disclosed to any person or public body.

KS                      \_\_\_\_\_  
Applicant Initial              Applicant Initial



#### 10. Declaration of Applicant

- ✓ If the application is being submitted by the property owner and there is more than one registered owner, each owner must complete a separate declaration.
- ✓ If the application is being submitted by the property owner and the owner is a firm or corporation the person signing this declaration shall state that he/she has authority to bind the corporation or affix the corporate seal.
- ✓ This declaration must be completed in front of a Commissioner for Taking Affidavits.

I, Roy Smith of the City of Temiskaming Shores  
in the District of Timiskaming make oath and say  
(or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true and I make this solemn declaration conscientiously knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

#### Sworn (or declared) before me

at the CITY OF TEMISKAMING SHORES  
in the DISTRICT OF TIMISKAMING  
this 29 day of NOVEMBER, 2018

  
\_\_\_\_\_  
Signature of Applicant

  
\_\_\_\_\_  
A Commissioner for Taking Affidavits

**David Treen, a Commissioner, etc.,  
While Clerk of the  
City of Temiskaming Shores.**

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-000**

**Being a by-law to designate any plan of subdivision, or part thereof,  
that has been registered for eight years or more, which shall be  
deemed as not a registered plan of subdivision 26 Birch Street Roll  
No. 54-18-030-012-009.00**

**Whereas** Section 50(4) of the Planning Act, R.S.P. 1990, c.P.13, as amended authorizes the Council of a municipality to designate by by-law, a plan of subdivision, or any part thereof, that has been registered for eight (8) years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subdivision control;

**And whereas** the property owner has requested that the following properties be merged on title: Lots 26 and 27, Plan M27T, Parcel 11934 SST;

**And whereas** Council considered Memo No. 011-2018-CGP at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to merge Lots 26 and 27, Plan M-27T, Parcel 11934 SST for consideration at the December 18, 2018 Regular Council meeting.

**Now therefore** the Council of the Corporation of the City of Temiskaming Shores enacts as follows:

1. That the lands hereinafter described shall be deemed not to be a lot or block on a Registered Plan of Subdivision for the purposes of Section 50(4) of the Planning Act R.S.O. 1990, c.P.13, as amended and as generally illustrated on Schedule "A" attached hereto and forming part of this by-law.
2. That the lands are described as:
  - a) Parcel 11934 SST, Plan M-27T, Lots 26 and 27;
3. That in accordance with Section 50(28) of the Planning Act, R.S.O. 1990, c.P.13, as amended, a certified copy or duplicate of this by-law shall be registered by the Clerk of the Corporation of the City of Temiskaming Shores at the Land Registry Office in Haileybury, Ontario.
4. That in accordance with Section 50(29) of the Planning Act, R.S.O. 1990, c.P.13, as amended, Council shall give notice of the passing of the by-law within 30 days of the passing to the owner of land to which the by-law applies.
5. That in accordance with Section 50(30) of the Planning Act R.S.O. 1990, c.P.13, as amended, Council shall hear in person or by an agent any person to whom a notice was sent, who within twenty days of the mailing of the notice gives notice to the Clerk of The Corporation of the City of Temiskaming Shores that the person desires to make representations respecting the amendment or repeal of the by-law.

6. That the Mayor and Clerk are authorized to sign all necessary documents in connection with this by-law.
7. That this by-law shall not be effective until a certified copy or duplicate of this by-law is registered by the Clerk of The Corporation of the City of Temiskaming Shores at the Land Registry Office in Haileybury, Ontario.
8. That the passing of this by-law shall be subject to the provisions of the Planning Act.
9. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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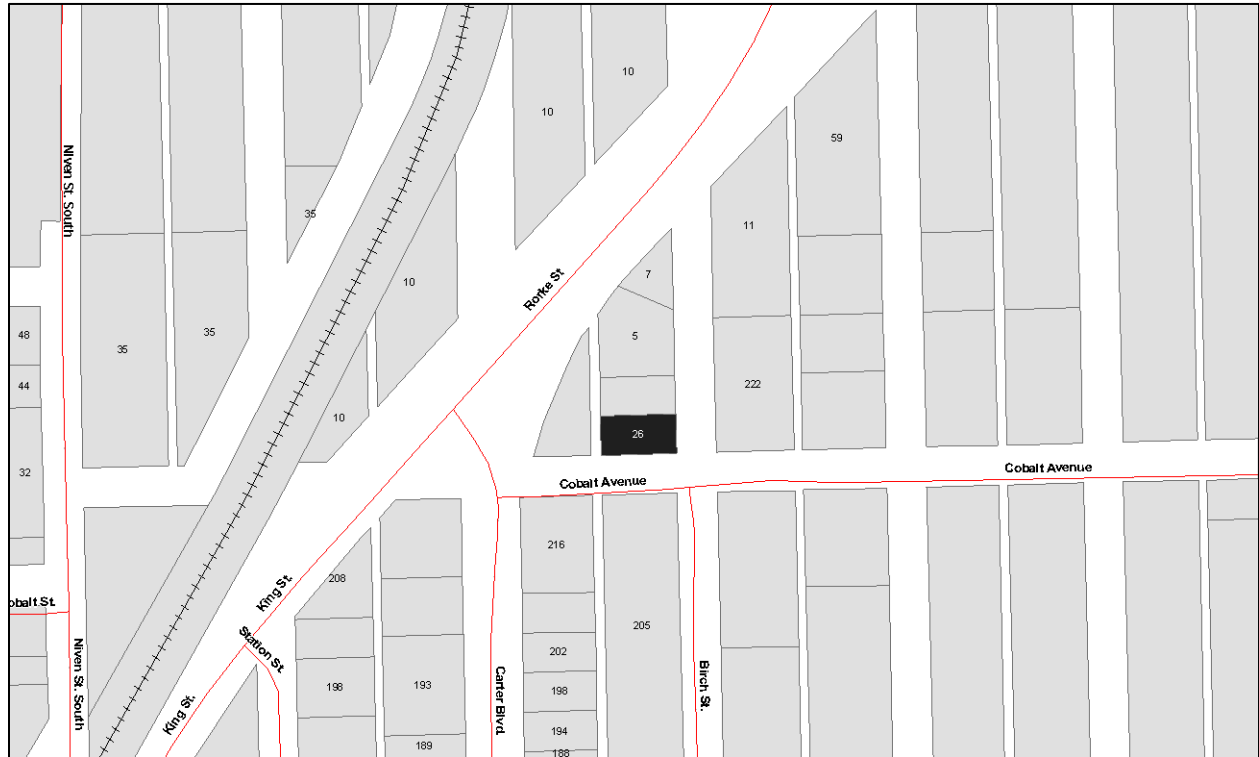
Mayor – Carman Kidd

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Clerk – David B. Treen

Schedule “A”

City of Temiskaming Shores



26 Birch Street

# **Memo**

**To:** Mayor and Council  
**From:** Jennifer Pye, Planner  
**Date:** December 18, 2018  
**Subject:** Deeming By-law for 480 Little Street (lots 121 and 124 on Plan M48NB)  
**Attachments:** **Appendix 01** – Deeming By-law Application Form  
**Appendix 02** – Draft Deeming By-law

---

Mayor and Council:

Michael and Kimberley Abraham have submitted a request for a deeming by-law for their property at 480 Little Street in Haileybury. Mr. and Mrs. Abraham intend to construct an addition to the existing dwelling on the property.

The existing dwelling sits on an angle on the property and the proposed addition may cross the property line between the two lots, or the setbacks may not be met. The property owners have requested the deeming by-law in order to ensure that the proposed addition and any future construction will be permitted within the required setbacks and lot coverage applicable to the entire property.

The subject property is designated Residential Neighbourhood in the City of Temiskaming Shores Official Plan and is zoned Medium Density Residential (R3) in the City of Temiskaming Shores Zoning By-law.

If the Deeming By-law is passed it will be registered on title at the owner's expense. It is recommended that Council pass the deeming by-law.

Prepared by:	Reviewed and approved by:	Reviewed and submitted for Council's consideration by:
--------------	---------------------------	--

"Original signed by"

\_\_\_\_\_  
Jennifer Pye  
Planner

"Original signed by"

\_\_\_\_\_  
Shelly Zubyck  
Director of Corporate Services

"Original signed by"

\_\_\_\_\_  
Christopher W. Oslund  
City Manager

**RECEIVED**

DEC - 7 2018

The City of Temiskaming Shores  
P.O. Box 2050  
325 Farr Drive  
Haileybury, Ontario P0J 1K0  
705-672-3363

**Application for Deeming By-law  
Under Section 50(4) of the Planning Act**

**Approval authority:**

Council of the City of Temiskaming Shores

**Fee:** \$200 + 13% HST

= \$226.00

+ legal and land titles fees required to register by-law  
(billed directly from solicitor)

**Office Use Only**

File No.: D-2018-08

Date Received: December 7, 2018

Roll No.: 5418- 030-012-106.00

**1. Owner Information**

Name of Owner: Michael Abraham

Mailing Address: 480 Little St. Box 940 Haileybury On. P0J 1K0

Email Address: michael\_abraham@live.com Phone: 705-672-3181

**If more than one registered owner, please provide information below (attach separate sheet if necessary):**

Name of Owner: Kimberley Abraham

Mailing Address: Same as above

Email Address: Kimberley.r.a@hotmail.com Phone: 705-672-3181

**2. Applicant/Agent Information (if applicant is not the owner or applicant is an agent acting on behalf of the owner):**

Name of Agent: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email Address: \_\_\_\_\_ Phone: \_\_\_\_\_

**3. Please specify to whom all communications should be sent:**

☒ Owner ☐ Applicant/Agent

#### 4. Property Information

a. Location of the subject land:

☐ Dymond    ☐ New Liskeard    ☒ Haileybury

Municipal Address

480 Little St

Legal Description (concession and lot numbers, reference plan and lot/part numbers)

Plan M48NB Lots 121, 124 PCL 9357SST, 4312NND

b. Date the property/properties were acquired by the current owner: 2000

c. Are there any easements or restrictive covenants affecting the property/properties?

☐ Yes    ☒ No

If yes, describe the easement or covenant and its effect:

#### 5. Reason a deeming by-law is required:

Plans to add an addition to the residence . There are two lots, not conjoined so there isn't enough free space or access to a garage without both properties classed as one large lot

#### 6. Registration of By-law

If approved the deeming by-law must be registered on title to the property/properties to which it applies. The City will send the approved by-law directly to the lawyer of the applicant's choosing to ensure registration. The applicant is responsible for all fees associated with the registration of the by-law.

Name of Lawyer: Lisa Neil

Name of Firm: Evans Bragagnolo & Sullivan

Mailing Address: 488 Ferguson Ave. Haileybury On. P0J 1K0

Email Address: LNeil@ebslawyers.com

Phone: 705-672-3338

**7. Applicant/Agent Authorization**

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We, \_\_\_\_\_ are the registered owners of the subject land and I/we hereby authorize \_\_\_\_\_ to make this application on my/our behalf and to provide any of my/our personal information that will be included in this application or collected during the processing of the application.

Date: \_\_\_\_\_ Signature of Owner: \_\_\_\_\_

Date: \_\_\_\_\_ Signature of Owner: \_\_\_\_\_

**8. Authorization for Site Visits**

I/We authorize Municipal Staff and Council and/or Committee members, as necessary, to enter the subject property to gather information necessary in the assessment of the application.

  
\_\_\_\_\_  
Applicant Initial

  
\_\_\_\_\_  
Applicant Initial

**9. Notice re: Use and Disclosure of Personal Information**

In accordance with the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, I/We acknowledge and understand that any information collected on this form and any supplemental information submitted as part of this application can be disclosed to any person or public body.

  
\_\_\_\_\_  
Applicant Initial

  
\_\_\_\_\_  
Applicant Initial



## 10. Declaration of Applicant

- ✓ If the application is being submitted by the property owner and there is more than one registered owner, each owner must complete a separate declaration.
- ✓ If the application is being submitted by the property owner and the owner is a firm or corporation the person signing this declaration shall state that he/she has authority to bind the corporation or affix the corporate seal.
- ✓ This declaration must be completed in front of a Commissioner for Taking Affidavits.

I, MICHAEL ABRAHAM of the TOWN OF HAILEYBURY  
in the DISTRICT of TEMISKAMING make oath and say  
(or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true and I make this solemn declaration conscientiously knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

### Sworn (or declared) before me

at the City of Temiskaming Shores  
in the District of Temiskaming  
this 7 day of December, 20 18

Michael Abraham  
Signature of Applicant

Laura Lee MacLeod  
A Commissioner for Taking Affidavits

Laura Lee MacLeod, a Commissioner, etc.,  
While Treasurer of the  
City of Temiskaming Shores

## 10. Declaration of Applicant

- ✓ If the application is being submitted by the property owner and there is more than one registered owner, each owner must complete a separate declaration.
- ✓ If the application is being submitted by the property owner and the owner is a firm or corporation the person signing this declaration shall state that he/she has authority to bind the corporation or affix the corporate seal.
- ✓ This declaration must be completed in front of a Commissioner for Taking Affidavits.

I, Kimberley Abraham of the City of Temiskaming Shores  
in the district of Temiskaming make oath and say  
(or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true and I make this solemn declaration conscientiously knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

### Sworn (or declared) before me

at the city of Temiskaming Shores  
in the District of Temiskaming  
this 7 day of December, 20 18

  
Signature of Applicant

  
A Commissioner for Taking Affidavits

Laura Lee MacLeod, a Commissioner, etc.,  
While Treasurer of the  
City of Temiskaming Shores

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-000**

**Being a by-law to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed as not a registered plan of subdivision 480 Little Street Roll Nos. 54-18-030-012-106.00**

**Whereas** Section 50(4) of the Planning Act, R.S.P. 1990, c.P.13, as amended authorizes the Council of a municipality to designate by by-law, a plan of subdivision, or any part thereof, that has been registered for eight (8) years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subdivision control;

**And whereas** Council considered Memo No. 012-2018-CGP at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to merge Lots 121 and 124, Plan M-48 N.B., Parcels 9357 SST and 4312 NND for consideration at the December 18, 2018 Regular Council meeting;

**Now therefore** the Council of the Corporation of the City of Temiskaming Shores enacts as follows:

1. That the lands hereinafter described shall be deemed not to be a lot or block on a Registered Plan of Subdivision for the purposes of Section 50(4) of the Planning Act R.S.O. 1990, c.P.13, as amended and as generally illustrated on Schedule "A" attached hereto and forming part of this by-law.
2. That the lands are described as:
  - a) Parcel 4312 NND, Plan M-48 N.B., Lot 124;
  - b) Parcel 9357 SST, Plan M-48 N.B., Lot 121
3. That in accordance with Section 50(28) of the Planning Act, R.S.O. 1990, c.P.13, as amended, a certified copy or duplicate of this by-law shall be registered by the Clerk of the Corporation of the City of Temiskaming Shores at the Land Registry Office in Haileybury, Ontario.
4. That in accordance with Section 50(29) of the Planning Act, R.S.O. 1990, c.P.13, as amended, Council shall give notice of the passing of the by-law within 30 days of the passing to the owner of land to which the by-law applies.
5. That in accordance with Section 50(30) of the Planning Act R.S.O. 1990, c.P.13, as amended, Council shall hear in person or by an agent any person to whom a notice was sent, who within twenty days of the mailing of the notice gives notice to the Clerk of The Corporation of the City of Temiskaming Shores that the person desires to make representations respecting the amendment or repeal of the by-law.

6. That the Mayor and Clerk are authorized to sign all necessary documents in connection with this by-law.
7. That this by-law shall not be effective until a certified copy or duplicate of this by-law is registered by the Clerk of The Corporation of the City of Temiskaming Shores at the Land Registry Office in Haileybury, Ontario.
8. That the passing of this by-law shall be subject to the provisions of the Planning Act.
9. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen

Schedule “A”

City of Temiskaming Shores



480 Little Street

## **Memo**

**To:** Mayor and Council  
**From:** David B. Treen, Clerk  
**Date:** December 18, 2018  
**Subject:** Amendment to Traffic By-law (2012-101) Bus Staging at NLPS

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Mayor and Council:

At the September 11, 2018 Regular Council meeting approval to create a Bus Staging area along Dymond Street from Paget Street to Mary Street was provided through an amendment to By-law No. 2012-101 (Traffic By-law). The Bus Staging area is illustrated on Appendix 01.

By-law/Property Standards Officer, Tim Goodyear has requested that the Bus Staging area be extended westerly to the entrance to the school as illustrated in Appendix 01. As indicated in Mr. Goodyear's email (Appendix 02) parents have been parking within the proposed extension area forcing buses to go around the parked vehicles, into the oncoming lane, in order to access the entrance.

It is recommended that By-law No. 2012-101 be amended to extend the bus staging area to the school entrance for consideration at the December 18, 2018 Regular Council meeting.

Prepared by:

Reviewed by:

Reviewed and submitted for  
Council's consideration by:

"Original signed by"

"Original signed by"

"Original signed by"

---

David B. Treen  
Municipal Clerk

---

Shelly Zubyck  
Director of Corporate  
Services

---

Christopher W. Oslund  
City Manager





Proposed  
Extension

Bus Staging

Dymond

Niven

John

Mary

Paget

Spruce

 Buses Only 7-5  
Mon-Fri Sep 1 – Jun 30

## Dave Treen

---

**From:** Tim Goodyear  
**Sent:** Monday, December 10, 2018 10:34 AM  
**To:** Dave Treen  
**Subject:** School bus issues, Dymond Street  
**Attachments:** Dymond Street concerns during bus times.pdf

Hi Dave

As we discussed in you office.

David B and myself attended NLPS last week during school bus drop off and pickup. This was in result of complaints from the buss companies during these times in respect to safety. We observed some issues in respect to safety around NLPS. I have attached a scan to show my recommendations to resolve the issues. It would be ideal to have the busses use Paget St instead of Mary St for there approach to the school as well as stage properly in the area created for them. Also if we could extend the school bus zone to eliminate the parents parking in front of the busses from the last sign to the entrance to NLPS, this would make that area enforceable and eliminate the congestion of busses going around the cars.

My request is to amend the bylaw to say **School bus parking only** Appendix 6, Table B Dymond St North **Entrance to NLPS to Paget St.**

Thanks

**Tim Goodyear**

By-Law/Property Standards Officer

**Corporation of the City of Temiskaming Shores**

325 Farr Drive | PO Box 2050 | Haileybury, ON | P0J 1K0

T. (705) 672 - 3363 ext. 4133

F. (705) 672 - 2911



# **THE CITY OF TEMISKAMING SHORES JANUARY - DECEMBER 2018 YEAR-TO-DATE CAPITAL FINANCIAL REPORT**

Finance Department Contact:  
Laura-Lee MacLeod, Treasurer

13-Dec-18

**SUMMARY - CAPITAL**  
**Revenues and Expenditures**  
**as at December 2018**

	2018 YTD			
	Actual	Total Budget	Variance B/(W)	% Change
<b>CAPITAL</b>				
<b>Revenues</b>				
Capital - General	1,777.9	4,142.3	(2,364.4)	-57.1%
Capital - Environmental	819.1	2,021.0	(1,201.9)	-59.5%
Total Revenues	<b>2,597.0</b>	<b>6,163.3</b>	<b>(3,566.3)</b>	<b>-57.9%</b>
<b>Expenditures</b>				
Capital - General	3,440.1	4,142.3	702.2	17.0%
Capital - Environmental	1,700.2	2,021.0	320.8	15.9%
Total Expenditures	<b>5,140.3</b>	<b>6,163.3</b>	<b>1,023.0</b>	<b>16.6%</b>
<b>Net Position Capital</b>	<b>(2,543.3)</b>	<b>0.0</b>	<b>2,543.3</b>	<b>0.0%</b>

**GENERAL CAPITAL  
Revenues & Expenditures  
as at December 2018**

Department	Project	2018			%	G	Y	R
		Actual	Budget	Variance B/(W)				
<b>REVENUES:</b>	Transfer from Operations		949.1	(949.1)				
	Transfer from Reserves		313.3	(313.3)				
	Financing - fleet	735.3	1,156.3	(421.0)				
	Financing - scba	560.2	260.1	300.1				
	Financing - PFC	260.1	560.2	(300.1)				
	Federal Gas Tax		622.5	(622.5)				
	OCIF Formula Based Funding	171.0	205.2	(34.2)				
	Provincial Gas Tax		68.1	(68.1)				
	Partnership - Splashpad	42.4	7.5	34.9				
	Partnership - Others	8.9		8.9				
<b>Total Revenues</b>		<b>1,777.9</b>	<b>4,142.3</b>	<b>(2,364.4)</b>				
<b>EXPENDITURES:</b>								
<b>Corporate Services:</b>	DTSSAB Housing Project	22.7	32.9	10.2	100%	X		
<b>FEMS:</b>	SCBA Replacement	266.1	265.6	-0.5	100%	X		
	Washer-Extractor for PPE	7.8	8.5	0.7	100%	X		
<b>Property Mtnce:</b>	NL Cemetery Building Upgrades	8.9	25.0	16.1	100%	X		
	PFC Upgrades	911.6	1,000.0	88.4	100%	X		
	NL Library Relocation	19.3	50.0	30.7	75%	X		
	Accessibility Upgrades Engineering	39.8	100.0	60.2	100%	X		
<b>Public Works:</b>	2018 Roads Program	1,154.9	1,085.7	-69.2	100%	X		
	Elm Street Resurfacing	33.7	35.0	1.3	100%	X		
	Ditching Program for Future Resurfacing	24.4	25.0	0.6	100%	X		
	Traffic Impact Study	11.5	25.0	13.5	100%	X		
	NL Landfill Site Expansion	41.9	110.0	68.1	100%	X		
<b>Transit:</b>	Video Surveillance System	8.7	37.5	28.8	100%	X		
	Transit Bus Motor Replacement	16.4	30.6	14.2	100%	X		
<b>Fleet:</b>	Sweeper	309.3	308.2	-1.1	100%	X		
	Sidewalk Machine	159.8	159.8	0.0	100%	X		
	Blower Attachment for Loader	117.4	115.0	-2.4	100%	X		
	3/4 Ton Pick Up with Cap	33.9	33.7	-0.2	100%	X		
	1/2 Ton Pick Up	27.4	27.2	-0.2	100%	X		
	3/4 Ton Crew Cab Pick Up	37.9	37.7	-0.2	100%	X		
	Water Tanks (2)	53.2	52.8	-0.4	100%	X		
	Pumper/Tanker		428.0	428.0	75%	X		
<b>Recreation:</b>	Splashpad	0.0	15.0	15.0	60%	X		
	Hlby Arena Lobby Floor Replacement	43.7	44.4	0.7	100%	X		
	Zero Turn Lawnmower	16.2	16.2	0.0	100%	X		
	Playground Equipment Program - Shaver Park	50.1	50.0	-0.1	100%	X		
	Groomer	3.2	3.2	0.0	100%	X		
	Land Acquisition (ARIO)	20.3	20.3	0.0	100%	X		
<b>Total Expenditures</b>		<b>3,440.1</b>	<b>4,142.3</b>	<b>702.2</b>				

**ENVIRONMENTAL CAPITAL**  
**Revenues & Expenditures**  
**as at December 2018**

	<b>2018</b>		<b>Variance</b>
	<b>Actual</b>	<b>Budget</b>	<b>B/(W)</b>
<b>REVENUES:</b>			
Transfer from Operations		138.7	(138.7)
Transfer from Reserves		625.2	(625.2)
Financing - North Cobalt Water Stabilization		59.8	(59.8)
Financing - TS Infrastructure (Gray Rd)		460.3	(460.3)
Financing - NL WTP Upgrades	549.0	466.9	82.1
Funding - NL WTP Upgrades	270.1	270.1	0.0
<b>Total Revenues</b>	<b>819.1</b>	<b>2,021.0</b>	<b>(438.0)</b>
<b>EXPENDITURES:</b>			
TS Infrastructure Upgrades (Gray Rd)	756.3	800.0	43.7
North Cobalt Water Stabilization	74.3	75.0	0.7
NL WTP Upgrades	720.3	761.0	40.7
Hlby WTP Sedimentation Tank Rebuild		110.0	110.0
Hlby STP Effluent Quality Issues	78.0	70.0	(8.0)
Beach Garden Sewer Upgrades		80.0	80.0
Niven Street Pump Refurbishment & Repair	71.3	125.0	53.7
<b>Total Expenditures</b>	<b>1,700.2</b>	<b>2,021.0</b>	<b>320.8</b>

**Subject:** Rogers Communications Inc.  
Lease Agreement

**Report No.:** CS-037-2018  
**Agenda Date:** December 18, 2018

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### **Attachments**

**Appendix 01:** Draft By-law with Rogers Haileybury Telecommunications Tower

### **Recommendations**

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-037-2018; and
2. That Council directs staff to prepare the necessary by-law to amend By-law No. 2013-127 exercising the option to extend the term of the lease with Rogers Communications Inc. for a period of five (5) years commencing September 1, 2018 to August 31, 2023 as well as to allow for the addition of one (1), five (5) year extension term commencing September 1, 2033 for consideration at the December 18, 2018 Regular Council meeting.

### **Background**

In August of 2013, the City entered into a lease agreement with Rogers Communications Inc. for the use of land in the Haileybury Industrial Park for the purposes of installing, maintaining and operating a telecommunications facility and equipment. The agreement term expired September 1, 2018.

### **Analysis**

By-law No. 2013-127 being a by-law to authorize the lease of land to Rogers Communications Inc. has the option of extending the initial term for an additional three, five-year periods.

Rogers Communications Inc. has advised that they will be exercising the option to extend the term of the current lease for a period of five (5) years commencing September 1, 2018 to August 31, 2023.

In addition to, Rogers Communications Inc. has requested the addition of a one (1) five (5) year extension term commencing September 1, 2033.

Staff recommends accepting the request for the extended term as there is no other use proposed for the occupied land.

### **Financial / Staffing Implications**

This item has been approved in the current budget: Yes ☒ No ☐ N/A ☐

This item is within the approved budget amount: Yes ☒ No ☐ N/A ☐

Currently the City receives \$8,400 per year in revenue. Effective September 1, 2018 revenues will increase to \$9,240.

Over the next three (3) renewal terms, the City will collect the following amounts:

September 1, 2023 - \$10,164 per year  
September 1, 2028 – \$11,180.40 per year  
September 1, 2033 - \$12,298.44 per year

### **Alternatives**

No alternatives were considered.

### **Submission**

Prepared by:

Reviewed and submitted for  
Council's consideration by:

"Original signed by"

"Original signed by"

\_\_\_\_\_  
Shelly Zubyck  
Director of Corporate Services

\_\_\_\_\_  
Christopher W. Oslund  
City Manager (A)

**VIA REGISTERED MAIL**

June 25, 2018

The Corporation of the City of Temiskaming Shores  
325 Farr Drive  
Haileybury, Ontario  
P9J 1K0

**Attention: City Manager, City of Temiskaming Shores**

**Re: Option to Extend the Telecommunications Site Agreement dated, August 6, 2013 (the "Lease") between John C. Good and Mr. James R. Good and Rogers Communications Inc. for the property known as Russel St. & Usher Avenue, Haileybury ON, all as more fully described in the Lease.**

**Rogers Site: "Haileybury" Lease ID 56476001 Site Code: C3667**

Please be advised that pursuant to the above-noted Lease, Rogers Communications Inc. is advising you as a courtesy that it is exercising its option to extend the term of the Lease for a period of **FIVE (5) years** commencing on **September 01, 2018 and ending August 31, 2023** (the "Extension Term").

In addition to, and without affecting the Extension Term as set out above and in the Lease, we wish to discuss with you **the addition of one (1) five (5) year extension term commencing September 1, 2033**. If we come to mutually satisfactory terms and conditions in respect of the requested change, they will form part of the Lease Extension and Amendment Agreement. If we do not, then the Lease will carry on as extended.

Please do not hesitate to contact me by telephone or through email, both of which have been provided in my signature below.

Yours truly,



**Christina Stassen  
Real Estate Analyst**

Rogers Communications Inc.  
8200 Dixie Road  
Brampton, ON L6T 0C1

**Email:** [christina.stassen@rci.rogers.com](mailto:christina.stassen@rci.rogers.com)  
**Phone:** 416.935.5403

Management Approval

Per:   
Alana Marinhas  
Manager, Real Estate  
Rogers Communications / Fido Solutions

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2018-000**

**Being a by-law to amend By-law No. 2013-127 being a by-law to  
authorize the Lease of Land to Rogers Communications Inc.**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**And whereas** under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** Council entered into an agreement with Rogers Communications Inc. via By-law No. 2013-127 (August 6, 2013) for the installation of a communications tower within the Haileybury Industrial Park;

**And whereas** Council considered Administrative Report CS-037-2018 at the September 11, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2013-127 exercising the option to extend the term of the lease with Rogers Communications Inc. for a period of five (5) years commencing September 1, 2018 to August 31, 2023 at a rate of \$9,240 per annum as well as to allow for the addition of one (1), five (5) year extension term commencing September 1, 2023 at a rate of \$10,164 per annum for consideration at the September 11, 2018 Regular Council meeting;

**Now therefore** the Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That Council hereby amends By-law No. 2013-127, as amended by extending the term of the lease for a period of five (5) years commencing September 1, 2018 to August 31, 2023 at a rate of \$9,240 per annum;
2. That Council hereby amends By-law No. 2013-127, as amended with the addition of a one five (5) year term extension option to commence on September 1, 2023 at a rate of \$10,164 per annum;
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.



**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen

**Subject:** Lease Agreement – Temiskaming  
Home Support at Hlby Arena

**Report No.:** CS-044-2018  
**Agenda Date:** December 18, 2018

## **Attachments**

**Appendix 01:** Draft Lease Agreement

## **Recommendations**

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-044-2018;
2. That Council directs staff to prepare the necessary by-law to enter into a lease agreement with the Temiskaming Home Support for the use of the Lions Den located in the Haileybury Arena from January 1, 2019 to December 31, 2019 for consideration at the December 18, 2018 Regular Council meeting.

## **Background**

The Temiskaming Home Support has been renting space from the City in the Haileybury Arena since 2017.

## **Analysis**

The Temiskaming Home Support has been using the Lions Den under a Hall Rental Agreement; however, as they regularly use the space for their Meals on Wheels program they are requesting sole use of the space.

Staff is recommending entering into a one (1) year lease agreement with Temiskaming Home Support for \$400 per month plus HST. The lease would include an option to renew as well as request necessary liability insurance from the organization.

## **Financial / Staffing Implications**

This item has been approved in the current budget: Yes ☐ No ☐ N/A ☒

This item is within the approved budget amount: Yes ☐ No ☐ N/A ☒

Revenue from the lease agreement would be \$4,800 for 2019.

## **Alternatives**

No alternatives were considered.

## **Submission**

Prepared by:

“Original signed by”

---

Shelly Zubyck, CHRP  
Director of Corporate Services

Reviewed and submitted for  
Council’s consideration by:

“Original signed by”

---

Christopher W. Oslund  
City Manager

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-000**

**Being a by-law to authorize the entering into a Lease  
Agreement with the Temiskaming Home Support for the use  
of space at the Haileybury Arena – Lion's Den**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**And whereas** under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** Council considered Administrative Report CS-044-2018 at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to enter into a lease agreement with Temiskaming Home Support for use of the Lion's Den at the Haileybury Arena for consideration at the August 14, 2018 Regular Council meeting;

**Now therefore** the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the Mayor and Clerk be hereby authorized to enter into a Lease Agreement with the New Liskeard Agricultural Society for the period covering January 1, 2019 to December 31, 2019 being Schedule "A", attached hereto and forming part of this by-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law where such modifications or corrections do not alter the intent of the by-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen

**This lease** made this 18<sup>th</sup> day of December, 2018.

Between:

**The Corporation of the City of Temiskaming Shores**  
(hereinafter called the "Lessor")

And:

**Temiskaming Home Support**  
(hereinafter called the "Lessee")

**Whereas** the Lessor is the owner of the lands in the City of Temiskaming Shores, District of Timiskaming, in the Province of Ontario, (hereinafter called the "Land"), and there is located on the Lands a building (hereinafter called the "Building"), having an entrance off Ferguson Avenue in the City of Temiskaming Shores, in the Province of Ontario.

**And whereas** the parties hereto have agreed to enter into this Lease.

**1. Leased Premises**

The Lessor hereby demises and leases to the Lessee the "Lion's Den" in the Lessor's Building located at 400 Ferguson Avenue, Haileybury, Ontario being hereinafter called the "premises".

**2. Ingress and Egress**

**Together** with the right of ingress and egress for the Lessee's employees, servants and agents, customers, patients and invitees, and the use of elevators, entrances, lobbies, hallways, stairways, driveways, sidewalks, common loading and stopping areas in and about the Lands and Building (hereinafter called the "common areas").

**3. Term**

**To hold** the premises for a term commencing on the 1<sup>st</sup> day of January, 2019 and ending on the 31<sup>st</sup> day of December, 2019.

**4. Rent**

**And paying** therefore, to the Lessor, subject to the provisions of this Lease, the sum of \$400 per month plus HST. Rent is payable to the City of Temiskaming Shores and due on the first day of each and every month during the term hereof.

**And** the parties hereto covenant and agree as follows:

**5. Tenant's Covenants**

The Tenant covenants with the Landlord:

- a) **Rent** - to pay rent;
- b) **Telephone** - to pay when due the cost of the telephone and intercom services supplied to the premises;
- c) **Repair** - to repair, reasonable wear and tear and damage by fire, lightning and tempest only excepted; and to permit the Landlord to enter and view the state of repair and to repair according to notice in writing, reasonable wear and tear and damage by fire, lightning and tempest only excepted; and to leave the premises in good repair, reasonable wear and tear and damage by fire, lightning and tempest only excepted;
- d) **Cost of repair where Tenant at fault** - that if the building including the premises, boilers, engines, pipes and other apparatus (or any of them) used for the purpose of heating or air conditioning the building or operating the elevators, or if the water pipes, drainage pipes, electric lighting or other equipment of the building or the roof or outside walls of the building get out of repair or become damaged or destroyed through the negligence, carelessness or misuse of the Tenant, his servants, agents, employees or anyone permitted by him to be in the building (or through him or them in any way stopping up or injuring the heating apparatus, elevators, water pipes, drainage pipes, or other equipment or part of the building) the expense of any necessary repairs, replacements or alterations shall be paid by the Tenant to the Landlord forthwith on demand;
- e) **Assigning or subletting** - not to assign, sublet or part with possession of any part of the premises without leave of the Landlord, which leave shall not be unreasonably withheld, and which leave shall not be required in the event of a sublease to add a health team member to the group comprising the Tenant or to a management corporation which may be incorporated by the Tenant;
- f) **Entry by Landlord** - to permit the Landlord or its agents to enter upon the premises at any time and from time to time for the purpose of inspecting and making repairs, alterations or improvements to the premises or to the building, and the Tenant shall not be entitled to compensation for any inconvenience, nuisance, or discomfort occasioned thereby; provided that the Landlord shall give reasonable advance notice to avoid inconvenience to the Tenant, given the private and confidential nature of the profession of the Tenant;
- g) **Indemnity** - to indemnify and save harmless the Landlord against and from any and all claims by or on behalf of any person or persons, firm or firms, or corporation or corporations arising from the conduct or any work, by or through any act of negligence of the Tenant or any assignee, subtenant, agent, contractor, servants, employee or licensee of the Tenant;
- h) **Exhibiting premises** - to permit the Landlord or its agents to exhibit the premises

to prospective Tenants during the last month of the term;

- i) **Alterations** - not to make or erect in or to the premises any installation, alteration, addition, or partition without submitting plans and specifications to the Landlord and obtaining the Landlord's prior written consent (in each instance); such work shall if the Landlord so elects, be performed by employees of or contractors designated by the Landlord; in the absence of such election, such work may be performed with the Landlord's consent in writing (given prior to letting of contract) by contractors engaged by the Tenant but in each case only under written contract approved in writing by the Landlord and subject to all conditions which the Landlord may impose; the Tenant shall submit to the Landlord or the Tenant's contractors (as the case may be), when due the costs of all such work and of all materials, labour and services involved therein and of all decoration and all changes in the building, its equipment or services, necessitated thereby; provided, that it is at this time understood by the Landlord that certain medical equipment is to be installed, including wall mounted byfercator, otoscope and blood pressure apparatus to be placed at convenient places as designated by the Tenant;
- j) **Name of building** - not to refer to the building by any other name other than that designated from time to time by the Landlord nor use the name of the building for any purpose except as the business address of the Tenant;
- k) **Termination by Tenant** – Notwithstanding any unexpired term of this agreement, in the event that the Tenant is not otherwise in default of the terms of this lease, he shall be entitled to terminate this lease upon giving 60 days written notice to the Landlord and upon payment to the Landlord of a penalty equal to three months rental and they must have the property vacated by the final day of their 60 days notice.
- l) **Monthly tenancy** – If upon the termination of this lease or any extension thereof the Landlord permits the Tenant to remain in possession of the Lands and Building and accepts rent, a tenancy from year to year is not created by implication of law and the Tenant is deemed to be a monthly tenant only, subject to all the terms and conditions of this lease except as to duration.
- m) **Right of Renewal** – The Tenant shall have the right, if not otherwise in default, of renewing the lease. Terms and conditions to be negotiated at signing. The Tenant shall be required to give written notice of his intention to renew the lease on or before the 1<sup>st</sup> day of October prior to the commencement of the renewal term;
- n) **Insurance** - The tenant shall maintain adequate insurance coverage on its equipment, supplies, inventory and the Tenant's fixtures and all other property belonging to it. The Tenant agrees to not carry on or permit to be carried on any business in the Building which may make void or voidable any insurance held by the Landlord or other occupants of the Building.

The tenant will keep in force a full policy of public liability insurance with respect to

the business operated by the Tenant in the Leased Premises. The policy shall name the Landlord and Tenant as insured and shall contain a clause that the insurer will not cancel or change the insurance without first giving the Landlord 10 days written notice. A certificate of such insurance shall be delivered to the Landlord prior to the commencement of the term and, so far as renewals are concerned, thirty days prior to the expiry of any such policy.

## 6. Landlord’s Covenants

The Landlord covenants with the Tenant;

- a) **Quiet enjoyment** - for the quiet enjoyment;
- b) **Taxes** – to pay all taxes and rates levied against the premises or to the Landlord on account thereof;
- c) **Access** - to permit the Tenant, its employees, and all persons lawfully requiring communication with them to have the use at all reasonable times in common with other of the main entrance and the stairways and corridors of the building leading to the premises;
- d) **Air conditioning** - to install and operate air conditioning units to air condition the premises at the expense of the Landlord;
- e) **Electricity and water** - to pay for the electricity and water supplied to the premises;
- f) **Janitor service** - to cause, when reasonably necessary, given the professional nature of the Tenant's use of the premises, (from time to time) the floors and windows of the premises to be vacuumed, swept and cleaned and the desks, tables and other furniture of the Tenant to be dusted, but (with the exception of the obligation to cause the work to be done) the Landlord shall not be responsible for any act or omission or commission on the part of the person or persons employed to perform such work, provided vacuuming, sweeping and dusting is done daily five days of the week;
- g) **Heat** - to heat the premises;
- h) **Plug-ins** - to provide outside plug-in service for not less than 18 cars in the staff parking area adjacent the premises;
- i) **Structural soundness** - to keep the premises, common areas and parking lot structurally sound and to look after any structural defects which may arise;
- j) **Notice** – the Landlord can terminate the lease upon giving 60 days written notice



in accordance with the provisions stated in the Tenant Protection Act; and

- k) **Insurance** - The Landlord shall maintain adequate fire and other perils insurance coverage on the Leased premises and its fixtures for the full value thereof and shall maintain such insurance throughout the term of this Lease and any renewal thereof. Such policy shall contain a waiver of subrogation as against the Tenant and its employees and officers.

## 7. **Provisos**

Provided always and it is hereby agreed as follows:

- a) **Fixtures** - The Tenant may remove his fixtures, but all installations, alterations, additions, partitions and fixtures except trade or Tenant's fixtures in or upon the premises, whether placed there by the Tenant or by the Landlord, shall be the Landlord's property without compensation therefore to the Tenant and shall not be removed from the premises at any time (either during or after the term);
- b) **Fire** - In case of damage to the premises by fire, lightning or tempest, rent shall cease until the premises are rebuilt; and the Landlord, instead of re-building or making the premises fit for the purpose of the Tenant, may at its option terminate this lease on giving to the Tenant within thirty days after such fire, lightning or tempest, notice in writing of its intention (so to do) and thereupon rent and any other payments for which the Tenant is liable under this lease shall be apportioned and paid to the date of such fire, lightning or tempest, and the Tenant shall immediately deliver up possession of the premises to the Landlord;
- c) **Damage to property** - The Landlord shall not be liable nor responsible in any way for any loss of or damage or injury to any property belonging to the Tenant or to the employees of the Tenant or to any other person while in the building or in the yard of the building unless such loss, damage or injury shall be caused by the negligence of the Landlord or its employees, servants or agents for any damage to any such property caused by steam, water, rain or snow which may leak into, issue or flow from any part of the building or from the water, steam or drainage of the building or from any other place or quarter nor for any damage caused by or attributable to the condition or arrangement of any electric or other wiring omitted by any other Tenant;
- d) **Impossibility of performance** - It is understood and agreed that whenever and to the extent that the Landlord shall be unable to fulfill, or shall be delayed or restricted in fulfilling any obligation hereunder for the supply or provision of any service or utility or the doing of any work or the making of any repairs because it is unable to obtain the material, goods, equipment, service, utility or labour required to enable it to fulfill such obligations or by reason of any statute, law or order-in-council or any regulation or order passed or made pursuant thereto or by reason of the order or direction of any administrator, controller or board, or any government department or officer or other authority, or by reason of not being able

to obtain any permission or authority required thereby, or by reason of any other cause beyond its control whether of the foregoing character or not, the Landlord shall be relieved from the fulfillment of such obligation and the Tenant shall not be entitled to compensation for any inconvenience, nuisance or discomfort thereby occasioned;

- e) **Default of Tenant** - If the rent reserved or any part thereof shall not be paid on the day appointed for payment, whether lawfully demanded or not, or in case of breach or non-observance or non-performance of any of the covenants or agreements or rules or regulations herein contained or referred to on the part of the Tenant to be observed and performed, or in case the premises shall be vacated or remain unoccupied or in case the term shall be taken in execution or attachment for any cause whatsoever, (and in every such case) the Landlord shall be entitled thereafter to enter (into and) upon the premises (or any part thereof in the name of the whole) and the same to (have again), repossess and enjoy as of its former estate, anything herein contained to the contrary notwithstanding;
- f) **Bankruptcy of Tenant** - In case without the written consent of the Landlord the premises shall remain vacant or not used for the period of fifteen days or be used by any other person than the Tenant or for any other purpose than that for which they were let or in case the term or any of the goods and chattels of the Tenant shall at any time be seized in execution or attachment by any creditor of the Tenant or if the Tenant shall make any assignment for the benefit of creditors or any bulk sale of any act (now or hereafter in force) for bankrupt or insolvent debtors (or if the Tenant is a company any order shall be made for the winding up of the Tenant), then in any such case this lease shall at the option of the Landlord cease and terminate and the term shall immediately become forfeited and void and the current month's rent and the next ensuing three month's rent shall immediately become due and payable and the Landlord may re- enter and take possession of the premises as though the Tenant or other occupant (or occupants) of the premises was (or were) holding over after the expiration of the term without any right whatever;
- g) **Distress** - The Tenant waives and renounces the benefit of any present or future statute taking away or limiting the Landlord's right of distress, and covenants and agrees that notwithstanding any such statute none of the goods and chattels of the Tenant on the premises at any time during the term shall be exempt from levy by distress for rent in arrears;
- h) **Right of re-entry** - On the Landlord's becoming entitled to re-enter the premises under any of the provisions of this lease, the Landlord in addition to all other rights may do so as the agent of the Tenant, using force if necessary, without being liable for any prosecution therefore, and may re-let the premises as agent of the Tenant, and receive the rent therefor, and as agent of the Tenant may take possession of any furniture or other property on the premises and sell the same at a public or private sale without notice and apply the proceeds of such sale and any rent

derived from re-letting the premises upon account of rent under this lease, and the Tenant shall be liable to the landlord for any deficiency;

- i) **Right of termination** - On the Landlord's becoming entitled to re-enter the premises under any of the provisions of this lease, the Landlord, in addition to all other rights, shall have the right to terminate this lease forthwith by leaving upon the premises notice in writing of its intention, and thereupon rent and any other payments for which the Tenant is liable under this lease shall be computed, apportioned and paid in full to the date of such termination, and the Tenant shall immediately deliver up possession of the Premises to the Landlord, and the Landlord may re-enter and take possession of the premises;
- j) **Non-waiver** - Any condoning, excusing or overlooking by the Landlord of any default, breach or non-observance by the Tenant at any time in respect of any covenant, provision or condition herein contained shall not operate as a waiver of the Landlord's rights hereunder in respect of any subsequent default, breach or non-observance, and shall not defeat or affect in any way the rights of the Landlord herein in respect to any default, breach or non-observance by the Landlord, mutatis mutandis.
- k) **Overholding** - If the Tenant shall continue to occupy the premises after the expiration of this lease with or without the consent of the Landlord, and without any further written agreement, the Tenant shall be a monthly Tenant at the monthly rental herein mentioned and on the terms and conditions herein set out except as to length of tenancy.
- l) **Arbitration** - Any dispute between the parties hereto arising out of the provision of this lease shall be referred to the arbitration of three persons, one to be appointed by each of the parties hereto and the third to be chosen by the two so appointed. If either of the parties fails to appoint an arbitrator for 15 days after the one party has appointed an arbitrator and has notified the other party in writing of the appointment and of the matter in dispute to be dealt with, the decision of the arbitrator appointed by the first of such parties shall be final and binding on both of the parties hereto. If the two arbitrators appointed by the parties hereto fail to agree upon a third arbitrator for 15 days after the appointment of the second arbitrator, either party hereto may apply on 15 days' notice (written) giving the order to a Judge of the District Court of the District of Timiskaming as a persona designate to appoint such third arbitrator. The said Judge, upon proof of such failure of appointment and of the giving of such notice, may forthwith appoint an arbitrator to act as such third arbitrator. If any arbitrator refuses to act or is incapable of acting or dies, a substitute for him may be appointed in the manner herein before provided. The decision of the three arbitrators so appointed, or a majority of them, shall be final and binding upon the parties hereto. All costs and expenses of any such arbitration shall be borne by the parties hereto equally;
- m) **Subordination** - This lease and everything herein contained shall be postponed to any charge or charges now or from time to time hereafter created by the

Landlord in respect of the premises by way of institutional mortgage or mortgages and to any extension, renewal, modification, consolidation or replacement thereof, and the Tenant covenants that it will promptly at any time during the term hereof as required by the Landlord give all such further assurances to this provision as may be reasonably required to evidence and effectuate this postponement of its rights and privileges hereunder to the holders of any such charge or charges. The Tenant further covenants on demand at any time to execute and deliver to the Landlord at the Landlord's expense any and all instruments which may be necessary or proper to subordinate this lease and the Tenant's rights hereunder to the lien or liens of any such extension, renewal, modification, consolidation, replacement or new mortgage or mortgages, and the Tenant hereby irrevocably constitutes and appoints the Landlord as its attorney with full power and authority to execute any necessary documents in the implementation hereof for and on behalf of the Tenant and any assumption of this lease by any assignee of the Tenant named herein shall in itself include this provision so that the assignee assuming this lease does thereby irrevocably constitute and appoint the Landlord as its attorney with full power and authority to execute any necessary documents in the implementation hereof for or on behalf of the said assignee;

- n) **Notice** - Any notice required or contemplated by any provision of this lease shall be deemed sufficiently given if contained in writing enclosed in a sealed envelope addressed, in the case of notice of the Landlord, to it, at P.O. Box 2050, Haileybury, Ontario, P0J 1K0 and in the case of notice to the Tenant, to P.O. Box 2010, Haileybury, Ontario, P0J 1K0. The date of receipt of such notice shall be the fourth day next following the date of so mailing by registered mail. Provided that either party may, by notice to the other, designate another address in Canada to which notices mailed or delivered more than ten days thereafter shall be addressed.

## **8. Headings**

The headings in this lease have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this lease or any provisions hereof.

## **9. Effect of Lease**

This lease and everything herein contained, shall extend to and bind and may be taken advantage of by the heirs, executors, administrators, successors and assigns, as the case may be, of each (and every) of the parties hereto, and where there is more than one Tenant or there is a female party or a corporation, the provisions hereof shall be read with all grammatical changes thereby rendered necessary and all covenants shall be deemed joint and several.

**Remainder of Page left Blank Intentionally**

In witness whereof the parties have executed this Agreement the day and year first above written.

Signed and Sealed in  
the presence of

Municipal Seal

**Temiskaming Home Support**

\_\_\_\_\_  
Signature

Name: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Witness - Signature

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Corporation of the City of  
Temiskaming Shores**

\_\_\_\_\_  
Mayor – Carman Kidd

\_\_\_\_\_  
Clerk – David B. Treen

**Subject:** Lease Amendments – Haileybury  
Family Health Team/Dr. Currie

**Report No.:** CS-045-2018  
**Agenda Date:** December 18, 2018

### **Attachments**

**Appendix 01:** Draft Lease Agreement

### **Recommendations**

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-045-2018;
2. That Council directs staff to amend By-law No. 2016-169 (lease agreement with Dr. Nichole Currie) for the removal of 91 square feet of office space in the Haileybury Medical Centre for consideration at the December 18, 2018 Regular Council meeting; and
3. That Council directs staff to amend By-law No. 2018-051 (lease agreement with the Haileybury Family Health Team) for the addition of 91 square feet of office space in the Haileybury Medical Centre for consideration at the December 18, 2018 Regular Council meeting.

### **Background**

Staff have received a request to have the lease agreements with Dr. Nichole Currie and the Haileybury Family Health Team amended.

### **Analysis**

Currently the Haileybury Family Health Team is leasing 1,907 square feet of office space in the Haileybury Medical Centre and Dr. Nichole Currie is leasing 542 square feet.

The Family Health Team has requested that Examination Room 215 (91 ft<sup>2</sup>) be transferred to their current lease agreement from Dr. Currie's.

The space will be used by a Registered Nurse under the Haileybury Family Health Team.

Attached are the draft amending By-laws for the lease agreements for Council's consideration.

### **Financial / Staffing Implications**

This item has been approved in the current budget: Yes ☐ No ☐ N/A ☒

This item is within the approved budget amount: Yes ☐ No ☐ N/A ☒

## **Alternatives**

No alternatives were considered.

## **Submission**

Prepared by:

“Original signed by”

---

Shelly Zubyyck, CHRP  
Director of Corporate Services

Reviewed and submitted for  
Council’s consideration by:

“Original signed by”

---

Christopher W. Oslund  
City Manager

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-000**

**Being a by-law to amend By-law No. 2016-169 being a by-law to authorize the entering into a Lease Agreement with Dr. Nichole Currie for the rental of space at the Haileybury Medical Centre**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**And whereas** under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** Council considered Administrative Report CS-017-2016 at the November 1, 2016 Regular Council meeting and adopted By-law No. 2016-169 being a by-law to enter into a three (3) year lease agreement with Doctor Nichole Currie at the Haileybury Medical Center;

**And whereas** Council considered Administrative Report CS-045-2018 at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2016-169 to remove 91 ft<sup>2</sup> (Examination Room 215) from the agreement for consideration at the December 18, 2018 Regular Council meeting.

**Now therefore** the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Article 1 – Leased Premises of Schedule “A” to By-law No. 2016-169 be removed and replaced with the following:

**1. Leased Premises**

The Landlord hereby demises and leases to the Tenant part of the **upper level** in the Landlord's Building containing a rentable area of Four Hundred and Fifty-One square feet (451 ft<sup>2</sup>) located at 95 Meridian Avenue, City of Temiskaming Shores, Ontario being hereinafter called the "premises".

2. That Article 3 – Rent of Schedule “A” to By-law No. 2016-169 be removed and replaced with the following:



### 3. Rent

And paying therefore, to the Lessor, subject to the provisions of this Lease, the sum of **Four Hundred and Ninety-Four Dollars and Ninety-Seven Cents (\$494.97)** per month plus HST, which represents a lease rate of \$13.17/ft<sup>2</sup>/year. Rent will be increased annually for the duration of the term using a Consumer Price Index percentage.

3. That these amendments be effective as of January 1, 2019.
4. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

---

Mayor – Carman Kidd

---

Clerk – David B. Treen

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-000**

**Being a by-law to amend By-law No. 2018-051 being a  
by-law to authorize the entering into a Lease Agreement  
with the Haileybury Family Health Team for the rental of  
space at the Haileybury Medical Centre**

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

**And whereas** under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** Council considered Administrative Report CS-009-2018 at the April 3, 2018 Regular Council meeting and adopted By-law No. 2018-051 being an agreement with the Haileybury Family Health Team for the use of office space at the Haileybury Medical Centre;

**And whereas** Council considered Administrative Report CS-045-2018 at the December 18, 2018 Regular Council meeting and directed staff to amend By-law No. 2018-051 by increase the rentable office space by 91 ft<sup>2</sup> for consideration at the December 18, 2018 Regular Council meeting.

1. That By-law No. 2018-051 be amended by adding Schedule "I" to the lease agreement, a copy of which is attached hereto as Schedule "A" and forming part of this by-law;
2. That the Mayor and Clerk be authorized to enter into an Agreement with the Haileybury Family Health Team for the rental of space (**Rooms 215**) at the Haileybury Medical Centre for use by a **Registered Nurse**, a copy of which is attached hereto as **Schedule "A"** and forming part of this by-law;
3. That this by-law will be effective as of January 1, 2019.
4. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

---

Mayor – Carman Kidd

---

Clerk – David B. Treen

**Schedule “A” to By-law No. 2019-000**

Dated this 18<sup>th</sup> day of December, 2018

Lease Agreement

- between -

**The Corporation of the City of Temiskaming Shores**

- and -

**The Haileybury Family Health Team**

for a  
Registered Nurse  
(ROOM 215)

---

**LEASE**

---

Administered by:  
The Corporation of the City of Temiskaming Shores  
P.O. Box 2050  
Haileybury, Ontario  
P0J 1K0

**This Lease** made this 18<sup>th</sup> of December, 2018.

Between:

**The Corporation of the City of Temiskaming Shores**  
(hereinafter called the "Landlord")

And:

**The Haileybury Family Health Team**  
**for the Administrative Assistant**  
(hereinafter called the "Tenant")

**Whereas** the Landlord is the owner of the lands described as follows: Part Lot 13 and Part Lot 137, Concession 3, as shown on Plan M-58, Parcel 19899SST in the City of Temiskaming Shores, District of Timiskaming, in the Province of Ontario, (hereinafter called the "Land"), and there is located on the Lands a building (hereinafter called the "Building"), having an entrance off Meridian Avenue in the City of Temiskaming Shores, in the Province of Ontario.

**And whereas** the parties hereto have agreed to enter into this Lease.

### **1. Leased Premises**

The Landlord hereby demises and leases to the Tenant part of the upper level in the Landlord's Building containing a rentable area of **91 ft<sup>2</sup>** located at 95 Meridian Avenue, Haileybury, Ontario being hereinafter called the "premises".

### **Ingress and Egress**

**Together** with the right of ingress and egress for the Tenant's employees, servants and agents, customers, patients and invitees, and the use of elevators, entrances, lobbies, hallways, stairways, driveways, sidewalks, common loading and stopping areas in and about the Lands and Building (hereinafter called the "common areas").

### **2. Term**

**To hold** the premises for a term commencing on the **1<sup>st</sup> day of January, 2019** and ending on the **31<sup>st</sup> day of March, 2019**.

### **3. Rent**

**And paying** therefore, to the Landlord, subject to the provisions of this Lease, the sum **\$164.03** per month plus HST. Rent is payable to the City of Temiskaming Shores and due on the first day following the last day of each quarter during the term hereof.

**And** the parties hereto covenant and agree to the General Covenants as detailed in Appendix 01 attached hereto and forming part of this agreement.

**In witness whereof** the Party of the First Part has hereunto affixed its corporate seal attested by the hands of its duly authorized officers, and the Party of the Second Part has hereunto set its hand and seal by execution under seal by each and every individual comprising the Party of the Second Part.

**Signed, sealed, and delivered**, in the presence of;

**City of Temiskaming Shores – Landlord**

Party of the First Part

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor – Carman Kidd

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk – David B. Treen

**The Haileybury Family Health Team – Tenant**

Party of the Second Part

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deborah Kersley

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

Name: \_\_\_\_\_

**Subject:** Municipal Property Tax Policy

**Report No.:** CS-046-2018

**Agenda Date:** December 18, 2018

---

### **Attachments**

**Appendix 01:** Municipal Property Tax Policy Fees/Charges

**Appendix 02:** Ontario Municipal Tax & Revenue Association

**Appendix 03:** Draft Municipal Property Tax Policy

### **Recommendations**

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-046-2018;
2. That Council directs staff to prepare the necessary by-law to repeal By-laws 2007-045, as amended and adopt a new Municipal Property Tax Policy for consideration at the December 18, 2018 Regular Council meeting; and
3. That Council directs staff to amend By-law 2012-039, being a by-law to establish departmental user fees and service charges for consideration at the December 18, 2018 Regular Council meeting.

### **Background**

On April 24, 2007, Council passed By-law No. 2007-045 being a by-law for the Adoption of a Municipal Property Tax Policy.

On June 15, 2015, Council passed By-law No. 2015-138 to amend the policy in relation to Non-Tax Debt being charged to the property tax roll.

In 2018 there were changes to the Municipal Act, 2001. Part XI Sale of Land for Tax Arrears had a change that deals with the reduction in the amount of time before the municipality can proceed with collection action against a property for tax arrears. Under the previous legislation, if a property was any portion of three (3) years in arrears, the registration process could begin. Under the new legislation, a property that is in arrears any portion of two (2) years is now in a position to be registered for tax arrears.

### **Analysis**

The policy was reviewed by the finance department and it was determined that there were some areas of the policy that required an update, specifically in relation Section 5(b) Eligible TAC (Tax Arrears Certificate) Properties.

Staff also reviewed the administrative duties related to properties that are eligible for tax registration and determined that it would be prudent to apply fees to some of the processes in relation to this collection process. A list of the fees/charges that staff are recommending for implementation are attached as Appendix 01.

The fees are being recommended as they are property specific fees and relate to processes that occur prior to the registration process. The City has fees in place for the Tax Arrears Certificate (TAC) process but no fees set for any pre-registration collection processes. Staff works diligently with property owners to facilitate payment or payment agreements in order to avoid the registration of a property but there is currently no ability to recoup any these fees.

Staff investigated other municipalities to determine whether these fees and charges were in best practice. A copy of the Ontario Municipal Tax & Revenue Association (OMTRA) Fees and Charges Survey was obtained (Appendix 02). 49 municipalities ranging in size participated in the survey which supports the use of fees and charges being recommended in the City's property tax policy.

### **Financial / Staffing Implications**

This item has been approved in the current budget: Yes ☐ No ☐ N/A ☒

This item is within the approved budget amount: Yes ☐ No ☐ N/A ☒

The policy change and the implementation and use of the policy are to be within departmental operating budgets as approved by Council.

### **Alternatives**

No alternatives were considered during the preparation of this report.

### **Submission**

Prepared by:

Reviewed and approved by:

Reviewed and submitted for  
Council's consideration by:

"Original signed by"

"Original signed by"

"Original signed by"

\_\_\_\_\_  
Laura Lee MacLeod  
Treasurer

\_\_\_\_\_  
Shelly Zubyck  
Director of Corporate Services

\_\_\_\_\_  
Christopher W. Oslund  
City Manager



## **Municipal Property Tax Policy**

### **Fees/Charges**

1. Tax Reminder Notice – tax reminders are mailed out twice per year, January as part of the annual audit and October after the final tax installment of the year. Staff is recommending a \$5.00 statement fee for all applicable properties. The fee is to cover printing, envelopes, postage and staff time for processing notices and stuffing envelopes.
2. First & Final Notices – Pending TAC Registration – these pre-registration notices are mailed out twice per year, June and October to all properties that would be eligible for registration in January of the following year. These are property specific notices which provide specific information about the registration process and a minimum payment required to clear the 2<sup>nd</sup> year of arrears. Staff is recommending a \$25 fee to cover the additional administrative time in the preparation of these notices.
3. Payment Agreement – there is an ability to enter into a payment agreement with the municipality prior to the registration process in order to work towards clearing up the tax arrears. These property specific agreements require additional staff time to meet, prepare, monitor and follow up; therefore; staff is recommending a \$50 fee.
4. Search Time/Teranet Fees – when all attempts to contact the property owner fail and prior to the registration of the property, the policy allows for a title search to be completed to determine any lien holders on the property. Staff is recommending a \$25 fee for the staff time related to the search in addition to any fees incurred thru the utilization of the Teranet program that will produce the search results. The Minister of Finance sets the Teranet fees.
5. Notice – Collection Action – these tax reminders are mailed out in January to properties that are eligible for the registration process to begin. A \$5.00 fee is being recommended as per the Tax Reminder Notice.
6. Notice of Intent to Realize on Security (Farm Debt Mediation Notice) – this property specific notice is the first step in the registration process. Staff is recommending a \$25.00 fee to cover the additional administrative time in the preparation of the notices. As these fees are incurred prior to actual registration they are not included in the Tax Arrears Certificate fees.

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# 2018 Fees and Charges Survey

[QUESTION SUMMARIES](#)[DATA TRENDS](#)[INDIVIDUAL RESPONSES](#)**Q1**

Municipality Name:

[Add a comment](#)

Answered: 49 Skipped: 0

City of Ottawa

10/18/2018 12:00 PM

Minden Hills

9/14/2018 10:25 AM

Township of Cavan Monaghan

9/4/2018 4:27 PM

The Corporation of the Town of Hearst

9/4/2018 9:32 AM

**Q2**

Number of properties in your municipality?

Answered: 40 Skipped: 9

**ANSWER CHOICES****RESPONSES**

Taxable	Responses	100.00%	40
Exempt	Responses	87.50%	35
PILT (Provincial)	Responses	87.50%	35
PILT (Federal)	Responses	80.00%	32

**Q3**

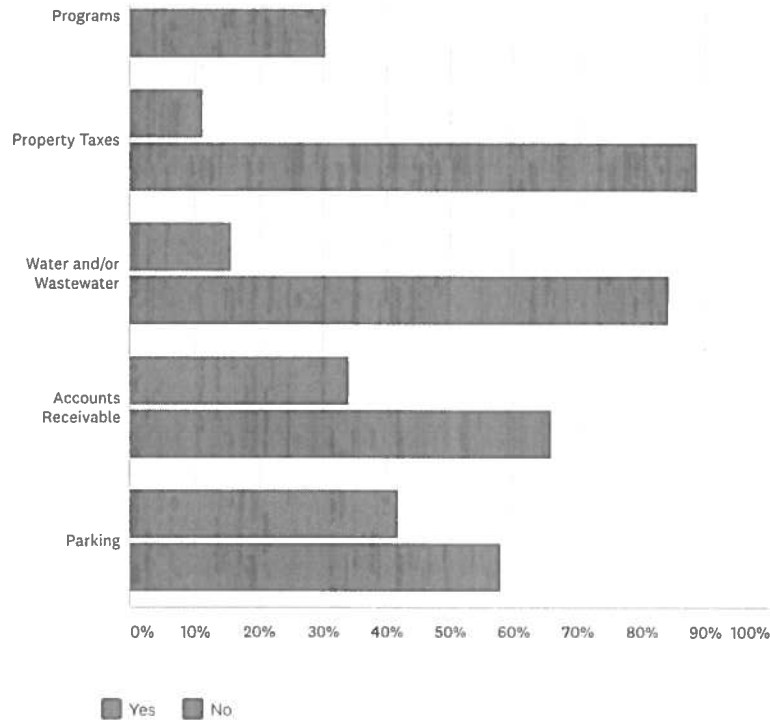
Do you accept credit card payments in house for

Answered: 46 Skipped: 3

POA

Building

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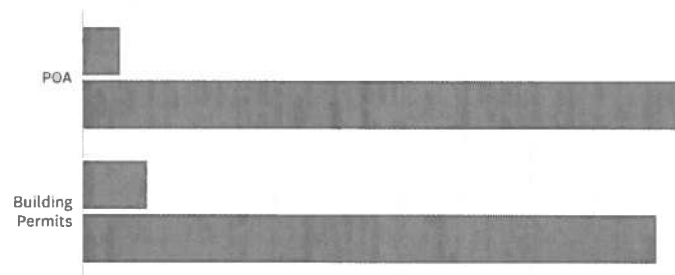
	YES	NO	TOTAL
POA	33.33% 13	66.67% 26	39
Building Permits	40.48% 17	59.52% 25	42
Recreation Programs	69.57% 32	30.43% 14	46
Property Taxes	11.36% 5	88.64% 39	44
Water and/or Wastewater	15.79% 6	84.21% 32	38
Accounts Receivable	34.09% 15	65.91% 29	44
Parking	41.86% 18	58.14% 25	43
Comments (10)			

## Q4



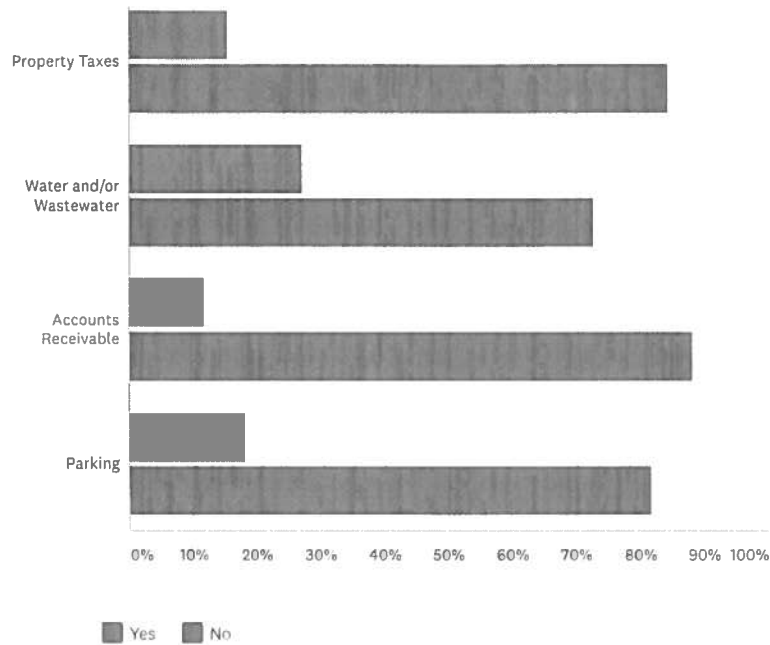
If yes, do you pass the credit card fees on to the customer using the credit card?

Answered: 31 Skipped: 18





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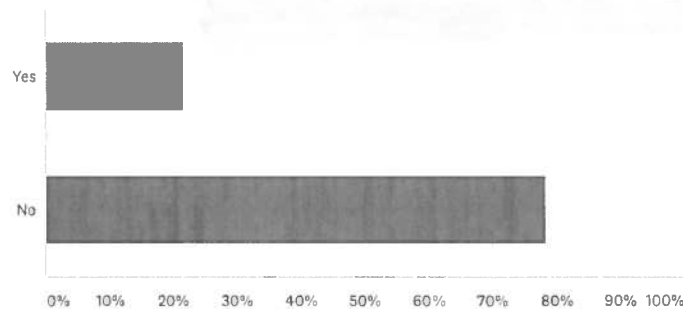
	YES	NO	TOTAL
POA	5.88% 1	94.12% 16	17
Building Permits	10.00% 2	90.00% 18	20
Recreation Programs	6.67% 2	93.33% 28	30
Property Taxes	15.38% 2	84.62% 11	13
Water and/or Wastewater	27.27% 3	72.73% 8	11
Accounts Receivable	11.76% 2	88.24% 15	17
Parking	18.18% 4	81.82% 18	22
Comments (5)			

Q5



Have you passed a by-law to allow for the passing of fees on to the Customer?

Answered: 37 Skipped: 12



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TOTAL

37

Q6

Does your municipality have a minimum and/ or maximum \$ for processing credit card payments? (e.g. \$3,000)

Answered: 17 Skipped: 32

## ANSWER CHOICES

## RESPONSES

Minimum	Responses	82.35%	14
Maximum	Responses	100.00%	17

Q7

If you don't accept credit cards "in house", and do accept credit cards for payments, please provide details below (e.g. 3rd party contract)

Answered: 19 Skipped: 30

Online solutions are made available to customers through various vendors.

10/18/2018 12:00 PM

Paymentus - online convenience fee of 1.75%, charged by Paymentus

9/4/2018 4:27 PM

Online Virtual Town Hall Website - property tax & Water/Wastewater - 3rd Party contract

8/29/2018 12:17 PM

Online 3rd party for Property Taxes and Water/Wastewater - Associated fees paid by customer.

8/27/2018 4:33 PM

Q8

Fees associated with Property Taxes

Answered: 47 Skipped: 2

## ANSWER CHOICES

## RESPONSES

Returned Cheques (e.NSF)	Responses	100.00%	47
Duplicate Receipt (Current Year)	Responses	91.49%	43
Duplicate Receipt (Prior Years/per year)	Responses	89.36%	42
Tax Account Statement to Owner	Responses	93.62%	44
Reprint of Misplaced or Lost Tax Bill	Responses	91.49%	43

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New Owner Maintenance Fee (Change of Ownership)	Responses	89.36%	42
New Account Creation Fee	Responses	85.11%	40
Property and/or Assessment Information to Realtors	Responses	70.21%	33
Reminder Notice	Responses	78.72%	37
Registered Mail	Responses	76.60%	36
Late Payment Charge	Responses	89.36%	42
Mortgage Listing/Billing Fee (per account)	Responses	78.72%	37
Mortgage Addition Fee (per account)	Responses	70.21%	33
Capping/OPTA Reports	Responses	72.34%	34
Municipal Connect Map	Responses	72.34%	34
Account Refund Fee (e.g. mortgage company overpays)	Responses	78.72%	37
Account Transfer Fee (where payment applied to incorrect account by customer)	Responses	76.60%	36
Mortgage Arrears Listing	Responses	72.34%	34
Change/Cancel Postdated Cheque on File	Responses	76.60%	36
Transfer to Taxes for Collection	Responses	89.36%	42
Tax Applications (e.g. Section 357)	Responses	74.47%	35
Additions to the Tax Roll	Responses	80.85%	38
Administration Fee for Local Improvement Charges	Responses	70.21%	33

Q9



Are there other fees that are charged by your municipality that are not identified above? If so, please provide details and fee.

Answered: 19 Skipped: 30

Please refer to the City of Ottawa budget document for full details on all fees and charges approved by Council. <https://ottawa.ca/en/city-hall/budget-and-taxes/budget/budget-2018#approved-2018-budget>

10/18/2018 12:00 PM

3% Cash Discount (User Fees) Tender Package - cost recovery + 10% admin fee Final Notice Letter (Bailiff/TaxSale/Tsf to Taxes) - \$30 Final Collection Notice - 15% fee (min \$10) Burn Permit - \$10 (Campfire), \$25 (Brush), \$50 (Special) FOI Requests as per FOI Privacy Act Civil Ceremony \$300 (Reg Hrs) or \$400 (non-reg hrs) Ceremony Rehearsal - \$50 Fence Viewing - \$50/application Closed Meeting Investigator - \$125/submission

9/4/2018 4:27 PM

Please see link to list of property tax fees. <http://www.mississauga.ca/portal/residents/fees>

8/28/2018 10:39 AM

Q10



If a payment had been applied to the incorrect account would you waive penalty on the account that was not paid

Answered: 43 Skipped: 6

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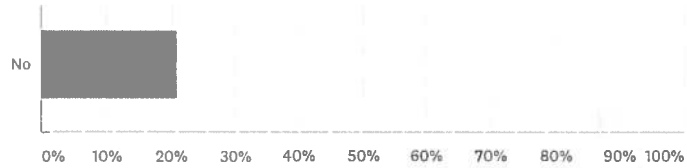
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Yes	79.07%	34
No	20.93%	9
TOTAL		43
Comments (11)		

**Q11**

### How often do you send property tax reminder notices?

Answered: 46 Skipped: 3

3 times per year.

10/18/2018 12:00 PM

Twice per year

9/14/2018 10:25 AM

After tax due dates, four times per year.

9/4/2018 4:27 PM

Every month

9/4/2018 9:32 AM

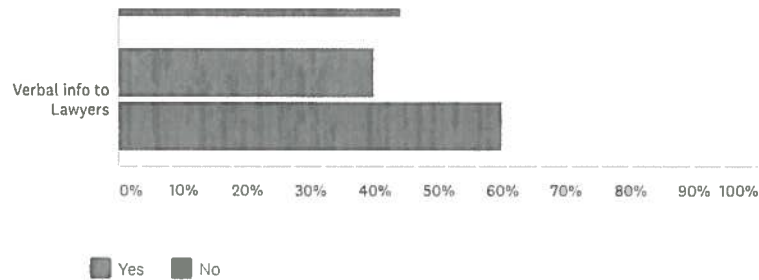
**Q12**

### Receipt Types Provided (Proof of Payment):

Answered: 45 Skipped: 4

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	YES	NO	TOTAL
Tax Account Official Receipt for income tax	68.18% 30	31.82% 14	44
Payment receipt (reprint)	77.27% 34	22.73% 10	44
Tax Info for Residents to the Prov or Fed Gov't	51.11% 23	48.89% 22	45
Taxes Paid Letter	55.81% 24	44.19% 19	43
Verbal info to Lawyers	40.00% 18	60.00% 27	45

Q13



### Fee for Tax Searches:

Answered: 37 Skipped: 12

ANSWER CHOICES	RESPONSES
3 years and prior property tax inquiries	Responses 89.19% 33
Tax Account Research Fee per property/year	Responses 83.78% 31
Search of Taxes paid or Charged 4th Year and Prior	Responses 83.78% 31
Search of Taxes paid or Charged Current to 3rd Yr	Responses 83.78% 31
Tax history searches (info. no longer on computer)	Responses 94.59% 35

Q14



### Fees associated with Tax Sales

Answered: 40 Skipped: 9

ANSWER CHOICES	RESPONSES
Farm Debt Mediation Notice	Responses 90.00% 36
Tax Arrears Registration	Responses 90.00% 36
Tax Extension Agreement (or Maintenance Fee*)	Responses 87.50% 35
Title Search Fee	Responses 87.50% 35
Tax Registration Search Fee	Responses 82.50% 33
Tax Sale	Responses 90.00% 36
Tax Sale Administration Fee	Responses 80.00% 32

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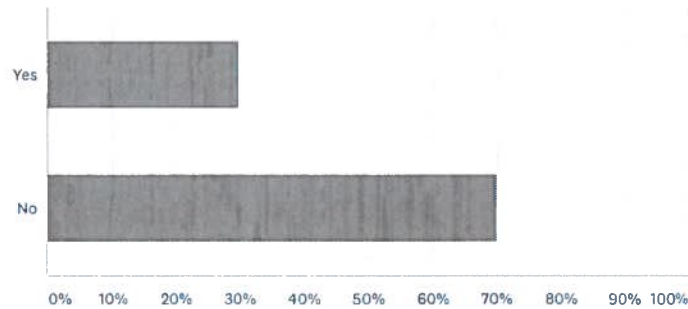


Q15



Does your municipality use a Scale of Costs for recovering the costs associated with a tax sale

Answered: 40 Skipped: 9



## ANSWER CHOICES

## RESPONSES

Yes

30.00%

12

No

70.00%

28

Total Respondents: 40

Q16



If you answered "yes" to Q15, please provide the details as to when you add the costs to the tax account and what is the breakdown of your fees?

Answered: 10 Skipped: 39

250.00 when file sent to lawyer to start process. 500.00 when tendering starts

9/14/2018 10:25 AM

See Q14 for breakdown

8/29/2018 12:17 PM

Details provided in question 14

8/28/2018 10:39 AM

Farm Debt \$300 Bankruptcy Notice \$350 Tax Reg'n \$475 First Notice \$450 Final Notice \$450  
Extension Agreement \$750

8/24/2018 10:29 AM

Q17



Non Property Tax Fees:

Answered: 46 Skipped: 3

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Commission of Oaths	Responses	95.65%	44
Zoning Compliance Letter	Responses	93.48%	43
Photo Copies	Responses	95.65%	44
Marriage Licenses	Responses	93.48%	43
Burial Permits	Responses	76.09%	35

Q18



## Fees Related to Water and Wastewater Billing

Answered: 37 Skipped: 12

ANSWER CHOICES	RESPONSES		
Water Rate (per Cubic Meter)	Responses	72.97%	27
Sewer Surcharge (%)	Responses	56.76%	21
Fixed Water Charge (monthly)	Responses	70.27%	26
Water Consumption Charge (cubic metres)	Responses	64.86%	24
Fixed Sewer Charge (monthly)	Responses	67.57%	25
Sewer Usage Charge (cubic metres)	Responses	72.97%	27
Flat Water Charge (monthly)	Responses	67.57%	25
Flat Sewer Charge (monthly)	Responses	67.57%	25
New Account Fee	Responses	75.68%	28
Seasonal Disconnection	Responses	70.27%	26
Seasonal Reconnection	Responses	72.97%	27
Final Notice prior to Disconnection	Responses	56.76%	21
Registered Mail	Responses	56.76%	21
Hand Delivery Charge	Responses	56.76%	21
Special Meter Reading Fee	Responses	72.97%	27
Disconnection for non payment	Responses	64.86%	24
Reconnection when paid	Responses	62.16%	23
Water Certificate	Responses	78.38%	29

Q19



If your municipality charges fees for Stormwater please provide the details below.

Answered: 14 Skipped: 35

"2018 Full Tier Rate \$" "Non Departmental section" Annual Stormwater Service Fees Residential Connected (new in 2018) Urban Single/Semi 116.85 Rural Single/Semi 116.85 Urban Townhouse/Apt 58.42 Rural Townhouse/Apt 58.42 Residential Non-Connected (2018 50% Phase-In Rate) Urban Single/Semi 81.79 Rural Single/Semi 58.42 Urban Townhouse/Apt 40.90 Rural Townhouse/Apt 29.21 Industrial, Commercial and Institutional (ICI) ICI Connected Urban and Rural (new in 2018) 0 to 300K Assessment 54.75 >300K to 1M Assessment 259.10 >1M to 5M Assessment 966.44 >5M to 20M Assessment 4,236.83 >20M to 50M Assessment 12,824.25 >50M to 100M Assessment 30,951.19 >100M to 150M Assessment 51,918.01 >150M Assessment 109,944.41 "2018 Full Tier Rate \$" ICI Non-Connected - Urban (2018 50% Phase-In Rate) 0 to 300K Assessment 54.75 >300K to 1M Assessment 259.10 >1M to 5M Assessment 966.44 >5M to 20M Assessment 4,236.83 >20M to 50M Assessment 12,824.25 >50M to 100M Assessment 30,951.19 >100M to 150M Assessment 51,918.01 >150M Assessment 109,944.41 ICI Non-Connected - Rural (2018 50% Phase-In Rate) 0 to 300K Assessment 38.32 >300K to 1M Assessment 181.37 >1M to 5M Assessment 676.51 >5M to 20M Assessment 2,965.78 >20M to 50M Assessment 8,976.97 >50M to 100M Assessment 21,665.84 >100M to 150M Assessment 36,342.61 >150M Assessment 76,961.09

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8/28/2018 10:39 AM

Q20

Does your municipality bill other departments for water/sewer usage?

Answered: 30 Skipped: 19

ANSWER CHOICES	RESPONSES
Recreation & Parks	Responses 100.00% 30
Fire Department (Fire Halls)	Responses 90.00% 27
Fire Department (Fire Calls)	Responses 63.33% 19
Administration Buildings	Responses 100.00% 30
Public Works	Responses 96.67% 29
Other	Responses 26.67% 8
N/A	Responses 13.33% 4

Q21

Are there any other fees that you charge that have not been identified?

Answered: 13 Skipped: 36

See below the 2018 Revenue Services fees including Tax sale fees: "2018 Rate \$" Finance - User Fees Tax Certificates 70.00 Water Certificates 70.00 Reminder Notice: Tax 7.75 Reminder Notice: Water 7.75 New Account Fee: Tax 70.00 New Account Fee: Water 70.00 Tax Change of Ownership/Name 44.00 Water Change of Ownership/Occupancy 44.00 Bill Reprint/Statement of Account History : Tax 38.00 Bill Reprint/Statement of Account History : Water 38.00 Return Payment Fee: Tax 45.00 Return Payment Fee: Water 45.00 Return Payment Fee: Accounts Receivable 45.00 Return Payment Fee: Overpayment Recovery 45.00 Tax Deferral Program: New Application 123.00 Tax Deferral Program: Renewal 43.00 Tax/Water Payment Redistribution 28.00 Refund Processing Fee 28.00 Mortgage List and Bulk Maintenance: Tax 10.00 Arrears list research for mortgage companies 38.00 Water Termination Notice 42.00 Water Consumption Report 38.00 Tax Sales Fees Municipal Tax Sale: Step 1 1,367.00 Municipal Tax Sale: Step 2 413.00 Extension Agreement 826.00 Survey Actual cost Sale of Land by Tender Process Expenses for Tax Sale Proceedings 867.00 After Tender Opening: Mailing Costs 287.00 After Tender Opening: Registration 413.00 After Tender Opening: Distribution of Sale 413.00 Tender Package Purchase 42.00 Advertising Costs Actual cost Legal Cost Actual cost Collection Fees Collection Handling Fee 42.00 Private Collection Agency Fee Recovery Actual % Account Statement Fee: Accounts Receivable 38.00 Additions to Tax Roll 43.00 Registered Letter for Arrears on Account 42.00 Corporate Accounts Receivable and Water Bill Interest 1.25% Compounded per month Water Bill Interest 0.625% Compounded bi-weekly

10/18/2018 12:00 PM

Other fees for Fire Department, Building Department, Licensing, Planning Department, Recreational Services and Public Works are available for viewing online.

Q22

Contact Information

Answered: 48 Skipped: 1

ANSWER CHOICES

RESPONSES

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State:	Responses	0.00%	0
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Country:	Responses	0.00%	0
Email Address:	Responses	100.00%	48
Phone Number:	Responses	100.00%	48

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**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-000**

**Being a by-law for the Adoption of a Municipal Property Tax Policy**

**Whereas** Section 306 to Section 389 inclusive of the Municipal Act, S. O. 2001, c. 25 as amended, provides legislation with respect to municipal property taxes;

**And whereas** Council considered Administrative Report CS-046-2018 at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to adopt a Municipal Property Tax Policy for the City of Temiskaming Shores for consideration at the December 18, 2018 Regular Council meeting;

**Now therefore** the Council of the Corporation of the City of Temiskaming Shores enacts the following as a by-law;

1. That Council for the City of Temiskaming Shores adopts a Municipal Property Tax Policy identified as Schedule "A", attached hereto and forming part of this by-law.
2. That By-law No. 2007-045, as amended is hereby repealed.
3. That this By-law shall come into force and effect on the date of its final passing.
4. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

---

Mayor – Carman Kidd

---

Clerk – David B. Treen



Schedule “A” to

**By-law No. 2019-000**

**Municipal Property Tax Policy**

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## City of Temiskaming Shores Property Tax Policy

### 1. Purpose

The purpose of this policy is to establish clear procedures for effective and efficient property tax billing and collection while ensuring that ratepayers are treated fairly and equitably.

It will also provide a guideline for other taxation issues such as assessment.

### 2. Definitions

The words and phrases defined in this section have the following meaning for the purposes of this By-law.

**"Arrears"** means unpaid taxes.

**"Appeal"** means the process by which a property owner can formally challenge the assessment of the property. The document is to be filed with the Assessment Review Board by March 31<sup>st</sup> of the current assessment year with the applicable filing fees.

**"Assessment"** means the current market value of the property.

**"Assessment Review Board (ARB)"** means the independent tribunal of the Province of Ontario that reviews assessment issues.

**"Business Improvement Area"** means a designated area in the downtown core within the former Town of New Liskeard.

**"Cancellation Price"** means an amount equal to all the realty tax arrears owing on a parcel of land at any time in respect of land together with all current realty taxes, interest, penalties and reasonable costs incurred by the City.

**"City"** means the City of Temiskaming Shores.

**"Deferral"** means the payment of taxes is suspended until the property is sold or transferred.

**"Due Dates"** means the specific dates as set by by-law by Municipal Council for the collection of taxes.

**"Fee Simple"**

**"Final"** means the last tax billing of the year which bills the property at the tax rates as set by Municipal Council by by-law in order to meet budget requirements.

**"Improved Land"** means land that has a building(s) situated on the property.

**"Installment"** means the payments as set by council for the collection of taxes. There are 4 installments in each taxation year.

**"Interest"** means the charge imposed each month on the due and unpaid taxes.

**"Interim"** means the first tax billing of the current tax year which represents a maximum 50% of the previous year's tax levy.

**"Land Transfer Tax"** means the amount payable to the Minister of Finance based on a percentage of the purchase price of the property.

**"Local Improvements"** means additional charges such as water and sewer that are imposed against the property. Local improvements are specific to the individual property.

**"Low Income Disabled Person"** means a person in receipt of an increment paid under the Ontario Disability Support Program Act (ODSP).

**"Low Income Senior"** means a person who is 65 years of age or older and in receipt of an increment paid under the Guaranteed Income Supplement Program (GIS) as established under Part II of the Old Age Security Act (Canada).

**"Municipal Property Assessment Corporation (MPAC)"** means the independent body that is responsible for determining assessment values and classifying properties according to use for each of the four million properties in Ontario.

**"Notice of Vesting"** means the document registered at the Land Registry Office that confers title of the property to the City where there has been no successful tender of a parcel of land and the sale has not been cancelled by the City Treasurer.

**"Payment Agreement"** means a mutually agreed upon payment schedule whereby payments are made on a monthly basis in order to facilitate the collection of unpaid taxes.

**"Penalty"** means the charge imposed on the due and unpaid taxes on the first day of default.

**"Pre-Authorized Payments (PAP)"** means the program established for the automatic withdrawal of payments on an installment or monthly basis for taxes due.

**"Public Tender"** means the process used during a Tax Sale to receive bids on the eligible properties by interested parties.

**"Receipt"** is the official document showing proof of payment.

**"Request for Reconsideration (RFR)"** means the official documentation to be completed and filed with the Municipal Property Assessment Corporation (MPAC) in order for them to review the assessment on the property based on the arguments stated in the document. The deadline for filing this request is December 31<sup>st</sup> of the current taxation year and there is no filing fee.

**"Supplementary/Omit"** means an additional billing that is assessed against the property for improvements, new buildings or change of use.

**"Tax Arrears Certificate (TAC)"** means the document that is registered at the Land Registry Office for properties that have tax arrears dating back two (2) years.

**"Tax Deed"** means is the document registered at the Land Registry Office in the name of the successful purchaser/tenderer of the property after payment of the balance of the cancellation price.

**"Taxes"** means the municipal and education amounts levied against the property.

**"Tax Levy"** means the amount of money required to be raised for budget purposes through taxation.

**"Tax Rates"** means the rates as set by by-law by Municipal Council annually in order to collect the tax levy required for budget purposes.

**"Vacancy Rebate"** means the process whereby property owners of commercial and industrial properties can apply for a reduction of taxes for unused portions of the property.

**"Vacant Land"** means land that does not have any building(s) situated on the property.

### **3. Bill Procedures**

Property taxes will be billed by *interim* and *final* tax billings established by Municipal by-law each year in accordance with the provisions of the *Municipal Act, 2001*.

*Installments* for the interim and final billings will also be established by Municipal by-law. There will be four installments per year due on or about the 15<sup>th</sup> day of the month in which they are due.

The minimum amount for one installment is \$100 and will be implemented on the interim and final billings. The \$100 means that the total tax bill will not be split into two installments unless the total amount of the bill is more than the \$100 minimum.

#### **a) Interim Tax Bill:**

Interim bills will be mailed out in February of the current year with the installments being due in the months of March and May.

The interim amount levied on a property shall not exceed 50 percent of the total amount of taxes for municipal and school purposes levied on the property for the previous year (Municipal Act, 2001 s.317(3)).

#### **b) Final Tax Bill:**

Final bills will be mailed out once the final budget and *tax rates* have been established by Municipal by-law.

Your final tax bill will be based on the current assessment value and will reflect any changes in municipal taxes and the education portion of your taxes. The *Municipal Property Assessment Corporation (MPAC)* is responsible for placing a value on all properties in Ontario. From the information supplied by MPAC, the City of Temiskaming Shores calculates the tax amounts and issues the tax bills.

**c) Supplementary/Omit Tax Bill:**

A *supplementary/omit* tax bill is issued by the *City* and reflects any additions or improvements you have made to your property.

You receive a supplementary/omit tax bill for one of the following reasons:

**Building Assessment:**

- you had some renovations/improvements done to your property that has increased its current value;
- you have constructed a building on the property

**Reclassification:**

- there has been a change in the use of your property resulting in change in the tax class or your property assessment

From the information supplied by MPAC, the City of Temiskaming Shores calculates the tax amounts due and issues the tax bills. Until the City receives information from MPAC, a supplementary/omit tax bill cannot be issued. Consequently; there may be a considerable time lapse from the effective date of the supplementary until you receive a tax bill.

Supplementary/omit tax bills are due in two installments.

**d) Calculation of Taxes:**

Property taxes are calculated by multiplying the assessed value of the property by the tax rate for the specific tax class. In addition, special charges and *local improvements* may apply.

Example of breakdown calculation

Assessed Value	Municipal Rate	Municipal Property Tax Portion
\$100,000	.0135541	\$1,355.41
	Education Rate	Education Property Tax Portion
\$100,000	.0026400	\$264.00
		Total Municipal & Education Taxes
		\$1,619.41

\* Please note that, if applicable, other charges such as local improvements (tile drainage loans), water, sewer, solid waste diversion fee, or *business improvement area* charges might be added to your tax bills.

**e) Billing Adjustments:**

Other charges such as water, sewer or solid waste diversion fee are property specific and

are billed annually on the tax bills. The codes for the charges are very specific in what is being billed and it is essential that the property owner review these charges to ensure they are being billed for the correct number of units on their dwelling.

Water, sewer and solid waste diversion are a per unit charge as per the annual by-laws passed by Council.

Should a property be billed incorrectly for local improvements, it is the responsibility of the property owner to advise the taxation department. Upon said notification, the City reserves the right to perform an inspection to ascertain the status of said property. An affidavit will also be required to be completed by the property owner swearing to the correctness of the information being provided.

Billing adjustments will be made for the current year and on a go forward basis. The tax department will not adjust any billing errors for prior years as it is impossible to confirm the status of the property at that point in time.

#### **4. Collection Procedures**

##### **a) Application of Payment:**

Payments shall be applied to the tax account as provided in the Municipal Act. The payment shall first be applied against late payment charges owing in respect of those taxes according to the length of time the charges have been owing, with the charges imposed earlier being discharged before the charges imposed later. The payment shall then be applied against the taxes owing according to the length of time they have been owing (Municipal Act, 2001 s.347 (1)(2)).

No part payments shall be accepted on a property in respect of which a tax arrears certificate is registered (Municipal Act, 2001 s347(3)).

##### **b) Payment Options:**

Payments can be made in person at the City's Administration office located at 325 Farr Drive. The hours of operation of the municipal office are 8:30a.m. to 4:30p.m., Monday thru Friday. Cheques, cash or debit payments are accepted.

Post-dated cheques will be accepted and held for deposit as they become due. Post-dated cheques can be mailed, dropped off in person or after hours.

Payments can be mailed to: City of Temiskaming Shores, P.O. Box 2050 Haileybury ON P0J 1K0. If making payment by mail, please remember to include the tax bill stub.

Payments may also be made at participating banks. Internet, telebanking and pre-authorized payments options are also available.

For after hour payments, there is a drop box located at the City of Temiskaming Shores Administration building located on 325 Farr Drive or at the Pool & Fitness Centre located at

77 Wellington Street South.

Payments received at the City Administration office shall be recorded as received by the City on the date received or on the date of the cheque if postdated. Payments made at the banks or by internet or telebanking options shall be recorded as received by the City on the date received by the bank.

It is the responsibility of the property owner to ensure that payment is received by the due date or month end in order to avoid penalty/interest charges.

**c) Pre-Authorized Payment Plans:**

*Pre-authorized payment (PAP)* plans are available with an installment (*due date*) or monthly payment option. The property owner must apply in writing on the prescribed form to enroll in the payment plan indicating their preferred option. A VOID cheque must accompany the application.

Forms to apply for the PAP plans are available at the City's administration office located at 325 Farr Drive or online at [www.temiskamingshores.ca](http://www.temiskamingshores.ca).

The payments under the monthly option will be withdrawn on the last working day of each month. The payments under the installment option will be deducted on the installment due date.

If the monthly option is chosen, the property owner will receive a letter prior to the first payment, indicating the monthly payment amount. Once the final tax rates have been set by council and the final tax bills generated, a recalculation of the monthly payments will be processed in order to facilitate collection of the taxes in the current taxation year. A letter will be forwarded to the property owner indicating any changes to the current monthly payments.

In December the final tax bill and a letter indicating the new monthly payment schedule beginning in January of the following year will be mailed to the property owner.

If the installment option is chosen, the property owner will receive the final tax bill, indicating that the property is on the PAP plan with the amount of the installments and the applicable due dates.

**Defaulted Payments:**

Defaulted payments under the pre-authorized payment plan will be subject to the fee as prescribed in the City of Temiskaming Shores Departmental User Fee and Services by-law for returned payments. The property owner will be notified of the defaulted payment and will be required to pay the defaulted amount along with the applicable fee. Failure to pay the full amount will result in the property being removed from the PAP program.

Should a property incur more than two (2) defaulted payments, they will automatically be removed from the PAP program.

A letter of notification will be forwarded to the property owner under both scenarios.

**d) Post-dated Cheques – Monthly Payment Plan**

For property owners that would like to pay their taxes monthly but for which the pre-authorized monthly payment plan is not an option, an alternate monthly payment plan is available. The conditions of the plan are that a minimum of eleven (11) monthly postdated cheques must be submitted to the office paying sufficient funds to cover the previous year's taxes. Upon receipt of the final tax billing, the balance owing must be paid by December 31<sup>st</sup> of the current year in order to be eligible for the plan in the upcoming tax year. There will be no penalty assessed to the unpaid portion of the taxes under this alternate plan. Failure to comply with the conditions will result in penalty being applied from the date of default forward.

**5. Arrears Collection**

**a) Mailing of Tax Reminder Notices:**

Tax Reminder Notices of past due taxes shall be mailed to all accounts in *arrears* over \$10.00 in the month following the last installment of the final billing.

In January of each year a Tax Reminder Notice of past due taxes and the related late penalty/interest charges shall be mailed to every taxpayer who owes taxes from a preceding year as per Section 348(2) of the Municipal Act.

The fee for a Tax Reminder Notice as prescribed in the City of Temiskaming Departmental User Fee and Services by-law shall be applied to every property that a Tax Reminder Notice is issued to.

**b) Eligible TAC (Tax Arrears Certificate) Properties:**

Each year, the Treasurer shall compile a list of properties that will be two years in arrears effective January of the following year.

**i) Pre-Registration Collection Process**

A First Notice – Pending TAC Registration shall be forwarded after the second installment of the interim billing to each affected property owner outlining that the property will be eligible for registration for tax arrears in January of the following year. A fee as prescribed in the City of Temiskaming Shores Departmental User Fees and Services by-law will apply to this notice.

Subsequent to the second installment of the final tax billing of the year, a Final Notice – Pending TAC Registration will be forwarded to all properties that are still in a position to be registered for tax arrears. Property owners will be advised that a sufficient lump sum payment is required or a written agreement be entered into, in order to avoid registration of the property.



After the mailing of the Final Notice – Pending TAC Registration letter but prior to the registration of the Tax Arrears Certificate, the Treasurer shall attempt to contact the property owner by various means such as telephone, email, facebook, etc. to facilitate payment or a payment agreement with the property owner.

If a Payment Agreement is entered to with the property owner, a fee as prescribed in the City of Temiskaming Shores Department User Fee and Services by-law will apply.

If contact by these means is unsuccessful, the Treasurer shall conduct a title search of the property to determine if there are any lienholder/mortgagors on title to contact. The Treasurer shall attempt to contact the lienholders/mortgagors on title to try to facilitate payment of the outstanding tax arrears.

All fees incurred during the pre-registration collection process and title searches shall be applied to the property tax account. The prescribed fees for title searches are as per the Minister of Finance Teranet program. Administrative fees will be applied as prescribed in the City of Temiskaming Shores Departmental User Fees and Services by-law.

If these attempts at contact are unsuccessful, then the Treasurer shall proceed with the tax registration process.

The registration of a *Tax Arrears Certificate (TAC)* shall be in accordance of the Municipal Act, 2001 Part XI Sale of Land for Tax Arrears (s. 371 to s. 389 inclusive).

**c) Tax Arrears Certificate (TAC):**

If taxes remain unpaid on *vacant* or *improved land* for two (2) years prior to January 1<sup>st</sup> of any year, the City may begin a tax sale process by the registration of a Tax Arrears Certificate. These timelines apply to both residential and non-residential classes or property.

A Tax Arrears Certificate indicates that the property may be sold if taxes, penalties, *interest* and the TAC administration fees as prescribed in the City of Temiskaming Shores Departmental User Fees and Services by-law are not paid within one year of the registration of the certificate. Once a certificate has been registered, partial payments cannot be accepted unless a TAC extension agreement is in place (Municipal Act, 2001 s.347(3)).

**i) Tax Sale:**

If the *cancellation price* is not paid before the expiry of the one-year redemption period, these properties are advertised for sale by *public tender*. Advertisements are published in a local newspaper for four consecutive weeks and the Ontario Gazette for one week. The advertisement will also be posted on the City of Temiskaming Shores website [www.temiskamingshores.ca](http://www.temiskamingshores.ca).

The sales are always subject to certain rules and follow procedures, which have been established by legislation. At these sales, the minimum acceptable offer on a property is always the cancellation price which includes all taxes levied (whether due yet or not) to this date, all late payment charges to the date of the sale, all items added to the tax roll having

priority lien status and all administration fees.

**ii) Tender Bids:**

Using forms provided by the City, the bid plus a certified cheque, bank draft or money order for 20% of the tendered amount must be submitted in a sealed envelope prior to the specified time. To be eligible, bids must be at least equal to the advertised minimum tender amount. The successful purchasers will be required to pay the amount tendered, accumulated taxes, penalties and interest, HST, if applicable and the relevant land transfer tax.

From the day of notification to the highest bidder, this eligible bidder has 14 days to complete the transaction. All tax properties are sold without warranty and are sold as is. Further information will be made available at the time of advertising of the Tax Sale Properties.

**iii) Tax Sale Process:**

The Municipal Act provides important definitions including the following summaries:

- Cancellation Price – means an amount equal to all the realty tax arrears owing on a parcel of land at any time in respect of land together with all current realty taxes, interest, penalties, and reasonable costs incurred by the City.
- Tax Deed – is a *tax deed*, as prescribed by section 379 of the Act, provided to the successful purchaser of the property after payment of the balance of the Purchase Price.
- Notice of Vesting – means a *notice of vesting* prepared under subsection 379 of the Act conferring title to the City where there has been no successful tender of a parcel of land and the sale has not been cancelled by the City Treasurer.

A Tax Sale of any property is subject to cancellation up to the time of the tender opening without any further notice.

The minimum bid is the Cancellation Price.

A separate tender must be provided for each parcel bid on and must be in the form provided. No substitutes can be accepted.

The tender must be accompanied by a deposit of at least 20% of the tender/bid amount by way of money order, bank draft, or certified cheque payable to the City of Temiskaming Shores.

The City is not obliged to provide a survey or reference plan for any parcel of land being sold under tax sale.

The Treasurer is not obliged to inquire into the value of land prior to conducting a sale.

Furthermore; there is no obligation to obtain fair market value for the land to ensure that land being sold under tax sale may obtain fair market value at the time of the sale or in the future.

Prior to submitting a tender, the onus is on the potential bidder to conduct his/her own inquiries into such matters as zoning, access, work orders, water/hydro and other arrears/building restrictions, or title problems. The City makes no representations what so ever as to the quality and/or quantity of the land being purchased.

The following departments/agencies may be in a position to provide assistance in respect of the tax sale property:

Planning and Development: 705-672-3363

Municipal Property Assessment Corporation (MPAC): 1-800-296-6722 or [www.mpac.ca](http://www.mpac.ca).

Potential bidders are further advised that a lawyer should be retained in order to ensure that his/her interests are protected prior to the submission of a bid/tender.

The City does not conduct tours or provide access to properties being sold under tax sale.

The City does not provide legal opinions to potential bidders in respect of issues which may arise in the context of a public sale. If two bids of equal amount are tendered, then the person who submitted the earlier bid will be deemed to be the higher bid.

The successful tender is the highest bidder who has submitted a properly completed tender and who makes payment (by certified cheque/bank draft/money order) within fourteen calendar days of being notified by mail of the balance of the amount tendered, the appropriate land transfer tax and the accumulated taxes to the City.

**Accumulated taxes** are amounts that have been added to the tax roll, such as additional charges, taxes and/or interest and penalty, after the first day of advertising.

**Land Transfer Tax** is an amount payable to the Minister of Finance by certified cheque, cash or money order. Any questions in respect of Land Transfer Tax may be directed to the Registry Office.

If the highest bidder does not submit the remaining funds as described, then the highest bidder's deposit is forfeited and the land is offered in the same manner to the second highest bidder who then has fourteen calendar days from the date of notification to remit the monies owing to the City.

A **Tax Deed** which is provided to the successful purchaser at the time when the balance of the Purchase Price is paid, transfers title of the land in "fee simple" subject generally to:

- Easements and restrictive covenants; and
- Estates and interest of the Crown in right of Canada or the Province of Ontario (e.g. execution in favour of the Ministry of Finance); and

- Adverse possession interests by abutting owners, if any.

The City is not required to provide vacant possession of any properties which may be occupied and accordingly, should the purchaser require vacant possession, a court application, at his or her cost, may be required. Further, the City DOES NOT have a key to the property and is not in a position to provide one to the purchaser.

## **6. Penalty**

Municipal Act, 2001 s. 345(1) states that "A local municipality may, in accordance with this section, pass by-laws to impose late payment charges for the non-payment of taxes or any installment by the due date".

A percentage charge, not to exceed 1 ¼ percent of the amount of taxes due and unpaid, may be imposed as a penalty for the non-payment of taxes on the first day of default or such later date as the by-law specifies (345(2)).

Interest charges, not to exceed 1 ¼ percent each month of the amount of taxes due and unpaid, may be imposed for the non-payment of taxes in the manner specified in the by-law but interest may not start to accrue before the first day of default (345(3)).

Penalty and interest charges are deemed to part of the taxes on which charges have been imposed.

## **7. Rebate and Relief Programs**

### **a) *Vacancy Rebate Applications:***

The Municipal Act, 2001 provides for rebates to vacant business units at the same percentage as discounts afforded to property owners of vacant and excess land. These percentages are 30% for commercial properties and 35% for industrial properties.

Property owners who are eligible for a rebate must submit an application to the municipality each year that a building, or a portion of a building, is vacant. The deadline to submit an application for a tax year is February 28<sup>th</sup> of the following year.

To be eligible for a rebate, a building or portion of a building must satisfy the following:

- Buildings that are entirely vacant – A whole commercial or industrial building will be eligible for a rebate if the entire building is vacant for at least 90 consecutive days.
- Buildings that are partially vacant – A suite or unit within a commercial building will be eligible for a rebate if, for at least 90 consecutive days, it was:
  - Unused; and
  - Clearly delineated or physically separated from the used portions of the

building; and

- Either – 1) capable of being leased for immediate occupation; or 2) not capable of being leased for immediate occupation because it was undergoing or in need of repairs or renovations or was unfit for occupation.

A portion of an industrial building will be eligible for a rebate if, for at least 90 consecutive days, it was:

- Unused; and
- Clearly delineated or physically separated from the used portions of the building.

#### **b) Charitable Rebate Applications:**

Under Municipal Act, 2001 s. 361(1) every municipality shall have a tax rebate program for eligible charities for the purpose of giving them relief from taxes on eligible property they occupy.

The program is applicable to registered charities that are tenants in a commercial or industrial class property. The landlord may be contacted by the charity to provide certain information that the City requires in order to process their application. Deadline for the current year is February 28<sup>th</sup> of the following year.

The minimum percentage prescribed for the calculation of a rebate is 40%.

Registered charities must apply every year for the rebate by completing an application and returning to the City of Temiskaming Shores taxation department.

The application forms are available at the City's administration office located at 325 Farr Drive and online at [www.temiskamingshores.ca](http://www.temiskamingshores.ca).

#### **c) Tax Relief for Eligible Low Income Seniors and Low Income Disabled Persons**

Under Municipal Act, 2001 s. 319(1) a municipality shall pass a by-law with the purpose of relieving the financial hardship through the provision of tax relief to eligible *low income seniors* and *low income disabled persons* for assessment related tax increases on property in the residential/farmland property class.

##### **i) Persons Eligible for Tax Relief**

- i) Persons eligible for tax relief are low income seniors, low income disabled persons or the spouse of such eligible persons owning and occupying property in the residential/farmland property class;
- ii) For the purposes of this program, a low income senior is a person who is 65 years of age or older and in receipt of an increment paid under the Guaranteed Income Supplement Program (GIS) as established under Part II of the Old Age Security Act (Canada);

- iii) For the purposes of this program, a low income disabled person is a person in receipt of an increment paid under the Ontario Disability Support Program Act (ODSP);
- iv) Tax relief for eligible low income seniors and low income disabled persons applies to tax increases on residential property owned and occupied by the eligible person;
- v) Tax relief is provided upon each reassessment after 1998 and the amount of tax relief will be determined in accordance with Section 7(c)(iv) of this policy;
- vi) For the purposes of this program, owner means a person assessed as the owner of the residential real property and includes an owner within the meaning of the Condominium Act;
- vii) No tax relief shall be allowed to an eligible owner in respect of residential real property for more than one (1) family dwelling unit in a given year;
- viii) For properties which are jointly held or co-owned by persons other than spouse, the co-owners must qualify under applicable eligibility criteria in order to receive the tax relief;
- ix) For residential properties of more than one unit and less than seven units, tax relief will be granted on a prorated basis for the unit occupied by the eligible owner only;
- x) For the purposes of this program, "spouse" means a person
  - 1. to whom the person is married, or
  - 2. with whom the person has cohabited for at least one year, or
  - 3. with whom the two are together the parents of a child, or
  - 4. with whom the two have together entered into a cohabitation agreement under Section XX of the Family Law Act
- xi) Tax relief amounts are not transferable to deceased owners.

## ii) Form of Tax Relief

Tax relief shall be in the form of a **deferral** of the annual eligible amount provided that:

- i) Such eligible owner or the spouse of such owner or both occupies or occupy the property for which the relief is requested as his, her or their principal residence;
- ii) Such eligible owner or the spouse of such owner or both has or have been assessed as the owner of the property for which the relief is requested for a

period of not less than one year immediately preceding the date of application of relief;

Tax relief granted in this program will **not** be subject to interest charges.

Tax relief applies to current taxes only, not tax arrears. Tax relief amounts will not be deferred until payment is received in full for any past year's amounts payable.

**iii) Repayment of Tax Relief (Deferral):**

Annual eligible amounts shall be deferred until the property is sold or transferred, at which time the total amount deferred, including any part year portions, becomes a debt payable to the City of Temiskaming Shores.

If at any time, an eligible person for which tax relief has been granted in accordance with this policy, ceases to be an eligible person, all tax relief ceases and all amounts previously deferred, including any part year portions, become a debt payable to the City of Temiskaming Shores.

**iv) Amount of Tax Relief (Deferral):**

Tax deferrals for low income seniors and low income disabled persons apply to tax increases on property in the residential/farm property class as follows:

- a) tax relief is provided in each year of reassessment;
- b) applications will be accepted for deferrals where the impact exceeds \$300.00;
- c) tax increases are the difference between the total taxes levied on the property in the year preceding reassessment and the total taxes levied in the year of a reassessment;
- d) water/sewer charges **are not** part of a property's tax assessment and therefore increases in water/sewer rates are not applicable in calculating the reassessment implications for a property.

**v) Application Procedure:**

Eligible low income seniors and low income disabled persons must apply for tax relief as follows:

- i) applications will be addressed to the Treasurer of the City of Temiskaming Shores;
- ii) applications will be on the prescribed form;
- iii) applications must be submitted on or before October 1<sup>st</sup> in the year in which the application applies;
- iv) applications must include documentation establishing that the applicant is an

eligible person and that the property for which the application is made is an eligible property;

- v) by signing the application form, it is assumed that the applicant has read and understands the City's tax relief program to low income seniors and low income disabled persons;
- vi) applications must be made **annually** to the City of Temiskaming Shores to establish continued eligibility;
- vii) verification of documentation provided with an application may be carried out independently, at the discretion of the City.

The application forms are available at the City's administration office located at 325 Farr Drive and online at [www.temiskamingshores.ca](http://www.temiskamingshores.ca).

## **8. Payment Agreements**

Should the property owner be unable to pay the installments of taxes as they become due, the City will accept partial payments. Penalty as per Section 5 of this policy will be applied to any/all unpaid principle until such time as the account is paid in full. The application of the payment will be in accordance of Section 4 (a) of this policy.

Should property taxes fall into arrears and are in a position to be registered for a Tax Arrears Certificate registration (as per Section 4 (b)), a formal *payment agreement* **must** be entered into with the Treasurer in order to suspend the registration process.

The amount of taxes in arrears will be reviewed with the Treasurer and the property owner and a mutually satisfactory payment agreement will be entered into. The payment agreement should attempt to clear the entire balance of arrears owing in a reasonable period of time, however financial circumstances will be taken into consideration.

The agreement will be signed by the property owner who will receive a copy of the agreement in addition to a Statement of Account showing the status of the tax arrears as of the date of signing. A fee as prescribed in the City of Temiskaming Shores Department User Fee and Services by-law will apply.

Payment options will be available such as postdated cheques, internetbanking, telebanking and pre-authorized monthly payments. Any defaulted payments will be subject to the returned payment fee as per Section 9 of the policy and will automatically null and void the payment agreement. Should the property still have taxes two (2) years in arrears at this time, the property will be registered for tax arrears.

## **9. Defaulted Payments**

Any payment that is defaulted (whether due to insufficient funds, account closed, etc) shall be reversed and a fee as prescribed in the City of Temiskaming Shores Department Fees and Services by-law will be applied.



## **10. Receipt Policy**

Upon attendance at the City's administration office with payment of taxes, a *receipt* will be issued. There will be no charge for this service.

If postdated cheques are submitted no receipt will be issued as the cheques must be held for deposit until they become due. A confirmation of the receipt of the cheques may be issued upon request.

Payments received by mail will not be issued a receipt. If a receipt is required, the entire tax bill must be submitted with payment along with a self-addressed, stamped envelope. If no envelope is submitted, the receipted bill will be held in a file for pick-up. There is no charge for this service.

For those properties who have a mortgage company interest registered on title, a mortgage listing is forwarded to the mortgage company for payment. Upon receipt of the payment, the paid tax bill will be forwarded to the taxpayer for their files. There is no charge for this service.

For any property that is enrolled in the pre-authorized payment installment program (PAP-I), the tax bills are mailed out to the property owner prior to the first installment to ensure that the taxpayer received the information prior to withdrawal of the first payment. Should any property owner on the PAP installment plan require an official receipt, it will be issued at no charge.

If enrolled in the pre-authorized payment monthly program (PAP-M), a copy of the paid tax bill will be mailed to the property owner in December. This tax bill is the receipt of taxes paid for the year. Should an official receipt be required the fee as prescribed in the City of Temiskaming Shores Departmental Fees & Services by-law will apply.

In the case where a property has been sold throughout the year, no receipt will be issued. When the property is sold, there is a calculation by the lawyers to determine which portion of the taxes pertains to each property owner (old and new). The information on the tax system is based on the property as a whole and no breakdown is available to allocate to each property owner.

Should you require a record of payment of your annual tax bill or require a duplicate statement for a previous year a fee as prescribed in the City of Temiskaming Shores Departmental User Fees and Services by-law will apply.

Only ONE tax bill will be issued. If you require a duplicate tax bill, a fee as prescribed in the City of Temiskaming Shores Departmental User Fees and Services by-law will apply.

The request for a receipt or record of payment must be in writing and paid in full prior to staff processing the request.

Tax information will not be provided by telephone.

## **11. Non-Tax Debt**

As per Section 398 (1) of the *Municipal Act, 2001* identifies debt as "fees and charges imposed by a municipality or local board on a person constitute a debt of the person to the municipality or local board, respectively".

Section 398 (2) states that non-tax debt can be added to the tax roll and collected in the same manner as municipal taxes.

"Section 398 (2) Amount owing added to tax roll – The treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, or of a local board whose area of jurisdiction includes any part of the municipality shall, add fees and charges imposed by the municipality, upper-tier municipality or local board, respectively, to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes:

1. In the case of fees and charges for the supply of a public utility, the property to which the public utility was supplied.
2. In all other cases, any property for which all of the owners are responsible for paying the fees and charges."

### **a) Non-Tax Debt - Other**

#### **Procedure:**

- i) All fees and charges will be initially processed thru the Accounts Receivable module.
- ii) If an invoice remains unpaid for 60 days or more, a reminder letter will be generated from the Finance Department. A deadline for payment will be applied and notification that the unpaid invoice will be added to the tax roll if it remains unpaid past the deadline.
- iii) If the invoice remains unpaid after the imposed deadline as stated in the reminder letter, the charge along with all penalty accrued to date will be transferred from the Accounts Receivable module and added to the tax roll for collection purposes.

The scope of fees and charges that will be added to the tax roll if unpaid include but are not limited to the following:

- i) Facility rentals (hall, ice, equipment, marina, storage, etc.)
- ii) Program fees (memberships, registrations, user fees, etc.)
- iii) Cemetery fees

### **b) Non-Tax Debt – Property Related Charges (30 days)**

#### **Procedure:**

- i) All fees and charges will be initially processed thru the Accounts Receivable module.
- ii) If an invoice remains unpaid for 30 days, the charge will be transferred to the tax roll for collection purposes.
- iii) If the invoice remains unpaid after the transfer to the tax roll, penalty will be applied at a rate of 1.25% per month.

The scope of fees and charges that will be added to the tax roll if unpaid include but are not limited to the following:

- i) Water On/Off Charges
- ii) Water/Sewer Connection Fees
- iii) Property Standards Orders and Executions
- iv) Building Department Notices and Orders

**c) Non-Tax Debt – Property Related Charges (Direct to Tax Roll)**

**Procedure:**

- i) All fees and charges will be directly applied to the tax roll for collection purposes and is due upon application.
- ii) Penalty will be applied at a rate of 1.25% per month on any unpaid charge.

The scope of fees and charges that will be added to the tax roll if unpaid include but are not limited to the following:

- i) Defaulted Payment Fee
- ii) Building Permit Fees

## **12. Responsibilities**

Who is responsible? There are three governments and one corporation that play a role in property assessment and taxation.

### **Assessment and Tax Legislation – Province of Ontario**

The Provincial Government sets the legislative framework for assessment and taxation in Ontario. It does this by creating legislation, called Provincial Statutes. The Government also creates regulations, which are authorized under the Statutes. The principal ministry involved in setting assessment and taxation policies is the Ministry of Finance, through the Assessment and Municipal Acts.

## **Assessed Value – Municipal Property Assessment Corporation**

The Municipal Property Assessment Corporation (MPAC) is responsible for determining assessment values and classifying properties according to use, for each of the four million properties in Ontario. These values are used to calculate property and education tax rates and to determine the amount each property is taxed. Assessment information is provided to taxpayers in November of each year through a Notice of Assessment and to municipalities in December through the Assessment Roll.

The City of Temiskaming Shores uses the information supplied by MPAC to set tax rates and to calculate your tax bill. MPAC is separate and independent from the City and is governed by its own Board appointed by the Minister of Finance.

### **How is my assessment determined?**

The City of Temiskaming Shores does not determine the value of your property. This is done by the Municipal Property Assessment Corporation (MPAC) which is completely separate and independent of the City of Temiskaming Shores. The Assessment Act requires that the assessed value of your property be based on what the property would likely sell for on a specific date. Local property sales occurring around that date provide a basis as to the assessed value of similar, unsold properties. MPAC continually collects information about properties to ensure that those with similar features (age, size, location, construction, etc.) have similar but not necessarily identical assessed values.

### **I disagree with my assessment.**

If you believe that your property assessment is incorrect, you should first contact the Municipal Property Assessment Corporation (MPAC) to discuss your assessment or verify details about your property. If you still have concerns, you may ask MPAC for a formal reconsideration of your assessment. For complete details on the Reconsideration process, please go to the MPAC website at [www.mpac.ca](http://www.mpac.ca).

There is also an appeal process through the *Assessment Review Board (ARB)*. Full details on how to appeal your assessment to the ARB may be obtained through their website ([www.arb.gov.on.ca](http://www.arb.gov.on.ca)).

A tax account is only adjusted when the City is notified of the change in assessment by MPAC or the ARB. It is recommended that taxes continue to be paid while an appeal or reconsideration is underway to avoid penalty and interest charges in the event that the appeal or reconsideration is not successful. There may be a significant delay between the time an assessment is appealed and a decision is rendered.

### **Is my assessment right?**

Ask yourself if your assessed value is close to what you would have expected to sell your property for. What were similar properties selling for. MPAC provides an on-line service called About My Property. Using this service, property owners can review basic assessment information for their own property and other properties. Further information can be obtained

from MPAC at [www.mpac.ca](http://www.mpac.ca) or by calling 1-866-296-6722.

## **Taxes**

The City of Temiskaming Shores collects property taxes on behalf of the city and the Province of Ontario (education taxes). Each level of Government is responsible for its own tax rates.

### **How are Tax Rates Calculated?**

Annually, the City of Temiskaming Shores establishes a budget to provide municipal services, infrastructure and capital. Taxes represent approximately 35 percent of the City's budget needs. A tax rate is calculated in accordance with Provincial legislation which meets the funding requirements identified in the budget. The Province sets the education tax rate for all properties.

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<b>Subject:</b> Development Agreement with 2373775 Ont. Inc. (Beach Gardens)	<b>Report No.:</b> CS-046-2018 <b>Agenda Date:</b> December 18, 2018
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## **Attachments**

**Appendix 01:** Draft Development Agreement (See By-law No. 2019-015)

## **Recommendations**

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-046-2018; and
2. That Council directs staff to prepare the necessary by-law to authorize the entering into a Development Agreement with 2373775 Ontario Inc. c.o.b. as Rivard Bros. for the development of property locally known as Beach Gardens for consideration at the December 18<sup>th</sup>, 2018 Regular Meeting of Council.

## **Background**

On November 13<sup>th</sup>, 2018 Council entered into a Memorandum of Understanding with 2373775 Ontario Inc. c.o.b. as Rivard Bros.

## **Analysis**

The purpose of the Memorandum of Understanding was so that the construction of the development could commence with the intention to negotiate a formal written agreement that would govern the Development ("Development Agreement").

Attached as Appendix 01 is the draft Development Agreement for Council's consideration.

The Development Agreement contains such covenants, conditions, indemnities, representations and warranties that are customary for this type of Development and as required by the City. It has been reviewed by the City's legal counsel.

## **Financial / Staffing Implications**

This item has been approved in the current budget: Yes ☐ No ☐ N/A ☒

This item is within the approved budget amount: Yes ☐ No ☐ N/A ☒

## **Alternatives**

No alternatives were considered.

## **Submission**

Prepared by:

Reviewed and submitted for  
Council's consideration by:

"Original signed by"

"Original signed by"

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Shelly Zubych, CHRP  
Director of Corporate Services

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Christopher W. Oslund  
City Manager

**Subject:** Emergency Response Plan

**Report No.:** PPP-009-2018  
**Agenda Date:** December 18, 2018

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## **Attachments**

**Appendix 01:** Emergency Response Plan - Revised Draft

## **Recommendations**

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. PPP-009-2018, more specifically Appendix “01”, being the Revised Draft of the City of Temiskaming Shores Emergency Response Plan;
2. That Council approves the Revised Draft Appendix “01” of the Emergency Response Plan for the City of Temiskaming Shores as presented; and
3. That Council directs staff to prepare the necessary by-law to amend By-law No. 2004-132 to adopt the Revised Draft of the Emergency Response Plan for consideration at the December 18, 2018 Regular Council meeting.

## **Background**

The Emergency Management and Civil Protection Act (EMCPA) require all municipalities in Ontario to develop a plan that outlines how it will respond to emergencies within its jurisdiction.

## **Analysis**

The Province of Ontario requires the implementation of mandatory emergency management programs for all Provincial ministries and municipalities. The elements of the emergency management program are outlined in the EMCPA in general and specified by Emergency Management Ontario (EMO).

The standards set by EMO, in accordance with recommended international best practices, require each community to maintain the requirements of the Emergency Management Program. For the purposes of this report, the following outcomes are being presented to Council:

- A revised draft of the City of Temiskaming Shores Emergency Response Plan;

The EMCPA requires municipalities to review their emergency response plan on an annual basis. Furthermore, it requires a copy of the most current response plan be provided to the Chief of Emergency Management Ontario.



On November 13<sup>th</sup>, 2018 the Emergency Management Program Committee reviewed the draft Emergency Response Plan. The committee endorsed the draft plan and recommended it be forwarded to Council for their review and consideration. Upon adoption of the plan by Council, the CEMC will then forward a copy to OFMEM as required.

### **Financial / Staffing Implications**

This item has been approved in the current budget: Yes ☐ No ☐ N/A ☒

This item is within the approved budget amount: Yes ☐ No ☐ N/A ☒

Financial implications to date have been with program resources and expenditures associated with the Emergency Management Program.

Staffing implications associated with the proposed agreement are limited to normal administrative functions and duties.

### **Alternatives**

Alternatives are not being presented at this time, as legislation requires the adoption and maintenance of an Emergency Management Program.

### **Submission**

Prepared by:

Reviewed and submitted for  
Council's consideration by:

"Original signed by"

"Original signed by"

\_\_\_\_\_  
Timothy H. Uttley  
Fire Chief

\_\_\_\_\_  
Christopher W. Oslund  
City Manager

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-000**

**Being a by-law to amend By-law No. 2004-132, as  
amended being a by-law to adopt an Emergency  
Management Program**

**Whereas** Section 2.1 (1) of the Emergency Management Act, 1990 (hereinafter referred to as the Act) requires every municipality to develop and adopt by by-law an Emergency Management Program;

**And whereas** Section 2.1 (2) states that the Emergency Management Program shall consist of:

- a) an emergency plan as required by Section 3 of the Act;
- b) training programs and exercises for employees of the municipality and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;
- c) public education on risks to public safety and on public preparedness for emergencies; and
- d) any other element required by the standards for emergency management programs set under Section 14 of the Act.

**And whereas** By-law No. 2004-132, as amended being a by-law to adopt an Emergency Management Program for the City of Temiskaming Shores was passed on November 8, 2004;

**And whereas** Council considered Administrative Report No. PPP-010-2018 at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law 2004-132, as amended for consideration at the December 18, 2018 Regular Council meeting;

**Now therefore** the Council of the Corporation of the City of Temiskaming Shores enacts as follows:

1. That By-law No. 2004-132, as amended is hereby further amended by repealing Schedule "A" in its entirety and replaced with Schedule "A" hereto attached and forming part of this by-law.
2. That the Clerk of the City of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen



**Schedule “A” to**  
**By-law No. 2019-000**  
**City of Temiskaming Shores**  
***Emergency Response Plan***

**Amendments:**

By-law No. 2004-132	November 22, 2004	Original By-law
By-law No. 2006-040	April 25, 2004	Replacement of Schedule “A”
By-law No. 2006-074	August 21, 2006	Modification of responsibilities
By-law No. 2007-171	December 18, 2007	Replacement of Schedule “A”
By-law No. 2011-006	December 14, 2010	Replacement of Schedule “A”
By-law No. 2014-200	November 4, 2014	Replacement of Schedule “A”
By-law No. 2016-175	November 1, 2016	Replacement of Schedule “A”
By-law No. 2017-143	November 21, 2017	Minor reference modifications
By-law No. 2019-000	December 18, 2018	Replacement of Schedule “A”

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**DISCLAIMER**

The City of Temiskaming Shores Emergency Response Plan has been formulated to contain information pertinent to the City of Temiskaming Shores. However, it is not intended to fulfill the needs of every community in Ontario. Pursuant to completion of the community risk profile, each community must draw up their plans accordingly.

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## **Annex A – Emergency Public Information Plan**

## **Annex B – Notification of Public**

## **Annex C – Canadian Red Cross Form of Agreement**

## **SECTION ONE**

### **1.1 Introduction**

Emergencies are defined as situations or impending situations that constitute a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise. They affect public safety, meaning the health, welfare and property, as well as the environment and economic health of the City of Temiskaming Shores. The population of the City of Temiskaming Shores is 9,920 residents.

While a variety of emergencies could occur within the City of Temiskaming Shores, those most likely to occur include:

- Forest/Wildland fires;
- Urban floods;
- Severe summer storms (high winds, heavy rain, lightning, damaging hail, tornado);
- Earthquakes;
- The city is also vulnerable to non-natural emergencies such as interruptions to energy/oil/natural gas supplies;
- Building/structural collapse;
- Major transport and/or industrial accidents which may involve hazardous materials;
- The City is also conscious of the threats of human health emergencies (communicable diseases and epidemics).

The hazards and risks to the City of Temiskaming Shores are outlined in detail in the City's Hazard Identification and Risk Assessment. In order to protect residents, businesses and visitors, the City of Temiskaming Shores requires a coordinated emergency response by a number of agencies under the direction of the Municipal Emergency Control Group. These are distinct arrangement and procedures from the normal day-to-day operations carried out by emergency services.

The City of Temiskaming Shores Emergency Management Program Committee developed this emergency response plan. Every official, municipal department and agency must be prepared to carry out assigned responsibilities in an emergency.

The response plan has been prepared to provide key officials, agencies and departments of the City of Temiskaming Shores with important information related to:

- Arrangements, services and equipment; and

- Roles and responsibilities during an emergency.

In addition, it is important that residents, businesses and interested visitors be aware of its provisions. Copies of the City of Temiskaming Shores Emergency Response Plan may be viewed at City Hall, Public Libraries and on the City's Web Site.

## **1.2 Community Emergency Management Coordinator (CEMC)**

For more information, please contact:

**Timothy H. Uttley**

Community Emergency Management Coordinator  
City of Temiskaming Shores  
P.O. Box 2050  
Haileybury, Ontario  
P0J 1K0

(705) 647-3363 ext. 4701

## **SECTION TWO**

### **2.1 Aim**

The aim of this plan is to make provision for the extraordinary arrangements and measures that may have to be made to protect the health, safety and welfare, environment and economic health of the residents, businesses and visitors of the City of Temiskaming Shores when faced with an emergency situation.

The aim of this plan is also to enable a centralized controlled and coordinated response to emergencies in the City of Temiskaming Shores, and meet the legislated requirements of the ***Emergency Management and Civil Protection Act***. For further details, please contact the Community Emergency Management Coordinator.

### **2.2 Authority**

The *Emergency Management and Civil Protection Act (EMCPA)* is the legal authority for this emergency response plan in Ontario.

The (*EMCPA*) states that:

*"Every municipality shall formulate an emergency plan governing the provision of necessary services during an emergency and the procedures under and the manner which employees of the municipality and other persons will respond to the emergency and the council of the municipality shall by by-law adopt the emergency response plan." [Section 3(1)]*



*"The head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area."*  
[Section 4(1)]

As enabled by the *Emergency Management and Civil Protection Act*, this emergency response plan and its elements have been:

- Issued under the authority of *City of Temiskaming Shores By-law 2004-132*; and
- Filed with Ministry of Community Safety and Correctional Services, Office of the Fire Marshal and Emergency Management.

## **2.3 Definition of an Emergency**

The EMCPA defines an emergency as:

"A situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise."

The Emergency Operation Centre (EOC) can be activated for any emergency for the purposes of managing the emergency, by maintaining services to the community and supporting the emergency site.

## **2.4 Action Prior to Declaration**

When an emergency exists but has not yet been declared to exist, municipal employees may take such action(s) under this emergency plan as may be required to protect property and the health, safety and welfare of the residents of the City of Temiskaming Shores.

# **SECTION THREE**

## **3.1 Emergency Notification Procedures**

Only a member of the City of Temiskaming Shores Municipal Emergency Control Group (MECG) may initiate the notification procedure.

When a member of the MECG receives a warning of a real or potential emergency, that member will immediately contact the Community Emergency Management Coordinator (CEMC) or his/her Alternate, to request that the Emergency Response Plan be activated and the MECG notified.

The member initiating the call must provide pertinent details (e.g., - a time and

place for the MCEG to meet) as part of the notification procedure. Upon notification of the emergency, the CEMC, CEMC Alternate or other designated City Staff will notify all members of the MCEG.

Upon being notified, it is the responsibility of all MCEG officials to notify their staff and volunteer organizations. Where a threat of an impending emergency exists, the MCEG will be notified and placed on standby.

### **3.2 Requests for Assistance**

Assistance may be requested from the Province of Ontario at any time without any loss of control or authority. A request for assistance should be made by contacting Emergency Management Ontario.

### **3.3 Procedure for Declaring an Emergency**

The Mayor or in his absence the Acting Mayor of the City of Temiskaming Shores, as Head of Council, is responsible for declaring an emergency. This decision is usually made in consultation with other members of the MCEG. Upon declaring an emergency, the Mayor or Acting Mayor will notify:

- Office of the Fire Marshal and Emergency Management;
- City Council;
- Public attached hereto an ANNEX "B";
- Neighboring community officials, as required;
- Local Member of the Provincial Parliament (MPP);
- Local Member of Parliament (MP).

### **3.4 Termination of a Community Emergency**

The Mayor, Acting Mayor, City Council or Premier of Ontario may declare the municipal emergency terminated. This decision is usually made in consultation with other members of the MCEG. When terminating an emergency, the Mayor will notify:

- Office of the Fire Marshal and Emergency Management;
  - City Council;
- Public attached hereto an ANNEX "B";
- Neighboring community officials, as required;
- Local Member of the Provincial Parliament (MPP);
- Local Member of Parliament (MP).

## **SECTION FOUR**

#### **4.1 Emergency Operations Centre (EOC)**

The members of the MCEG will report to the EOC as designated by Municipal Council.

#### **4.2 Municipal Emergency Control Group (MECG)**

The emergency response will be directed and controlled by the MECG. The MECG is a group of officials who are responsible for coordinating the provision of the essential services necessary to minimize the effects of an emergency on the community. The MECG consists of the following officials:

1. Mayor;
2. City Manager, who becomes the Operations Officer in the EOC;
3. Municipal Clerk/ Emergency Information Coordinator;
4. Community Emergency Management Coordinator;
5. Fire Chief;
6. Director of Public Works;
7. Director of Recreation;
8. Director of Corporate Services;
9. Executive Assistant;
10. I.T. Administrator.

Additional personnel called or added to the MECG may include:

- Superintendent of Community Programs;
- Treasurer;
- Chief Building Official;
- Office of the Fire Marshal and Emergency Management Representative/s;
- Ontario Provincial Police Representative/s;
- Emergency Medical Services Representative/s;
- Public Health Representative/s;
- Social Services Representative/s;
- Liaison staff from provincial ministries;
- Any other officials, experts or representatives from the public or private sector as deemed necessary by the MECG.

The MECG may function with only a limited number of persons depending upon the emergency. While the MECG may not require the presence of all the people listed as members of the control group, all members of the MECG and, Emergency

Medical Services, Ontario Provincial Police, and Timiskaming Health Unit must be notified.

### **4.3 Operating Cycle**

Members of the MCEG will gather at regular intervals to inform each other of actions taken and problems encountered. The City Manager will establish the frequency of meetings and agenda items. Meetings will be kept as brief as possible thus allowing members to carry out their individual responsibilities. The City Manager's Assistant will maintain status boards and maps, which will be prominently displayed.

### **4.4 Municipal Emergency Control Group Responsibilities**

The members of the MCEG are likely to be responsible for the following actions or decisions:

- Calling out and mobilizing their emergency service, agency and equipment;
- Coordinating and directing their service and ensuring that any actions necessary for the mitigation of the effects of the emergency are taken, provided they are not contrary to law;
- Determining if the location and composition of the MCEG are appropriate;
- Advising the Mayor as to whether the declaration of an emergency is recommended;
- Advising the Mayor on the need to designate all or part of the City as an emergency area;
- Ensuring that an Emergency Site Manager (ESM) is appointed;
- Ensuring support to the ESM by offering equipment, staff and resources, as required;
- Ordering, coordinating and/or overseeing the evacuation of inhabitants considered being in danger;
- Discontinuing utilities or services provided by public or private concerns, i.e. hydro, water, gas, closing down a shopping plaza/mall;
- Arranging for services and equipment from local agencies not under community control i.e. private contractors, industry, volunteer agencies, service clubs;
- Notifying, requesting assistance from and/or liaison with various levels of government and any public or private agencies not under community control, as considered necessary;
- Determining if additional volunteers are required and if appeals for volunteers are warranted;
- Determining if additional transport is required for evacuation or transport of

persons and/or supplies;

- Ensuring that pertinent information regarding the emergency is promptly forwarded to the Emergency Information Coordinator and Citizen Inquiry Supervisor, for dissemination to the media and public;
- Determining the need to establish advisory groups and/or sub-committees, working groups for any aspect of the emergency including recovery;
- Authorizing expenditure of money required for dealing with the emergency;
- Notifying the service, agency or group under their direction, of the termination of the emergency;
- Maintaining a log outlining decisions made and actions taken, and submitting a summary of the log to the City Manager within one week of the termination of the emergency, as required;
- Participating in the debriefing following the emergency.

## **SECTION FIVE**

### **5.1 Municipal Emergency Control Group Individual Responsibilities**

#### **1. Mayor**

The Mayor is responsible for:

- Providing overall leadership in responding to an emergency;
- Declaring an emergency within the designated area;
- Declaring that the emergency has terminated (Note: Council may also terminate the emergency);
- Notifying the Office of the Fire Marshal and Emergency Management, of the declaration of the emergency, and termination of the emergency, and are kept informed of the emergency situation.
- Ensuring the members of Council are advised of the declaration and termination of an emergency, and are kept informed of the emergency;
- Maintain a personal log of all actions taken.

#### **2. City Manager / Operations Officer**

The City Manager for the City of Temiskaming Shores becomes the Operations Officer and is responsible for:

- Chairing all meetings of the MCEG.
- Depending on the nature of the emergency, activating the emergency notification system through the CEMC;
- Ensuring liaison with the Senior Police Official regarding security

arrangements for the EOC.

- As the Operations Officer, coordinating operations within the Emergency Operations Centre, including the scheduling of regular meetings;
- Advising the Mayor on policies and procedures, as appropriate;
- Ensuring liaison with the Emergency Information Officer regarding preparing major announcements and media releases, and approving same, in conjunction with the Mayor, in consultation with the MECG;
- Ensuring that a communications link is established between the MECG and the Emergency Site Manager (ESM);
- Calling out additional City staff to provide assistance, as required;
- Maintain a personal log of all actions taken.

### **3. Municipal Clerk / Emergency Information Coordinator**

The Municipal Clerk / Emergency Information Coordinator is responsible for:

- Acting as the Emergency Information Coordinator during an emergency. The Emergency Information Coordinator is responsible for the dissemination of news and information to the media for the public (see Annex "A").
- Providing information and advice on all municipal legislative matters as may be required;
- Ensuring that documentation is maintained and kept for future reference including all records of debriefings and post-emergency reports;
- Maintain a personal log of all actions taken.

### **4. Community Emergency Management Coordinator**

The Community Emergency Management Coordinator (CEMC) is responsible for:

- Depending on the nature of the emergency, activating the emergency notification system;
- Activating and arranging the Emergency Operations Centre;
- Ensuring that security is in place for the EOC and registration of MECG members;
- Ensuring liaison with Senior Police Official(s) regarding security arrangements for the EOC.
- Ensuring that all members of the MECG have necessary plans, resources, supplies, maps, and equipment;
- Providing advice and clarifications about the implementation details of the

Emergency Response Plan;

- Ensuring that the operating cycle is met by the MCEG and related documentation is maintained and kept for future reference;
- Addressing any action items that may result from the activation of the Emergency Response Plan and keeping MCEG informed of implementation needs;
- Maintaining the records and logs for the purpose of debriefings and post-emergency reporting that will be prepared;
- Maintain a personal log of all actions taken.

## **5. Fire Chief**

The Fire Chief is responsible for:

- Depending on the nature of the emergency, activating the emergency notification system through the CEMC;
- Providing the MCEG with information and advise on firefighting and rescue matters;
- Depending on the nature of the emergency, assigning the Emergency Site Manager and informing the MCEG;
- Establishing an ongoing communications link with the senior fire official at the scene of the emergency;
- Initiating mutual aid arrangements for the provision of additional firefighters and equipment, if needed;
- Determining the need for additional or special equipment and recommending possible sources of supply, e.g. breathing apparatus, protective clothing;
- Providing assistance to other community departments and agencies and being prepared to take charge of or contribute to non-firefighting operations if necessary, e.g. rescue, first aid, casualty collection, evacuation;
- Providing an Emergency Site Manager, if required;
- Maintain a personal log of all actions taken.

## **6. Director of Public Works**

The Director of Public Works is responsible for:

- Providing the MCEG with information and advice on engineering and public works matters;
- Depending on the nature of the emergency, activating the emergency notification system through the CEMC;

- Depending on the nature of the emergency, assigning the Emergency Site Manager and informing the MCEG;
- Establishing an ongoing communications link with the senior Public Works official at the scene of the emergency;
- Ensuring liaison with the public works representative from the neighbouring community(s) to ensure a coordinated response;
- Ensuring provision of engineering assistance;
- Ensuring construction, maintenance and repair of city roads;
- Providing equipment for emergency pumping operations;
- Ensuring liaison with the Fire Chief concerning emergency water supplies for firefighting purposes;
- Providing emergency potable water, supplies and sanitation facilities to the requirements of the Medical Officer of Health;
- Discontinuing any public works service to any resident, as required, and restoring these services when appropriate;
- Ensuring liaison with public utilities to disconnect any service representing a hazard and/or to arrange for the provision of alternate services or functions;
- Providing public works vehicles and equipment as required by any other emergency services;
- Maintain a personal log of all actions taken.

## **7. Director of Recreation**

The Director of Recreation is responsible for:

- Depending on the nature of the emergency, activating the emergency notification system through the CEMC;
- Calling out additional city staff to provide assistance as required;
- Ensuring liaison with representatives from the neighbouring community(s) to ensure a coordinated response for potential use of alternate facilities;
- Providing overall direction for emergency evacuation centres;
- Supervising the Evacuation Coordinator;
- Notifying necessary emergency and community services, as required, and ensuring liaison with community support agencies as directed by the MCEG (e.g. Canadian Red Cross);
- Providing vehicles and equipment as may be required;
- Coordinating the use of municipal facilities as may be required by the MCEG;



- Maintain a personal log of all actions taken.

## **8. Director of Corporate Services**

The Director of Corporate Services / Human Resources is responsible for:

- Coordinating and processing requests for human resources;
- Coordinating offers of, and appeals for, volunteers with the support of the MCEG;
- Selecting the most appropriate site/s for the registration of human resources;
- Ensuring records of human resources and administrative detail, that may involve financial liability, are completed;
- Ensuring that a Volunteer Registration Form is completed, when volunteers are involved and a copy of the form is retained for city records;
- Ensuring identification cards are issued to volunteers and temporary employees, where practical;
- Arranging for transportation of human resources to and from site/s;
- Obtaining assistance, if necessary, from Services Canada, as well as other government departments, public and private agencies and volunteer groups;
- Maintain a personal log of all actions taken.

## **9. Executive Assistant**

The Executive Assistant is responsible for:

- Assisting the City Manager as required;
- Ensuring all important decisions made and actions taken by the MCEG are recorded;
- Ensuring that maps and status boards are kept up to date;
- Providing a process for registering MCEG members and maintaining a MCEG member list;
- Notifying the required support and advisory staff of the emergency, and the location of the Emergency Operations Centre;
- Initiating the opening, operation and staffing of the switchboard at the community offices, as the situation dictates, and ensuring operators are informed of MCEG members' telephone numbers in the EOC;
- Arranging for printing of material, as required;
- Coordinating for the provision of clerical staff to assist in the Emergency Operations Centre, as required;

- Upon direction by the Mayor, ensuring that all Council are advised of the declaration and termination of declaration of the emergency;
- Upon direction by the Mayor, arranging special meetings of Council, as required, and advising members of Council of the time, date, and location of the meetings;
- Procuring staff to assist, as required;
- Maintain a personal log of all actions taken.

## **10. I.T. Administrator**

The I.T. Administrator is responsible for:

- Activating the emergency notification system of the local amateur radio operators' group, as required;
- Initiating the necessary action to ensure the telephone systems at the community offices function as effectively as possible, as the situation dictates;
- Ensuring that the emergency communications centre is properly equipped and staffed, and working to correct any problems which may arise;
- Maintaining an inventory of municipal and private sector communications equipment and facilities within the municipality, which could, in an emergency, be used to augment existing communication systems;
- Making arrangements to acquire additional communications resources during an emergency.

## **5.2 Support and Advisory Staff Responsibilities**

### **1. Superintendent of Community Programs/Evacuation Coordinator**

The Superintendent of Community Programs shall act as the Evacuation Coordinator and is responsible for:

- Under the direction of the Director of Recreation, activating the Municipalities Emergency Evacuation Plan ensuring liaison with the Social Services Representative, and other emergency support agencies as directed by the MEEG (e.g. Canadian Red Cross);
- Coordination and communication of all emergency evacuation procedures so that in the event of an emergency all personnel are aware of the emergency evacuation procedures;
- For the coordination of designated shelters and registration for pets;
- Making arrangements for meals for the staff and registered volunteers at the EOC;
- Ensuring that a representative of the District School Board Ontario

Northeast and the Conseil scolaire catholique de district des Grandes-Rivières are notified of the facilities that are required as evacuee centre(s). Ensure that staff/volunteers at the school facilities take direction from the Board representative(s) with respect to its/their maintenance, use and operation;

- Support the overall response with agencies (Canadian Red Cross, Salvation Army, Service Clubs etc.) that are/or may be involved in providing support to evacuees, victims, and volunteers;
- Maintaining detailed documentation on decisions made, actions taken and expenses incurred;
- Assisting with the recovery process and the restoration services as soon as deemed appropriate;
- Preparing and submitting a final report containing a review of the operation of evacuation centre's including recommendations on possible alterations to the Emergency Response Plan;
- Maintain a personal log of all actions taken.

## **2. Treasurer**

The Treasurer is responsible for:

- Providing information and advice on financial matters as they relate to the emergency;
- Ensuring liaison, if necessary, with the Treasurers/Directors of Finance of neighbouring communities;
- Ensuring that records of expenses are maintained for future claim purposes;
- Ensuring the prompt payment and settlement of all legitimate invoices and claims incurred during an emergency;
- Maintain a personal log of all actions taken.

## **3. Chief Building Official**

The Chief Building Official is responsible for:

- Conducting joint assessments regarding the structural integrity of municipal owned or private buildings;
- Assist the Director of Recreation with the inspection of facilities for sheltering purposes;
- Assist the Manager of Physical Assets with the inspection of City facilities;
- Maintaining a personal log of all actions taken.

#### **4. Legal Services Representative**

The Legal Services Representative is responsible for:

- Providing advice to any member of the Municipal Emergency Control Group on matters of a legal nature as they may apply to the actions of the City of Temiskaming Shores in its response to the emergency, as requested;
- Maintain a personal log of all actions taken.

#### **5. Works Clerk**

The Works Clerk is responsible for:

- Providing and securing of equipment and supplies not owned by the City of Temiskaming Shores;
- Ensuring liaison with purchasing agents of the neighbouring communities, if necessary;
- Maintaining and updating a list of all vendors (including 24-hour contact numbers) who may be required to provide supplies and equipment;
- Maintain a personal log of all actions taken.

#### **6. Other Agencies**

In an emergency, many agencies may be required to work with the Municipal Emergency Control Group such as the following:

- Office of the Fire Marshal and Emergency Management;
- Ontario Provincial Police;
- Medical Officer of Health/Health Representatives;
- Emergency Medical Services;
- Canadian Red Cross;
- Victim Services of Temiskaming & District;
- Other industry, volunteer groups, conservation authorities, and provincial ministries as may be required.

#### **7. District School Boards**

The District School Boards are responsible for:

- Providing any school (as appropriate and available) for use as an evacuation or reception centre and a representative(s) to coordinate the maintenance, use and operation of the facilities being utilized as evacuation or reception centres;

- Ensuring liaison with the municipality as to protective actions to the schools (i.e. implementing school stay in place procedure and implementing the school evacuation procedure).

## **8. Timiskaming District Hospital CEO or Designate**

The Timiskaming District Hospital CEO is responsible for:

- Implementing the hospital emergency plan;
- Ensuring liaison with the Medical Officer of Health and local ambulance representatives with respect to hospital and medical matters, as required;
- Evaluating requests for the provision of medical site teams/medical triage teams;
- Ensuring liaison with the Ministry of Health and Long-Term Care, as appropriate.

### **5.3 Relationship between MCEG and Emergency Site Manager (ESM)**

Depending on the nature of the emergency, and once the MCEG has been assigned, the MCEG relationship with the ESM is to offer support with equipment, staff and other resources, as required. The MCEG will also ensure that the rest of the community maintains municipal services.

### **5.4 Relationship between ESM and Command and Control Structures of Emergency Responders**

The senior representative for each emergency responder (police, fire, EMS) at the site will consult with the Emergency Site Manager, so as to offer a coordinated and effective response. Regular briefings will be held at the site and chaired by the ESM, so as to establish the manner and process by which response to the emergency will be provided.

### **5.5 Recovery / Restoration Procedures**

The recovery phase will begin after the emergency is stabilized. It may take many years for the community to fully recover from the emergency.

If an evacuation has been carried out, evacuees will be allowed to return to their homes as soon as possible once it has been determined that it is safe to do so. Damage estimation and compensation will be done cooperatively with the Province according to provincial guidelines. The Treasurer will prepare a submission detailing all extraordinary expenses incurred by the municipality in responding to the emergency. If any municipal employees have been injured while responding to the emergency their injuries will be documented and Workplace Safety and Insurance Board informed. Emergency responders and others may need critical incident stress debriefing, grief counseling, etc.

## **5.6 Post Incident / Exercise Response Evaluation**

As soon as is practical, and following the conclusion of any significant emergency event or exercise, the Community Emergency Management Coordinator may conduct a post-incident or exercise review. Such reviews shall be conducted in the form of a meeting or by requesting written inputs from participating departments or agencies regarding problems observed and recommendations for improvements in the Emergency Response Plan, procedures, or training.

The Lead Response Agency (the agency that has the greatest involvement in an incident) may conduct a review of operational activities during an emergency incident or exercise, either as part of a larger overall review or on an individual basis. Reviews may take the form of a meeting or written inputs from member agencies. Participating agencies are expected to provide written or oral comments and recommendations. These will be consolidated into a summary and provided to the Fire Chief and the Community Emergency Management Coordinator for review and possible revision to the Emergency Response Plan.

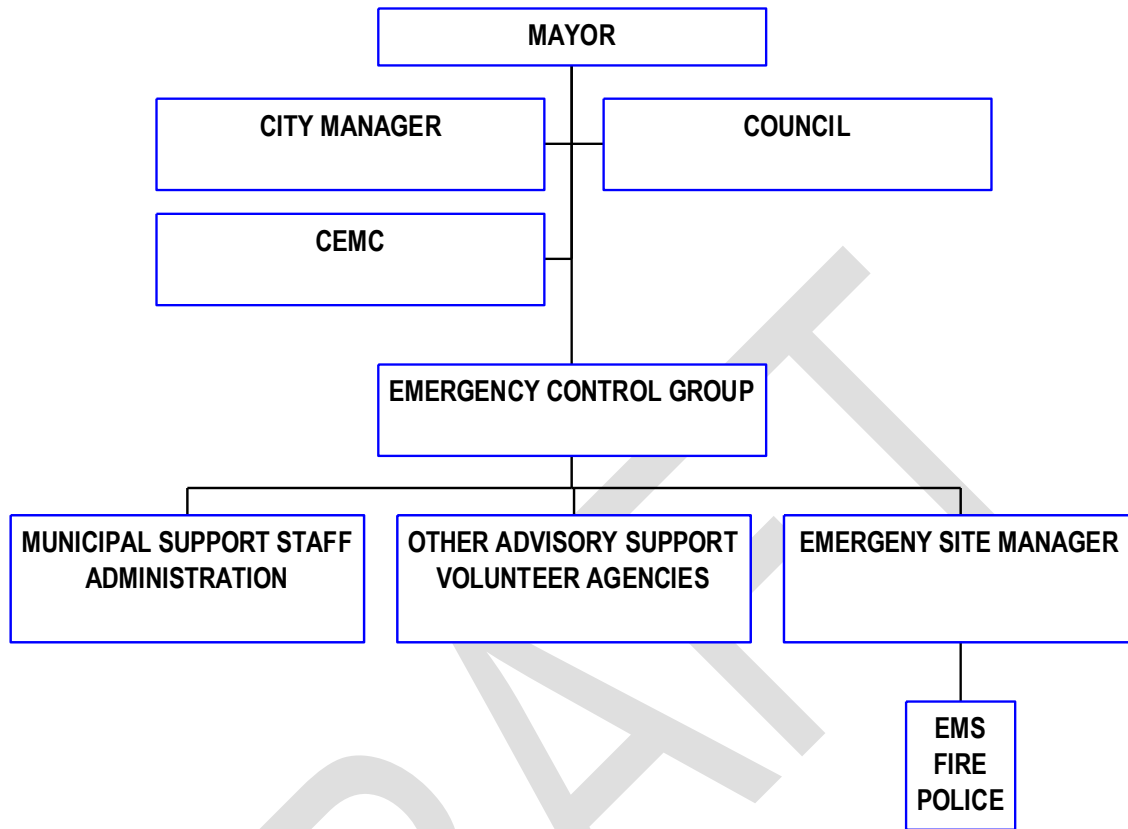
## **5.7 Plan Maintenance and Revision**

This plan will be reviewed annually, and where necessary, revised by a meeting(s) of the Emergency Management Program Committee.

Each time this plan is revised, it must be forwarded to Council for approval. However revisions to the Appendix can be made without resubmitting the plan to Council each time. Council and all other holders of the plan will be notified of any changes.

It is the responsibility of each person, agency, service or department named within this emergency plan to notify the Community Emergency Management Coordinator, of any revisions.

## 5.8 City of Temiskaming Shores – Emergency Management Organizational Chart



## Section Six

### 6.1 Mutual Aid and Mutual Assistance

The Temiskaming Shores Fire Department participates in a mutual aid agreement with the fire services of all participating municipalities within the Temiskaming District to provide mutual aid for fire suppression, spills, and medical assistance calls.

This agreement may be activated by the Fire Chief of the Temiskaming Shores Fire Department through the Mutual Aid Coordinator at any time without the need to activate the Control Group or implement the City of Temiskaming Shores Emergency Response Plan.

## ***Annex A – Emergency Public Information Plan***

### **General**

Upon implementation of this emergency plan, provision will be made to coordinate the release of accurate information to the news media, issue authoritative instructions to the public, and respond to or redirect individual requests for, or reports on, information concerning any aspects of the emergency. These duties will be the responsibility of the Emergency Information Coordinator.

In order to fulfill these functions, it will be necessary to establish Information Centre(s). In addition, the following positions may be required:

- An On-scene Spokesperson;
- An Inquiry Supervisor.

### **Responsibilities of Emergency Information Coordinator**

The Emergency Information Coordinator is the Municipal Clerk and is responsible for:

- Establishing a communication link with the on-scene Spokesperson, the Citizen Inquiry Supervisor and any other media co-ordinator(s) (i.e. provincial, federal, private industry, etc.) involved in the incident, and ensuring that all information released to the media and public is consistent and accurate;
- Ensuring that an information centre(s) is set up and staffed;
- Providing liaison with the Emergency Control Group to obtain up-to-date information for the media releases, co-ordinate individual interviews and organize press conferences;
- Ensuring that the following are advised of the telephone number of the information centre(s):
  - ✓ Media
  - ✓ Emergency Control Group
  - ✓ Switchboards (City and Emergency Services)
  - ✓ On-Scene Spokesperson
  - ✓ Police Public Relations Officer
  - ✓ Neighboring Municipalities
  - ✓ Any other appropriate persons, agencies or businesses.
- Ensuring that media releases are approved by the City Manager and/or Municipal Clerk (in consultation with the Municipal Emergency Control Group) prior to dissemination, and distributing hard copies of media releases to the Information Centre(s), the Municipal Emergency Control Group, Citizen Inquiry Supervisor



and other key persons handling inquiries from the media;

- Monitoring news coverage, and correcting any erroneous information;
- Maintaining copies of media released and newspaper articles pertaining to the emergency.

### **Responsibilities of the On-Scene Spokesperson**

The On-Scene Spokesperson will be appointed by the Emergency Information Coordinator, as required and is responsible for:

- Coordinating the On-Scene Information Centre in a safe, appropriate location;
- Ensuring that media arriving at the site, are directed to the On-Scene Information Centre;
- Relaying information, to the media and/or public, as released by the Public Information Coordinator;
- Coordinating on-scene interviews between the emergency services personnel and the media as directed by the Emergency Information Coordinator.

### ***Annex B – Notification of Public***

In the event that a municipal emergency has been declared, or if the circumstances of an emergency dictate that all citizens be notified immediately, (i.e. evacuation is required), or to warn the public of imminent or unfolding hazards to life and property, the citizens of the City of Temiskaming Shores shall be notified in the following manner:

At the direction of the Municipal Emergency Control Group, the local radio station (CJTT) shall be advised of the particulars of the emergency along with the recommended actions for the public to take. The radio station (CJTT) will then transmit this information to the public at frequent intervals and until further advised by the MCEG. This information will also be posted on the City’s website, Facebook, Twitter and other social media accounts as directed.

Through the Provincial Emergency Operations Centre (PEOC), the Municipal Emergency Control Group also may request an emergency alert be sent through the Alert Ready system. This system can send life-threatening emergency alerts to targeted cell phones and wireless devices that are compatible with Wireless Public Alerting (WPA) within an area in the City of Temiskaming Shores.

To ensure that all citizens are made aware of this procedure, the notification procedures and other pertinent information may be included with the municipal tax bills on an annual basis, on the City’s website, Facebook page, and other social media forms.

## **Annex C – Canadian Red Cross Form of Agreement**

### **Emergency Evacuation Centres**

- Overall supervision, coordination and staffing of the operation of all shelters that have been designated and opened by the MECG;
- For the provision of registration and inquiry services at designated shelters for evacuees, victims, and volunteers;
- To ensure the provision of child care services for children at the evacuation centre(s). Liaise with Police, Fire and Northeastern Ontario Family and Child Services regarding children separated from their families as a result of the emergency;
- Assisting in the distribution of supplies (clothing, food, personal items) where applicable and available for individuals evacuated to emergency centre(s);
- Liaison with the Medical Officer of Health on areas of mutual concern regarding operations in evacuee centre(s);
- Support the overall response with the Evacuation Coordinator and agencies (Salvation Army, Service Clubs etc.) that are/or may be involved in providing support to evacuees, victims, and volunteers;
- Maintaining detailed documentation on decisions made, actions taken and expenses incurred;
- Assisting with the recovery process and the restoration services as soon as deemed appropriate;
- Preparing and submitting a final report containing a review of the operation of evacuation centres including recommendations on possible alterations to the Emergency Response Plan.

## **The Corporation of the City of Temiskaming Shores**

### **By-law No. 2019-003**

#### **Being a by-law to amend By-law No. 2013-127 being a by-law to authorize the Lease of Land to Rogers Communications Inc.**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**And whereas** under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** Council entered into an agreement with Rogers Communications Inc. via By-law No. 2013-127 (August 6, 2013) for the installation of a communications tower within the Haileybury Industrial Park;

**And whereas** Council considered Administrative Report CS-037-2018 at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2013-127 exercising the option to extend the term of the lease with Rogers Communications Inc. for a period of five (5) years commencing September 1, 2018 to August 31, 2023 at a rate of \$9,240 per annum as well as to allow for the addition of one (1), five (5) year extension term commencing September 1, 2023 at a rate of \$10,164 per annum for consideration at the December 18, 2018 Regular Council meeting;

**Now therefore** the Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That Council hereby amends By-law No. 2013-127, as amended by extending the term of the lease for a period of five (5) years commencing September 1, 2018 to August 31, 2023 at a rate of \$9,240 per annum;
2. That Council hereby amends By-law No. 2013-127, as amended with the addition of a one five (5) year term extension option to commence on September 1, 2023 at a rate of \$10,164 per annum;
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-004**

**Being a by-law to Stop up and Close a Highway – a  
portion of Lakeview Avenue being Parts 1 and 2 on  
Plan 54R-6054**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**And whereas** under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** the provisions of Section 34 (1) of The Municipal Act, 2001, S.O., c. 25 sets out procedures for the closing of Highways;

**And whereas** Council considered Administrative Report CS-040-2018 at the September 11, 2018 Regular Council meeting and directed staff to provide the required notice for a public meeting to consider the stopping up and closing a portion of Lakeview Avenue legally described as Part 1 on Plan 54R-6054;

**And whereas** the Public Notice for the stopping up and closing of highways was provided in accordance with By-law No. 2004-022, being a by-law to establish Procedures for Public Notice for the City of Temiskaming Shores and held on December 18, 2018;

**Now therefore** the Municipal Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That portion of Lakeview Avenue being PIN 61354-0374 (LT) legally described as Part 1 on Plan 54R-6054 being part of Lakeview Avenue Plan M-67 N.B. in the geographic Township of Bucke; Temiskaming Shores; District of Timiskaming is hereby stopped up and closed.
2. That all of the lane being PIN 61354-0410 (LT) legally described as Part 2 on Plan 54R-6054 being all of the lane abutting Lot 67 west side of Railway Street on Plan M-67 N.B. in the geographic Township of Bucke; Temiskaming Shores; District of Timiskaming is hereby stopped up and closed.
3. The Mayor and Clerk are authorized to sign all necessary documents in connection to this by-law.

4. That a copy of this by-law be registered at the Land Registry Office in accordance with Section 34 of (1) of the Municipal Act 2001, S.O., c. 25.
5. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-005**

**Being a by-law to amend By-law No. 2004-132, as  
amended being a by-law to adopt an Emergency  
Management Program**

**Whereas** Section 2.1 (1) of the Emergency Management Act, 1990 (hereinafter referred to as the Act) requires every municipality to develop and adopt by by-law an Emergency Management Program;

**And whereas** Section 2.1 (2) states that the Emergency Management Program shall consist of:

- a) an emergency plan as required by Section 3 of the Act;
- b) training programs and exercises for employees of the municipality and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;
- c) public education on risks to public safety and on public preparedness for emergencies; and
- d) any other element required by the standards for emergency management programs set under Section 14 of the Act.

**And whereas** By-law No. 2004-132, as amended being a by-law to adopt an Emergency Management Program for the City of Temiskaming Shores was passed on November 8, 2004;

**And whereas** Council considered Administrative Report No. PPP-010-2018 at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law 2004-132, as amended for consideration at the December 18, 2018 Regular Council meeting;

**Now therefore** the Council of the Corporation of the City of Temiskaming Shores enacts as follows:

1. That By-law No. 2004-132, as amended is hereby further amended by repealing Schedule "A" in its entirety and replaced with Schedule "A" hereto attached and forming part of this by-law.
2. That the Clerk of the City of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law.



**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

---

Mayor – Carman Kidd

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Clerk – David B. Treen



**Schedule “A” to**  
**By-law No. 2019-005**  
**City of Temiskaming Shores**  
***Emergency Response Plan***

**Amendments:**

By-law No. 2004-132	November 22, 2004	Original By-law
By-law No. 2006-040	April 25, 2004	Replacement of Schedule “A”
By-law No. 2006-074	August 21, 2006	Modification of responsibilities
By-law No. 2007-171	December 18, 2007	Replacement of Schedule “A”
By-law No. 2011-006	December 14, 2010	Replacement of Schedule “A”
By-law No. 2014-200	November 4, 2014	Replacement of Schedule “A”
By-law No. 2016-175	November 1, 2016	Replacement of Schedule “A”
By-law No. 2017-143	November 21, 2017	Minor reference modifications
By-law No. 2019-000	December 18, 2018	Replacement of Schedule “A”

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**DISCLAIMER**

The City of Temiskaming Shores Emergency Response Plan has been formulated to contain information pertinent to the City of Temiskaming Shores. However, it is not intended to fulfill the needs of every community in Ontario. Pursuant to completion of the community risk profile, each community must draw up their plans accordingly.

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## **Annex A – Emergency Public Information Plan**

## **Annex B – Notification of Public**

## **Annex C – Canadian Red Cross Form of Agreement**

## **SECTION ONE**

### **1.1 Introduction**

Emergencies are defined as situations or impending situations that constitute a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise. They affect public safety, meaning the health, welfare and property, as well as the environment and economic health of the City of Temiskaming Shores. The population of the City of Temiskaming Shores is 9,920 residents.

While a variety of emergencies could occur within the City of Temiskaming Shores, those most likely to occur include:

- Forest/Wildland fires;
- Urban floods;
- Severe summer storms (high winds, heavy rain, lightning, damaging hail, tornado);
- Earthquakes;
- The city is also vulnerable to non-natural emergencies such as interruptions to energy/oil/natural gas supplies;
- Building/structural collapse;
- Major transport and/or industrial accidents which may involve hazardous materials;
- The City is also conscious of the threats of human health emergencies (communicable diseases and epidemics).

The hazards and risks to the City of Temiskaming Shores are outlined in detail in the City's Hazard Identification and Risk Assessment. In order to protect residents, businesses and visitors, the City of Temiskaming Shores requires a coordinated emergency response by a number of agencies under the direction of the Municipal Emergency Control Group. These are distinct arrangement and procedures from the normal day-to-day operations carried out by emergency services.

The City of Temiskaming Shores Emergency Management Program Committee developed this emergency response plan. Every official, municipal department and agency must be prepared to carry out assigned responsibilities in an emergency.

The response plan has been prepared to provide key officials, agencies and departments of the City of Temiskaming Shores with important information related to:

- Arrangements, services and equipment; and

- Roles and responsibilities during an emergency.

In addition, it is important that residents, businesses and interested visitors be aware of its provisions. Copies of the City of Temiskaming Shores Emergency Response Plan may be viewed at City Hall, Public Libraries and on the City's Web Site.

## **1.2 Community Emergency Management Coordinator (CEMC)**

For more information, please contact:

**Timothy H. Uttley**

Community Emergency Management Coordinator  
City of Temiskaming Shores  
P.O. Box 2050  
Haileybury, Ontario  
P0J 1K0

(705) 647-3363 ext. 4701

## **SECTION TWO**

### **2.1 Aim**

The aim of this plan is to make provision for the extraordinary arrangements and measures that may have to be made to protect the health, safety and welfare, environment and economic health of the residents, businesses and visitors of the City of Temiskaming Shores when faced with an emergency situation.

The aim of this plan is also to enable a centralized controlled and coordinated response to emergencies in the City of Temiskaming Shores, and meet the legislated requirements of the ***Emergency Management and Civil Protection Act***. For further details, please contact the Community Emergency Management Coordinator.

### **2.2 Authority**

The *Emergency Management and Civil Protection Act (EMCPA)* is the legal authority for this emergency response plan in Ontario.

The (EMCPA) states that:

*"Every municipality shall formulate an emergency plan governing the provision of necessary services during an emergency and the procedures under and the manner which employees of the municipality and other persons will respond to the emergency and the council of the municipality shall by by-law adopt the emergency response plan." [Section 3(1)]*

*"The head of council of a municipality may declare that an emergency exists in the municipality or in any part thereof and may take such action and make such orders as he or she considers necessary and are not contrary to law to implement the emergency plan of the municipality and to protect property and the health, safety and welfare of the inhabitants of the emergency area."*  
[Section 4(1)]

As enabled by the *Emergency Management and Civil Protection Act*, this emergency response plan and its elements have been:

- Issued under the authority of *City of Temiskaming Shores By-law 2004-132*; and
- Filed with Ministry of Community Safety and Correctional Services, Office of the Fire Marshal and Emergency Management.

## **2.3 Definition of an Emergency**

The EMCPA defines an emergency as:

"A situation or an impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or otherwise."

The Emergency Operation Centre (EOC) can be activated for any emergency for the purposes of managing the emergency, by maintaining services to the community and supporting the emergency site.

## **2.4 Action Prior to Declaration**

When an emergency exists but has not yet been declared to exist, municipal employees may take such action(s) under this emergency plan as may be required to protect property and the health, safety and welfare of the residents of the City of Temiskaming Shores.

# **SECTION THREE**

## **3.1 Emergency Notification Procedures**

Only a member of the City of Temiskaming Shores Municipal Emergency Control Group (MECG) may initiate the notification procedure.

When a member of the MECG receives a warning of a real or potential emergency, that member will immediately contact the Community Emergency Management Coordinator (CEMC) or his/her Alternate, to request that the Emergency Response Plan be activated and the MECG notified.

The member initiating the call must provide pertinent details (e.g., - a time and

place for the MCEG to meet) as part of the notification procedure. Upon notification of the emergency, the CEMC, CEMC Alternate or other designated City Staff will notify all members of the MCEG.

Upon being notified, it is the responsibility of all MCEG officials to notify their staff and volunteer organizations. Where a threat of an impending emergency exists, the MCEG will be notified and placed on standby.

### **3.2 Requests for Assistance**

Assistance may be requested from the Province of Ontario at any time without any loss of control or authority. A request for assistance should be made by contacting Emergency Management Ontario.

### **3.3 Procedure for Declaring an Emergency**

The Mayor or in his absence the Acting Mayor of the City of Temiskaming Shores, as Head of Council, is responsible for declaring an emergency. This decision is usually made in consultation with other members of the MCEG. Upon declaring an emergency, the Mayor or Acting Mayor will notify:

- Office of the Fire Marshal and Emergency Management;
- City Council;
- Public attached hereto an ANNEX "B";
- Neighboring community officials, as required;
- Local Member of the Provincial Parliament (MPP);
- Local Member of Parliament (MP).

### **3.4 Termination of a Community Emergency**

The Mayor, Acting Mayor, City Council or Premier of Ontario may declare the municipal emergency terminated. This decision is usually made in consultation with other members of the MCEG. When terminating an emergency, the Mayor will notify:

- Office of the Fire Marshal and Emergency Management;
  - City Council;
- Public attached hereto an ANNEX "B";
- Neighboring community officials, as required;
- Local Member of the Provincial Parliament (MPP);
- Local Member of Parliament (MP).

## **SECTION FOUR**



#### **4.1 Emergency Operations Centre (EOC)**

The members of the MCEG will report to the EOC as designated by Municipal Council.

#### **4.2 Municipal Emergency Control Group (MECG)**

The emergency response will be directed and controlled by the MECG. The MECG is a group of officials who are responsible for coordinating the provision of the essential services necessary to minimize the effects of an emergency on the community. The MECG consists of the following officials:

1. Mayor;
2. City Manager, who becomes the Operations Officer in the EOC;
3. Municipal Clerk/ Emergency Information Coordinator;
4. Community Emergency Management Coordinator;
5. Fire Chief;
6. Director of Public Works;
7. Director of Recreation;
8. Director of Corporate Services;
9. Executive Assistant;
10. I.T. Administrator.

Additional personnel called or added to the MECG may include:

- Superintendent of Community Programs;
- Treasurer;
- Chief Building Official;
- Office of the Fire Marshal and Emergency Management Representative/s;
- Ontario Provincial Police Representative/s;
- Emergency Medical Services Representative/s;
- Public Health Representative/s;
- Social Services Representative/s;
- Liaison staff from provincial ministries;
- Any other officials, experts or representatives from the public or private sector as deemed necessary by the MECG.

The MECG may function with only a limited number of persons depending upon the emergency. While the MECG may not require the presence of all the people listed as members of the control group, all members of the MECG and, Emergency

Medical Services, Ontario Provincial Police, and Timiskaming Health Unit must be notified.

### **4.3 Operating Cycle**

Members of the MCEG will gather at regular intervals to inform each other of actions taken and problems encountered. The City Manager will establish the frequency of meetings and agenda items. Meetings will be kept as brief as possible thus allowing members to carry out their individual responsibilities. The City Manager's Assistant will maintain status boards and maps, which will be prominently displayed.

### **4.4 Municipal Emergency Control Group Responsibilities**

The members of the MCEG are likely to be responsible for the following actions or decisions:

- Calling out and mobilizing their emergency service, agency and equipment;
- Coordinating and directing their service and ensuring that any actions necessary for the mitigation of the effects of the emergency are taken, provided they are not contrary to law;
- Determining if the location and composition of the MCEG are appropriate;
- Advising the Mayor as to whether the declaration of an emergency is recommended;
- Advising the Mayor on the need to designate all or part of the City as an emergency area;
- Ensuring that an Emergency Site Manager (ESM) is appointed;
- Ensuring support to the ESM by offering equipment, staff and resources, as required;
- Ordering, coordinating and/or overseeing the evacuation of inhabitants considered being in danger;
- Discontinuing utilities or services provided by public or private concerns, i.e. hydro, water, gas, closing down a shopping plaza/mall;
- Arranging for services and equipment from local agencies not under community control i.e. private contractors, industry, volunteer agencies, service clubs;
- Notifying, requesting assistance from and/or liaison with various levels of government and any public or private agencies not under community control, as considered necessary;
- Determining if additional volunteers are required and if appeals for volunteers are warranted;
- Determining if additional transport is required for evacuation or transport of

persons and/or supplies;

- Ensuring that pertinent information regarding the emergency is promptly forwarded to the Emergency Information Coordinator and Citizen Inquiry Supervisor, for dissemination to the media and public;
- Determining the need to establish advisory groups and/or sub-committees, working groups for any aspect of the emergency including recovery;
- Authorizing expenditure of money required for dealing with the emergency;
- Notifying the service, agency or group under their direction, of the termination of the emergency;
- Maintaining a log outlining decisions made and actions taken, and submitting a summary of the log to the City Manager within one week of the termination of the emergency, as required;
- Participating in the debriefing following the emergency.

## **SECTION FIVE**

### **5.1 Municipal Emergency Control Group Individual Responsibilities**

#### **1. Mayor**

The Mayor is responsible for:

- Providing overall leadership in responding to an emergency;
- Declaring an emergency within the designated area;
- Declaring that the emergency has terminated (Note: Council may also terminate the emergency);
- Notifying the Office of the Fire Marshal and Emergency Management, of the declaration of the emergency, and termination of the emergency, and are kept informed of the emergency situation.
- Ensuring the members of Council are advised of the declaration and termination of an emergency, and are kept informed of the emergency;
- Maintain a personal log of all actions taken.

#### **2. City Manager / Operations Officer**

The City Manager for the City of Temiskaming Shores becomes the Operations Officer and is responsible for:

- Chairing all meetings of the MCEG.
- Depending on the nature of the emergency, activating the emergency notification system through the CEMC;
- Ensuring liaison with the Senior Police Official regarding security

arrangements for the EOC.

- As the Operations Officer, coordinating operations within the Emergency Operations Centre, including the scheduling of regular meetings;
- Advising the Mayor on policies and procedures, as appropriate;
- Ensuring liaison with the Emergency Information Officer regarding preparing major announcements and media releases, and approving same, in conjunction with the Mayor, in consultation with the MECG;
- Ensuring that a communications link is established between the MECG and the Emergency Site Manager (ESM);
- Calling out additional City staff to provide assistance, as required;
- Maintain a personal log of all actions taken.

### **3. Municipal Clerk / Emergency Information Coordinator**

The Municipal Clerk / Emergency Information Coordinator is responsible for:

- Acting as the Emergency Information Coordinator during an emergency. The Emergency Information Coordinator is responsible for the dissemination of news and information to the media for the public (see Annex "A").
- Providing information and advice on all municipal legislative matters as may be required;
- Ensuring that documentation is maintained and kept for future reference including all records of debriefings and post-emergency reports;
- Maintain a personal log of all actions taken.

### **4. Community Emergency Management Coordinator**

The Community Emergency Management Coordinator (CEMC) is responsible for:

- Depending on the nature of the emergency, activating the emergency notification system;
- Activating and arranging the Emergency Operations Centre;
- Ensuring that security is in place for the EOC and registration of MECG members;
- Ensuring liaison with Senior Police Official(s) regarding security arrangements for the EOC.
- Ensuring that all members of the MECG have necessary plans, resources, supplies, maps, and equipment;
- Providing advice and clarifications about the implementation details of the

Emergency Response Plan;

- Ensuring that the operating cycle is met by the MCEG and related documentation is maintained and kept for future reference;
- Addressing any action items that may result from the activation of the Emergency Response Plan and keeping MCEG informed of implementation needs;
- Maintaining the records and logs for the purpose of debriefings and post-emergency reporting that will be prepared;
- Maintain a personal log of all actions taken.

## **5. Fire Chief**

The Fire Chief is responsible for:

- Depending on the nature of the emergency, activating the emergency notification system through the CEMC;
- Providing the MCEG with information and advise on firefighting and rescue matters;
- Depending on the nature of the emergency, assigning the Emergency Site Manager and informing the MCEG;
- Establishing an ongoing communications link with the senior fire official at the scene of the emergency;
- Initiating mutual aid arrangements for the provision of additional firefighters and equipment, if needed;
- Determining the need for additional or special equipment and recommending possible sources of supply, e.g. breathing apparatus, protective clothing;
- Providing assistance to other community departments and agencies and being prepared to take charge of or contribute to non-firefighting operations if necessary, e.g. rescue, first aid, casualty collection, evacuation;
- Providing an Emergency Site Manager, if required;
- Maintain a personal log of all actions taken.

## **6. Director of Public Works**

The Director of Public Works is responsible for:

- Providing the MCEG with information and advice on engineering and public works matters;
- Depending on the nature of the emergency, activating the emergency notification system through the CEMC;

- Depending on the nature of the emergency, assigning the Emergency Site Manager and informing the MECG;
- Establishing an ongoing communications link with the senior Public Work's official at the scene of the emergency;
- Ensuring liaison with the public works representative from the neighbouring community(s) to ensure a coordinated response;
- Ensuring provision of engineering assistance;
- Ensuring construction, maintenance and repair of city roads;
- Providing equipment for emergency pumping operations;
- Ensuring liaison with the Fire Chief concerning emergency water supplies for firefighting purposes;
- Providing emergency potable water, supplies and sanitation facilities to the requirements of the Medical Officer of Health;
- Discontinuing any public works service to any resident, as required, and restoring these services when appropriate;
- Ensuring liaison with public utilities to disconnect any service representing a hazard and/or to arrange for the provision of alternate services or functions;
- Providing public works vehicles and equipment as required by any other emergency services;
- Maintain a personal log of all actions taken.

## **7. Director of Recreation**

The Director of Recreation is responsible for:

- Depending on the nature of the emergency, activating the emergency notification system through the CEMC;
- Calling out additional city staff to provide assistance as required;
- Ensuring liaison with representatives from the neighbouring community(s) to ensure a coordinated response for potential use of alternate facilities;
- Providing overall direction for emergency evacuation centres;
- Supervising the Evacuation Coordinator;
- Notifying necessary emergency and community services, as required, and ensuring liaison with community support agencies as directed by the MECG (e.g. Canadian Red Cross);
- Providing vehicles and equipment as may be required;
- Coordinating the use of municipal facilities as may be required by the MECG;

- Maintain a personal log of all actions taken.

## **8. Director of Corporate Services**

The Director of Corporate Services / Human Resources is responsible for:

- Coordinating and processing requests for human resources;
- Coordinating offers of, and appeals for, volunteers with the support of the MCEG;
- Selecting the most appropriate site/s for the registration of human resources;
- Ensuring records of human resources and administrative detail, that may involve financial liability, are completed;
- Ensuring that a Volunteer Registration Form is completed, when volunteers are involved and a copy of the form is retained for city records;
- Ensuring identification cards are issued to volunteers and temporary employees, where practical;
- Arranging for transportation of human resources to and from site/s;
- Obtaining assistance, if necessary, from Services Canada, as well as other government departments, public and private agencies and volunteer groups;
- Maintain a personal log of all actions taken.

## **9. Executive Assistant**

The Executive Assistant is responsible for:

- Assisting the City Manager as required;
- Ensuring all important decisions made and actions taken by the MCEG are recorded;
- Ensuring that maps and status boards are kept up to date;
- Providing a process for registering MCEG members and maintaining a MCEG member list;
- Notifying the required support and advisory staff of the emergency, and the location of the Emergency Operations Centre;
- Initiating the opening, operation and staffing of the switchboard at the community offices, as the situation dictates, and ensuring operators are informed of MCEG members' telephone numbers in the EOC;
- Arranging for printing of material, as required;
- Coordinating for the provision of clerical staff to assist in the Emergency Operations Centre, as required;

- Upon direction by the Mayor, ensuring that all Council are advised of the declaration and termination of declaration of the emergency;
- Upon direction by the Mayor, arranging special meetings of Council, as required, and advising members of Council of the time, date, and location of the meetings;
- Procuring staff to assist, as required;
- Maintain a personal log of all actions taken.

## **10. I.T. Administrator**

The I.T. Administrator is responsible for:

- Activating the emergency notification system of the local amateur radio operators' group, as required;
- Initiating the necessary action to ensure the telephone systems at the community offices function as effectively as possible, as the situation dictates;
- Ensuring that the emergency communications centre is properly equipped and staffed, and working to correct any problems which may arise;
- Maintaining an inventory of municipal and private sector communications equipment and facilities within the municipality, which could, in an emergency, be used to augment existing communication systems;
- Making arrangements to acquire additional communications resources during an emergency.

## **5.2 Support and Advisory Staff Responsibilities**

### **1. Superintendent of Community Programs/Evacuation Coordinator**

The Superintendent of Community Programs shall act as the Evacuation Coordinator and is responsible for:

- Under the direction of the Director of Recreation, activating the Municipalities Emergency Evacuation Plan ensuring liaison with the Social Services Representative, and other emergency support agencies as directed by the MEEG (e.g. Canadian Red Cross);
- Coordination and communication of all emergency evacuation procedures so that in the event of an emergency all personnel are aware of the emergency evacuation procedures;
- For the coordination of designated shelters and registration for pets;
- Making arrangements for meals for the staff and registered volunteers at the EOC;
- Ensuring that a representative of the District School Board Ontario



Northeast and the Conseil scolaire catholique de district des Grandes-Rivières are notified of the facilities that are required as evacuee centre(s). Ensure that staff/volunteers at the school facilities take direction from the Board representative(s) with respect to its/their maintenance, use and operation;

- Support the overall response with agencies (Canadian Red Cross, Salvation Army, Service Clubs etc.) that are/or may be involved in providing support to evacuees, victims, and volunteers;
- Maintaining detailed documentation on decisions made, actions taken and expenses incurred;
- Assisting with the recovery process and the restoration services as soon as deemed appropriate;
- Preparing and submitting a final report containing a review of the operation of evacuation centre's including recommendations on possible alterations to the Emergency Response Plan;
- Maintain a personal log of all actions taken.

## **2. Treasurer**

The Treasurer is responsible for:

- Providing information and advice on financial matters as they relate to the emergency;
- Ensuring liaison, if necessary, with the Treasurers/Directors of Finance of neighbouring communities;
- Ensuring that records of expenses are maintained for future claim purposes;
- Ensuring the prompt payment and settlement of all legitimate invoices and claims incurred during an emergency;
- Maintain a personal log of all actions taken.

## **3. Chief Building Official**

The Chief Building Official is responsible for:

- Conducting joint assessments regarding the structural integrity of municipal owned or private buildings;
- Assist the Director of Recreation with the inspection of facilities for sheltering purposes;
- Assist the Manager of Physical Assets with the inspection of City facilities;
- Maintaining a personal log of all actions taken.

#### **4. Legal Services Representative**

The Legal Services Representative is responsible for:

- Providing advice to any member of the Municipal Emergency Control Group on matters of a legal nature as they may apply to the actions of the City of Temiskaming Shores in its response to the emergency, as requested;
- Maintain a personal log of all actions taken.

#### **5. Works Clerk**

The Works Clerk is responsible for:

- Providing and securing of equipment and supplies not owned by the City of Temiskaming Shores;
- Ensuring liaison with purchasing agents of the neighbouring communities, if necessary;
- Maintaining and updating a list of all vendors (including 24-hour contact numbers) who may be required to provide supplies and equipment;
- Maintain a personal log of all actions taken.

#### **6. Other Agencies**

In an emergency, many agencies may be required to work with the Municipal Emergency Control Group such as the following:

- Office of the Fire Marshal and Emergency Management;
- Ontario Provincial Police;
- Medical Officer of Health/Health Representatives;
- Emergency Medical Services;
- Canadian Red Cross;
- Victim Services of Temiskaming & District;
- Other industry, volunteer groups, conservation authorities, and provincial ministries as may be required.

#### **7. District School Boards**

The District School Boards are responsible for:

- Providing any school (as appropriate and available) for use as an evacuation or reception centre and a representative(s) to coordinate the maintenance, use and operation of the facilities being utilized as evacuation or reception centres;

- Ensuring liaison with the municipality as to protective actions to the schools (i.e. implementing school stay in place procedure and implementing the school evacuation procedure).

## **8. Timiskaming District Hospital CEO or Designate**

The Timiskaming District Hospital CEO is responsible for:

- Implementing the hospital emergency plan;
- Ensuring liaison with the Medical Officer of Health and local ambulance representatives with respect to hospital and medical matters, as required;
- Evaluating requests for the provision of medical site teams/medical triage teams;
- Ensuring liaison with the Ministry of Health and Long-Term Care, as appropriate.

### **5.3 Relationship between MCEG and Emergency Site Manager (ESM)**

Depending on the nature of the emergency, and once the MCEG has been assigned, the MCEG relationship with the ESM is to offer support with equipment, staff and other resources, as required. The MCEG will also ensure that the rest of the community maintains municipal services.

### **5.4 Relationship between ESM and Command and Control Structures of Emergency Responders**

The senior representative for each emergency responder (police, fire, EMS) at the site will consult with the Emergency Site Manager, so as to offer a coordinated and effective response. Regular briefings will be held at the site and chaired by the ESM, so as to establish the manner and process by which response to the emergency will be provided.

### **5.5 Recovery / Restoration Procedures**

The recovery phase will begin after the emergency is stabilized. It may take many years for the community to fully recover from the emergency.

If an evacuation has been carried out, evacuees will be allowed to return to their homes as soon as possible once it has been determined that it is safe to do so. Damage estimation and compensation will be done cooperatively with the Province according to provincial guidelines. The Treasurer will prepare a submission detailing all extraordinary expenses incurred by the municipality in responding to the emergency. If any municipal employees have been injured while responding to the emergency their injuries will be documented and Workplace Safety and Insurance Board informed. Emergency responders and others may need critical incident stress debriefing, grief counseling, etc.

## **5.6 Post Incident / Exercise Response Evaluation**

As soon as is practical, and following the conclusion of any significant emergency event or exercise, the Community Emergency Management Coordinator may conduct a post-incident or exercise review. Such reviews shall be conducted in the form of a meeting or by requesting written inputs from participating departments or agencies regarding problems observed and recommendations for improvements in the Emergency Response Plan, procedures, or training.

The Lead Response Agency (the agency that has the greatest involvement in an incident) may conduct a review of operational activities during an emergency incident or exercise, either as part of a larger overall review or on an individual basis. Reviews may take the form of a meeting or written inputs from member agencies. Participating agencies are expected to provide written or oral comments and recommendations. These will be consolidated into a summary and provided to the Fire Chief and the Community Emergency Management Coordinator for review and possible revision to the Emergency Response Plan.

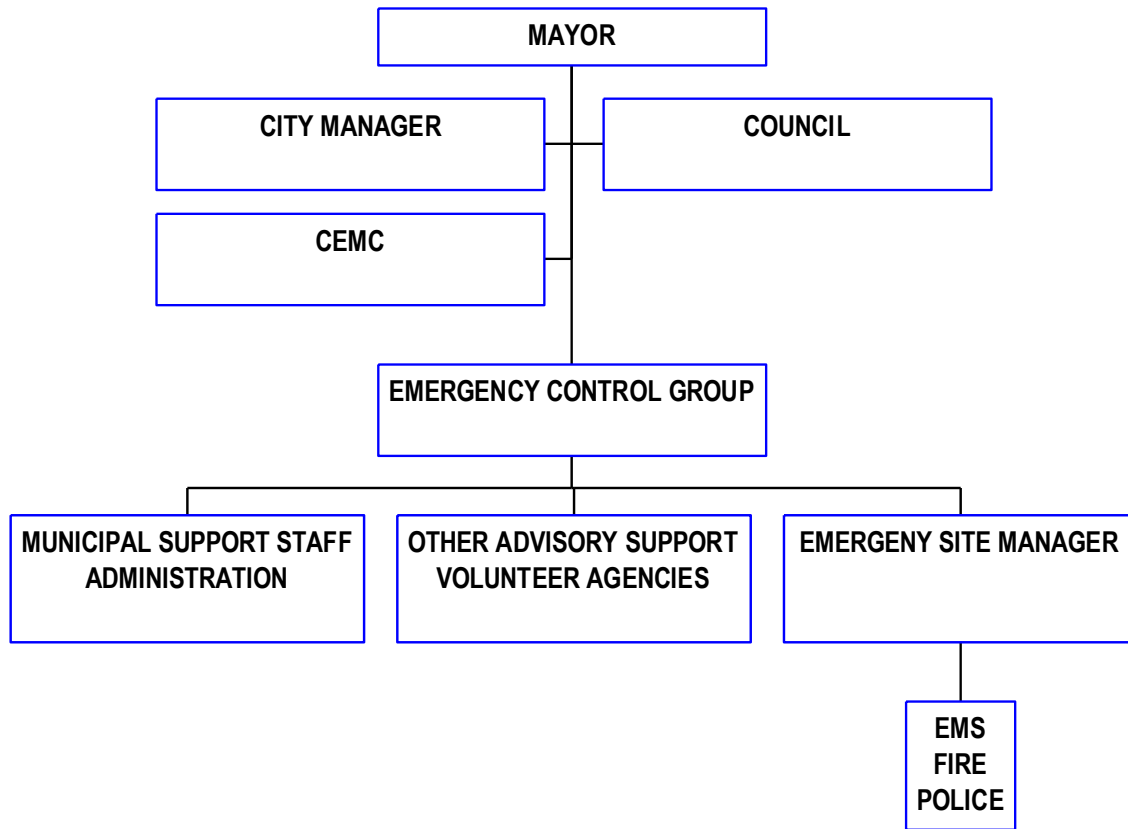
## **5.7 Plan Maintenance and Revision**

This plan will be reviewed annually, and where necessary, revised by a meeting(s) of the Emergency Management Program Committee.

Each time this plan is revised, it must be forwarded to Council for approval. However revisions to the Appendix can be made without resubmitting the plan to Council each time. Council and all other holders of the plan will be notified of any changes.

It is the responsibility of each person, agency, service or department named within this emergency plan to notify the Community Emergency Management Coordinator, of any revisions.

## 5.8 City of Temiskaming Shores – Emergency Management Organizational Chart



## Section Six

### 6.1 Mutual Aid and Mutual Assistance

The Temiskaming Shores Fire Department participates in a mutual aid agreement with the fire services of all participating municipalities within the Temiskaming District to provide mutual aid for fire suppression, spills, and medical assistance calls.

This agreement may be activated by the Fire Chief of the Temiskaming Shores Fire Department through the Mutual Aid Coordinator at any time without the need to activate the Control Group or implement the City of Temiskaming Shores Emergency Response Plan.

## ***Annex A – Emergency Public Information Plan***

### **General**

Upon implementation of this emergency plan, provision will be made to coordinate the release of accurate information to the news media, issue authoritative instructions to the public, and respond to or redirect individual requests for, or reports on, information concerning any aspects of the emergency. These duties will be the responsibility of the Emergency Information Coordinator.

In order to fulfill these functions, it will be necessary to establish Information Centre(s). In addition, the following positions may be required:

- An On-scene Spokesperson;
- An Inquiry Supervisor.

### **Responsibilities of Emergency Information Coordinator**

The Emergency Information Coordinator is the Municipal Clerk and is responsible for:

- Establishing a communication link with the on-scene Spokesperson, the Citizen Inquiry Supervisor and any other media co-ordinator(s) (i.e. provincial, federal, private industry, etc.) involved in the incident, and ensuring that all information released to the media and public is consistent and accurate;
- Ensuring that an information centre(s) is set up and staffed;
- Providing liaison with the Emergency Control Group to obtain up-to-date information for the media releases, co-ordinate individual interviews and organize press conferences;
- Ensuring that the following are advised of the telephone number of the information centre(s):
  - ✓ Media
  - ✓ Emergency Control Group
  - ✓ Switchboards (City and Emergency Services)
  - ✓ On-Scene Spokesperson
  - ✓ Police Public Relations Officer
  - ✓ Neighboring Municipalities
  - ✓ Any other appropriate persons, agencies or businesses.
- Ensuring that media releases are approved by the City Manager and/or Municipal Clerk (in consultation with the Municipal Emergency Control Group) prior to dissemination, and distributing hard copies of media releases to the Information Centre(s), the Municipal Emergency Control Group, Citizen Inquiry Supervisor

and other key persons handling inquiries from the media;

- Monitoring news coverage, and correcting any erroneous information;
- Maintaining copies of media released and newspaper articles pertaining to the emergency.

### **Responsibilities of the On-Scene Spokesperson**

The On-Scene Spokesperson will be appointed by the Emergency Information Coordinator, as required and is responsible for:

- Coordinating the On-Scene Information Centre in a safe, appropriate location;
- Ensuring that media arriving at the site, are directed to the On-Scene Information Centre;
- Relaying information, to the media and/or public, as released by the Public Information Coordinator;
- Coordinating on-scene interviews between the emergency services personnel and the media as directed by the Emergency Information Coordinator.

### ***Annex B – Notification of Public***

In the event that a municipal emergency has been declared, or if the circumstances of an emergency dictate that all citizens be notified immediately, (i.e. evacuation is required), or to warn the public of imminent or unfolding hazards to life and property, the citizens of the City of Temiskaming Shores shall be notified in the following manner:

At the direction of the Municipal Emergency Control Group, the local radio station (CJTT) shall be advised of the particulars of the emergency along with the recommended actions for the public to take. The radio station (CJTT) will then transmit this information to the public at frequent intervals and until further advised by the MCEG. This information will also be posted on the City’s website, Facebook, Twitter and other social media accounts as directed.

Through the Provincial Emergency Operations Centre (PEOC), the Municipal Emergency Control Group also may request an emergency alert be sent through the Alert Ready system. This system can send life-threatening emergency alerts to targeted cell phones and wireless devices that are compatible with Wireless Public Alerting (WPA) within an area in the City of Temiskaming Shores.

To ensure that all citizens are made aware of this procedure, the notification procedures and other pertinent information may be included with the municipal tax bills on an annual basis, on the City’s website, Facebook page, and other social media forms.



## **Annex C – Canadian Red Cross Form of Agreement**

### **Emergency Evacuation Centres**

- Overall supervision, coordination and staffing of the operation of all shelters that have been designated and opened by the MECG;
- For the provision of registration and inquiry services at designated shelters for evacuees, victims, and volunteers;
- To ensure the provision of child care services for children at the evacuation centre(s). Liaise with Police, Fire and Northeastern Ontario Family and Child Services regarding children separated from their families as a result of the emergency;
- Assisting in the distribution of supplies (clothing, food, personal items) where applicable and available for individuals evacuated to emergency centre(s);
- Liaison with the Medical Officer of Health on areas of mutual concern regarding operations in evacuee centre(s);
- Support the overall response with the Evacuation Coordinator and agencies (Salvation Army, Service Clubs etc.) that are/or may be involved in providing support to evacuees, victims, and volunteers;
- Maintaining detailed documentation on decisions made, actions taken and expenses incurred;
- Assisting with the recovery process and the restoration services as soon as deemed appropriate;
- Preparing and submitting a final report containing a review of the operation of evacuation centres including recommendations on possible alterations to the Emergency Response Plan.

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-006**

**Being a by-law to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed as not a registered plan of subdivision 222 Cobalt Avenue Roll Nos. 54-18-030-012-013.01 and 54-18-030-012-021.00**

**Whereas** Section 50(4) of the Planning Act, R.S.P. 1990, c.P.13, as amended authorizes the Council of a municipality to designate by by-law, a plan of subdivision, or any part thereof, that has been registered for eight (8) years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subdivision control;

**And whereas** the property owner has requested that the following properties be merged on title: Lots 221, 222, 223, 224, 225, 226, 227, 228, 230, 231, 232, 233, 234, Plan M52NB, Parcels 21919SST and 19774SST;

**And whereas** Council considered Memo No. 010-2018-CGP at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to deem Lots 221, 222, 223, 224, 225, 226, 227, 228, 230, 231, 232, 233, 234, Plan M52NB, Parcels 21919SST and 19774SST to no longer be Lots on a Plan of Subdivision for consideration at the December 18, 2018 Regular Council meeting.

**Now therefore** the Council of the Corporation of the City of Temiskaming Shores enacts as follows:

1. That the lands hereinafter described shall be deemed not to be a lot or block on a Registered Plan of Subdivision for the purposes of Section 50(4) of the Planning Act R.S.O. 1990, c.P.13, as amended and as generally illustrated on Schedule "A" attached hereto and forming part of this by-law.
2. That the lands are described as:
  - a) Parcel 21919 SST, Plan M-52 N.B., Lots 222, 224, 226, 228, 230, 232, 234;
  - b) Parcel 196774 SST, Plan M-52 N.B., Lots 221, 223, 225, 227;
3. That in accordance with Section 50(28) of the Planning Act, R.S.O. 1990, c.P.13, as amended, a certified copy or duplicate of this by-law shall be registered by the Clerk of the Corporation of the City of Temiskaming Shores at the Land Registry Office in Haileybury, Ontario.
4. That in accordance with Section 50(29) of the Planning Act, R.S.O. 1990, c.P.13, as amended, Council shall give notice of the passing of the by-law within 30 days of the passing to the owner of land to which the by-law applies.
5. That in accordance with Section 50(30) of the Planning Act R.S.O. 1990, c.P.13, as amended, Council shall hear in person or by an agent any person to whom a notice was sent, who within twenty days of the mailing of the notice gives notice to

the Clerk of The Corporation of the City of Temiskaming Shores that the person desires to make representations respecting the amendment or repeal of the by-law.

6. That the Mayor and Clerk are authorized to sign all necessary documents in connection with this by-law.
7. That this by-law shall not be effective until a certified copy or duplicate of this by-law is registered by the Clerk of The Corporation of the City of Temiskaming Shores at the Land Registry Office in Haileybury, Ontario.
8. That the passing of this by-law shall be subject to the provisions of the Planning Act.
9. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen

Schedule “A”

City of Temiskaming Shores



222 Cobalt Avenue

# **The Corporation of the City of Temiskaming Shores**

## **By-law No. 2019-007**

**Being a by-law to designate any plan of subdivision, or part thereof,  
that has been registered for eight years or more, which shall be  
deemed as not a registered plan of subdivision 26 Birch Street Roll  
No. 54-18-030-012-009.00**

**Whereas** Section 50(4) of the Planning Act, R.S.P. 1990, c.P.13, as amended authorizes the Council of a municipality to designate by by-law, a plan of subdivision, or any part thereof, that has been registered for eight (8) years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subdivision control;

**And whereas** the property owner has requested that the following properties be merged on title: Lots 26 and 27, Plan M27T, Parcel 11934 SST;

**And whereas** Council considered Memo No. 011-2018-CGP at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to merge Lots 26 and 27, Plan M-27T, Parcel 11934 SST for consideration at the December 18, 2018 Regular Council meeting.

**Now therefore** the Council of the Corporation of the City of Temiskaming Shores enacts as follows:

1. That the lands hereinafter described shall be deemed not to be a lot or block on a Registered Plan of Subdivision for the purposes of Section 50(4) of the Planning Act R.S.O. 1990, c.P.13, as amended and as generally illustrated on Schedule "A" attached hereto and forming part of this by-law.
2. That the lands are described as:
  - a) Parcel 11934 SST, Plan M-27T, Lots 26 and 27;
3. That in accordance with Section 50(28) of the Planning Act, R.S.O. 1990, c.P.13, as amended, a certified copy or duplicate of this by-law shall be registered by the Clerk of the Corporation of the City of Temiskaming Shores at the Land Registry Office in Haileybury, Ontario.
4. That in accordance with Section 50(29) of the Planning Act, R.S.O. 1990, c.P.13, as amended, Council shall give notice of the passing of the by-law within 30 days of the passing to the owner of land to which the by-law applies.
5. That in accordance with Section 50(30) of the Planning Act R.S.O. 1990, c.P.13, as amended, Council shall hear in person or by an agent any person to whom a notice was sent, who within twenty days of the mailing of the notice gives notice to the Clerk of The Corporation of the City of Temiskaming Shores that the person desires to make representations respecting the amendment or repeal of the by-law.

6. That the Mayor and Clerk are authorized to sign all necessary documents in connection with this by-law.
7. That this by-law shall not be effective until a certified copy or duplicate of this by-law is registered by the Clerk of The Corporation of the City of Temiskaming Shores at the Land Registry Office in Haileybury, Ontario.
8. That the passing of this by-law shall be subject to the provisions of the Planning Act.
9. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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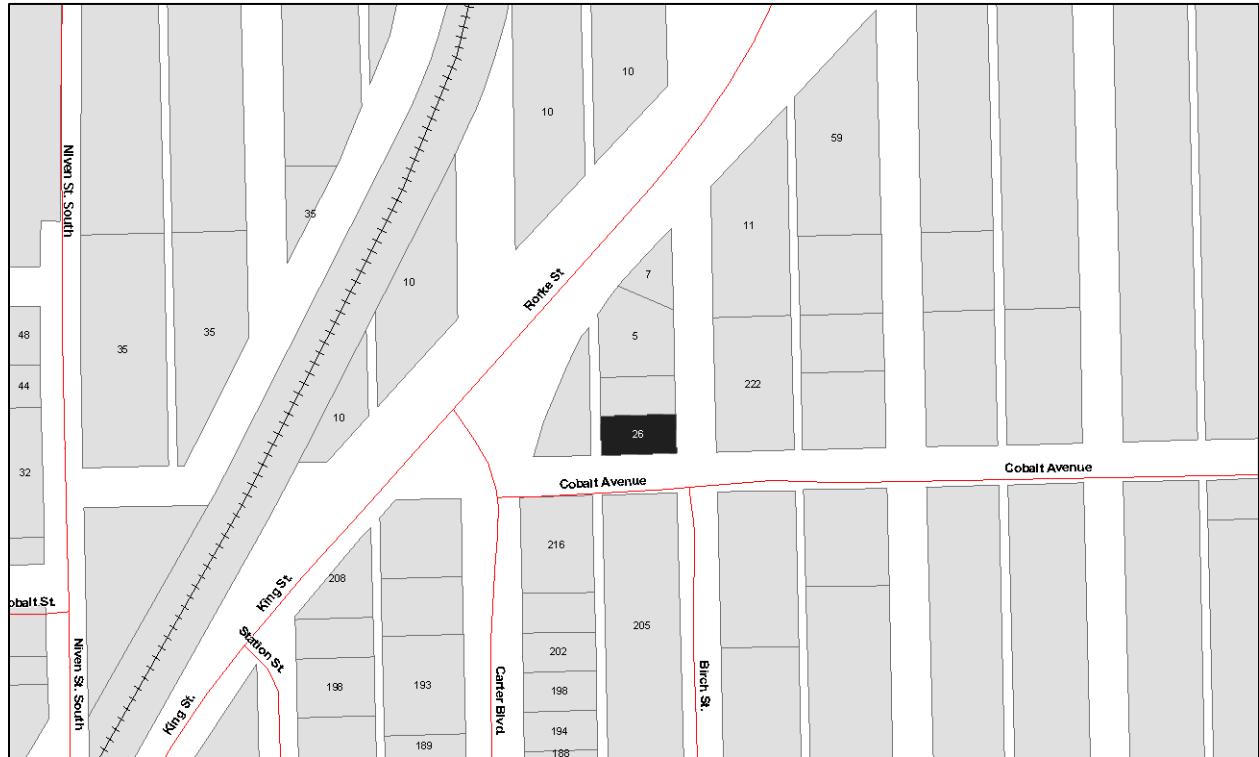
Mayor – Carman Kidd

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Clerk – David B. Treen

Schedule “A”

City of Temiskaming Shores



26 Birch Street

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-008**

**Being a by-law to designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed as not a registered plan of subdivision 480 Little Street Roll Nos. 54-18-030-012-106.00**

**Whereas** Section 50(4) of the Planning Act, R.S.P. 1990, c.P.13, as amended authorizes the Council of a municipality to designate by by-law, a plan of subdivision, or any part thereof, that has been registered for eight (8) years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subdivision control;

**And whereas** Council considered Memo No. 012-2018-CGP at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to merge Lots 121 and 124, Plan M-48 N.B., Parcels 9357 SST and 4312 NND for consideration at the December 18, 2018 Regular Council meeting;

**Now therefore** the Council of the Corporation of the City of Temiskaming Shores enacts as follows:

1. That the lands hereinafter described shall be deemed not to be a lot or block on a Registered Plan of Subdivision for the purposes of Section 50(4) of the Planning Act R.S.O. 1990, c.P.13, as amended and as generally illustrated on Schedule "A" attached hereto and forming part of this by-law.
2. That the lands are described as:
  - a) Parcel 4312 NND, Plan M-48 N.B., Lot 124;
  - b) Parcel 9357 SST, Plan M-48 N.B., Lot 121
3. That in accordance with Section 50(28) of the Planning Act, R.S.O. 1990, c.P.13, as amended, a certified copy or duplicate of this by-law shall be registered by the Clerk of the Corporation of the City of Temiskaming Shores at the Land Registry Office in Haileybury, Ontario.
4. That in accordance with Section 50(29) of the Planning Act, R.S.O. 1990, c.P.13, as amended, Council shall give notice of the passing of the by-law within 30 days of the passing to the owner of land to which the by-law applies.
5. That in accordance with Section 50(30) of the Planning Act R.S.O. 1990, c.P.13, as amended, Council shall hear in person or by an agent any person to whom a notice was sent, who within twenty days of the mailing of the notice gives notice to the Clerk of The Corporation of the City of Temiskaming Shores that the person desires to make representations respecting the amendment or repeal of the by-law.



6. That the Mayor and Clerk are authorized to sign all necessary documents in connection with this by-law.
7. That this by-law shall not be effective until a certified copy or duplicate of this by-law is registered by the Clerk of The Corporation of the City of Temiskaming Shores at the Land Registry Office in Haileybury, Ontario.
8. That the passing of this by-law shall be subject to the provisions of the Planning Act.
9. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen

Schedule “A”

City of Temiskaming Shores



480 Little Street

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-009**

**Being a by-law to amend By-law No. 2012-101, as amended  
being a by-law to Regulate Traffic and Parking of vehicles in  
the City of Temiskaming Shores**

**Whereas** Section 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws respecting the health, safety and well-being of persons;

**And whereas** Section 102.1(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

**And whereas** the Council of the Corporation of the City of Temiskaming Shores has adopted By-law No. 2012-101 on November 6, 2012 regulating traffic and parking of vehicles in the City of Temiskaming Shores;

**And whereas** Council considered Memo No. 031-2018-CS at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2012-101 being a by-law to regulate Traffic and Parking for consideration at the December 18, 2018 Regular Council meeting;

**Now therefore** the Council of the Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council hereby amends By-law No. 2012-101, more specifically Appendix "6" – School Bus Parking Only – Table (B) of Schedule "A" by amending Item 1 Dymond Street to read as follows:

	<u><b>Street</b></u>	<u><b>Side</b></u>	<u><b>From</b></u>	<u><b>To</b></u>
	Dymond Street	North	Paget Street	East Entrance to NLPS

2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-010**

**Being a by-law to authorize the entering into a Lease  
Agreement with the Temiskaming Home Support for the use  
of space at the Haileybury Arena – Lion's Den**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**And whereas** under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** Council considered Administrative Report CS-044-2018 at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to enter into a lease agreement with Temiskaming Home Support for use of the Lion's Den at the Haileybury Arena for consideration at the August 14, 2018 Regular Council meeting;

**Now therefore** the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the Mayor and Clerk be hereby authorized to enter into a Lease Agreement with the New Liskeard Agricultural Society for the period covering January 1, 2019 to December 31, 2019 being Schedule "A", attached hereto and forming part of this by-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantical or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law where such modifications or corrections do not alter the intent of the by-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen

**This lease** made this 18<sup>th</sup> day of December, 2018.

Between:

**The Corporation of the City of Temiskaming Shores**  
(hereinafter called the "Lessor")

And:

**Temiskaming Home Support**  
(hereinafter called the "Lessee")

**Whereas** the Lessor is the owner of the lands in the City of Temiskaming Shores, District of Timiskaming, in the Province of Ontario, (hereinafter called the "Land"), and there is located on the Lands a building (hereinafter called the "Building"), having an entrance off Ferguson Avenue in the City of Temiskaming Shores, in the Province of Ontario.

**And whereas** the parties hereto have agreed to enter into this Lease.

**1. Leased Premises**

The Lessor hereby demises and leases to the Lessee the "Lion's Den" in the Lessor's Building located at 400 Ferguson Avenue, Haileybury, Ontario being hereinafter called the "premises".

**2. Ingress and Egress**

**Together** with the right of ingress and egress for the Lessee's employees, servants and agents, customers, patients and invitees, and the use of elevators, entrances, lobbies, hallways, stairways, driveways, sidewalks, common loading and stopping areas in and about the Lands and Building (hereinafter called the "common areas").

**3. Term**

**To hold** the premises for a term commencing on the 1<sup>st</sup> day of January, 2019 and ending on the 31<sup>st</sup> day of December, 2019.

**4. Rent**

**And paying** therefore, to the Lessor, subject to the provisions of this Lease, the sum of \$400 per month plus HST. Rent is payable to the City of Temiskaming Shores and due on the first day of each and every month during the term hereof.

**And** the parties hereto covenant and agree as follows:

**5. Tenant's Covenants**

The Tenant covenants with the Landlord:

- a) **Rent** - to pay rent;
- b) **Telephone** - to pay when due the cost of the telephone and intercom services supplied to the premises;
- c) **Repair** - to repair, reasonable wear and tear and damage by fire, lightning and tempest only excepted; and to permit the Landlord to enter and view the state of repair and to repair according to notice in writing, reasonable wear and tear and damage by fire, lightning and tempest only excepted; and to leave the premises in good repair, reasonable wear and tear and damage by fire, lightning and tempest only excepted;
- d) **Cost of repair where Tenant at fault** - that if the building including the premises, boilers, engines, pipes and other apparatus (or any of them) used for the purpose of heating or air conditioning the building or operating the elevators, or if the water pipes, drainage pipes, electric lighting or other equipment of the building or the roof or outside walls of the building get out of repair or become damaged or destroyed through the negligence, carelessness or misuse of the Tenant, his servants, agents, employees or anyone permitted by him to be in the building (or through him or them in any way stopping up or injuring the heating apparatus, elevators, water pipes, drainage pipes, or other equipment or part of the building) the expense of any necessary repairs, replacements or alterations shall be paid by the Tenant to the Landlord forthwith on demand;
- e) **Assigning or subletting** - not to assign, sublet or part with possession of any part of the premises without leave of the Landlord, which leave shall not be unreasonably withheld, and which leave shall not be required in the event of a sublease to add a health team member to the group comprising the Tenant or to a management corporation which may be incorporated by the Tenant;
- f) **Entry by Landlord** - to permit the Landlord or its agents to enter upon the premises at any time and from time to time for the purpose of inspecting and making repairs, alterations or improvements to the premises or to the building, and the Tenant shall not be entitled to compensation for any inconvenience, nuisance, or discomfort occasioned thereby; provided that the Landlord shall give reasonable advance notice to avoid inconvenience to the Tenant, given the private and confidential nature of the profession of the Tenant;
- g) **Indemnity** - to indemnify and save harmless the Landlord against and from any and all claims by or on behalf of any person or persons, firm or firms, or corporation or corporations arising from the conduct or any work, by or through any act of negligence of the Tenant or any assignee, subtenant, agent, contractor, servants, employee or licensee of the Tenant;
- h) **Exhibiting premises** - to permit the Landlord or its agents to exhibit the premises to prospective Tenants during the last month of the term;

- i) **Alterations** - not to make or erect in or to the premises any installation, alteration, addition, or partition without submitting plans and specifications to the Landlord and obtaining the Landlord's prior written consent (in each instance); such work shall if the Landlord so elects, be performed by employees of or contractors designated by the Landlord; in the absence of such election, such work may be performed with the Landlord's consent in writing (given prior to letting of contract) by contractors engaged by the Tenant but in each case only under written contract approved in writing by the Landlord and subject to all conditions which the Landlord may impose; the Tenant shall submit to the Landlord or the Tenant's contractors (as the case may be), when due the costs of all such work and of all materials, labour and services involved therein and of all decoration and all changes in the building, its equipment or services, necessitated thereby; provided, that it is at this time understood by the Landlord that certain medical equipment is to be installed, including wall mounted byfercator, otoscope and blood pressure apparatus to be placed at convenient places as designated by the Tenant;
- j) **Name of building** - not to refer to the building by any other name other than that designated from time to time by the Landlord nor use the name of the building for any purpose except as the business address of the Tenant;
- k) **Termination by Tenant** – Notwithstanding any unexpired term of this agreement, in the event that the Tenant is not otherwise in default of the terms of this lease, he shall be entitled to terminate this lease upon giving 60 days written notice to the Landlord and upon payment to the Landlord of a penalty equal to three months rental and they must have the property vacated by the final day of their 60 days notice.
- l) **Monthly tenancy** – If upon the termination of this lease or any extension thereof the Landlord permits the Tenant to remain in possession of the Lands and Building and accepts rent, a tenancy from year to year is not created by implication of law and the Tenant is deemed to be a monthly tenant only, subject to all the terms and conditions of this lease except as to duration.
- m) **Right of Renewal** – The Tenant shall have the right, if not otherwise in default, of renewing the lease. Terms and conditions to be negotiated at signing. The Tenant shall be required to give written notice of his intention to renew the lease on or before the 1<sup>st</sup> day of October prior to the commencement of the renewal term;
- n) **Insurance** - The tenant shall maintain adequate insurance coverage on its equipment, supplies, inventory and the Tenant's fixtures and all other property belonging to it. The Tenant agrees to not carry on or permit to be carried on any business in the Building which may make void or voidable any insurance held by the Landlord or other occupants of the Building.

The tenant will keep in force a full policy of public liability insurance with respect to the business operated by the Tenant in the Leased Premises. The policy shall name the Landlord and Tenant as insured and shall contain a clause that the



insurer will not cancel or change the insurance without first giving the Landlord 10 days written notice. A certificate of such insurance shall be delivered to the Landlord prior to the commencement of the term and, so far as renewals are concerned, thirty days prior to the expiry of any such policy.

## 6. Landlord's Covenants

The Landlord covenants with the Tenant;

- a) **Quiet enjoyment** - for the quiet enjoyment;
- b) **Taxes** – to pay all taxes and rates levied against the premises or to the Landlord on account thereof;
- c) **Access** - to permit the Tenant, its employees, and all persons lawfully requiring communication with them to have the use at all reasonable times in common with other of the main entrance and the stairways and corridors of the building leading to the premises;
- d) **Air conditioning** - to install and operate air conditioning units to air condition the premises at the expense of the Landlord;
- e) **Electricity and water** - to pay for the electricity and water supplied to the premises;
- f) **Janitor service** - to cause, when reasonably necessary, given the professional nature of the Tenant's use of the premises, (from time to time) the floors and windows of the premises to be vacuumed, swept and cleaned and the desks, tables and other furniture of the Tenant to be dusted, but (with the exception of the obligation to cause the work to be done) the Landlord shall not be responsible for any act or omission or commission on the part of the person or persons employed to perform such work, provided vacuuming, sweeping and dusting is done daily five days of the week;
- g) **Heat** - to heat the premises;
- h) **Plug-ins** - to provide outside plug-in service for not less than 18 cars in the staff parking area adjacent the premises;
- i) **Structural soundness** - to keep the premises, common areas and parking lot structurally sound and to look after any structural defects which may arise;
- j) **Notice** – the Landlord can terminate the lease upon giving 60 days written notice in accordance with the provisions stated in the Tenant Protection Act; and
- k) **Insurance** - The Landlord shall maintain adequate fire and other perils insurance coverage on the Leased premises and its fixtures for the full value thereof and shall maintain such insurance throughout the term of this Lease and any renewal thereof. Such policy shall contain a waiver of subrogation as against the Tenant

and its employees and officers.

## 7. **Provisos**

Provided always and it is hereby agreed as follows:

- a) **Fixtures** - The Tenant may remove his fixtures, but all installations, alterations, additions, partitions and fixtures except trade or Tenant's fixtures in or upon the premises, whether placed there by the Tenant or by the Landlord, shall be the Landlord's property without compensation therefore to the Tenant and shall not be removed from the premises at any time (either during or after the term);
- b) **Fire** - In case of damage to the premises by fire, lightning or tempest, rent shall cease until the premises are rebuilt; and the Landlord, instead of re-building or making the premises fit for the purpose of the Tenant, may at its option terminate this lease on giving to the Tenant within thirty days after such fire, lightning or tempest, notice in writing of its intention (so to do) and thereupon rent and any other payments for which the Tenant is liable under this lease shall be apportioned and paid to the date of such fire, lightning or tempest, and the Tenant shall immediately deliver up possession of the premises to the Landlord;
- c) **Damage to property** - The Landlord shall not be liable nor responsible in any way for any loss of or damage or injury to any property belonging to the Tenant or to the employees of the Tenant or to any other person while in the building or in the yard of the building unless such loss, damage or injury shall be caused by the negligence of the Landlord or its employees, servants or agents for any damage to any such property caused by steam, water, rain or snow which may leak into, issue or flow from any part of the building or from the water, steam or drainage of the building or from any other place or quarter nor for any damage caused by or attributable to the condition or arrangement of any electric or other wiring omitted by any other Tenant;
- d) **Impossibility of performance** - It is understood and agreed that whenever and to the extent that the Landlord shall be unable to fulfill, or shall be delayed or restricted in fulfilling any obligation hereunder for the supply or provision of any service or utility or the doing of any work or the making of any repairs because it is unable to obtain the material, goods, equipment, service, utility or labour required to enable it to fulfill such obligations or by reason of any statute, law or order-in-council or any regulation or order passed or made pursuant thereto or by reason of the order or direction of any administrator, controller or board, or any government department or officer or other authority, or by reason of not being able to obtain any permission or authority required thereby, or by reason of any other cause beyond its control whether of the foregoing character or not, the Landlord shall be relieved from the fulfillment of such obligation and the Tenant shall not be entitled to compensation for any inconvenience, nuisance or discomfort thereby occasioned;

- e) **Default of Tenant** - If the rent reserved or any part thereof shall not be paid on the day appointed for payment, whether lawfully demanded or not, or in case of breach or non-observance or non-performance of any of the covenants or agreements or rules or regulations herein contained or referred to on the part of the Tenant to be observed and performed, or in case the premises shall be vacated or remain unoccupied or in case the term shall be taken in execution or attachment for any cause whatsoever, (and in every such case) the Landlord shall be entitled thereafter to enter (into and) upon the premises (or any part thereof in the name of the whole) and the same to (have again), repossess and enjoy as of its former estate, anything herein contained to the contrary notwithstanding;
- f) **Bankruptcy of Tenant** - In case without the written consent of the Landlord the premises shall remain vacant or not used for the period of fifteen days or be used by any other person than the Tenant or for any other purpose than that for which they were let or in case the term or any of the goods and chattels of the Tenant shall at any time be seized in execution or attachment by any creditor of the Tenant or if the Tenant shall make any assignment for the benefit of creditors or any bulk sale of any act (now or hereafter in force) for bankrupt or insolvent debtors (or if the Tenant is a company any order shall be made for the winding up of the Tenant), then in any such case this lease shall at the option of the Landlord cease and terminate and the term shall immediately become forfeited and void and the current month's rent and the next ensuing three month's rent shall immediately become due and payable and the Landlord may re- enter and take possession of the premises as though the Tenant or other occupant (or occupants) of the premises was (or were) holding over after the expiration of the term without any right whatever;
- g) **Distress** - The Tenant waives and renounces the benefit of any present or future statute taking away or limiting the Landlord's right of distress, and covenants and agrees that notwithstanding any such statute none of the goods and chattels of the Tenant on the premises at any time during the term shall be exempt from levy by distress for rent in arrears;
- h) **Right of re-entry** - On the Landlord's becoming entitled to re-enter the premises under any of the provisions of this lease, the Landlord in addition to all other rights may do so as the agent of the Tenant, using force if necessary, without being liable for any prosecution therefore, and may re-let the premises as agent of the Tenant, and receive the rent therefor, and as agent of the Tenant may take possession of any furniture or other property on the premises and sell the same at a public or private sale without notice and apply the proceeds of such sale and any rent derived from re-letting the premises upon account of rent under this lease, and the Tenant shall be liable to the landlord for any deficiency;
- i) **Right of termination** - On the Landlord's becoming entitled to re-enter the premises under any of the provisions of this lease, the Landlord, in addition to all other rights, shall have the right to terminate this lease forthwith by leaving upon

the premises notice in writing of its intention, and thereupon rent and any other payments for which the Tenant is liable under this lease shall be computed, apportioned and paid in full to the date of such termination, and the Tenant shall immediately deliver up possession of the Premises to the Landlord, and the Landlord may re-enter and take possession of the premises;

- j) **Non-waiver** - Any condoning, excusing or overlooking by the Landlord of any default, breach or non-observance by the Tenant at any time in respect of any covenant, provision or condition herein contained shall not operate as a waiver of the Landlord's rights hereunder in respect of any subsequent default, breach or non-observance, and shall not defeat or affect in any way the rights of the Landlord herein in respect to any default, breach or non-observance by the Landlord, mutatis mutandis.
- k) **Overholding** - If the Tenant shall continue to occupy the premises after the expiration of this lease with or without the consent of the Landlord, and without any further written agreement, the Tenant shall be a monthly Tenant at the monthly rental herein mentioned and on the terms and conditions herein set out except as to length of tenancy.
- l) **Arbitration** - Any dispute between the parties hereto arising out of the provision of this lease shall be referred to the arbitration of three persons, one to be appointed by each of the parties hereto and the third to be chosen by the two so appointed. If either of the parties fails to appoint an arbitrator for 15 days after the one party has appointed an arbitrator and has notified the other party in writing of the appointment and of the matter in dispute to be dealt with, the decision of the arbitrator appointed by the first of such parties shall be final and binding on both of the parties hereto. If the two arbitrators appointed by the parties hereto fail to agree upon a third arbitrator for 15 days after the appointment of the second arbitrator, either party hereto may apply on 15 days' notice (written) giving the order to a Judge of the District Court of the District of Timiskaming as a persona designate to appoint such third arbitrator. The said Judge, upon proof of such failure of appointment and of the giving of such notice, may forthwith appoint an arbitrator to act as such third arbitrator. If any arbitrator refuses to act or is incapable of acting or dies, a substitute for him may be appointed in the manner herein before provided. The decision of the three arbitrators so appointed, or a majority of them, shall be final and binding upon the parties hereto. All costs and expenses of any such arbitration shall be borne by the parties hereto equally;
- m) **Subordination** - This lease and everything herein contained shall be postponed to any charge or charges now or from time to time hereafter created by the Landlord in respect of the premises by way of institutional mortgage or mortgages and to any extension, renewal, modification, consolidation or replacement thereof, and the Tenant covenants that it will promptly at any time during the term hereof as required by the Landlord give all such further assurances to this provision as may be reasonably required to evidence and effectuate this postponement of its

rights and privileges hereunder to the holders of any such charge or charges. The Tenant further covenants on demand at any time to execute and deliver to the Landlord at the Landlord's expense any and all instruments which may be necessary or proper to subordinate this lease and the Tenant's rights hereunder to the lien or liens of any such extension, renewal, modification, consolidation, replacement or new mortgage or mortgages, and the Tenant hereby irrevocably constitutes and appoints the Landlord as its attorney with full power and authority to execute any necessary documents in the implementation hereof for and on behalf of the Tenant and any assumption of this lease by any assignee of the Tenant named herein shall in itself include this provision so that the assignee assuming this lease does thereby irrevocably constitute and appoint the Landlord as its attorney with full power and authority to execute any necessary documents in the implementation hereof for or on behalf of the said assignee;

- n) **Notice** - Any notice required or contemplated by any provision of this lease shall be deemed sufficiently given if contained in writing enclosed in a sealed envelope addressed, in the case of notice of the Landlord, to it, at P.O. Box 2050, Haileybury, Ontario, P0J 1K0 and in the case of notice to the Tenant, to P.O. Box 2010, Haileybury, Ontario, P0J 1K0. The date of receipt of such notice shall be the fourth day next following the date of so mailing by registered mail. Provided that either party may, by notice to the other, designate another address in Canada to which notices mailed or delivered more than ten days thereafter shall be addressed.

## **8. Headings**

The headings in this lease have been inserted as a matter of convenience and for reference only and in no way define, limit or enlarge the scope or meaning of this lease or any provisions hereof.

## **9. Effect of Lease**

This lease and everything herein contained, shall extend to and bind and may be taken advantage of by the heirs, executors, administrators, successors and assigns, as the case may be, of each (and every) of the parties hereto, and where there is more than one Tenant or there is a female party or a corporation, the provisions hereof shall be read with all grammatical changes thereby rendered necessary and all covenants shall be deemed joint and several.

**Remainder of Page left Blank Intentionally**

Signed and Sealed in  
the presence of

Signature

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Witness - Signature

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Corporation of the City of  
Temiskaming Shores**

Mayor – Carman Kidd

Clerk – David B. Treen

## **The Corporation of the City of Temiskaming Shores**

### **By-law No. 2019-011**

#### **Being a by-law to amend By-law No. 2016-169 being a by-law to authorize the entering into a Lease Agreement with Dr. Nichole Currie for the rental of space at the Haileybury Medical Centre**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**And whereas** under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** Council considered Administrative Report CS-017-2016 at the November 1, 2016 Regular Council meeting and adopted By-law No. 2016-169 being a by-law to enter into a three (3) year lease agreement with Doctor Nichole Currie at the Haileybury Medical Center;

**And whereas** Council considered Administrative Report CS-045-2018 at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2016-169 to remove 91 ft<sup>2</sup> (Examination Room 215) from the agreement for consideration at the December 18, 2018 Regular Council meeting.

**Now therefore** the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Article 1 – Leased Premises of Schedule “A” to By-law No. 2016-169 be removed and replaced with the following:

#### **1. Leased Premises**

The Landlord hereby demises and leases to the Tenant part of the **upper level** in the Landlord's Building containing a rentable area of Four Hundred and Fifty-One square feet (451 ft<sup>2</sup>) located at 95 Meridian Avenue, City of Temiskaming Shores, Ontario being hereinafter called the "premises".

2. That Article 3 – Rent of Schedule “A” to By-law No. 2016-169 be removed and replaced with the following:

### 3. Rent

And paying therefore, to the Lessor, subject to the provisions of this Lease, the sum of **Four Hundred and Ninety-Four Dollars and Ninety-Seven Cents (\$494.97)** per month plus HST, which represents a lease rate of \$13.17/ft<sup>2</sup>/year. Rent will be increased annually for the duration of the term using a Consumer Price Index percentage.

3. That this by-law will be effective as of January 1, 2019.
4. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen



**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-012**

**Being a by-law to amend By-law No. 2018-051 being a  
by-law to authorize the entering into a Lease Agreement  
with the Haileybury Family Health Team for the rental of  
space at the Haileybury Medical Centre**

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

**And whereas** under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** Council considered Administrative Report CS-009-2018 at the April 3, 2018 Regular Council meeting and adopted By-law No. 2018-051 being an agreement with the Haileybury Family Health Team for the use of office space at the Haileybury Medical Centre;

**And whereas** Council considered Administrative Report CS-045-2018 at the December 18, 2018 Regular Council meeting and directed staff to amend By-law No. 2018-051 by increase the rentable office space by 91 ft<sup>2</sup> for consideration at the December 18, 2018 Regular Council meeting.

1. That By-law No. 2018-051 be amended by adding Schedule "I" to the lease agreement, a copy of which is attached hereto as Schedule "A" and forming part of this by-law;
2. That the Mayor and Clerk be authorized to enter into an Agreement with the Haileybury Family Health Team for the rental of space (**Rooms 215**) at the Haileybury Medical Centre for use by a **Registered Nurse**, a copy of which is attached hereto as **Schedule "A"** and forming part of this by-law;
3. That this by-law will be effective as of January 1, 2019.
4. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen

**Schedule “A” to By-law No. 2019-012**

Dated this 18<sup>th</sup> day of December, 2018

Lease Agreement

- between -

**The Corporation of the City of Temiskaming Shores**

- and -

**The Haileybury Family Health Team**

for a  
Registered Nurse  
(ROOM 215)

---

**LEASE**

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Administered by:  
The Corporation of the City of Temiskaming Shores  
P.O. Box 2050  
Haileybury, Ontario  
P0J 1K0

**This Lease** made this 18<sup>th</sup> of December, 2018.

Between:

**The Corporation of the City of Temiskaming Shores**  
(hereinafter called the "Landlord")

And:

**The Haileybury Family Health Team**  
**for the Administrative Assistant**  
(hereinafter called the "Tenant")

**Whereas** the Landlord is the owner of the lands described as follows: Part Lot 13 and Part Lot 137, Concession 3, as shown on Plan M-58, Parcel 19899SST in the City of Temiskaming Shores, District of Timiskaming, in the Province of Ontario, (hereinafter called the "Land"), and there is located on the Lands a building (hereinafter called the "Building"), having an entrance off Meridian Avenue in the City of Temiskaming Shores, in the Province of Ontario.

**And whereas** the parties hereto have agreed to enter into this Lease.

### **1. Leased Premises**

The Landlord hereby demises and leases to the Tenant part of the upper level in the Landlord's Building containing a rentable area of **91 ft<sup>2</sup>** located at 95 Meridian Avenue, Haileybury, Ontario being hereinafter called the "premises".

### **Ingress and Egress**

**Together** with the right of ingress and egress for the Tenant's employees, servants and agents, customers, patients and invitees, and the use of elevators, entrances, lobbies, hallways, stairways, driveways, sidewalks, common loading and stopping areas in and about the Lands and Building (hereinafter called the "common areas").

### **2. Term**

**To hold** the premises for a term commencing on the **1<sup>st</sup> day of January, 2019** and ending on the **31<sup>st</sup> day of March, 2019**.

### **3. Rent**

**And paying** therefore, to the Landlord, subject to the provisions of this Lease, the sum **\$164.03** per month plus HST. Rent is payable to the City of Temiskaming Shores and due on the first day following the last day of each quarter during the term hereof.

**And** the parties hereto covenant and agree to the General Covenants as detailed in Appendix 01 attached hereto and forming part of this agreement.

**In witness whereof** the Party of the First Part has hereunto affixed its corporate seal attested by the hands of its duly authorized officers, and the Party of the Second Part has hereunto set its hand and seal by execution under seal by each and every individual comprising the Party of the Second Part.

**Signed, sealed, and delivered**, in the presence of;

**City of Temiskaming Shores – Landlord**

Party of the First Part

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor – Carman Kidd

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk – David B. Treen

**The Haileybury Family Health Team – Tenant**

Party of the Second Part

\_\_\_\_\_  
Date

\_\_\_\_\_  
Deborah Kersley

\_\_\_\_\_  
Date

\_\_\_\_\_  
Witness

Name: \_\_\_\_\_

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-013**

**Being a by-law for the Adoption of a Municipal Property Tax Policy**

**Whereas** Section 306 to Section 389 inclusive of the Municipal Act, S. O. 2001, c. 25 as amended, provides legislation with respect to municipal property taxes;

**And whereas** Council considered Administrative Report CS-046-2018 at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to adopt a Municipal Property Tax Policy for the City of Temiskaming Shores for consideration at the December 18, 2018 Regular Council meeting;

**Now therefore** the Council of the Corporation of the City of Temiskaming Shores enacts the following as a by-law;

1. That Council for the City of Temiskaming Shores adopts a Municipal Property Tax Policy identified as Schedule "A", attached hereto and forming part of this by-law.
2. That By-law No. 2007-045, as amended is hereby repealed.
3. That this By-law shall come into force and effect on the date of its final passing.
4. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen



Schedule “A” to

**By-law No. 2019-013**

**Municipal Property Tax Policy**

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## City of Temiskaming Shores Property Tax Policy

### 1. Purpose

The purpose of this policy is to establish clear procedures for effective and efficient property tax billing and collection while ensuring that ratepayers are treated fairly and equitably.

It will also provide a guideline for other taxation issues such as assessment.

### 2. Definitions

The words and phrases defined in this section have the following meaning for the purposes of this By-law.

**"Arrears"** means unpaid taxes.

**"Appeal"** means the process by which a property owner can formally challenge the assessment of the property. The document is to be filed with the Assessment Review Board by March 31<sup>st</sup> of the current assessment year with the applicable filing fees.

**"Assessment"** means the current market value of the property.

**"Assessment Review Board (ARB)"** means the independent tribunal of the Province of Ontario that reviews assessment issues.

**"Business Improvement Area"** means a designated area in the downtown core within the former Town of New Liskeard.

**"Cancellation Price"** means an amount equal to all the realty tax arrears owing on a parcel of land at any time in respect of land together with all current realty taxes, interest, penalties and reasonable costs incurred by the City.

**"City"** means the City of Temiskaming Shores.

**"Deferral"** means the payment of taxes is suspended until the property is sold or transferred.

**"Due Dates"** means the specific dates as set by by-law by Municipal Council for the collection of taxes.

**"Fee Simple"**

**"Final"** means the last tax billing of the year which bills the property at the tax rates as set by Municipal Council by by-law in order to meet budget requirements.

**"Improved Land"** means land that has a building(s) situated on the property.

**"Installment"** means the payments as set by council for the collection of taxes. There are 4 installments in each taxation year.

**"Interest"** means the charge imposed each month on the due and unpaid taxes.

**"Interim"** means the first tax billing of the current tax year which represents a maximum 50% of the previous year's tax levy.

**"Land Transfer Tax"** means the amount payable to the Minister of Finance based on a percentage of the purchase price of the property.

**"Local Improvements"** means additional charges such as water and sewer that are imposed against the property. Local improvements are specific to the individual property.

**"Low Income Disabled Person"** means a person in receipt of an increment paid under the Ontario Disability Support Program Act (ODSP).

**"Low Income Senior"** means a person who is 65 years of age or older and in receipt of an increment paid under the Guaranteed Income Supplement Program (GIS) as established under Part II of the Old Age Security Act (Canada).

**"Municipal Property Assessment Corporation (MPAC)"** means the independent body that is responsible for determining assessment values and classifying properties according to use for each of the four million properties in Ontario.

**"Notice of Vesting"** means the document registered at the Land Registry Office that confers title of the property to the City where there has been no successful tender of a parcel of land and the sale has not been cancelled by the City Treasurer.

**"Payment Agreement"** means a mutually agreed upon payment schedule whereby payments are made on a monthly basis in order to facilitate the collection of unpaid taxes.

**"Penalty"** means the charge imposed on the due and unpaid taxes on the first day of default.

**"Pre-Authorized Payments (PAP)"** means the program established for the automatic withdrawal of payments on an installment or monthly basis for taxes due.

**"Public Tender"** means the process used during a Tax Sale to receive bids on the eligible properties by interested parties.

**"Receipt"** is the official document showing proof of payment.

**"Request for Reconsideration (RFR)"** means the official documentation to be completed and filed with the Municipal Property Assessment Corporation (MPAC) in order for them to review the assessment on the property based on the arguments stated in the document. The deadline for filing this request is December 31<sup>st</sup> of the current taxation year and there is no filing fee.

**"Supplementary/Omit"** means an additional billing that is assessed against the property for improvements, new buildings or change of use.

**"Tax Arrears Certificate (TAC)"** means the document that is registered at the Land Registry Office for properties that have tax arrears dating back two (2) years.

**"Tax Deed"** means is the document registered at the Land Registry Office in the name of the successful purchaser/tenderer of the property after payment of the balance of the cancellation price.

**"Taxes"** means the municipal and education amounts levied against the property.

**"Tax Levy"** means the amount of money required to be raised for budget purposes through taxation.

**"Tax Rates"** means the rates as set by by-law by Municipal Council annually in order to collect the tax levy required for budget purposes.

**"Vacancy Rebate"** means the process whereby property owners of commercial and industrial properties can apply for a reduction of taxes for unused portions of the property.

**"Vacant Land"** means land that does not have any building(s) situated on the property.

### **3. Bill Procedures**

Property taxes will be billed by *interim* and *final* tax billings established by Municipal by-law each year in accordance with the provisions of the *Municipal Act, 2001*.

*Installments* for the interim and final billings will also be established by Municipal by-law. There will be four installments per year due on or about the 15<sup>th</sup> day of the month in which they are due.

The minimum amount for one installment is \$100 and will be implemented on the interim and final billings. The \$100 means that the total tax bill will not be split into two installments unless the total amount of the bill is more than the \$100 minimum.

#### **a) Interim Tax Bill:**

Interim bills will be mailed out in February of the current year with the installments being due in the months of March and May.

The interim amount levied on a property shall not exceed 50 percent of the total amount of taxes for municipal and school purposes levied on the property for the previous year (Municipal Act, 2001 s.317(3)).

#### **b) Final Tax Bill:**

Final bills will be mailed out once the final budget and *tax rates* have been established by Municipal by-law.

Your final tax bill will be based on the current assessment value and will reflect any changes in municipal taxes and the education portion of your taxes. The *Municipal Property Assessment Corporation (MPAC)* is responsible for placing a value on all properties in Ontario. From the information supplied by MPAC, the City of Temiskaming Shores calculates the tax amounts and issues the tax bills.

**c) Supplementary/Omit Tax Bill:**

A *supplementary/omit* tax bill is issued by the *City* and reflects any additions or improvements you have made to your property.

You receive a supplementary/omit tax bill for one of the following reasons:

**Building Assessment:**

- you had some renovations/improvements done to your property that has increased its current value;
- you have constructed a building on the property

**Reclassification:**

- there has been a change in the use of your property resulting in change in the tax class or your property assessment

From the information supplied by MPAC, the City of Temiskaming Shores calculates the tax amounts due and issues the tax bills. Until the City receives information from MPAC, a supplementary/omit tax bill cannot be issued. Consequently; there may be a considerable time lapse from the effective date of the supplementary until you receive a tax bill.

Supplementary/omit tax bills are due in two installments.

**d) Calculation of Taxes:**

Property taxes are calculated by multiplying the assessed value of the property by the tax rate for the specific tax class. In addition, special charges and *local improvements* may apply.

Example of breakdown calculation

Assessed Value	Municipal Rate	Municipal Property Tax Portion
\$100,000	.0135541	\$1,355.41
	Education Rate	Education Property Tax Portion
\$100,000	.0026400	\$264.00
		Total Municipal & Education Taxes
		\$1,619.41

\* Please note that, if applicable, other charges such as local improvements (tile drainage loans), water, sewer, solid waste diversion fee, or *business improvement area* charges might be added to your tax bills.

**e) Billing Adjustments:**

Other charges such as water, sewer or solid waste diversion fee are property specific and

are billed annually on the tax bills. The codes for the charges are very specific in what is being billed and it is essential that the property owner review these charges to ensure they are being billed for the correct number of units on their dwelling.

Water, sewer and solid waste diversion are a per unit charge as per the annual by-laws passed by Council.

Should a property be billed incorrectly for local improvements, it is the responsibility of the property owner to advise the taxation department. Upon said notification, the City reserves the right to perform an inspection to ascertain the status of said property. An affidavit will also be required to be completed by the property owner swearing to the correctness of the information being provided.

Billing adjustments will be made for the current year and on a go forward basis. The tax department will not adjust any billing errors for prior years as it is impossible to confirm the status of the property at that point in time.

#### **4. Collection Procedures**

##### **a) Application of Payment:**

Payments shall be applied to the tax account as provided in the Municipal Act. The payment shall first be applied against late payment charges owing in respect of those taxes according to the length of time the charges have been owing, with the charges imposed earlier being discharged before the charges imposed later. The payment shall then be applied against the taxes owing according to the length of time they have been owing (Municipal Act, 2001 s.347 (1)(2)).

No part payments shall be accepted on a property in respect of which a tax arrears certificate is registered (Municipal Act, 2001 s347(3)).

##### **b) Payment Options:**

Payments can be made in person at the City's Administration office located at 325 Farr Drive. The hours of operation of the municipal office are 8:30a.m. to 4:30p.m., Monday thru Friday. Cheques, cash or debit payments are accepted.

Post-dated cheques will be accepted and held for deposit as they become due. Post-dated cheques can be mailed, dropped off in person or after hours.

Payments can be mailed to: City of Temiskaming Shores, P.O. Box 2050 Haileybury ON P0J 1K0. If making payment by mail, please remember to include the tax bill stub.

Payments may also be made at participating banks. Internet, telebanking and pre-authorized payments options are also available.

For after hour payments, there is a drop box located at the City of Temiskaming Shores Administration building located on 325 Farr Drive or at the Pool & Fitness Centre located at

77 Wellington Street South.

Payments received at the City Administration office shall be recorded as received by the City on the date received or on the date of the cheque if postdated. Payments made at the banks or by internet or telebanking options shall be recorded as received by the City on the date received by the bank.

It is the responsibility of the property owner to ensure that payment is received by the due date or month end in order to avoid penalty/interest charges.

**c) Pre-Authorized Payment Plans:**

*Pre-authorized payment (PAP)* plans are available with an installment (*due date*) or monthly payment option. The property owner must apply in writing on the prescribed form to enroll in the payment plan indicating their preferred option. A VOID cheque must accompany the application.

Forms to apply for the PAP plans are available at the City's administration office located at 325 Farr Drive or online at [www.temiskamingshores.ca](http://www.temiskamingshores.ca).

The payments under the monthly option will be withdrawn on the last working day of each month. The payments under the installment option will be deducted on the installment due date.

If the monthly option is chosen, the property owner will receive a letter prior to the first payment, indicating the monthly payment amount. Once the final tax rates have been set by council and the final tax bills generated, a recalculation of the monthly payments will be processed in order to facilitate collection of the taxes in the current taxation year. A letter will be forwarded to the property owner indicating any changes to the current monthly payments.

In December the final tax bill and a letter indicating the new monthly payment schedule beginning in January of the following year will be mailed to the property owner.

If the installment option is chosen, the property owner will receive the final tax bill, indicating that the property is on the PAP plan with the amount of the installments and the applicable due dates.

**Defaulted Payments:**

Defaulted payments under the pre-authorized payment plan will be subject to the fee as prescribed in the City of Temiskaming Shores Departmental User Fee and Services by-law for returned payments. The property owner will be notified of the defaulted payment and will be required to pay the defaulted amount along with the applicable fee. Failure to pay the full amount will result in the property being removed from the PAP program.

Should a property incur more than two (2) defaulted payments, they will automatically be removed from the PAP program.

A letter of notification will be forwarded to the property owner under both scenarios.

**d) Post-dated Cheques – Monthly Payment Plan**

For property owners that would like to pay their taxes monthly but for which the pre-authorized monthly payment plan is not an option, an alternate monthly payment plan is available. The conditions of the plan are that a minimum of eleven (11) monthly postdated cheques must be submitted to the office paying sufficient funds to cover the previous year's taxes. Upon receipt of the final tax billing, the balance owing must be paid by December 31<sup>st</sup> of the current year in order to be eligible for the plan in the upcoming tax year. There will be no penalty assessed to the unpaid portion of the taxes under this alternate plan. Failure to comply with the conditions will result in penalty being applied from the date of default forward.

**5. Arrears Collection**

**a) Mailing of Tax Reminder Notices:**

Tax Reminder Notices of past due taxes shall be mailed to all accounts in *arrears* over \$10.00 in the month following the last installment of the final billing.

In January of each year a Tax Reminder Notice of past due taxes and the related late penalty/interest charges shall be mailed to every taxpayer who owes taxes from a preceding year as per Section 348(2) of the Municipal Act.

The fee for a Tax Reminder Notice as prescribed in the City of Temiskaming Departmental User Fee and Services by-law shall be applied to every property that a Tax Reminder Notice is issued to.

**b) Eligible TAC (Tax Arrears Certificate) Properties:**

Each year, the Treasurer shall compile a list of properties that will be two years in arrears effective January of the following year.

**i) Pre-Registration Collection Process**

A First Notice – Pending TAC Registration shall be forwarded after the second installment of the interim billing to each affected property owner outlining that the property will be eligible for registration for tax arrears in January of the following year. A fee as prescribed in the City of Temiskaming Shores Departmental User Fees and Services by-law will apply to this notice.

Subsequent to the second installment of the final tax billing of the year, a Final Notice – Pending TAC Registration will be forwarded to all properties that are still in a position to be registered for tax arrears. Property owners will be advised that a sufficient lump sum payment is required or a written agreement be entered into, in order to avoid registration of the property.



After the mailing of the Final Notice – Pending TAC Registration letter but prior to the registration of the Tax Arrears Certificate, the Treasurer shall attempt to contact the property owner by various means such as telephone, email, facebook, etc. to facilitate payment or a payment agreement with the property owner.

If a Payment Agreement is entered to with the property owner, a fee as prescribed in the City of Temiskaming Shores Department User Fee and Services by-law will apply.

If contact by these means is unsuccessful, the Treasurer shall conduct a title search of the property to determine if there are any lienholder/mortgagors on title to contact. The Treasurer shall attempt to contact the lienholders/mortgagors on title to try to facilitate payment of the outstanding tax arrears.

All fees incurred during the pre-registration collection process and title searches shall be applied to the property tax account. The prescribed fees for title searches are as per the Minister of Finance Teranet program. Administrative fees will be applied as prescribed in the City of Temiskaming Shores Departmental User Fees and Services by-law.

If these attempts at contact are unsuccessful, then the Treasurer shall proceed with the tax registration process.

The registration of a *Tax Arrears Certificate (TAC)* shall be in accordance of the Municipal Act, 2001 Part XI Sale of Land for Tax Arrears (s. 371 to s. 389 inclusive).

**c) Tax Arrears Certificate (TAC):**

If taxes remain unpaid on *vacant* or *improved land* for two (2) years prior to January 1<sup>st</sup> of any year, the City may begin a tax sale process by the registration of a Tax Arrears Certificate. These timelines apply to both residential and non-residential classes or property.

A Tax Arrears Certificate indicates that the property may be sold if taxes, penalties, *interest* and the TAC administration fees as prescribed in the City of Temiskaming Shores Departmental User Fees and Services by-law are not paid within one year of the registration of the certificate. Once a certificate has been registered, partial payments cannot be accepted unless a TAC extension agreement is in place (Municipal Act, 2001 s.347(3)).

**i) Tax Sale:**

If the *cancellation price* is not paid before the expiry of the one-year redemption period, these properties are advertised for sale by *public tender*. Advertisements are published in a local newspaper for four consecutive weeks and the Ontario Gazette for one week. The advertisement will also be posted on the City of Temiskaming Shores website [www.temiskamingshores.ca](http://www.temiskamingshores.ca).

The sales are always subject to certain rules and follow procedures, which have been established by legislation. At these sales, the minimum acceptable offer on a property is always the cancellation price which includes all taxes levied (whether due yet or not) to this date, all late payment charges to the date of the sale, all items added to the tax roll having

priority lien status and all administration fees.

**ii) Tender Bids:**

Using forms provided by the City, the bid plus a certified cheque, bank draft or money order for 20% of the tendered amount must be submitted in a sealed envelope prior to the specified time. To be eligible, bids must be at least equal to the advertised minimum tender amount. The successful purchasers will be required to pay the amount tendered, accumulated taxes, penalties and interest, HST, if applicable and the relevant land transfer tax.

From the day of notification to the highest bidder, this eligible bidder has 14 days to complete the transaction. All tax properties are sold without warranty and are sold as is. Further information will be made available at the time of advertising of the Tax Sale Properties.

**iii) Tax Sale Process:**

The Municipal Act provides important definitions including the following summaries:

- Cancellation Price – means an amount equal to all the realty tax arrears owing on a parcel of land at any time in respect of land together with all current realty taxes, interest, penalties, and reasonable costs incurred by the City.
- Tax Deed – is a *tax deed*, as prescribed by section 379 of the Act, provided to the successful purchaser of the property after payment of the balance of the Purchase Price.
- Notice of Vesting – means a *notice of vesting* prepared under subsection 379 of the Act conferring title to the City where there has been no successful tender of a parcel of land and the sale has not been cancelled by the City Treasurer.

A Tax Sale of any property is subject to cancellation up to the time of the tender opening without any further notice.

The minimum bid is the Cancellation Price.

A separate tender must be provided for each parcel bid on and must be in the form provided. No substitutes can be accepted.

The tender must be accompanied by a deposit of at least 20% of the tender/bid amount by way of money order, bank draft, or certified cheque payable to the City of Temiskaming Shores.

The City is not obliged to provide a survey or reference plan for any parcel of land being sold under tax sale.

The Treasurer is not obliged to inquire into the value of land prior to conducting a sale.

Furthermore; there is no obligation to obtain fair market value for the land to ensure that land being sold under tax sale may obtain fair market value at the time of the sale or in the future.

Prior to submitting a tender, the onus is on the potential bidder to conduct his/her own inquiries into such matters as zoning, access, work orders, water/hydro and other arrears/building restrictions, or title problems. The City makes no representations what so ever as to the quality and/or quantity of the land being purchased.

The following departments/agencies may be in a position to provide assistance in respect of the tax sale property:

Planning and Development: 705-672-3363

Municipal Property Assessment Corporation (MPAC): 1-800-296-6722 or [www.mpac.ca](http://www.mpac.ca).

Potential bidders are further advised that a lawyer should be retained in order to ensure that his/her interests are protected prior to the submission of a bid/tender.

The City does not conduct tours or provide access to properties being sold under tax sale.

The City does not provide legal opinions to potential bidders in respect of issues which may arise in the context of a public sale. If two bids of equal amount are tendered, then the person who submitted the earlier bid will be deemed to be the higher bid.

The successful tender is the highest bidder who has submitted a properly completed tender and who makes payment (by certified cheque/bank draft/money order) within fourteen calendar days of being notified by mail of the balance of the amount tendered, the appropriate land transfer tax and the accumulated taxes to the City.

**Accumulated taxes** are amounts that have been added to the tax roll, such as additional charges, taxes and/or interest and penalty, after the first day of advertising.

**Land Transfer Tax** is an amount payable to the Minister of Finance by certified cheque, cash or money order. Any questions in respect of Land Transfer Tax may be directed to the Registry Office.

If the highest bidder does not submit the remaining funds as described, then the highest bidder's deposit is forfeited and the land is offered in the same manner to the second highest bidder who then has fourteen calendar days from the date of notification to remit the monies owing to the City.

A **Tax Deed** which is provided to the successful purchaser at the time when the balance of the Purchase Price is paid, transfers title of the land in "fee simple" subject generally to:

- Easements and restrictive covenants; and
- Estates and interest of the Crown in right of Canada or the Province of Ontario (e.g. execution in favour of the Ministry of Finance); and

- Adverse possession interests by abutting owners, if any.

The City is not required to provide vacant possession of any properties which may be occupied and accordingly, should the purchaser require vacant possession, a court application, at his or her cost, may be required. Further, the City DOES NOT have a key to the property and is not in a position to provide one to the purchaser.

## **6. Penalty**

Municipal Act, 2001 s. 345(1) states that "A local municipality may, in accordance with this section, pass by-laws to impose late payment charges for the non-payment of taxes or any installment by the due date".

A percentage charge, not to exceed 1 ¼ percent of the amount of taxes due and unpaid, may be imposed as a penalty for the non-payment of taxes on the first day of default or such later date as the by-law specifies (345(2)).

Interest charges, not to exceed 1 ¼ percent each month of the amount of taxes due and unpaid, may be imposed for the non-payment of taxes in the manner specified in the by-law but interest may not start to accrue before the first day of default (345(3)).

Penalty and interest charges are deemed to part of the taxes on which charges have been imposed.

## **7. Rebate and Relief Programs**

### **a) *Vacancy Rebate Applications:***

The Municipal Act, 2001 provides for rebates to vacant business units at the same percentage as discounts afforded to property owners of vacant and excess land. These percentages are 30% for commercial properties and 35% for industrial properties.

Property owners who are eligible for a rebate must submit an application to the municipality each year that a building, or a portion of a building, is vacant. The deadline to submit an application for a tax year is February 28<sup>th</sup> of the following year.

To be eligible for a rebate, a building or portion of a building must satisfy the following:

- Buildings that are entirely vacant – A whole commercial or industrial building will be eligible for a rebate if the entire building is vacant for at least 90 consecutive days.
- Buildings that are partially vacant – A suite or unit within a commercial building will be eligible for a rebate if, for at least 90 consecutive days, it was:
  - Unused; and
  - Clearly delineated or physically separated from the used portions of the

building; and

- Either – 1) capable of being leased for immediate occupation; or 2) not capable of being leased for immediate occupation because it was undergoing or in need of repairs or renovations or was unfit for occupation.

A portion of an industrial building will be eligible for a rebate if, for at least 90 consecutive days, it was:

- Unused; and
- Clearly delineated or physically separated from the used portions of the building.

#### **b) Charitable Rebate Applications:**

Under Municipal Act, 2001 s. 361(1) every municipality shall have a tax rebate program for eligible charities for the purpose of giving them relief from taxes on eligible property they occupy.

The program is applicable to registered charities that are tenants in a commercial or industrial class property. The landlord may be contacted by the charity to provide certain information that the City requires in order to process their application. Deadline for the current year is February 28<sup>th</sup> of the following year.

The minimum percentage prescribed for the calculation of a rebate is 40%.

Registered charities must apply every year for the rebate by completing an application and returning to the City of Temiskaming Shores taxation department.

The application forms are available at the City's administration office located at 325 Farr Drive and online at [www.temiskamingshores.ca](http://www.temiskamingshores.ca).

#### **c) Tax Relief for Eligible Low Income Seniors and Low Income Disabled Persons**

Under Municipal Act, 2001 s. 319(1) a municipality shall pass a by-law with the purpose of relieving the financial hardship through the provision of tax relief to eligible *low income seniors* and *low income disabled persons* for assessment related tax increases on property in the residential/farmland property class.

##### **i) Persons Eligible for Tax Relief**

- i) Persons eligible for tax relief are low income seniors, low income disabled persons or the spouse of such eligible persons owning and occupying property in the residential/farmland property class;
- ii) For the purposes of this program, a low income senior is a person who is 65 years of age or older and in receipt of an increment paid under the Guaranteed Income Supplement Program (GIS) as established under Part II of the Old Age Security Act (Canada);

- iii) For the purposes of this program, a low income disabled person is a person in receipt of an increment paid under the Ontario Disability Support Program Act (ODSP);
- iv) Tax relief for eligible low income seniors and low income disabled persons applies to tax increases on residential property owned and occupied by the eligible person;
- v) Tax relief is provided upon each reassessment after 1998 and the amount of tax relief will be determined in accordance with Section 7(c)(iv) of this policy;
- vi) For the purposes of this program, owner means a person assessed as the owner of the residential real property and includes an owner within the meaning of the Condominium Act;
- vii) No tax relief shall be allowed to an eligible owner in respect of residential real property for more than one (1) family dwelling unit in a given year;
- viii) For properties which are jointly held or co-owned by persons other than spouse, the co-owners must qualify under applicable eligibility criteria in order to receive the tax relief;
- ix) For residential properties of more than one unit and less than seven units, tax relief will be granted on a prorated basis for the unit occupied by the eligible owner only;
- x) For the purposes of this program, "spouse" means a person
  - 1. to whom the person is married, or
  - 2. with whom the person has cohabited for at least one year, or
  - 3. with whom the two are together the parents of a child, or
  - 4. with whom the two have together entered into a cohabitation agreement under Section XX of the Family Law Act
- xi) Tax relief amounts are not transferable to deceased owners.

## ii) Form of Tax Relief

Tax relief shall be in the form of a **deferral** of the annual eligible amount provided that:

- i) Such eligible owner or the spouse of such owner or both occupies or occupy the property for which the relief is requested as his, her or their principal residence;
- ii) Such eligible owner or the spouse of such owner or both has or have been assessed as the owner of the property for which the relief is requested for a

period of not less than one year immediately preceding the date of application of relief;

Tax relief granted in this program will **not** be subject to interest charges.

Tax relief applies to current taxes only, not tax arrears. Tax relief amounts will not be deferred until payment is received in full for any past year's amounts payable.

**iii) Repayment of Tax Relief (Deferral):**

Annual eligible amounts shall be deferred until the property is sold or transferred, at which time the total amount deferred, including any part year portions, becomes a debt payable to the City of Temiskaming Shores.

If at any time, an eligible person for which tax relief has been granted in accordance with this policy, ceases to be an eligible person, all tax relief ceases and all amounts previously deferred, including any part year portions, become a debt payable to the City of Temiskaming Shores.

**iv) Amount of Tax Relief (Deferral):**

Tax deferrals for low income seniors and low income disabled persons apply to tax increases on property in the residential/farm property class as follows:

- a) tax relief is provided in each year of reassessment;
- b) applications will be accepted for deferrals where the impact exceeds \$300.00;
- c) tax increases are the difference between the total taxes levied on the property in the year preceding reassessment and the total taxes levied in the year of a reassessment;
- d) water/sewer charges **are not** part of a property's tax assessment and therefore increases in water/sewer rates are not applicable in calculating the reassessment implications for a property.

**v) Application Procedure:**

Eligible low income seniors and low income disabled persons must apply for tax relief as follows:

- i) applications will be addressed to the Treasurer of the City of Temiskaming Shores;
- ii) applications will be on the prescribed form;
- iii) applications must be submitted on or before October 1<sup>st</sup> in the year in which the application applies;
- iv) applications must include documentation establishing that the applicant is an

eligible person and that the property for which the application is made is an eligible property;

- v) by signing the application form, it is assumed that the applicant has read and understands the City's tax relief program to low income seniors and low income disabled persons;
- vi) applications must be made **annually** to the City of Temiskaming Shores to establish continued eligibility;
- vii) verification of documentation provided with an application may be carried out independently, at the discretion of the City.

The application forms are available at the City's administration office located at 325 Farr Drive and online at [www.temiskamingshores.ca](http://www.temiskamingshores.ca).

## **8. Payment Agreements**

Should the property owner be unable to pay the installments of taxes as they become due, the City will accept partial payments. Penalty as per Section 5 of this policy will be applied to any/all unpaid principle until such time as the account is paid in full. The application of the payment will be in accordance of Section 4 (a) of this policy.

Should property taxes fall into arrears and are in a position to be registered for a Tax Arrears Certificate registration (as per Section 4 (b)), a formal *payment agreement* **must** be entered into with the Treasurer in order to suspend the registration process.

The amount of taxes in arrears will be reviewed with the Treasurer and the property owner and a mutually satisfactory payment agreement will be entered into. The payment agreement should attempt to clear the entire balance of arrears owing in a reasonable period of time, however financial circumstances will be taken into consideration.

The agreement will be signed by the property owner who will receive a copy of the agreement in addition to a Statement of Account showing the status of the tax arrears as of the date of signing. A fee as prescribed in the City of Temiskaming Shores Department User Fee and Services by-law will apply.

Payment options will be available such as postdated cheques, internetbanking, telebanking and pre-authorized monthly payments. Any defaulted payments will be subject to the returned payment fee as per Section 9 of the policy and will automatically null and void the payment agreement. Should the property still have taxes two (2) years in arrears at this time, the property will be registered for tax arrears.

## **9. Defaulted Payments**

Any payment that is defaulted (whether due to insufficient funds, account closed, etc) shall be reversed and a fee as prescribed in the City of Temiskaming Shores Department Fees and Services by-law will be applied.



## **10. Receipt Policy**

Upon attendance at the City's administration office with payment of taxes, a *receipt* will be issued. There will be no charge for this service.

If postdated cheques are submitted no receipt will be issued as the cheques must be held for deposit until they become due. A confirmation of the receipt of the cheques may be issued upon request.

Payments received by mail will not be issued a receipt. If a receipt is required, the entire tax bill must be submitted with payment along with a self-addressed, stamped envelope. If no envelope is submitted, the receipted bill will be held in a file for pick-up. There is no charge for this service.

For those properties who have a mortgage company interest registered on title, a mortgage listing is forwarded to the mortgage company for payment. Upon receipt of the payment, the paid tax bill will be forwarded to the taxpayer for their files. There is no charge for this service.

For any property that is enrolled in the pre-authorized payment installment program (PAP-I), the tax bills are mailed out to the property owner prior to the first installment to ensure that the taxpayer received the information prior to withdrawal of the first payment. Should any property owner on the PAP installment plan require an official receipt, it will be issued at no charge.

If enrolled in the pre-authorized payment monthly program (PAP-M), a copy of the paid tax bill will be mailed to the property owner in December. This tax bill is the receipt of taxes paid for the year. Should an official receipt be required the fee as prescribed in the City of Temiskaming Shores Departmental Fees & Services by-law will apply.

In the case where a property has been sold throughout the year, no receipt will be issued. When the property is sold, there is a calculation by the lawyers to determine which portion of the taxes pertains to each property owner (old and new). The information on the tax system is based on the property as a whole and no breakdown is available to allocate to each property owner.

Should you require a record of payment of your annual tax bill or require a duplicate statement for a previous year a fee as prescribed in the City of Temiskaming Shores Departmental User Fees and Services by-law will apply.

Only ONE tax bill will be issued. If you require a duplicate tax bill, a fee as prescribed in the City of Temiskaming Shores Departmental User Fees and Services by-law will apply.

The request for a receipt or record of payment must be in writing and paid in full prior to staff processing the request.

Tax information will not be provided by telephone.

## **11. Non-Tax Debt**

As per Section 398 (1) of the *Municipal Act, 2001* identifies debt as "fees and charges imposed by a municipality or local board on a person constitute a debt of the person to the municipality or local board, respectively".

Section 398 (2) states that non-tax debt can be added to the tax roll and collected in the same manner as municipal taxes.

"Section 398 (2) Amount owing added to tax roll – The treasurer of a local municipality may, and upon the request of its upper-tier municipality, if any, or of a local board whose area of jurisdiction includes any part of the municipality shall, add fees and charges imposed by the municipality, upper-tier municipality or local board, respectively, to the tax roll for the following property in the local municipality and collect them in the same manner as municipal taxes:

1. In the case of fees and charges for the supply of a public utility, the property to which the public utility was supplied.
2. In all other cases, any property for which all of the owners are responsible for paying the fees and charges."

### **a) Non-Tax Debt - Other**

#### **Procedure:**

- i) All fees and charges will be initially processed thru the Accounts Receivable module.
- ii) If an invoice remains unpaid for 60 days or more, a reminder letter will be generated from the Finance Department. A deadline for payment will be applied and notification that the unpaid invoice will be added to the tax roll if it remains unpaid past the deadline.
- iii) If the invoice remains unpaid after the imposed deadline as stated in the reminder letter, the charge along with all penalty accrued to date will be transferred from the Accounts Receivable module and added to the tax roll for collection purposes.

The scope of fees and charges that will be added to the tax roll if unpaid include but are not limited to the following:

- i) Facility rentals (hall, ice, equipment, marina, storage, etc.)
- ii) Program fees (memberships, registrations, user fees, etc.)
- iii) Cemetery fees

### **b) Non-Tax Debt – Property Related Charges (30 days)**

#### **Procedure:**

- i) All fees and charges will be initially processed thru the Accounts Receivable module.
- ii) If an invoice remains unpaid for 30 days, the charge will be transferred to the tax roll for collection purposes.
- iii) If the invoice remains unpaid after the transfer to the tax roll, penalty will be applied at a rate of 1.25% per month.

The scope of fees and charges that will be added to the tax roll if unpaid include but are not limited to the following:

- i) Water On/Off Charges
- ii) Water/Sewer Connection Fees
- iii) Property Standards Orders and Executions
- iv) Building Department Notices and Orders

**c) Non-Tax Debt – Property Related Charges (Direct to Tax Roll)**

**Procedure:**

- i) All fees and charges will be directly applied to the tax roll for collection purposes and is due upon application.
- ii) Penalty will be applied at a rate of 1.25% per month on any unpaid charge.

The scope of fees and charges that will be added to the tax roll if unpaid include but are not limited to the following:

- i) Defaulted Payment Fee
- ii) Building Permit Fees

## **12. Responsibilities**

Who is responsible? There are three governments and one corporation that play a role in property assessment and taxation.

### **Assessment and Tax Legislation – Province of Ontario**

The Provincial Government sets the legislative framework for assessment and taxation in Ontario. It does this by creating legislation, called Provincial Statutes. The Government also creates regulations, which are authorized under the Statutes. The principal ministry involved in setting assessment and taxation policies is the Ministry of Finance, through the Assessment and Municipal Acts.

## **Assessed Value – Municipal Property Assessment Corporation**

The Municipal Property Assessment Corporation (MPAC) is responsible for determining assessment values and classifying properties according to use, for each of the four million properties in Ontario. These values are used to calculate property and education tax rates and to determine the amount each property is taxed. Assessment information is provided to taxpayers in November of each year through a Notice of Assessment and to municipalities in December through the Assessment Roll.

The City of Temiskaming Shores uses the information supplied by MPAC to set tax rates and to calculate your tax bill. MPAC is separate and independent from the City and is governed by its own Board appointed by the Minister of Finance.

### **How is my assessment determined?**

The City of Temiskaming Shores does not determine the value of your property. This is done by the Municipal Property Assessment Corporation (MPAC) which is completely separate and independent of the City of Temiskaming Shores. The Assessment Act requires that the assessed value of your property be based on what the property would likely sell for on a specific date. Local property sales occurring around that date provide a basis as to the assessed value of similar, unsold properties. MPAC continually collects information about properties to ensure that those with similar features (age, size, location, construction, etc.) have similar but not necessarily identical assessed values.

### **I disagree with my assessment.**

If you believe that your property assessment is incorrect, you should first contact the Municipal Property Assessment Corporation (MPAC) to discuss your assessment or verify details about your property. If you still have concerns, you may ask MPAC for a formal reconsideration of your assessment. For complete details on the Reconsideration process, please go to the MPAC website at [www.mpac.ca](http://www.mpac.ca).

There is also an appeal process through the *Assessment Review Board (ARB)*. Full details on how to appeal your assessment to the ARB may be obtained through their website ([www.arb.gov.on.ca](http://www.arb.gov.on.ca)).

A tax account is only adjusted when the City is notified of the change in assessment by MPAC or the ARB. It is recommended that taxes continue to be paid while an appeal or reconsideration is underway to avoid penalty and interest charges in the event that the appeal or reconsideration is not successful. There may be a significant delay between the time an assessment is appealed and a decision is rendered.

### **Is my assessment right?**

Ask yourself if your assessed value is close to what you would have expected to sell your property for. What were similar properties selling for. MPAC provides an on-line service called About My Property. Using this service, property owners can review basic assessment information for their own property and other properties. Further information can be obtained

from MPAC at [www.mpac.ca](http://www.mpac.ca) or by calling 1-866-296-6722.

## **Taxes**

The City of Temiskaming Shores collects property taxes on behalf of the city and the Province of Ontario (education taxes). Each level of Government is responsible for its own tax rates.

### **How are Tax Rates Calculated?**

Annually, the City of Temiskaming Shores establishes a budget to provide municipal services, infrastructure and capital. Taxes represent approximately 35 percent of the City's budget needs. A tax rate is calculated in accordance with Provincial legislation which meets the funding requirements identified in the budget. The Province sets the education tax rate for all properties.

## **The Corporation of the City of Temiskaming Shores**

### **By-law No. 2019-014**

#### **Being a by-law to amend By-law No. 2012-039, as amended being a by-law to adopt Schedules of Departmental User Fees and Services for the City of Temiskaming Shores – Municipal Property Tax Policy**

**Whereas** Section 391(1) of the Municipal Act S.O. 2001, c. 25, as amended, authorizes the Council of a local municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and for the use of its property including property under its control;

**And whereas** the Council of The Corporation of the City of Temiskaming Shores adopted By-law No. 2012-039 on April 3, 2012 to adopt Schedules of Departmental User Fees and Service Charges for the City of Temiskaming Shores;

**And whereas** Council considered Administrative Report CS-046-2018 at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to amend Municipal Fees By-law No. 2012-039 to amend fees related to Municipal Property Tax Policy for consideration at the December 18, 2018 Regular Council meeting.

**Now therefore** The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That the fees/charges under the *Municipal Property Tax Policy* in Schedule “A” – Administration – Corporate Services of By-law No. 2012-039, as amended, be added and read as follows:

Administrative fees/charges under <b>By-law No. 2019-000 Municipal Property Tax Policy</b> , as amended.	Municipal Act 391 (1)	
Tax Reminder Notice	Municipal Act 391 (1)	\$5.00
First & Final Notices – Pending TAC Registration	Municipal Act 391 (1)	\$25.00
Payment Agreement	Municipal Act 391 (1)	\$50.00
Search Time (Staff time)	Municipal Act 391 (1)	\$25.00
Teranet Fees (Land Registry Search)	Municipal Act 391 (1)	Reimbursable
Notice – Collection Action	Municipal Act 391 (1)	\$5.00
Notice of Intent (Farm Debt Mediation)	Municipal Act 391 (1)	\$25.00

2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

**Read a first, second and third time and finally passed** this 18<sup>th</sup>, day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2019-015**

**Being a by-law to authorize the execution of a Development Agreement with 2373775 Ontario Inc. for the development of Beach Gardens**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**And whereas** under Section 10(1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** Council considered Administrative Report CS-047-2018 at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to authorize the entering into a Development Agreement with 2373775 Ontario Inc. c.o.b. as Rivard Bros. for the development of property locally known as Beach Gardens for consideration at the December 18<sup>th</sup>, 2018 Regular Meeting of Council.

**Now therefore** the Council of the Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That Council authorizes a Development Agreement between 2373775 Ontario Inc. and The Corporation of the City of Temiskaming Shores, for the development of lands locally known as Beach Gardens, in the form annexed hereto as Schedule "A" and forming part of this by-law.
2. That the Mayor and Clerk be hereby authorized and directed to execute the Development Agreement annexed hereto as Schedule "A" to this by-law and any and all other documentation necessary to complete the Development Agreement and the registration of the same at the Land Registry Office.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.



**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen



**DEVELOPMENT AGREEMENT**  
**(Beach Gardens Redevelopment)**

**This agreement**, made in triplicate, this \_\_\_\_ day of \_\_\_\_\_, 2018.

Between:

**The Corporation of the City of Temiskaming Shores**  
325 Farr Drive, P.O. Box 2050, Haileybury, ON P0J 1K0  
(hereinafter called the “**City**”)

And:

**2373775 Ontario Inc.**  
PO Box 1551, New Liskeard, ON P0J 1P0  
(hereinafter called the “**Developer**”)

**Whereas** the Developer owns the property described as 415 Lakeshore Road; Plan M79NB Part of Block C and Part of Lot 5, Parcels 4904SST, 9064SST, and 7950NND (the “**Land**”);

**And Whereas** the Developer intends to develop the lands included in this Agreement and to construct single-detached, semi-detached, and townhouse dwellings on lots to be created through the part lot control exemption provisions of Section 50(7) of the Planning Act, R.S.O. 1990, C. P. 13, as amended;

**And Whereas** the Developer applied to amend the City of Temiskaming Shores Zoning By-law 2017-154 and Council of the City of Temiskaming Shores passed By-law 2018-154 approving the Zoning By-law amendment on October 16, 2018;

**And Whereas** the Developer has entered into a Cost Sharing Agreement for the upgrading of the sewer main crossing the land. The Cost Sharing Agreement is attached as Schedule “F”;

**Now Therefore** in consideration of the mutual covenants contained herein, the parties agree as follows:

## **Part 1: Definitions**

In this agreement the following terms shall have the meanings set out below, unless otherwise redefined or where the subject matter or context required another meaning to be ascribed:

- 1.1 **Assumption By-law for Municipal Services:** means a by-law passed by the Council of the Corporation of the City of Temiskaming Shores forthwith and after the Director of Public Works has issued a Certificate of Final Acceptance for Municipal Services, assuming ownership of and responsibility for all Municipal Services.
- 1.2 **Assumption By-law for Adoption of Roadways:** means a by-law passed by the Council of the Corporation of the City of Temiskaming Shores forthwith after the Director of Public Works has issued a Certificate of Final Acceptance for Roadways, assuming ownership and opening such roadways for public use.
- 1.3 **Building Permit:** means a permit issued by the Chief Building Official of the Corporation of the City of Temiskaming Shores or his designate appointed pursuant to the Building Code Act approving an application for the construction, reconstruction or alteration of any building or structure for which such permit is required.
- 1.4 **Certificate of Final Acceptance for Municipal Services:** means a certificate prepared by the Developer's Consulting Engineer and approved in writing by the Director of Public Works at the expiration of the Maintenance Guarantee Period for Municipal Services setting out the Municipal Services being accepted by the City and indicating the date of final acceptance of such Works.
- 1.5 **Certificate of Final Acceptance for Roadways:** means a certificate prepared by the Developer's Consulting Engineer and approved in writing by the Director of Public Works issued at the expiration of the Maintenance Guarantee Period for Roadways setting out the Roadways to be accepted by the City and indicating the date of final acceptance of such Works.
- 1.6 **Completion Certificate for Municipal Services:** means a certificate prepared by the Developer's Consulting Engineer and approved in writing by the Director of Public Works upon satisfactory completion of all Municipal Services, the approval date of which shall start the Maintenance Guarantee Period for such Municipal Services.
- 1.7 **Completion Certificate for Roadways:** means a certificate prepared by the Developer's Consulting Engineer and approved in writing by the Director of Public Works upon satisfactory completion of all Roadways, the approval date of which shall start the Maintenance Guarantee Period for such Roadways.
- 1.8 **Consulting Engineer:** means the person or persons who hold a licence with Professional Engineers Ontario, who for the time being is or are retained by the Developer to provide engineering services on behalf of the Developer for the development of the Lands.
- 1.9 **Council:** means the Council of The Corporation of the City of Temiskaming Shores.
- 1.10 **Development:** means the provision of the Works as defined in Section 1.29 of this Agreement, and the sale or construction of dwellings on the Lands.
- 1.11 **Director of Public Works:** means The Director of Public Works for the Corporation of the City of Temiskaming Shores or his designate.
- 1.12 **Final Default:** means a situation where the Developer fails to remedy a default within such time as provided in the notice given by the City, as provided in Section 13.1 hereof.

- 1.13 **Grading Conformance Certificate:** means a certificate prepared by the Developer's Consulting Engineer and approved in writing by the Director of Public Works upon satisfactory completion of the final grading of the Lands and all lots within the Lands.
- 1.14 **Grading Deposit:** means ten percent (10%) of the total cost for completion of site grading as estimated by the Consulting Engineer.
- 1.15 **Site Grading Plan:** means Site Grading Plan indicating the existing and proposed grades as well as the means whereby major system flows will be conveyed across the Lands, a draft of which has been prepared by exp Services Inc. Plan No. 18-1141 and is attached hereto as Schedule “C”, which draft is subject to the approval of the Director of Public Works.
- 1.16 **Lands:** means the lands described in Schedule “A”.
- 1.17 **Letter of Credit:** means any municipal standby irrevocable Letter of Credit drawn upon a Chartered Bank posted with and in a form acceptable to the City pursuant to this Agreement. The municipal standby irrevocable Letter of Credit shall contain a provision which automatically renews it from year to year unless the Bank gives thirty (30) days advance written notice of its intention not to renew.
- 1.18 **Lot:** means the whole of a lot to be created through the part-lot control exemption provided in Section 50(7) of the Planning Act.
- 1.19 **Maintenance Guarantee Period:** means the period of time during which the Developer is obliged to maintain the Works following approval of the Completion Certificate for Municipal Services or Roadways, as the case may be, which period is defined in Section 9.6 hereof.
- 1.20 **Municipal Services:** means the following municipal services required to be constructed by the Developer:
- a. Municipal sanitary sewer system;
  - b. Municipal water system, including fire hydrants;
  - c. Street signs and traffic control signs and devices;
  - d. Rough grading of the Lands;
  - e. Street lighting systems.
- 1.21 **Party:** means a party to the Agreement and the successors or permitted assigns.
- 1.22 **Planner:** means The Planner for the Corporation of the City of Temiskaming Shores or her designate.
- 1.23 **Plans:** means all drawings, plans, specifications, contracts and other documents providing for the installation, construction and erection of the Works approved by and filed in the office of the Director of Public Works prior to execution of this Agreement by the City.
- 1.24 **Pre-Servicing:** means the installation of Works prior to registration of this Agreement.
- 1.25 **Roadways:** means all municipal streets and roadways of final design width with granular base, asphalt and asphalt curbs and gutters required to be constructed by the Developer.
- 1.26 **Supervision:** means the full-time inspection and administration of the Works for the express purpose of enforcing the provisions of this Agreement and providing certification of the Works in accordance with Section 5.1.
- 1.27 **Treasurer:** means the Treasurer of The Corporation of the City of Temiskaming Shores or her designate.
- 1.28 **Utility Services:** means: all electrical distribution, complete;
- a. if applicable, all gas services, complete;

- b. all telephone services, complete; and
- c. all co-axial services, complete.

1.29 **Works:** means all Municipal Services and Roadways, both internal and external, and all construction, erection, installation and engineering required to service the Lands in accordance with the terms of this Agreement and the approved Plans.

## **Part 2: Lands to be Developed**

The lands to be developed are those Lands described in Schedule “A” and this Agreement shall be registered against all of such Lands.

## **Part 3: General Provisions**

### **3.1 Development at Sole Expense of Developer**

Unless the context otherwise requires or unless the Cost Sharing Agreement provides otherwise, where the Developer is obligated by this Agreement or the approved Plans to make any payments or install or construct or carry out any services or action the provision thereof contained herein shall be deemed to include the words “at the sole expense of the Developer.”

### **3.2 Other Agreements**

If, after this Agreement is executed, the City or any other authority having jurisdiction shall impose any further condition or requirement which is not contained herein, the Developer shall forthwith, upon written demand, enter into such further agreement or agreements and give such further assurances as may be required and the Developer shall not contravene any condition or requirement of such authority notwithstanding the same is not contained herein.

### **3.3 Indemnification**

The Developer agrees to save harmless and keep the City and its agents, contractors, employees and elected officials indemnified from and against all manner of actions, causes of actions, suits, claims and demands whatsoever which may arise directly or indirectly by reason of the design, installations, construction or operation of any of the Works required under this Agreement, or by reason of the maintenance or lack of maintenance of such Works by the Developer pursuant to the terms of this Agreement or by reason of any defect in workmanship or material.

### **3.4 Covenants Run With the Land**

The Developer and the City acknowledge and agree that it is their intent that all terms, conditions and covenants contained herein,

- a. Shall run with the Lands;
- b. Shall be binding upon the Developer, its heirs, executors, administrators, assigns and successors in title, from time to time;
- c. That the benefits of the said covenants shall enure to the City, its successor and assigns in title of all roads, streets and public lands forming part of or abutting on the Lands;
- d. That this agreement shall be registered on title to each Lot within the Lands.

### **3.5 Notices**

Any notices required or permitted to be given pursuant to the terms of this Agreement shall be given in the manner hereinafter set out, in writing addressed in the case of:

- a. The City:  
City of Temiskaming Shores  
PO Box 2050  
Haileybury, Ontario  
P0J 1K0
- b. The Developer:  
2373775 Ontario Inc.  
PO Box 1551  
New Liskeard, Ontario  
P0J 1P0

And the giving of such written notice shall be deemed to be complete, where notice is given by personal service, on the day that the serving of written notice is completed, and where notice is given by prepaid registered mail, five (5) days after the date of mailing.

### 3.6 Binding on Heirs, etc.

This Agreement and everything herein contained shall enure to the benefit of and be binding upon the successors and assigns of the Parties hereto and upon those persons and/or corporations hereafter acquiring title to all or any part of the Lands.

### 3.7 Schedules

The Schedules attached hereto, being Schedules “A” to “F” inclusive, form part of this Agreement and are to be interpreted as if the contents thereof were included in this Agreement.

### 3.8 Special Provisions

The Developer covenants, warrants and agrees to fulfill and abide by the Special Provisions set out in Schedule “E” annexed hereto in accordance with the terms thereof.

### 3.9 Planning Act

The Developer agrees to be bound by the provisions of the Planning Act, R.S.P 1990, c. P13, and amendments thereto.

### 3.10 Applicable Laws

- a. In constructing, installing or providing the Works, the Developer shall comply with all statutes, laws, by-laws, regulations, ordinances, orders and requirements of any governmental or other public authorities having jurisdiction at any time. Without limiting the foregoing, the Developer agrees to comply with, and cause to be complied with, the provisions of the *Occupational Health and Safety Act*, the *Environmental Protection Act*, and the *Ontario Water Resources Act* and any regulations, policies and guidelines relating thereto. The Developer further agrees to handle and dispose of all materials in accordance with the foregoing legislation.
- b. The Developer shall do, cause to be done, or refrain from doing any act or thing as directed by the City if at any time the City considers that any situation or condition is unsafe, damaging to the environment, or contrary to the provisions of any applicable laws. If the Developer fails to comply with such direction, the City may take action to remedy the

situation at the expense of the Developer and in this regard the City shall also be entitled to draw upon any security filed by the Developer under this Agreement.

3.11 Severance of *Ultra Vires* Terms

If any term of this Agreement shall be found to be *ultra vires*, or otherwise unlawful, such term shall conclusively be deemed to be severable and the remainder of this Agreement *mutatis mutandis* shall be and remain in full force and effect.

3.12 Incontestability

The Developer shall not call into question directly or indirectly, in any proceeding whatsoever in law or in equity, before any court or administrative or other tribunal, the right of the City to enter into this Agreement and to enforce each and every term, covenant and condition thereof, and this provision may be pleaded by the City in any such action or proceeding as a complete and conclusive estoppel of any denial of such right.

3.13 Time of the Essence

Time shall be of the essence of this Agreement.

**Part 4: Servicing Plans and Specifications**

- 4.1 All Plans and specifications must be approved in writing by the Director of Public Works prior to the Developer commencing construction of any of the Works.
- 4.2 The Developer shall submit to the Director of Public Works two (2) copies of each plan required to be submitted for approval with respect to the construction of the Works contemplated in this Agreement.
- 4.3 It is understood and agreed the Director of Public Works in his appraisal of the Plans and specifications will be guided by current requirements of the Province of Ontario or existing practices and standards as may from time to time be established or amended by the City by its officials or agents. The City may require, in writing, such variances from the Plans as it may deem appropriate due to conditions which may be disclosed as the work progresses and by sound engineering practices.
- 4.4 No approval by the Director of Public Works shall operate as a release by the City of any liability of the Developer which, but for such approval, might exist or hereafter arise.
- 4.5 All Plans shall be prepared and stamped by a Consulting Engineer or an Ontario Land Surveyor licensed to practice in the Province of Ontario, as the case may be.
- 4.6 All structures, including retaining walls, to be erected on municipal property shall be constructed in accordance with Plans prepared and stamped by a Consulting Engineer and approved by the Director of Public Works.

**Part 5: Engineering and Inspection**

5.1 Consulting Engineer

The Developer shall employ a competent and qualified Consulting Engineer, to:

- a. Design all Works required to be completed by this Agreement;

- b. Prepare plans, profiles and specifications for the Works and submit detailed plans, profiles and specifications to the Director of Public Works for approval prior to installation or construction of such Works;
  - c. Obtain from the Director of Public Works details regarding the form and scale of the plans and profiles prior to their preparation;
  - d. Obtain and provide the City with all necessary approvals prior to installation or construction of the Works and prior to execution of this Agreement;
  - e. Prior to execution of this Agreement by the City, prepare and furnish the Director of Public Works with estimates of the cost of installation and construction of the said Works, if requested by the Director of Public Works;
  - f. If required, prepare contract documents and call tenders for installation and construction of the said Works;
  - g. Maintain all records for the installation and construction of the said Works and submit “as constructed” records in electronic form in AutoCad format. “As constructed” records shall be submitted to the Director of Public Works prior to approving the Completion Certificate for the Works;
  - h. Upon completion of installation and construction of the Works, supply the City with a certificate verifying that the Works were installed and constructed in accordance with the approved Plans and specifications;
  - i. Upon completion of final grading of the Lands, supply the City with a Grading Conformance Certificate verifying that the grading of the Lands was completed in accordance with the approved Plans and specifications;
  - j. When requested by the Director of Public Works, accompany him on his inspections of the Works;
  - k. Supervise construction of all Works including any remedial work the Director of Public Works may require;
  - l. Test all services and verify to the Director of Public Works, in writing, that all testing has been completed in accordance with the appropriate requirements.
- 5.2 All Municipal Services, Roadways and Utility Services shall be installed, constructed, inspected and tested under the direct supervision of the Developer’s Consulting Engineer at the sole expense of the Developer.
- 5.3 The Developer’s Consulting Engineer shall conduct all testing of Works and materials to the complete satisfaction of the Director of Public Works. All sanitary and storm sewers must be inspected by closed circuit video prior to final acceptance by the City. All watermain installations shall be flushed, chlorinated, pressure tested and bacterial tested in accordance with City standards prior to final acceptance by the City.
- 5.4 The Director of Public Works or his designate shall have the right at any time and from time to time to request an inspection and re-inspection of any of the Works in progress to ensure such Works are being constructed in accordance with the Plans and specifications approved by the Director of Public Works. Such inspections may include testing and the method and time of testing shall be at the sole discretion of the Director of Public Works. City inspections shall be in addition to inspection provided by the Developer's Consulting Engineer and shall in no way



relieve the Developer or his Consulting Engineer of any responsibility with regard to design, construction, supervision, inspection, testing or proper completion of the Works.

- 5.5 The Director of Public Works shall have a discretionary right to order any work-in-progress stopped and such work shall not be recommenced without written authority from the Director of Public Works.

**Part 6: By-law(s), Documentation and Registration**

- 6.1 The Council of the City may authorize Pre-Servicing (installation of Works) upon such terms and conditions it deems appropriate and/or necessary, which terms and conditions shall include, but not be limited to, posting all security set forth in Schedule “D”, obtaining and filing with the Director of Public Works all necessary and/or required approvals, consents, agreements and certificates, and having all Plans and specifications approved by the Director of Public Works.
- 6.2 Before this Agreement is executed by the City, the appropriate authorizing By-law must be enacted by the Council of the City.
- 6.3 The City may, at the sole expense of the Developer, request the Developer’s solicitor to prepare such further and other documentation as may be deemed necessary and/or required by the City for the preparation, registration and implementation of the agreement.
- 6.4 If required, the Developer’s solicitor, at the sole expense of the Developer, shall:
- a. Provide and/or prepare all documentation which the City’s Solicitor may require, including all necessary transfers, easements and restrictive covenants in registerable form;
  - b. Certify title to the City in a signed Certificate of Title;
  - c. Have all documentation signed by the Developer, and other necessary parties;
  - d. Sub search title and obtain an Execution Certificate prior to registration and provide copies of same to the City’ Solicitor;
  - e. Deliver all executed documentation to the City; and
  - f. Attend to registration of all documentation, at the Developer’s expense, required by this Agreement.
- 6.5 The Developer shall not deal in any manner whatsoever with any Lot within the Lands until this Agreement, and all other documentation (including transfers, easements, cessation of charge, reference plans, and postponements of charges) required by this Agreement and by the City’s solicitor have been delivered, approved and registered on title to the complete satisfaction of the City’s solicitor.

**Part 7: Lands Required for Municipal Purposes**

- 7.1 General
- The Developer shall, at its own expense, convey to the City such lands as may be required for the development of the Lands in accordance with Schedule “B” annexed hereto.
- 7.2 Easements for Municipal Purposes

- a. The Developer covenants and agrees, at its sole expense, to obtain and/or grant to the City such easements as may be required for the installation and construction of Municipal Services, Roadways and Utility Services or other development of the Lands as required by the City.
- b. The Developer shall convey to the City or to such public utility companies or commission or cable television company as the City may direct, easements required for utility and/or coaxial purposes.. All such easements shall be prepared to the complete satisfaction of the City, and if required by the City, any such utility or cable television company.
- c. The Developer shall undertake and complete all improvements in, over, along and upon such easement lands conveyed to the City, including Municipal Services, Roadways and Utility Services, in accordance with the terms of this Agreement and the Plans filed to the complete satisfaction of the Director of Public Works and shall keep such easement lands in a neat and tidy condition, free of all debris and trash until the City has adopted such through the required Assumption By-law.

## **Part 8: Services**

### **8.1 General**

- a. Where the lands are serviced by a secondary means of egress or emergency access to be constructed by the Developer, an existing road allowance, open or unopened, or any newly dedicated widening thereof, the Developer agrees such secondary means of egress or emergency access, road allowance and any widening thereof shall be deemed to form part of the Lands and be subject to the requirements related thereto specifically indicated in the approved Plans.
- b. Where it is necessary to use a secondary means of egress or emergency access to be constructed by the Developer or an unopened road allowance to service all or any part of the Lands, the Developer shall, at its own expense, construct the necessary municipal services in accordance with the approved Plans.
- c. The Developer shall not change, or do any work that will prejudicially effect any natural watercourse or drainage ditch without making full and proper provisions satisfactory to the Director of Public Works, and the Developer shall be solely responsible for any damage caused thereby and the Developer hereby indemnifies and saves harmless the City from any claim arising from such damage.
- d. The Developer shall keep all portions of the development well, properly and efficiently drained during construction and completion and will be held responsible for all damage which may be caused or results from water backing up or flowing over, through, from or along any part of the Works, or which any of the Developer's operations may cause to flow elsewhere, and the Developer hereby indemnifies and saves harmless the City from any claim arising from said damage.
- e. The Developer shall install appropriate sediment control measures during construction.
- f. The Developer covenants and agrees to carry out all Works necessary to service the Lands in such a manner as to prevent erosion and earth, debris and other material from being washed or carried in any manner onto any road, road allowance or highway whether opened or unopened, or onto the property of any other person or persons. If such earth, debris or other material is washed or carried onto such road, road allowance, whether opened or unopened, or onto the property of any person or persons, the City, its servants or agents, may, at the City's discretion, clean and remove such material, rectify any damage caused,

and abate any nuisance created by the Developer in the development of the Lands. The cost of any such work performed by or at the instruction of the City, shall be paid by the Developer on demand, and without limiting any of its remedies at law or in equity, the City may enforce any security available to it to recover such costs or may collect such costs in like manner as municipal taxes as provided in *The Municipal Act* and with the same priorities as taxes that are overdue and payable.

- g. The Developer shall be solely responsible for controlling dust nuisance in conjunction with the Works, both within the Lands and elsewhere.
- h. All streets abutting on the Lands or used for access to the Lands during installation or construction of the Works or during construction of dwellings shall, at all times, be kept as free of debris as possible and in a good and usable condition, and without restricting the generality of the foregoing, the Developer shall at the end of each day during such construction cause all such streets to be cleaned of all refuse, rubbish, waste, debris and other materials of any kind, whether the same resulted from installation and construction of Works or otherwise, and if such streets are damaged the Developer shall at its own cost restore same immediately to the City's requirements and to the satisfaction of the Director of Public Works.
- i. All trucks making deliveries to or taking materials from the Lands shall be adequately covered and not unreasonably loaded so as to scatter refuse, rubbish, dust or debris on abutting streets or properties. If at any time, in the opinion of the Director of Public Works, damage is being or is likely to be done to any street or any improvement thereon, other than such portions as are part of the Works, by the Developer's or its contractor's vehicles or other equipment, whether licensed or unlicensed, the Developer or its contractor shall, on the direction of the Director of Public Works, make changes in or substitutions for such vehicles or other equipment or shall alter loading or shall in some other manner satisfactory to the Director of Public Works remove the cause of such damage or nuisance. The Developer shall at its own cost repair any such damage immediately to the City's requirements and to the satisfaction of the Director of Public Works.
- j. The Developer shall inform all public utility companies having legal authority to install or construct utility systems (including without limitation NorthernTel, Union Gas, Eastlink and Hydro One) of the approximate date of construction of the Works in order that such utility companies may place their work in accordance with their requirements and to the satisfaction of the Director of Public Works, and the Developer shall assume complete responsibility and make all necessary arrangements for the moving of hydro-electric, gas, telephone and co-axial cables, pipes, conduits, wires, pipe lines, or any other public utility works as necessary and as approved by the Director of Public Works, and the Developer shall be solely responsible for any damage caused to the said cables, pipes, conduits, wires, pole lines and other works.
- k. The City disclaims any responsibility or liability for the support and protection of sewers, drains, pipes, conduits, tracks or other utilities, services and structures owned by the City or any other public body, by companies, or any other person enjoying special franchises or occupying any portion of the streets or ways on or below or above the surface. The Developer is directed to carefully examine the location of the Works and to make special inquiry of the companies or persons owning, controlling or operating said pipes, conduits, tracks and other utilities, services and structures, and to determine the character, size, position and length of such pipes, conduits, tracks, utilities and structures, and to inspect the public records of the various City Departments having recognizance and control of pipes, conduits and sewers, and to make such further personal inspection and investigation as is

necessary to determine the correctness of the information so obtained. It is the Developer's responsibility to consult the companies concerned as to the exact location of said utilities, services and structures, and, where necessary, the Developer shall protect and support same to maintain their operation. In the event damage is done to a utility, service or structure the Developer thereof shall be notified immediately by the Developer and any costs arising from such damage shall be paid for by the Developer. A copy of such notice shall be sent to the Director of Public Works.

- l. The Developer agrees to keep roads and Easements graded and free and clear of all material and obstructions which might interfere with the construction of telephone, co-axial, gas and hydro-electric installations, and other utility works.
- m. All Works required to be installed or constructed by the Developer shall be installed and constructed in accordance with the City's specifications therefore at the date of the commencement of the installation or construction of the Works and in accordance with the approved Plans.

## 8.2 Survey Monuments to be Preserved

The Developer agrees:

- a. All survey monuments or related markings established in connection with the installation of public utility and municipal services are to be preserved; and
- b. If any survey monument or related marking is accidentally or deliberately damaged, destroyed or removed, to immediately repair or replace such monuments or related markings under the direction of the person or persons responsible for establishing said survey monuments or related markings.

## 8.3 City's Right to Enter and Repair

- a. The City shall have the right to enter on the Lands at all times and from time to time to carry out maintenance and repair of the Works:
  - i. without notice to the Developer where, in the sole opinion of the Director of Public Works, danger to public safety or an emergency condition exists, or the streets have not been kept free of mud, dust and/or snow or to prevent damage or hardship to any persons or property; and
  - ii. where repairs to or maintenance of the said Works has not been completed within twenty four (24) hours after written notice requiring such repairs or maintenance has been delivered to the Developer.
- b. The decision of the Director of Public Works that repairs, remedial work or maintenance to the said Works is required or that an emergency state exists requiring immediate repair or maintenance shall be final, conclusive and incontestable. Such repairs, remedial works or maintenance shall not be deemed acceptance of the Works by the City or an assumption by the City of any liability in connection therewith and shall not release the Developer from any of its obligations under this Agreement.
- c. The cost of any repair or maintenance work (including professional fees) undertaken by the City pursuant to the provisions of this Agreement shall be borne by the Developer and the amount thereof shall be paid to the City within thirty (30) days after a statement of account thereof has been delivered to the Developer. If the Developer fails to pay the amount due to the City within such thirty (30) day period, the City may and is hereby expressly authorized by the Developer to deduct the amount owing to the City for such repairs or maintenance from any monies or Letters of Credit deposited with the City.

- d. Repairs or maintenance undertaken by the Developer pursuant to this subsection, shall be completed in the presence of the Director of Public Works or his representative.

8.4 Services to be Co-ordinated

The Developer agrees and acknowledges that the designs of all municipal and public utilities and services for the subdivision of the Lands must be coordinated with all adjacent developments to ensure secondary access, service main looping and other integration and co-ordination of utilities and services.

8.5 Interim Work

The Developer agrees and acknowledges that, until the Director of Public Works affixes his signature of approval to the Plans, all works which may be carried out in the interim are done solely and entirely at the Developer's risk, and that changes to existing works or additional works may be required or reflected in the final approved Plans.

8.6 Roads

- a. The Developer agrees to perform and complete all road Works required by this Agreement and the approved Plans and specifications to the complete satisfaction of the Director of Public Works.
- b. Any existing road damaged during the development of the Lands shall be restored by the Developer, to the complete satisfaction of the Director of Public Works, prior to approval of the Certificate of Completion for Roadways.

8.7 Sanitary Sewer System

- a. The Developer shall construct a sanitary sewer system, including service laterals from the sewer main to the property line and other appurtenances, to adequately service the Lands. All sanitary sewers, including upgrading of downstream facilities if deemed necessary by the City shall be constructed according to the approved Plans and specifications. Plans must be approved by the Director of Public Works and the Ministry of Environment, Conservation and Parks, and the construction and materials used therein shall be in accordance with the City's most recent specifications thereof.
- b. All sanitary sewer Works shall be flushed and cleaned by high velocity sewer flushing equipment prior to inspection as outlined in Section 5.3 of this agreement or upon receipt of any written notice from the Director of Public Works.
- c. All sanitary sewer Works shall be inspected and recorded via closed circuit TV to the satisfaction of, and upon any written notice from, the Director of Public Works and prior to assumption of the sanitary sewer works by the City. In the event the results are not satisfactory in the sole opinion of the Director of Public Works, the Developer shall take such remedial steps as may, in the sole opinion of the Director of Public Works, be required.
- d. Prior to the Director of Public Works approving the Completion Certificate for Municipal Services, the Developer shall supply the Director of Public Works with "as constructed drawings" showing the location and depth of the sanitary sewer lateral constructed to service each Lot.
- e. The Developer agrees to perform and complete all sanitary sewer works required by this Agreement and the approved Plans and specifications to the complete satisfaction of the Director of Public Works.

#### 8.8 Storm Drainage System

- a. The Developer agrees to construct storm drainage to adequately service the Lands and all or any portion of the ultimate drainage area in which the Lands are located. This system shall be constructed in accordance with the Plans approved by the Director of Public Works, and construction and materials used therein shall be in accordance with the City's most recent specifications thereof.
- b. Prior to the Director of Public Works approving the Completion Certificate for Municipal Services, the Developer shall supply the Director of Public Works with "as constructed drawings" showing the location and elevation of any storm drainage works constructed on the Lands.
- c. The Developer agrees that prior to the City executing this Agreement the Developer shall prepare and provide a complete Site Grading Plan which shall be submitted for approval by the Director of Public Works, indicating the following:
  - i. the manner in which storm water will be conveyed across the Lands in both major (10 year) and minor storms (2 year), using techniques that are in accordance with the Provincial guidelines contained in "Storm Water Management Practices Planning & Design Manual – March 2003" (Ministry of Environment) and the latest revision thereof or such more stringent standards as may be applicable;
  - ii. an assessment of downstream and upstream constraints and how these constraints can be addressed (at a minimum the storm water management system must provide Level 1 protection for downstream fisheries and resources); and
  - iii. an Erosion and Sediment Control Plan for the development of the Lands whereby erosion and sediment and their effects will be minimized on site during and after construction in accordance with the "Ontario Guidelines on Erosion and Sediment Control for Urban Construction Sites" May 1987 and the latest revision thereof or such more stringent standards as may be applicable.
- d. The Developer shall prepare and provide a Site Grading Plan indicating the existing and proposed grades as well as the means whereby major system flows will be conveyed across the Lands.
- e. The Developer agrees to carry out or to have carried out all works necessary and/or required to convey storm water runoff from the Lands in accordance with the approved Site Grading Plan to the complete satisfaction of the Director of Public Works and the Planner.
- f. The Stormwater Drainage System has been designed on the basis that there will be no houses with living space below grade. For this reason, the City will not issue a building permit for a house with a living space below grade.

#### 8.9 Water Distribution System

- a. The Developer shall construct a complete water supply and distribution system, including valves, valve boxes, fire hydrants, service connections, curb stops and boxes as may be required, for the purpose of servicing the Lands. The water distribution system shall be constructed according to the Plans approved by the Director of Public Works and the Ministry of the Environment, and the construction and materials used therein shall be in accordance with the City's most recent specifications thereof.
- b. The Developer shall install, charge, test and maintain the water distribution system as required by the approved Plans and specifications in accordance with this Agreement and legislative requirements to the complete satisfaction of the Director of Public Works.

- c. The water supply and distribution system shall be designed to accommodate residential flows with the minimum size of 150 mm in diameter.
- d. All water mains shall be flushed, chlorinated, pressure tested and bacterial tested in accordance with City standards and to the satisfaction of the Director of Public Works prior to approval of the Completion Certificate for Municipal Services.
- e. The Developer shall, prior to the Director of Public Works approving the Completion Certificate for Municipal Services, supply the Director of Public Works with "as constructed drawings" showing the location and depth of the water connections constructed to service each of the Lots.

#### 8.10 Street and Traffic Signs

- a. The Developer shall erect and maintain temporary traffic signs and such other traffic control devices to the satisfaction of the Director of Public Works during the construction period.
- b. The Developer shall supply and erect all permanent street and traffic signs and other traffic control devices required by the approved Plans and to the satisfaction of the Director of Public Works prior to approval of the Completion Certificate for Municipal Services. All signs shall conform to the current standards of the City.

#### 8.11 Electrical Distribution System and Street Lighting

- a. The Developer shall arrange with Hydro One for the design, provision and installation of all electrical transmission and distribution system and street lighting system required to serve all of the Lots on the Lands with electrical power in accordance with the plans and specifications thereof approved by Hydro One and the Director of Public Works. The cost of providing such facilities shall be borne by the Developer.
- b. The Developer shall arrange with Hydro One for local electrical supply connections and appurtenances thereto from the distribution system to terminals on abutting private property. The wiring for such service connections shall be underground. The cost of providing such service connections and appurtenances shall be borne by the Developer and the Developer shall pay the cost thereof to Hydro One upon receipt of a statement of account thereof.
- c. Prior to the Director of Public Works approving the Certificate of Final Acceptance for Municipal Services, the Developer shall deliver to the City satisfactory proof of installation and construction of the aforesaid electrical transmission and distribution system and the street lighting system, which shall have been approved and/or accepted by a utility supplier satisfactory to the City, and upon Council passing the Assumption By-Law for Municipal Services the City will assume the street lighting system into the City's street light inventory.
- d. Street lighting system shall be of LED type luminaries.

#### 8.12 Utility Services

All Utility Services required to service the Lands including, without restricting the generality of the foregoing, telephone cables and coaxial cables, shall be installed and constructed prior to the Director of Public Works approving the Certificate of Completion for Municipal Services.

#### 8.13 Landscaping

- a. The Developer shall grade and place a minimum of 50 mm of topsoil together with pre-approved seed on all portions of road allowances within the Lands, and along all sides of the Lands abutting on adjacent existing streets. All landscaping as herein described shall be

considered as part of the cost of construction of services for the Lands, and shall be completed prior to the Director of Public Works approving the Completion Certificate for Roadways.

- b. All drainage ditches, swales and depressions within the Lands shall be seeded prior to the City issuing any building permits. The Developer shall maintain all drainage ditches, swales and depressions until the associated lot is transferred to another party.

#### 8.14 Grading and Drainage

- a. Unless otherwise approved or required by the City, the Developer, its heirs, executors, administrators, successors and assigns hereby irrevocably undertake not to alter the grades or remove trees or other vegetation from the Lands until such time as:
  - i. the City has agreed in writing to such alteration or removal; and
  - ii. the City has approved the Site Grading Plan pursuant to the terms of this Agreement.
- b. Prior to execution of this Agreement by the City or commencing any phase of development the Developer shall prepare and provide the City, as part of the engineering drawings, a Site Grading Plan for the purpose of controlling the overall drainage pattern within the Lands.
- c. The following grading works shall be completed prior to the issuance of any Building Permits:
  - i. construction and seeding of all drainage swales and other erosion control devices to the satisfaction of the Director of Public Works for the Lands, subject to weather conditions; and
  - ii. where applicable, rough grading of all Lots to generally conform to the Site Grading Plan.
- d. If drainage problems arise which are as a result of non-compliance with the requirements of this Agreement, the Developer shall within forty-eight (48) hours of receiving notice thereof correct the problems. Without limiting its remedies at law or in equity, the City may enter upon the Lands to remedy any such problem and may use the Grading Deposit to cover the costs of any remedial works deemed necessary. Any costs of these remedial works in excess of the amount of the Grading Deposit shall be the responsibility of the Developer or Developer, whoever is the Developer of the lot in question, and if not reimbursed to the City forthwith after being incurred by the City, the City may collect such costs in like manner as municipal taxes as provided in *The Municipal Act* and with the same priorities as taxes that are overdue and payable.
- e. Upon completion of the Works and acceptance by the City of a Grading Conformance Certificate prepared and signed by an Ontario Land Surveyor or Professional Engineer, the Developer may apply in writing for release of the Developer's Site Grading Deposit, if any, less any cost for remedial work undertaken by the City.

#### 8.15 Site Grading Conformity

The individual lot owner shall ensure their lot continues to conform to the Site Grading Plan.

### **Part 9: Completion, Maintenance, Acceptance and Assumption of Works**

#### 9.1 Condition Precedent



The performance by the Developer of its obligations in this Agreement to the satisfaction of the Director of Public Works shall be a condition precedent to the approval, maintenance, acceptance and assumption of the Works or any of them by the City.

#### 9.2 Time to Complete Servicing

The Developer shall proceed with the installation or construction of the Works required by this Agreement and the approved Plans with all reasonable dispatch and shall complete:

- a. All required Municipal Services, within one year after the date of registration of this Agreement; and
- b. Roadways including asphalt, asphalt spill curbs and asphalt sidewalks within three (3) years after the completion of Municipal Services or forthwith after 50% of the building construction has been completed whichever occurs earlier unless otherwise approved by the Director of Public Works.
- c. The Director of Public Works may extend the time for completion of Municipal Services or Roadways or any of them for such length of time as he or she may deem expedient upon written application of the Developer with reasons why the extension is required.

#### 9.3 Roads

- a. Until Council passes an Assumption By-Law for Roadways assuming all the roads constructed, the Developer, on behalf of itself, its successors and assigns, including its successors in title to the Lands, hereby releases, discharges and agrees to indemnify and save harmless the City from and against all actions, causes of action, suits, claims and demands whatsoever and howsoever arising, and without limiting the generality of the foregoing, which may arise by reason of:
  - i. any alteration of the existing grade or level of any road or roads within the Development to bring the grade or level in accordance with the plans approved by the Director of Public Works;
  - ii. any damage to the lands abutting on any road or roads within the Development or to any building erected thereon arising from or in consequence of any such alteration of grade or level; and
  - iii. any damages or injuries (including death) to persons or damage to property occurring or arising on any road or roads within the Development, however caused.
- b. All road allowances within the Development shall be named to the satisfaction of the City.

#### 9.4 Completion Certificate for Municipal Services

- a. Municipal Services installation will not be considered complete by the City until an inspection has been made by the Director of Public Works or his designate and the Completion Certificate for Municipal Services has been issued by the Director of Public Works. The Director of Public Works shall be accompanied during his inspection by the Developer's Consulting Engineer. The Works shall be inspected and all deficiencies rectified to the complete satisfaction of the Director of Public Works, prior to the approval of the Completion Certificate for Municipal Services.
- b. The City may withhold approval of a Completion Certificate if, in the sole opinion of the Director of Public Works, the Developer is in default of its obligations pursuant to this Agreement or the approved Plans.

- c. Prior to the Director of Public Works approving the Completion Certificate for Municipal Services, the documentation listed in Sections 9.4 (d) and 9.4 (e) must be provided to the Director of Public Works in a single submission package.
- d. The Developer's Consulting Engineer shall provide to the Director of Public Works:
  - i. Certificate(s) verifying that all Municipal Services were installed and constructed in accordance with approved Plans and specifications;
  - ii. Certificate(s) stating that all water mains have been flushed, chlorinated and pressure tested in accordance with legislative standards;
  - iii. Certificate(s) stating that all water main tracer wire has been tested and all of the new water system can be traced;
  - iv. Certificate(s) stating that all storm and sanitary sewer pipes have been flushed, inspected and videoed via close circuit T.V.;
  - v. Copies of the sanitary sewer inspection video tape(s) and documentation; and
  - vi. Certificate(s) stating that all utility services, required to service the Development are installed and constructed.
- e. The Developer shall provide the Director of Public Works with:
  - i. A Statutory Declaration from the Developer in a form satisfactory to the Director of Public Works setting out the Works completed and verifying:
    - 1. all such Works have been completed in accordance with the terms of this Agreement and the approved Plans and specifications;
    - 2. all accounts have been paid for installation, construction, inspection, repair and maintenance of such Works; and
    - 3. there are no outstanding debts, claims or liens in respect of such Work.
  - ii. written confirmation that all grading and drainage Works have been completed in accordance with the Site Grading Plan and are functioning properly;
  - iii. original drawings showing each of the said Works "as constructed" together with electronic drawing files in AutoCAD format;
  - iv. certificate from a registered Ontario Land Surveyor certifying he has found and/or replaced all standard iron bars on the Lands and within the Development as of a date not earlier than seven days prior to the Director of Public Works approving the subject Completion Certificate;
  - v. written confirmation that elevations at the corners of the lots are the same as indicated on the Site Grading Plan, and red-lined drawings showing corner elevations for each lot where the elevations have changed.
  - vi. plans showing the location and depth of each sanitary sewer lateral, storm sewer lateral (if applicable) and water service lateral constructed to service each of the Lots; and
- f. Subject to Sections 9.4 (d) and 9.4 (e) hereof, upon receipt of the required documentation and the Director of Public Works' satisfaction that the installation and construction of all Municipal Services has been completed in accordance with this Agreement and approved Plans, the Director of Public Works shall date and approve the Completion Certificate of Municipal Services.

9.5 Completion Certificate for Roadways

- a. Roadway installation will not be considered complete by the City until an inspection has been made by the Director of Public Works or his designate and the Completion Certificate for Roadways has been issued by the Director of Public Works. The Director of Public Works shall be accompanied during his inspection by the Developer's Consulting Engineer. The Works shall have been inspected and all deficiencies rectified to the complete satisfaction of the Director of Public Works, prior to the approval of the Completion Certificate for Roadways.
- b. The City may withhold approval of a Completion Certificate if, in the sole opinion of the Director of Public Works, the Developer is in default of its obligations pursuant to this Agreement or the approved Plans.
- c. Prior to the Director of Public Works approving the Completion Certificate for Roadways, the documentation listed in Sections 9.5 (d) and 9.5 (e) must be provided to the Director of Public Works in a single submission package.
- d. The Developer's Consulting Engineer shall provide to the Director of Public Works:
  - i. Certificate(s) verifying that all Roadways were installed, repaired and constructed in accordance with approved Plans and specifications;
  - ii. Certificate(s) providing actual cost of Roadways completed; and
  - iii. Certificate(s) stating that all sewers have been flushed and cleaned after placement of surface course asphalt.
- e. The Developer shall provide the Director of Public Works with a Statutory Declaration from the Developer in a form satisfactory to the Director of Public Works setting out the Works completed and verifying:
  - i. all Works have been completed in accordance with the terms of this Agreement and the approved Plans and specifications;
  - ii. all accounts have been paid for installation, construction, inspection, repair and maintenance of such Works; and
  - iii. that there are no outstanding debts, claims or liens in respect of such Works;
  - iv. original drawings showing each of the said Works "as constructed" together with electronic drawing files in AutoCAD format;
- f. Subject to Sections 9.5 (d) and 9.5 (e) hereof, upon receipt of the required documentation and the Director of Public Works' satisfaction that the installation and construction of all Roadways has been completed in accordance with this Agreement and approved Plans, the Director of Public Works shall date and approve the Completion Certificate for Roadways.

9.6 Maintenance of the Lands

- a. The Developer shall be responsible for the general tidy appearance and carry out all weed cutting and maintenance on all unsold lands and all un-assumed roads to the satisfaction of the Director of Public Works.
- b. The Developer shall adequately maintain all Roadways free from mud, debris, building materials, and other obstructions, to the satisfaction of the Director of Public Works until Council passes an Assumption By-Law for Roadways. Snowplowing shall be provided by the City at the established standard provided however that the City may assume the roads for maintenance purposes prior to the paving of such roads.

- c. The Developer shall be responsible to control weeds and to maintain vacant lands owned by the Developer free from debris, waste building materials, tree stumps, discarded boulders, and other refuse, and shall notify any purchaser, in writing, to refrain from dumping on such vacant lands, including lands dedicated by it to the City for municipal purposes.
- d. The Developer shall maintain the Works, and every part thereof, in perfect order and in complete repair for the duration of the Maintenance Guarantee Period and shall repair in a permanent manner satisfactory to the Director of Public Works any and all damage or injury to the Works, both during construction and during the period of maintenance as aforesaid.
- e. Should the Developer, for any reason, fail to carry out the repairs or maintenance, including weed control, when requested by the City, the Director of Public Works, at his sole option, after giving the Developer twenty four (24) hours written notice, may perform the repairs or maintenance and all costs, charges and expenses so incurred shall be borne by the Developer. The decision of the Director of Public Works shall be final as to the necessity of repairs or of any work done or required to be done. Any costs incurred by the City not reimbursed by the Developer forthwith may be collected by the City in like manner as municipal taxes as provided in *The Municipal Act* and with the same priorities as taxes that are overdue and payable.
- f. The Developer's obligation to maintain the Works as aforesaid shall commence on the approval date of the Completion Certificate for the Works and extend for a minimum of one (1) year or until the Director of Public Works approves the Certificate of Final Acceptance for such Works whichever occurs last (this period is herein referred to as the "Maintenance Guarantee Period").
- g. The Maintenance Guarantee Period for Municipal Services shall commence on the date the Director of Public Works approves the Completion Certificate for Municipal Services.
- h. The Maintenance Guarantee Period for Roadways shall commence on the date the Director of Public Works approves the Completion Certificate for Roadways.

#### 9.7 Certificate of Final Acceptance

- a. Upon expiration of the one year Maintenance Guarantee Period for Municipal Services and Roadways as the case may be, and upon receipt of written application by the Developer, the applicable Works will be inspected by the Director of Public Works, and provided all deficiencies have been rectified to his satisfaction and the Developer is not in default of the terms of this Agreement, the subject Works shall be accepted by the City and the Director of Public Works shall approve the Certificate of Final Acceptance prepared by the Developer's Consulting Engineer.
- b. If upon inspection of the applicable Works all deficiencies have not been rectified to the complete satisfaction of the Director of Public Works the Maintenance Guarantee Period shall be extended until such time as all deficiencies have been rectified and the Certificate of Final Acceptance has been approved by the Director of Public Works.
- c. The Director of Public Works may withhold approval of a Certificate of Final Acceptance if, in the sole opinion of the Director of Public Works, the Developer is in default of its obligations to inspect, repair, construct or maintain any of the Works pursuant to this Agreement and the approved Plans.

#### 9.8 Assumption of Municipal Services

- a. The Developer hereby acknowledges that upon assumption by the City of the municipal services required to be installed and constructed by this Agreement and the approved

Plans, all such municipal services shall wholly vest in the City without payment thereof, free and clear of all claims and liens and the Developer shall have no right, title or interest therein. Municipal services shall be assumed by the City by Council passing:

- i. an Assumption By-Law for Municipal Services after the Director of Public Works approves the Certificate of Final Acceptance for Municipal Services; and
  - ii. an Assumption By-Law for Roadways after the Director of Public Works approves the Certificate of Final Acceptance for Roadways.
- b. The Assumption By-Law for Municipal Services shall not include the streets and roadways constructed by the Developer within the Lands nor the Utility services other than the street lights.
- c. The Assumption By-Law for Roadways includes finished streets and roadways as constructed by the Developer within the Lands.

#### **Part 10: Permits, Fees, Deposits and Occupancy**

##### **10.1 Development Costs**

- a. The Developer acknowledges and confirms that all charges, payments, Works to be constructed or installed, studies to be carried out and all other obligations contained in this Agreement or the cost thereof are at the expense of the Developer within the Lands; and
- b. The Developer hereby releases and forever discharges the City from any and all claims for credit against development charges payable hereunder or payable at the issuance of a building permit or permits for construction within Lands and the Developer hereby waives all such claims for credits except for the credits that may be specified in any schedule forming part of this Agreement. Any such credits so specified herein and the calculation thereof shall be deemed to be conclusive and binding on the Developer.

#### **Part 11: Security Deposits and Cash Payments**

##### **11.1 General**

- a. The Developer shall be responsible for the full amount of the cost for the design, construction, installation, servicing and maintenance of the Works in order to guarantee compliance with all conditions contained herein, the Developer shall be required to post security on account of aforesaid costs in accordance with Schedule "D" annexed hereto prior to the commencement of on-site works. The security should be in the form of a standby Letter or Letters of Credit with automatic renewal provision, in a form approved by the City. The Developer covenants and agrees that the Letter of Credit shall be kept in full force and effect and that it will pay all premiums as the Letter of Credit becomes due or until such time as the City returns the Letter of Credit in accordance with the provisions of this agreement.
- b. The Developer acknowledges and agrees that should there be a deficiency in or failure to carry out any work or matter required by any provision of this Agreement, whether or not such work or matter is specifically secured by way of Letter of Credit, and the Developer fails to comply within seven (7) days of being given written notice with a direction to carry out such work or matter, the City may draw on the Letter of Credit and enter onto the Lands and complete all outstanding works or matters, and pay all costs and expenses incurred thereby from the proceeds so drawn.
- c. The Developer acknowledges and agrees that the City reserves the right to draw on and use the proceeds from the Letters of Credit to complete any work or matter required to be done

by the Developer pursuant to this Agreement. The Developer further acknowledges and agrees that, notwithstanding any provision to the contrary in this Agreement specifying the reduction or release of security, in the event that the City determines that any reduction in the Letter of Credit would create a shortfall with respect to securing the completion of any work or matter remaining to be carried out by the Developer pursuant to this Agreement, the City will not be obligated to reduce or release the Letter of Credit as by the particular provision until such time as such work is satisfactorily completed, or the City has sufficient security to ensure that such work will be completed.

- d. Whenever in this Agreement a Letter of Credit is required to be filed with the City, the Developer may instead deposit cash or a certified cheque to be cashed in an amount equal to the Letter of Credit and such deposit shall be held by the City as security in accordance with this Agreement provided that no interest shall be payable on any such deposit.
- e. The Developer acknowledges that upon the transfer of any ownership of the Lands, the City will not return any Letters of Credit or cash deposit required under this Agreement until the new Developer files a substitute Letter or Letters of Credit or cash or certified cheque in the required amounts with the City.
- f. The Developer acknowledges that for the purpose of determining the amount of security to be posted prior to the commencement of works, the Consulting Engineer shall provide the City with an estimate of the cost of design, construction, supervision, inspection and maintenance of all Works. Security to be posted for Municipal Services and Roadways and City inspection charges, engineering, administrative and consulting fees shall be calculated, in a manner satisfactory to the Director of Public Works, on the basis of the Consulting Engineer's estimated cost of design, construction, supervision, inspection and maintenance of all Works as set out in Schedule “D” annexed hereto.

#### 11.2 Legal Fees

The Developer shall reimburse the City within five (5) days of a request therefor, all legal costs incurred by the City associated with the preparation, administration and registration of this Agreement. All such payments shall be made by delivery of a bank draft or certified cheque.

#### 11.3 Letter of Credit Site Grading

The Developer shall submit a site grading cost estimate prepared by the Consulting Engineer and shall deposit with the Treasurer of the City a Grading Deposit by way of a Letter of Credit in the amount of 10% of the cost estimate for the grading of the Lands. On default of the Developer in completing the grading of the Lands in accordance with the provisions of this Agreement and/or the approved Plans, the City shall be entitled to call upon such Grading Deposit in order to pay for the grading.

#### 11.4 Letter of Credit Roadways

- a. The Developer shall deposit with the Treasurer of the City, upon completion of the Roadways installation, other than the addition of the asphalt, a Letter of Credit in the amount of 120% of the costs of construction of the addition of asphalt. On default of the Developer in adding the asphalt in accordance with the provisions of this Agreement and/or the approved Plans, the City shall be entitled to call upon such security deposit in order to pay for the completion of such addition of asphalt. The City shall also have the right to call upon the said security deposit upon receipt of Claims for Lien filed pursuant to the provisions of the *Construction Lien Act* with respect to the addition of asphalt.

- b. With respect to the addition of asphalt to the Roadways, the Treasurer, from time to time, upon written application of the Developer, may reduce or release such security deposits, provided that at no time shall the amount retained be less than 120% of the estimated cost of uncompleted asphalt addition. Before reduction or release of any security deposit, the Treasurer, from out of the security deposit, may pay firstly, into court or in settlement, any liens arising pursuant to the provisions of the *Construction Lien Act* with respect to the addition of asphalt secured under Section 11.4 (a) of this Agreement; secondly, administrative and legal costs still owing; thirdly, any taxes for the then current year whether levied or unlevied, based on the assessment applicable; and finally, shall return the balance, if any, to the Developer.

#### 11.5 Release of Security

Upon written demand by the Director of Public Works and upon the Developer making application for release of security, the Developer shall deliver to the City, a statutory declaration by or on behalf of the Developer stating:

- a. The date of completion of the subject services;
- b. Works completed to date;
- c. All accounts that have become due and payable in connection with the construction, installation, inspection, repair and maintenance of the subject services have been paid; and
- d. All requirements of the *Construction Lien Act* have been complied with to date and proof of expiration of liens under the *Construction Lien Act*.

### **Part 12: Insurance**

12.1 Prior to commencement of any Works, the Developer shall, at his sole expense, provide the City with a certified copy of the Developer's third party All Perils and Liability Insurance Policy naming the City as an additional insured in a form satisfactory to the City as follows:

- a. the policy is to be written on the comprehensive form including contractual liability and complete operations with an inclusive limit of five million dollars (\$5,000,000.00) bodily injury (including death) and property damage with a deductible not greater than five thousand dollars (\$5,000.00);
- b. the Liability Insurance Policy shall not contain any exclusions for damage to property, support of any property, building or land arising from the removal or weakening of support of any property, building or land whether such support be natural or otherwise and shall not contain an exclusion for blasting;
- c. the Standard Automobile Policy shall cover both owned and non-owned vehicles with inclusive limits of not less than two million dollars (\$2,000,000.00) bodily injury (including death) and property damage with a deductible not greater than one thousand dollars (\$1,000.00);
- d. excess umbrella liability coverage of two million dollars (\$2,000,000.00) for all risks included in (a) and (b) above shall be provided with a retained limit up to ten thousand dollars (\$10,000.00);
- e. "Cross Liability" and "Severability of Interest" clauses or endorsements shall be provided;
- f. an endorsement will be provided to the effect that the policy or policies will not be altered, cancelled or allowed to lapse without thirty (30) days prior written notice to the City from the insurer;

- g. the premium for the said policies shall be paid initially for a period of one (1) year and the policy shall be renewed for further one-year periods until all Works required under this Agreement are installed and assumed by the City;
- h. The policy of insurance shall not be construed as relieving the Developer from responsibility for the deductibles or other or larger claims, if any, for which the Developer or City may be held responsible;
- i. A certificate from the Workplace Safety Insurance Board certifying the contractor is in good standing with the Board; and
- j. Satisfactory evidence the developer, contractors, subcontractors and agents are qualified, experienced and has the equipment to successfully complete the Works.

### **Part 13: Default**

- 13.1 Upon breach by the Developer of any covenant, term, condition or requirement of this Agreement, any contract awarded for the Works or the approved Plans, or upon the Developer becoming insolvent or making any assignment for the benefit of creditors, the City, at its option, may declare the Developer to be in default. Notice of such default shall be given by the City, and if the Developer shall not remedy such default within such time as provided in the notice, the City may declare the Developer to be in Final Default under this Agreement and shall then forthwith give notice thereof to the Developer. Upon notice of default having been given, the City may require all work by the Developer, its servants, agents, independent contractors and subcontractors to cease (other than any work necessary to remedy such default) until such default shall have been remedied, and in the event of final default, may require all work as aforesaid to cease. Upon Final Default of the Developer, the City may, at its option, adopt or pursue any or all of the following remedies, but shall not be bound to do so:
- a. Enter upon the Lands, by its servants, agents and contractors and complete any work, service, repair or maintenance wholly or in part required herein to be done by the Developer, and collect the cost thereof from the Developer and/or enforce any security available to it;
  - b. Make any payment which ought to have been made by the Developer and upon demand collect the amount thereof from the Developer and/or enforce any security available to it;
  - c. Retain any sum of money heretofore paid by the Developer to the City, for any purpose, and apply the same in payment or part payment for any work which the City may undertake;
  - d. Assume any work or services whether the same have been completed or not, and thereafter the Developer shall have no claim or title thereto or remuneration thereof;
  - e. Bring action to compel specific performance of all or any part of this Agreement, or for damages or other relief or remedy; or
  - f. Exercise any other remedy granted to the City under the terms of this Agreement or available to the City in law or in equity.
- 13.2 The Developer shall be deemed to be in Final Default if:
- a. The City receives written notice from the Bank of its intention to not renew the Letter of Credit;
  - b. The Developer has not made provision for renewal at least thirty (30) days prior to the date of maturity of any Letter of Credit posted;



- c. The City receives written notice from the insurance company or the Developer's agent that any insurance policy filed by the Developer with the City is being altered, cancelled or allowed to lapse;
- d. The Developer has not made provision for renewal at least thirty (30) days prior to the date of expiry of any insurance policy.

#### **Part 14: Interpretation**

It is hereby agreed that in construing this Agreement the words “Developer” and the personal pronoun “he,” “it,” “his,” or “him” relating thereto and used therewith, shall be read and construed as “Developer or Developers”, and “he,” “she,” “it,” or “they,” “his,” hers,” “its,” or “their,” and “him,” “her,” “it,” or “them” respectively, as the number and gender of the Party or Parties referred to in each case require and the number of the verb agreeing therewith shall be construed as agreeing with the said word or pronoun so substituted.

**This Agreement** shall be binding upon the parties hereto and their respective successors and assigns.

**In Witness Whereof** the parties hereto have hereunto placed their respective hands and seals to these presents.

**Signed, Sealed, and Delivered** in the presence of:

)	2373775 Ontario Inc.
)	
)	_____
)	
)	
)	Print Name: _____
)	
)	_____
)	Witness
)	
)	
)	Print Name: _____
)	
)	THE CORPORATION OF THE
)	CITY OF TEMISKAMING SHORES
)	
)	_____
)	Carman Kidd, Mayor
)	
)	_____
)	David B. Treen, Clerk

**Schedule A**  
**Description of Lands**

PCL 7950 SEC NND; LT 5 PL M79NB DYMOND EXCEPT LT91023, PT 9 & 10 54R2668, PT 1 to 4 54R3075 S/T LT267120; TEMISKAMING SHORES, DISTRICT OF TIMISKAMING (PIN 61339-0217(LT))

PCL 4904 SEC SST; PT BLK C PL M79NB DYMOND AS IN LT58251 EXCEPT PT 4 to 8 54R2668, S/T LT267120; TEMISKAMING SHORES; DISTRICT OF TIMISKAMING

PCL 9064 SEC SST; PT BLK C PL M79NB DYMOND SRO AS IN LT90305 S/T LT61457; TEMISKAMING SHORES, DISTRICT OF TIMISKAMING (PIN 61339-0135(LT))

**Schedule B**  
**Lands Conveyed for Public Purposes**

The Developer shall, at its own expense, transfer title to the Corporation of the City of Temiskaming Shores, free and clear of all encumbrances, the following:

**TO BE ADDED ONCE R-PLAN IS DONE.**



**Schedule D**  
**Security and Financial Requirements**

Security will be required for:

10% of the cost estimate of final grading of the Lands as per Section 11.3 Letter of Credit Site Grading.

120% of the cost of asphalt topping as per Section 11.4 Letter of Credit Roadways.

## **Schedule E Special Provisions**

### **1. Environmental Liability:**

The Developer hereby agrees to indemnify and save harmless the City from and against any and all actions, causes of action, proceedings, claims, demands, orders, directives, costs and expenses (including without limitation legal costs on a solicitor and client basis and consultants costs) of every nature and kind which may be made against or incurred by the City of Temiskaming Shores, whether at law or in equity, directly or indirectly arising out of or relating in any way to any contamination of or within the Lands, including but not limited to such portions of the Lands conveyed in any way to the City, or migrating at any time from said Lands or portions thereof conveyed to the City, and the remediation thereof.

### **2. Approvals:**

- a. All servicing system designs, Plans and specifications must be approved in writing by the Director of Public Works prior to execution of this Agreement by the City and/or commencing construction of any of the Works, whichever event shall first occur.
- b. The Developer must obtain Ministry of Environment Certificates of Approval for the servicing systems prior to execution of this Agreement by the City and/or commencing construction of any of the Works, whichever event shall first occur.
- c. The Storm Water Management Report, including the engineering submission, Erosion and Sediment Control Plan for the development and the Site Grading Plan, must be approved in writing by the City.

### **3. Street and Traffic Signs:**

The Developer shall erect and maintain temporary traffic signs and such other traffic control devices to the satisfaction of the Director of Public Works during the construction period.

### **4. Tenders and Contracts:**

It is acknowledged that the City does not require the Developer to call tenders for the Works. However, any contract documents that the Developer accepts for the Works may be subject to review and approval by the Director of Public Works.

### **5. Setbacks:**

The Developer shall not store any construction equipment or materials within the required setbacks from the high water mark as established by By-law 2018-154.

### **6. Species at Risk:**

- a. The Developer shall protect possible turtle nesting sites through the installation of exclusion fencing around any stockpiles of sand, soil or other fill materials. When stockpiles of sand, soil or other fill material are present on site exclusion fencing must be installed by May 1 of every year and must be maintained and in proper working condition for the duration of the turtle active season (May 1-September 30 of every year).
- b. The Developer shall ensure compliance with the Endangered Species Act, 2007 and its associated regulations.

**Schedule F**  
**Cost Sharing Agreement – By-law 2018-113**

**The Corporation of the City of Temiskaming Shores**

**By-law No. 2018-113**

**Being a by-law to enter into a Cost Sharing Agreement with  
2373775 Ontario Inc. for the upgrading of the sanitary sewer  
system associated with the Beach Garden Development**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to responds to municipal issues;

**And whereas** under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;


**And whereas** under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;


**And whereas** Council considered Memo No. 023-2018-CS at the July 10, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to enter into a Cost Sharing Agreement with 2373775 Ontario Inc. for the upgrading of the sanitary sewer system associated with the Beach Gardens Development for consideration at the July 10, 2018 Regular Council meeting;

**Now therefore** the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council authorizes the entering into a Cost Sharing Agreement with 2373775 Ontario Inc. for the upgrading of the sanitary sewer system that traverses the proposed development, a copy of which is attached hereto as Schedule "A" and forming part of this by-law;
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

**Read a first, second and third time and finally passed this 10<sup>th</sup> day of July, 2018.**

  
Mayor – Carman Kidd

  
Clerk – David B. Treen





Schedule "A" to

**By-law No. 2018-113**

Cost Sharing Agreement with 2373775 Ontario Inc.

## **COST SHARING AGREEMENT**

**THIS AGREEMENT** is made this 28 day of June, 2018

**BETWEEN:**

**THE CORPORATION OF THE CITY OF TEMISKAMING SHORES**

325 Farr Drive, Box 2050, Haileybury, Ontario P0J 1K0

(hereinafter referred to as the "City")

**OF THE FIRST PART**

-and-

**2373775 ONTARIO INC.**

46 Lakeshore Road, Box 1551, New Liskeard, Ontario P0J 1P0

**OF THE SECOND PART**

**WITNESS THAT:**

**WHEREAS, 2373775 ONTARIO INC.**

wishes to develop the property legally described as that in Schedule "A" (the "Lands") and informally known as and hereinafter referred to as the "Beach Garden" property (the "Development").

**AND WHEREAS** antecedent to entering into a development agreement with the City, 2373775 Ontario Inc. wishes to upgrade the sanitary sewer which traverses the Development.

**AND WHEREAS** the City and 2373775 Ontario Inc. have agreed to enter into the within cost sharing agreement for the payment of the costs of the required upgrades to the sewer main as outlined by EXP Services Inc. in its Beach Gardens – Preliminary Site Servicing and Design Brief dated March 8, 2018 which is attached as Schedule "C" (the "Exp Report") and in accordance with the Environmental Compliance Approval No.1355-9NCGPW dated August 29, 2014 which is attached as Schedule "D" (the "ECA");

**AND WHEREAS** the City has agreed to contribute the aggregate sum of EIGHTY THOUSAND DOLLARS (\$80,000.00) to the upgrading of the sanitary sewer.

**NOW THEREFORE THIS AGREEMENT WITNESSES** that in consideration of the promises and the covenants herein contained, the Parties hereto hereby mutually agree as follows:

1. 2373775 Ontario Inc. . will perform and complete the installation of new sanitary sewer (the "Sewer Upgrade Project") to service the Development exactly in accordance with the specifications set out in the EXP Report, the ECA, all existing laws including municipal by-laws, requirements of the City and at the direction of the City, and subject to 2373775 Ontario Inc entering into an agreement with Hydro One with respect to their portion of the project
2. The Parties understand and agree that the Sewer Upgrade Project includes the detailed design, engineering, and construction including management, labour and materials required to upgrade the existing 200 mm sanitary sewer main to a 250 mm sewer main. The sewer main to be upgraded originates south of Radley Hill Road in the City of Temiskaming Shores and stretches across the Development by way of an easement bearing instrument number LT267120 set out in the attached Schedule "B" (the "Easement Lands").
3. The Sewer Upgrade Project shall be consistent with and integrated into the existing sanitary sewer system of the City and all adjoining properties in accordance with existing laws including municipal by-laws, the EXP Report, the ECA and the requirements of the City.
4. The Sewer Upgrade Project shall be consistent with and contain sufficient capacity to accommodate a multi-unit development of the Development up to a maximum of twenty-one (21) units as outlined in Schedule "C" and in accordance with existing laws including municipal by-laws, the EXP Report, the ECA and the requirements of the City.
5. Nothing in this agreement shall be construed so as to prevent or preclude 2373775 Ontario Inc. from undertaking such parallel, preparatory installations as may be deemed advisable which may include but not be limited to water, gas or hydro installations in contemplation of future development, provided that all such installations are completed in accordance with all existing laws including municipal by-laws, requirements of the City and at the direction of the City.
6. The parties hereto agree that time shall be of the essence with respect to the completion of this agreement and the Sewer Upgrade Project shall in any event be completed by no later than December 31<sup>st</sup>, 2018.
7. That the City shall pay to 2373775 Ontario Inc. the aggregate sum of EIGHTY THOUSAND DOLLARS (\$80,000.00) (the "City Contribution") within fifteen days of the completion, inspection and acceptance by the City of the Sewer

Upgrade Project. The City shall not incur any expense for the development of the Lands in excess of the City Contribution.

8. 2373775 Ontario Inc. shall obtain prior to the commencement of any construction, and shall maintain and keep in force, a policy of insurance against claims for personal injury, death or property damage or third party or public liability claims arising from any accident or occurrence upon, on or about the Lands and from any cause, including the risks occasioned by the construction and installation of the Sewer Upgrade Project and to an amount of not less than \$5,000,000.00.
9. The aforesaid insurance policy shall also insure against loss and damage to the Sewer Upgrade Project with respect to fire and all other perils from time to time customarily included in the usual extended coverage endorsements upon fire policies applicable to similar properties for the full insurable value.
10. 2373775 Ontario Inc. shall indemnify and save harmless and defend the City against any and all claims, actions, damages, losses, liabilities and expenses which may arise directly or indirectly by reason of the completion of the Sewer Upgrade Project occasioned wholly or in part by any act or omission of 2373775 Ontario Inc., its officers, employees, agents, contractors, invitees, licensees or by any person permitted by 2373775 Ontario Inc., to attend at or work on the Sewer Upgrade Project or due to or arising out of any breach of this Agreement. The Parties agree and acknowledge that the within clause applies only to the design and construction of the Sewer Upgrade Project and not to the operation and maintenance of the main by the City.
11. No approval of the design drawings and working drawings, including without limitation the design drawings in respect of the Sewer Upgrade Project shall make the City or its officers, servants or agents liable to 2373775 Ontario Inc. for the safety, adequacy, soundness or sufficiency of such design or construction, nor shall the giving of such approval constitute a waiver by the City of any duty or liability owed by 2373775 Ontario Inc. to the City, its officers, servants or agents by reason of this Agreement or otherwise.
12. Where the work of 2373775 Ontario Inc. is subject to the approval or review of an authority, government department, or agency other than the City, preparation of applications for approval or review shall be the responsibility of 2373775 Ontario Inc. but shall be subject to the review and approval of the City prior to submission.
13. The Sewer Upgrade Project and all related improvements are, and shall be, a fixture upon the Easement Lands and shall, upon installation, immediately become the absolute property of the City.

14. If 2373775 Ontario Inc. fail or refuse for any reason to comply with any requirements of this Agreement, 2373775 Ontario Inc. shall be in default of this Agreement and the City may, on ten (10) days notice, require 2373775 Ontario Inc. to remedy the default, failing which the City may, without further notice and without prejudice to any other rights and remedies available to it, do such things and perform such work as is necessary to rectify the default. Any actions taken or work performed by the City to rectify the default shall be done as an agent for 2373775 Ontario Inc. and at the cost of 2373775 Ontario Inc.
15. If any section, clause or provision of this Agreement is for any reason declared by a Court of competent jurisdiction to be invalid, the same shall not affect the validity of the Agreement as a whole or any part thereof, other than the section, clause, or provision so declared to be invalid and it is hereby declared to be the intention that all the remaining sections, clauses or provisions of this Agreement shall remain in full force and effect, notwithstanding that one or more provisions thereof shall be declared to be invalid.
16. The failure of the City to enforce at any time any of the provisions of this Agreement or any of its rights in respect thereto or to insist upon strict adherence to any term of this Agreement shall not be considered to be a waiver of such provision, right or term or in any way to affect the validity of this Agreement or deprive the City of the right thereafter to insist upon strict adherence to that term or any other term of this Agreement. The exercise of any right under this Agreement shall not preclude or prejudice the City from exercising any other right it may have under this Agreement, irrespective of any previous action or proceeding taken by it hereunder.
17. This Agreement shall enure to the benefit of and be binding upon the personal representatives, successors and assigns of the parties.
18. This Agreement shall be governed by the laws of the Province of Ontario and the laws of Canada applicable herein.


Next page signing page

IN WITNESS HEREOF, the Parties have hereunto executed the Cost Sharing Agreement by the hands of their authorized officers.

DATED this            day of June, 2018 at the City of Temiskaming Shores.

  
Witness:

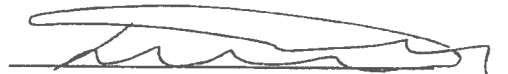
The Corporation of the City of  
Temiskaming Shores

per:   
Carman Kidd - Mayor  
I have the authority to bind the corporation


  
Witness:

The Corporation of the City of  
Temiskaming Shores

per:   
David B. Treen- Municipal Clerk  
I have the authority to bind the corporation

  
Witness:

2373775 Ontario Inc.

per:   
Patrick Rivard - Vice President  
I have the authority to bind the corporation

**Schedule "A" - Legal Description of Development Lands**

PCL 7950 SEC NND; LT 5 PL M79NB DYMOND EXCEPT LT91023, PT 9 & 10 54R2668, PT1 to 4 54R3075 S/T LT267120; TEMISKAMING SHORES, DISTRICT OF TIMISKAMING (PIN 61339-0217 (LT)

PCL 4904 SEC SST; PT BLK C PL M79NB DYMOND AS IN LT58251 EXCEPT PT 4 to 855R2668, S/T LT267120; TEMISKAMING SHORES; DISTRICT OF TIMISKAMING

PCL9064 SEC SST; PT BLK C PL M79NB DYMOND SRO AS IN LT90305 S/T LT61457TEMISKAMING SHORES, DISTRICT OF TIMISKAMING (PIN 61339-0135 (LT)

Schedule "B" – Easement - Instrument No. LT267120

Schedule "C" – EXP Services Inc.: Beach Gardens – Preliminary Site Servicing and Design Brief

Schedule "D" - Environmental Compliance Approval No.1355-9NCGPW









# Transfer/Deed of Land

Form 1 - Land Registration Reform Act, 1984

SCHEDULE D

<div>267120</div> <div>JAN 16 P 3 08</div> <div>CERTIFICATE OF RECEIPT</div> <div>CERTIFICAT DE RECÉPissé</div> <div>NEW PROPERTY IDENTIFIERS</div> <div>EXEMPTIONS</div> <div>NIL</div>		(1) Registry <input type="checkbox"/> Land Titles <input checked="" type="checkbox"/>	(2) Page 1 of 4 pages
		(3) Property Identifier(s) Block Property	Additional See Schedule <input type="checkbox"/>
		(4) Consideration TWO DOLLARS 00/100 Dollars \$ 2.00	
		(5) Description This is a: Property Division <input type="checkbox"/> Property Consolidation <input type="checkbox"/> Parcel 4904 SST Part of Block C, Plan M-79 (NB) Designated as Part 2 on 54R-1614 Parcel 7950 NND Part of Lot 5, Plan M-79 (NB) Designated as Part 1 on 54R-3578 Municipality of New Liskeard The lands to be benefitted by this easement is the Head Office of the Transferee.	
(6) This Document Contains	(a) Redescription New Easement Plan/Sketch <input type="checkbox"/>	(b) Schedule for: Description <input type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input checked="" type="checkbox"/>	(7) Interest/estate Transferred Fee Simple Easement
(8) Transferor(s) The transferor hereby transfers the land to the transferee and certifies that the transferor is at least eighteen years old and that I am not a spouse.			
Name(s) WHITE, Elizabeth Ann		Signature(s) Elizabeth Ann White	Date of Signature 1999/04/19
(9) Spouse(s) of Transferor(s) I hereby consent to this transaction			
Name(s)		Signature(s)	Date of Signature Y M D
(10) Transferor(s) Address for Service Box 583, New Liskeard, Ontario P0J 1P0			
(11) Transferee(s)			
Name(s) THE CORPORATION OF THE TOWN OF NEW LISKEARD		Signature(s)	Date of Signature Y M D
(12) Transferee(s) Address for Service Box 730, New Liskeard, Ontario P0J 1P0			
(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 49 of the Planning Act, 1983.			
Signature		Date of Signature Y M D	Signature
Solicitor for Transferor(s) I have explained the effect of section 49 of the Planning Act, 1983 to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing.			
Name and Address of Solicitor		Signature	Date of Signature Y M D
(14) Solicitor for Transferee(s) I have investigated the title to this land and to adjoining land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 49 (21a) (c) (i) of the Planning Act, 1983 and that to the best of my knowledge and belief this transfer does not contravene section 49 of the Planning Act 1983. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.			
Name and Address of Solicitor		Signature	Date of Signature Y M D
(15) Assessment Roll Number of Property 54 18 000 008 07700		Fees and Tax Registration Fee 25.00 Land Transfer Tax 0 Cent x 1 3.00 Total	
(16) Municipal Address of Property 415 Lakeshore Road New Liskeard, Ontario P0J 1P0		(17) Document Prepared by: Theodore R. Byck Byck, Hoyles & Grant Box 760, New Liskeard, Ontario P0J 1P0 /MC	



Based Property Identification and/or Other Information

PROVISIONS OF EASEMENTS

For the servants, agents, contractors, and workmen of and other persons duly authorized by the Corporation, at all times and from time to time to pass and repass with all plant, machinery, material, vehicles and equipment as may be necessary to enter and lay down, install, construct, maintain, open, inspect, add to, alter, repair and keep in good condition, remove, replace, relocate, reconstruct, supplement and operate one or more water mains or any part thereof, including all appurtenances necessary or incidental thereto, on, in, across, under and through the aforesaid lands (herein called the "strip") owned by the Transferor in perpetuity.

Upon completion of the aforesaid water main or mains or of any installation, replacement, inspection, repair, alteration, or removal work subsequent thereto, the Town shall fill in all excavations in the said strip replacing the top-soil and sub-soil in the correct sequence and as far as possible, restore the surface thereof to the same condition as that in which it was found prior to the commencement of the work and shall remove all equipment and rubbish.

The Transferor shall not excavate, drill, install, erect, build or permit to be excavated, drilled, installed, erected or build on, in, over, through, or under the said strip any pit, well, pavement, building, structure, or other obstruction of any nature whatsoever without the prior written consent of the Town, except nothing in this paragraph shall prevent the Transferor from paving with asphalt and repairing any existing routes of access to and through her property, but otherwise the Transferor shall have the right fully to use and enjoy the said strip subject always to and so as not to interfere with the rights and easements herein granted.

The transferor only is to keep the said strip clear of all brush, trees and other obstructions of any nature whatsoever as may be necessary to the exercise and for the enjoyment of the rights and easements herein granted in perpetuity, but this paragraph shall not prevent the Transferor from using the strip for growing market garden crops.

The Transferor shall be responsible for any damage to the property of the Town caused directly or indirectly by the acts or omissions of the Transferor or of persons acting under the authority of the Transferor.

Notwithstanding any rule of law or equity, the water main or mains and all other equipment and appurtenances brought on to, laid on or erected upon, buried in or under the said strip by the Town notwithstanding the same may be annexed or affixed to the freehold and shall at any time and from time to time be removable in whole or in part by the Town or its successors and assigns.

The rights and easements hereby granted are and shall be of the same force and effect to all intents and purposes as a covenant running with the land and this transfer, including all covenants and conditions herein contained, shall extend to and be binding upon and enure to the benefit of the heirs, executors, administrators, successors in title and assigns of the parties hereto respectively and all covenants herein contained shall be construed to be several as well as joint.

The Transferee covenants with the Transferor that if the Transferor shall have suffered damages resulting from the exercise by the Transferee of the right, liberty, privilege and easement herein granted, conveyed and transferred, including any damage to cultivated crops or pavement, the Transferee shall make due compensation to the Transferor for any such damages, and, if compensation is not agreed upon by the parties hereto, it shall be determined pursuant to the provisions of the Arbitrations Act of Ontario, or any Act passed in amendment thereof or substitution therefor by the award of a majority of three arbitrators, named one by the Transferor, one appointed by the Transferee and the third to be selected by the two thus chosen within seven days after their

FOR OFFICE  
USE ONLY



Material Property Identifier(s) and/or Other Information

PROVISIONS OF EASEMENTS - continued

appointment. The decision of a majority of these arbitrators shall be final and binding on the parties hereto without any right of appeal and costs for the arbitration proceedings shall be in the discretion of the arbitrators. If either party fails to name its arbitrator expeditiously, the arbitrator named by the other party may fix the compensation for the damages and costs for the arbitration and his award shall be final and binding on the parties hereto without any right of appeal.

FOR OFFICIAL  
USE ONLY



Form 1 - Land Transfer Tax Act  
Affidavit of Residence and of Value of the Consideration  
Refer to all instructions on reverse side.

Revised August, 1985  
Page 4

THE MATTER OF THE CONVEYANCE OF (insert brief description of land) Parcel 4904 SST, Part of Block C, Plan 79(NB), Designated as Part 2 on 54R-1614. Parcel 7950 NND, Part of Lot 5, Plan M-79 (NB) Designated as Part 1 on 54R-3578  
BY (give names of all transferees in full) ELIZABETH ANN WHITE

TO (see instruction 1 and print names of all transferees in full) THE CORPORATION OF THE TOWN OF NEW LISKEARD

1. (see instruction 2 and print name(s) in full) THEODORE R. BYCK

MAKE OATH AND SAY THAT:

1. I am (give a check mark within the square opposite the one of the following paragraphs that describes the capacity of the deponent(s): (see instruction 3))

- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;  
☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;  
☐ (c) A transferee named in the above-described conveyance;  
☒ (d) The authorized agent or solicitor acting in this transaction for (insert name(s) of principal(s)) THE CORPORATION OF THE TOWN OF NEW LISKEARD

described in paragraph 66, 66, (c) above; (give not references to inapplicable paragraphs)

☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for (insert name(s) of corporation(s))

described in paragraph(s) (a), (b), (c) above; (give not references to inapplicable paragraphs)

☐ (f) A transferee described in paragraph ( ) (insert only one of paragraphs (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on behalf of (insert name of spouse) who is my spouse described

in paragraph ( ) (insert only one of paragraphs (a), (b) or (c) above, as applicable) and as such, I have personal knowledge of the facts herein deposed to.

2. (To be completed where the value of the consideration for the conveyance exceeds \$250,000.)

I have read and considered the definition of "single family residence" set out in clause 1(1)(a) of the Act. The land conveyed in the above-described conveyance

☐ contains at least one and not more than two single family residences.

☐ does not contain a single family residence.

☐ contains more than two single family residences. (see instruction 3)

Note: Clause 2(1) (d) imposes an additional tax at the rate of one-half of one per cent upon the value of consideration in excess of \$250,000 where the conveyance contains at least one and not more than two single family residences.

3. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1(1)(f) and (g) of the Act and each of the following persons to whom or in trust for whom the land is being conveyed in the above-described conveyance is a "non-resident corporation" or a "non-resident person" as set out in the Act. (see instructions 4 and 5) None

4. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

(a) Monies paid or to be paid in cash	\$ 2.00	
(b) Mortgages (i) Assumed (above principal and interest to be credited against purchase price)	\$ nil	
(ii) Given back to vendor	\$ nil	
(c) Property transferred in exchange (detail below)	\$ nil	
(d) Securities transferred to the value of (detail below)	\$ nil	
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$ nil	
(f) Other valuable consideration subject to land transfer tax (detail below)	\$ nil	
(g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX (Total of (a) to (f))	\$ 2.00	\$ 2.00
(h) VALUE OF ALL CHATTELS - Items of tangible personal property (insert below Tax is payable on the value of all chattels unless exempt under the provisions of the "Retail Sales Tax Act", R.S.O. 1980, c.464, as amended)	\$ nil	
(i) Other consideration for transaction not included in (g) or (h) above	\$ nil	
(j) TOTAL CONSIDERATION	\$ 2.00	

All Items  
Must Be  
Filed in  
Insert "M"  
Where  
Applicable.

5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 6)

See #7.

6. If the consideration is nominal, is the land subject to any encumbrances? No.

7. Other remarks and explanations, if necessary. This instrument conveys only an easement. If encumbrances exist they are not being assumed by the Transferee/Grantee. The total consideration is as set out above.

Sworn before me at the Town of New Liskeard,

In the District of Timiskaming

this 16th day of JANUARY 19 86

*J. Macdonald*  
A Commissioner for taking Affidavits, etc.

*J. Macdonald*  
District of Timiskaming, for Byck & Grant,  
Solicitors and Counselors - Expires April 24, 1987

*T. Byck*  
THEODORE R. BYCK

Property Information Record

A. Describe nature of instrument Transfer of Easement

B. (i) Address of property being conveyed (if available)

415 Lakeshore Road, New Liskeard, Ontario POJ 1P0

(ii) Assessment Roll No. (if available) 54-18-000-008-07700

C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed (see instruction 7)  
Box 583, New Liskeard, Ontario POJ 1P0

D. (i) Registration number for last conveyance of property being conveyed (if available)

(ii) Legal description of property conveyed Same as in D.(i) above.

Yes ☐ No ☒ Not known ☐

E. Name(s) and address(es) of each transferor's solicitor

Theodore R. Byck  
BYCK, HOYLES & GRANT  
Box 760,  
New Liskeard, Ontario  
POJ 1P0  
/sja

For Land Registry Office use only

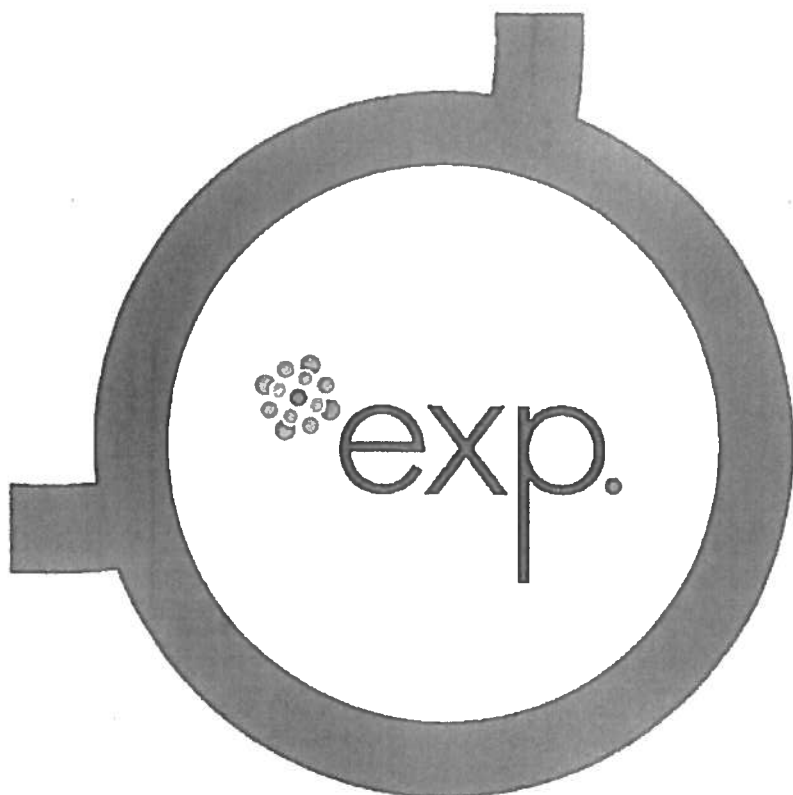
REGISTRATION NO.

Land Registry Office No.

Registration Date







## **Beach Gardens - Preliminary Site Servicing and Design Brief**

**Type of Document:**  
Cost Sharing Proposal

**Client:**  
Rivard Bros  
46 Lakeshore Rd N  
New Liskeard, ON P0J 1P0

**Project Number:**  
NWL-01801006

**Prepared By:** Alexander O'Beirn, EIT  
**Reviewed By:** Nolan Dombroski, P.Eng.

EXP Services Inc.  
310 Whitewood Avenue West  
New Liskeard, ON P0J 1P0

**Date Submitted:**  
March 8, 2018

## Beach Gardens - Preliminary Site Servicing and Design Brief

Type of Document:  
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Client:  
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46 Lakeshore Rd N  
New Liskeard, ON P0J 1P0

Project Number:  
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Prepared By:  
EXP  
310 Whitewood Avenue West  
New Liskeard, ON P0J 1P0  
Canada  
T: 705 647-4311  
www.exp.com



Alexander O'Beirn, EIT  
Project Manager  
Infrastructure Services

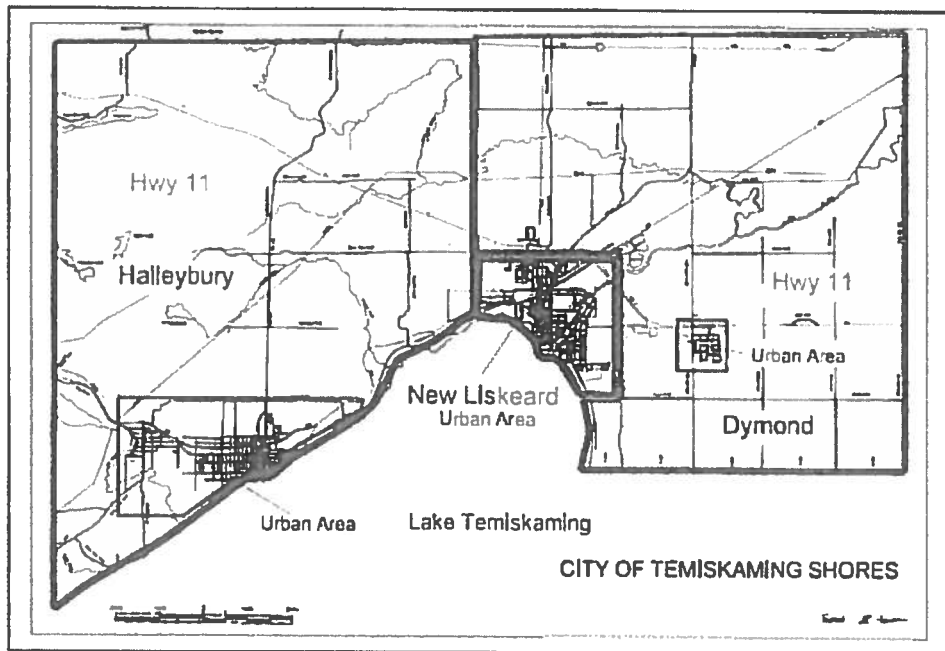


Nolan Dombroski, P.Eng.  
Infrastructure Manager – New Liskeard  
Infrastructure Services

Date Submitted:  
March 8, 2018

## 1 Introduction

This letter has been prepared by EXP Services Inc. (EXP) on the account of Rivard Bros to outline the lot servicing requirements and propose a cost sharing arrangement. The purpose of this submission relates to the installation of new sanitary sewers, and watermain to service a proposed new development in New Liskeard. ECA #1355-9NCGPW was previously obtained to upgrade approximately 774 m of trunk sanitary sewer on the property and immediately downstream of the proposed development.



Map 1 – Temiskaming Shores (Halleybury, New Liskeard, Dymond)

## 2 Project Background

### Beach Gardens Development

The proposed Beach Gardens Development site is bound on the west by Lakeshore Road, on the east by Lake Temiskaming. It is located to the south of the residences along the south side of Beach Boulevard in the community of New Liskeard. The property is legally described as Part of Lot 5 and Part of Block C (Pins 61339-0129, 61339-0127 & 613390135) on Registered Plan M-79 NB, in the City of Temiskaming Shores.

The site is situated in an area of low relief and, at one time, was used as a tent & trailer park as well as a commercial vegetable garden. Surrounding land use is residential on all but the East side of the property, which abuts Lake Temiskaming. There is a 6m wide easement running north to south across the middle of the property, within which there is an existing 150 mm diameter watermain (partially, two dead ends are located on the property), and an existing 200 mm diameter sanitary sewer main. This infrastructure currently services residential properties to the south of the proposed development.

The proposed development will consist of two townhouse structures, each containing four (4) units for a total of eight (8) townhouse dwellings. There will also be two (2) single family residences constructed on this property as part of the development, for a total of ten (10) dwelling units.

## 3 Authorization Required/Project Contacts

**Proponent Representative:** Doug Walsh  
Manager of Public Works  
City of Temiskaming Shores  
325 Farr Drive  
PO Box 2050  
Halleybury, Ontario, P0J 1K0

**Design Engineer:** Nolan Dombroski, P. Eng.  
EXP Services Inc.  
310 Whitewood Ave. W.,  
P.O. Box 1208,  
New Liskeard, Ontario, P0J 1P0  
nolan.dombroski@exp.com

## 4 Project Description

Please use the supplied design drawings in conjunction with the descriptions below.

### 4.1 Description of Proposed Sanitary Sewer

The new development will be serviced by approximately 148 meters of 250 mm diameter sanitary service line, as well as 10 meters of 200 mm diameter sanitary service line, that includes the replacement of two (2) 1200 mm diameter manholes. The ECA mentioned above covers the proposed scope of work for the portion of sanitary sewers on the property. The ECA will have to be amended in the future if the downstream sewer is not upgraded.

### 4.2 Pre-development Conditions

The existing site consists of mainly grassy field areas with varying elevation as well as small lengths of gravel and asphalt roads. The current topography is not designed to manage stormwater runoff.

### 4.3 Runoff Coefficient

The surface material and topography both influence how an area handles the movement of stormwater flows. The effect of these influences is measured using a runoff coefficient. This runoff coefficient represents the ratio of the depth of runoff to the depth of rainfall in an area. This means that an impermeable surface, such as pavement, will have a higher runoff coefficient as it does not allow water to penetrate the surface, resulting in higher runoff flows. The runoff coefficient for various surfaces are as follows:

- Grass: 0.20
- Pavement: 0.90
- Roofs: 0.90

The pre-development runoff coefficient for the site is 0.20 and the pre-development runoff flow is 68.5 L/s.

### 4.4 Stormwater Management System

The allowable release rate for the site is limited to the 10-year pre-development flow using a time concentration of 27.2 minutes and  $C = 0.20$ .

As a result of the changes onsite, the overall post-development runoff coefficient will increase over existing conditions. The increase in runoff will be the result of changes due to site development (ie: additional hard surfaces, roof areas and hard landscaping). Storm water runoff rate is proposed to be managed by a combination of ditches, swales, grading, rock flow check dams and culverts. Detailed stormwater management design to be completed in the final design stage.

Lots will be graded to direct overland flows into nearby ditches and swales. The road will be graded to allow water to drain to the west side of the site into a ditch along the road; this will prevent sheet flow from occurring at this location. From the ditch, the water will flow through a culvert to the east side of the road.

Ditches will run from the road easterly towards Lake Temiskaming. The ditches will transition into a swale, which will widen out and have reduced slope. It is proposed to use rock flow check dam downstream of the swale which will be designed to attenuate flows to the pre-development levels and outlet to Lake Temiskaming. There will be five (5) ditches with this configuration running from the roadway to Lake Temiskaming, located adjacent to each building.

The post-development runoff coefficient for the developed site is 0.36, which is slightly higher than pre-development conditions. The 10-year post-development runoff flow is 136.5 L/s. This runoff will be controlled to pre-development levels once the stormwater management design is completed.

## 5 Servicing

The proposed development will consist of ten (10) lots designed for residential use. All lots will be connected to the proposed 200 mm dia. sanitary sewer and proposed watermain through an easement on the Beach Gardens property.

### 5.1 Sanitary Servicing

EXP has analyzed the impact of the ten (10) dwellings on the current downstream sanitary sewage collection system. The analysis revealed that the existing sanitary sewage system is capable of conveying the additional flows.

### 5.2 Watermain Servicing

The proposed development will draw water from the existing watermain network located to the east of Lakeshore Road. The watermain is currently capped on both the north and south side of the Beach Gardens property. The watermain for the development would be connected to these two capped ends.

The proposed development will draw water from the New Liskeard water distribution system. This system currently services approximately 4800 people, with water from two wells located at the McCamus Water Treatment Plant. The New Liskeard distribution system cannot be operated to exceed a maximum flow rate of 7,865 m<sup>3</sup>/day (OCWA 2016 Annual Report). The maximum flow in 2016 was 7,144 m<sup>3</sup>/day, leaving 721 m<sup>3</sup>/day of available capacity. Using the sewage flows above, the additional theoretical water demand generated in average conditions by the proposed new development is estimated to be 10.37 m<sup>3</sup>/day. During maximum daily usage periods, the demand generated by the proposed development is estimated to be 98.50 m<sup>3</sup>/day, which equates to a revised estimated maximum daily water demand of 7243 m<sup>3</sup>/day for the New Liskeard system.

The domestic water demands are estimated below, utilizing parameters from the GDWS. The following summarizes the parameters used.

- Average daily water consumption = 350 L/person/day
- Number of residents = 30 (from GDWS, Table 3-3)
- Maximum Day Factor = 9.5 x Avg. Day (from GDWS, Table 3-3)
- Maximum Hour Factor = 14.3 x Avg. Day (from GDWS, Table 3-3)

The average, maximum day and peak hour domestic (residential) demands for the building are as follows:

- Average Day =  $350 \times 30 / 86,400 \text{ sec/day} = 0.12 \text{ L/sec}$
- Maximum Day =  $9.5 \times 0.12 = 1.14 \text{ L/sec}$
- Peak Hour =  $14.3 \times 0.12 = 1.72 \text{ L/sec}$

Based on the water model completed for the New Liskeard Water Linking Project, it is expected that the water system servicing the site has adequate pressure and flow to meet the peak hour and maximum day plus fire flows.



## 6 Cost Sharing

Rivard Bros is proposing to enter into a cost-sharing agreement with the City of Temiskaming Shores. The proposed infrastructure would result in several benefits for the City including the elimination of watermain dead ends, replacing a deteriorated sanitary pipe and a new and improved access to a sanitary manhole.

Currently, the watermain near Beach Gardens has two dead ends; one on each side of the property. Developing Beach Gardens property would result in these two dead ends being looped. The connection will eliminate flushing requirements at both dead ends, and result in a more robust potable water distribution system.

The existing sanitary pipe in an easement on the Beach Gardens property is old and deteriorated. Developing Beach Gardens will result in this section of deteriorated pipe being replaced with a PVC pipe. This alleviates concerns of replacing this pipe in the near future at full expense to the City.

There is currently a sanitary manhole located on the easement in the Beach Gardens property. This manhole is difficult to access due to the lack of roadway access. Constructing a road to service the new Beach Gardens Development will provide the City with reliable access to service this manhole. In addition, constructing a road will create a single point access to the Beach Gardens property, therefore eliminating multiple entrances onto Lakeshore Road.

It can be seen that there are benefits to the City through the infrastructure work to be completed for the Beach Gardens development. Cost sharing will provide the above noted benefits to the City at a fraction of the cost that would otherwise be incurred if the City was to obtain these benefits by their own means. The attached spreadsheet (Appendix A) outlines Rivard Bros proposed cost sharing breakdown.

We appreciate the time the City has taken to review this proposal and look forward to hearing from you.

EXP Services Inc.

Rivard Bros  
Beach Gardens  
NWL-01801006  
March 8, 2018

## **Appendix A – Cost Sharing Breakdown**



**Preliminary Construction Cost Estimate - Rivard Brothers Beach Gardens Roadway, Watermain, and Sanitary Sewer**

**A). Road Component**

Item	Description	Unit	Quantity	Unit Price	Total	Requested Municipal Contribution	Requested Municipal Funding
A1	Earth Excavation, Road	m <sup>3</sup>	2,690	\$ 12.00	\$ 32,280.00	50%	\$ 16,140.00
A2	Superpave 12.5 (50mm, One Lift)	m <sup>2</sup>	240	\$ 250.00	\$ 60,000.00	50%	\$ 30,000.00
A3	Granular A	m <sup>2</sup>	1,070	\$ 18.00	\$ 19,260.00	50%	\$ 9,630.00
A4	Granular B Type I	m <sup>2</sup>	4,400	\$ 12.00	\$ 52,800.00	50%	\$ 26,400.00
A5	Select Subgrade Material, Road	m <sup>3</sup>	640	\$ 12.00	\$ 7,680.00	50%	\$ 3,840.00
A6	Traffic control signing	LS	100%	\$ 4,000.00	\$ 4,000.00	50%	\$ 2,000.00
A7	800 mm dia. CSP Pipe Culvert	m	20	\$ 350.00	\$ 7,000.00	50%	\$ 3,500.00
A8	Pipe Subdrains	m	400	\$ 30.00	\$ 12,000.00	50%	\$ 6,000.00
<b>Sub-Total Road Component</b>							<b>\$ 97,510.00</b>

**B). Wastewater Component**

Item	Description	Unit	Quantity	Unit Price	Total	Requested Municipal Contribution	Requested Municipal Funding
B1	200 mm dia. Pipe Sanitary Sewer	m	10	\$ 350.00	\$ 3,500.00	80%	\$ 2,800.00
B2	250 mm dia. Pipe Sanitary Sewer	m	148	\$ 400.00	\$ 59,200.00	80%	\$ 47,360.00
B3	300 mm dia. Pipe San Sewers, Gravity	ea.	10	\$ 2,000.00	\$ 20,000.00	0%	\$ -
B4	1200 mm diameter maintenance holes	ea.	2	\$ 6,500.00	\$ 13,000.00	80%	\$ 10,400.00
B5	Removal of pipe culverts and sewers	m	178	\$ 30.00	\$ 5,340.00	80%	\$ 4,272.00
B6	Removal of sanitary maintenance holes	ea.	2	\$ 500.00	\$ 1,000.00	80%	\$ 800.00
<b>Sub-Total Wastewater Component</b>							<b>\$ 64,432.00</b>

**C). Water Component**

Item	Description	Unit	Quantity	Unit Price	Total	Requested Municipal Contribution	Requested Municipal Funding
C1	150 mm dia. PVC Watermain	m	144.5	\$ 350.00	\$ 50,575.00	73%	\$ 36,913.75
C2	Connections to existing watermain	ea.	2	\$ 4,000.00	\$ 8,000.00	73%	\$ 5,840.00
C3	Hydrant Sets (incl. valves and leads)	ea.	1	\$ 7,000.00	\$ 7,000.00	73%	\$ 5,110.00
C4	150 mm dia. Valve and box	ea.	2	\$ 1,200.00	\$ 2,400.00	73%	\$ 1,752.00
C5	25 mm dia. Water screws	ea.	10	\$ 2,000.00	\$ 20,000.00	0%	\$ -
C6	Corrosion protection of metallic watermain fittings and service piping	LS	100%	\$ 4,000.00	\$ 4,000.00	73%	\$ 2,920.00
<b>Sub-Total Water Component</b>							<b>\$ 52,441.75</b>

**D). Provisional Items**

Item	Description	Unit	Quantity	Unit Price	Total	Requested Municipal Contribution	Requested Municipal Funding
D1	Clearstone sub-bedding (Prov. Item)	m <sup>3</sup>	65	\$ 40.00	\$ 2,600.00	0%	\$ -
D2	Select Subgrade Material (compacted) (Prov. Item)	m <sup>3</sup>	65	\$ 20.00	\$ 1,300.00	0%	\$ -
D3	Extra depth roadway and trench excavation (Prov. Item)	m <sup>3</sup>	130	\$ 10.00	\$ 1,300.00	0%	\$ -
<b>Sub-Total Lot Grading</b>							<b>\$ -</b>

<b>Total Project</b>		<b>Rivard Bros. Contribution</b>	<b>Requested Municipal Contribution</b>
Sub-Total	\$ 392,735.00	\$ 237,161.50	\$ 214,483.75
Contingency (15%)	\$ 58,910.250	53%	47%
<b>Total</b>	<b>\$ 451,645.25</b>		





Ministry of the Environment  
Ministère de l'Environnement

---

**ENVIRONMENTAL COMPLIANCE APPROVAL**

NUMBER 1355-9NCGPW

Issue Date: August 29, 2014

The Corporation of the City of Temiskaming Shores  
Post Office Box, No. 2050  
Haileybury, Ontario  
P0J 1K0

Site Location: Beach Gardens Trunk Sanitary Sewers Upgrades  
City of Temiskaming Shores, District of Temiskaming

*You have applied under section 20.2 of Part II.1 of the Environmental Protection Act, R.S.O. 1990, c. E. 19 (Environmental Protection Act) for approval of:*

sanitary sewers to be constructed as part of the Beach Gardens Trunk Sanitary Sewers Upgrades, in the City of Temiskaming Shores, District of Temiskaming, as follows:

sanitary sewers within the Easement (from the southern boundary line of the Beach Gardens site, approximately 45 metres to the east of Lakeshore Road heading north for approximately 223 metres to Beach Boulevard) and on Municipal Land (from Beach Boulevard heading northeast for approximately 402 metres to Melville Street and from Melville Street heading northeast for approximately 152 metres to Montgomery Avenue), discharging to the existing Montgomery Sanitary Sewage Pumping Station;

all in accordance with the application dated January 23, 2014 and received on January 27, 2014, including final plans and specifications prepared by exp Services Inc.

*For the purpose of this environmental compliance approval, the following definitions apply:*

1. "Approval" means this Environmental Compliance Approval and any Schedules to it, including the application and supporting documentation;
2. "Director" means any Ministry employee appointed by the Minister pursuant to section 5 of the Part II.1 of the Environmental Protection Act;
3. "Ministry" means the Ontario Ministry of the Environment;
4. "Owner" means The Corporation of the City of Temiskaming Shores, and includes its successors

and assignees;

5. "Water Supervisor" means the Water Supervisor of the North Bay District Office of the Ministry;  
and
6. "Works" means the sewage works described in the Owner's application, this Approval and in the supporting documentation referred to herein, to the extent approved by this Approval.

*You are hereby notified that this environmental compliance approval is issued to you subject to the terms and conditions outlined below:*

## **TERMS AND CONDITIONS**

### **1. GENERAL PROVISIONS**

- 1.1 The Owner shall ensure that any person authorized to carry out work on or operate any aspect of the Works is notified of this Approval and the conditions herein and shall take all reasonable measures to ensure any such person complies with the same.
- 1.2 Except as otherwise provided by these Conditions, the Owner shall design, build, install, operate and maintain the Works in accordance with the description given in this Approval, the application for approval of the Works and the submitted supporting documents and plans and specifications as listed in this Approval.
- 1.3 Where there is a conflict between a provision of any submitted document referred to in this Approval and the Conditions of this Approval, the Conditions in this Approval shall take precedence, and where there is a conflict between the listed submitted documents, the document bearing the most recent date shall prevail.
- 1.4 Where there is a conflict between the listed submitted documents, and the application, the application shall take precedence unless it is clear that the purpose of the document was to amend the application.
- 1.5 The requirements of this Approval are severable. If any requirement of this Approval, or the application of any requirement of this Approval to any circumstance, is held invalid or unenforceable, the application of such requirement to other circumstances and the remainder of this Approval shall not be affected thereby.

### **2. EXPIRY OF APPROVAL**

The approval issued by this Approval will cease to apply to those parts of the Works which have not been constructed within five (5) years of the date of this Approval.

### **3. CHANGE OF OWNER**

3.1 The Owner shall notify the Water Supervisor and the Director, in writing, of any of the following changes within thirty (30) days of the change occurring:

- (a) change of Owner;
- (b) change of address of the Owner;
- (c) change of partners where the Owner is or at any time becomes a partnership, and a copy of the most recent declaration filed under the Business Names Act, R.S.O. 1990, c.B17 shall be included in the notification to the Water Supervisor; and
- (d) change of name of the corporation where the Owner is or at any time becomes a corporation, and a copy of the most current information filed under the Corporations Information Act, R.S.O. 1990, c. C39 shall be included in the notification to the Water Supervisor.

*The reasons for the imposition of these terms and conditions are as follows:*

- 1. Condition 1 is imposed to ensure that the Works are built and operated in the manner in which they were described for review and upon which Approval was granted. This Condition is also included to emphasize the precedence of Conditions in the Approval and the practice that the Approval is based on the most current document, if several conflicting documents are submitted for review. The Condition also advises the Owners their responsibility to notify any person they authorized to carry out work pursuant to this Approval of the existence of this Approval.
- 2. Condition 2 is included to ensure that, when the Works are constructed, the Works will meet the standards that apply at the time of construction to ensure the ongoing protection of the environment.
- 3. Condition 3 is included to ensure that the Ministry records are kept accurate and current with respect to approved Works and to ensure that subsequent owners of the Works are made aware of the Approval and continue to operate the Works in compliance with it.

*In accordance with Section 139 of the Environmental Protection Act, you may by written Notice served upon me and the Environmental Review Tribunal within 15 days after receipt of this Notice, require a hearing by the Tribunal. Section 142 of the Environmental Protection Act provides that the Notice requiring the hearing shall state:*

- 1. The portions of the environmental compliance approval or each term or condition in the environmental compliance approval in respect of which the hearing is required, and;
- 2. The grounds on which you intend to rely at the hearing in relation to each portion appealed.

*The Notice should also include:*

- 3. The name of the appellant;

4. The address of the appellant;
5. The environmental compliance approval number;
6. The date of the environmental compliance approval;
7. The name of the Director, and;
8. The municipality or municipalities within which the project is to be engaged in.

*And the Notice should be signed and dated by the appellant.*

*This Notice must be served upon:*

The Secretary\*  
Environmental Review Tribunal  
655 Bay Street, Suite 1500  
Toronto, Ontario  
M5G 1E5

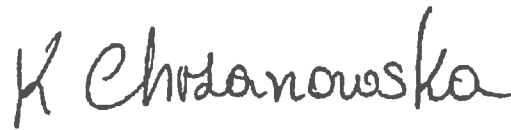
AND

The Director appointed for the purposes of  
Part II.1 of the Environmental Protection Act  
Ministry of the Environment  
2 St. Clair Avenue West, Floor 12A  
Toronto, Ontario  
M4V 1L5

\* Further information on the Environmental Review Tribunal's requirements for an appeal can be obtained directly from the Tribunal at: Tel: (416) 212-6349, Fax: (416) 314-3717 or [www.ert.gov.on.ca](http://www.ert.gov.on.ca)

*The above noted activity is approved under s.20.3 of Part II.1 of the Environmental Protection Act.*

DATED AT TORONTO this 29th day of August, 2014



---

Katrina Chrzanowska, P.Eng.  
Director  
appointed for the purposes of Part II.1 of the  
*Environmental Protection Act*

RU/

- c: Area Manager, MOE North Bay District Office
- c: DWMD Supervisor, MOE North Bay District Office
- H. James Hawken, exp Services Inc.

# **The Corporation of the City of Temiskaming Shores**

## **By-law No. 2019-016**

### **Being a by-law to enter into an agreement with Pedersen Construction (2013) Inc. for the rental of an Excavator complete with Operator for Water Break repairs at various locations within the City of Temiskaming Shores**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**And whereas** under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** Council considered Administrative Report No. PW-038-2018 at the December 18, 2018 Regular Council meeting and directed staff to prepare the necessary by-law to enter into an agreement with Pedersen Construction (2013) Inc. for the rental of an Excavator complete with Operator for Water Break repairs for consideration at the December 18, 2018 Regular Council meeting;

**Now therefore** the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council authorizes the entering into an agreement with Pedersen Construction (2013) Inc. for the rental of an Excavator complete with Operator for Water Break repairs at various locations in the City of Temiskaming Shores, a copy of which is attached hereto as Schedule "A" and forming part of this by-law;
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

---

Mayor – Carman Kidd

---

Clerk – David B. Treen





Schedule “A” to

## **By-law 2019-016**

Agreement between

**The Corporation of the City of Temiskaming Shores**

and

**Pedersen Construction (2013) Inc.**

for the rental of an Excavator for Water Break repairs

**This agreement** made in duplicate this 18<sup>th</sup> day of December, 2018.

Between:

**The Corporation of the City of Temiskaming Shores**  
(hereinafter called "the Owner")

and

**Pedersen Construction (2013) Inc.**  
(hereinafter called "the Contractor")

Witnesseth:

That the Owner and the Contractor shall undertake and agree as follows:

**Article I:**

The Contractor will:

- a) Provide all material and perform all work described in the Contract Documents entitled:

**Corporation of the City of Temiskaming Shores  
Equipment Rental – Excavator c/w Operator for Water Break Repairs  
Tender No. PW-RFQ-010-2018**

- b) Do and fulfill everything indicated by this Agreement and in the Contract Documents attached hereto as Appendix 01 and forming part of this agreement; and
- c) Complete, as certified by the Director, all the work by **December 31<sup>st</sup>, 2020.**

**Article II:**

The Owner will:

- a) Pay the Contractor in lawful money of Canada for the material and services aforesaid **at hourly rates plus applicable taxes** subject to additions and deductions as follows:

**Float Cost:** Regular Work Hours - \$135/hr

**All Other Hours - \$175/hr**

**Breaker Attachment:** Regular Work Hours - \$225/hr

**All Other Hours - \$265/hr**

**Excavator Working Time:** Regular Work Hours - \$130/hr

**All Other Hours - \$170/hr**

- b) Make payment on account thereof upon delivery and completion of the said work and receipt of invoice, in accordance with the City of Temiskaming Shores Purchasing Policy, and with terms of Net 30 days after receiving such invoice.

**Article IV:**

All communications in writing between the parties, or between them and the Engineer shall be deemed to have been received by the addressee if delivered to the individual or to a member of the firm or to an officer of the Owner for whom they are intended or if sent by hand, Canada Post, courier, facsimile or by another electronic communication where, during or after the transmission of the communication, no indication or notice of a failure or suspension of transmission has been communicated to the sender. For deliveries by courier or by hand, delivery shall be deemed to have been received on the date of delivery; by Canada Post, 5 days after the date on which it was mailed. A communication sent by facsimile or by electronic communication with no indication of failure or suspension of delivery, shall be deemed to have been received at the opening of business on the next day, unless the next day is not a working day for the recipient, in which case it shall be deemed to have been received on the next working day of the recipient at the opening of business.

The Contractor:

**Pedersen Construction (20130 Inc.**  
P.O. Box 2409  
New Liskeard, Ontario  
P0J 1P0

The Owner:

**City of Temiskaming Shores**  
P.O. Box 2050 / 325 Farr Drive  
Haileybury, Ontario  
P0J 1K0

**Remainder of Page left blank Intentionally**

In witness whereof the parties have executed this Agreement the day and year first above written.

Signed and Sealed in )  
the presence of )

Contractor's Seal )  
(if applicable) )

Municipal Seal )

**Pedersen Construction (2013) Inc.**

\_\_\_\_\_  
President – Karl Pedersen

\_\_\_\_\_  
Witness

Name: \_\_\_\_\_

Title: \_\_\_\_\_

**Corporation of the City of  
Temiskaming Shores**

\_\_\_\_\_  
Mayor – Carman Kidd

\_\_\_\_\_  
Clerk – David B. Treen



Appendix 01 to  
Schedule "A" to

**By-law No. 2019-016**

Form of Agreement



**City of Temiskaming Shores**  
**PWO-RFQ-010-2018**  
 Equipment Rental – Excavator

**Form of Quotation**

Each Quotation should contain the legal name under which the Bidder carries on business, telephone number and fax number, mailing address as well the name or names of appropriate contact personnel which the City may consult regarding the Quotation.

We, the undersigned, have carefully examined the attached documents and conditions of the Quotation.

We, the undersigned, understand and accept those specifications, conditions, and details as described herein, and, for these rates/prices offer to furnish all equipment, labour, apparatus and documentation as are required to satisfy this Quotation.

*NOTE: All portions of "Form of Quotation" must be accurately and completely filled out.*

Item	Description	Make, Model and Operating Weight	Unit	Daytime Rate Monday-Friday	After hour Rate Nights/Stat Holiday/Weekend
1	Float time	Mack	Hour	\$135.00	\$175.00
2	Work Time including breaker attachment	Cat 320D 21,000 kg	Hour	\$225.00	\$265.00
3	Excavation Time	11	Hour	\$130.00	\$170.00

Pricing shall exclude applicable taxes but will be considered extra.




## City of Temiskaming Shores

## PWO-RFQ-010-2018

## Equipment Rental – Excavator

## Form of Quotation

All hourly rates offered in this Quotation are firm, irrevocable and open for acceptance by the City for a period of sixty (60) days. The City will not reimburse any Bidder for any cost or expense of any kind incurred in preparation or submission of any response to this Request for Quotation.

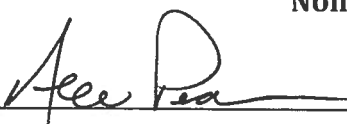
Company Name Pedersen Construction (2013) Inc.	Contact name (please print) Alec Pedersen
Mailing Address P.O. Box 2409 New Liskeard, Ontario P0J 1P0	Postal Code P0J 1P0
Authorizing Signature  "I have the authority to bind the company/corporation/partnership."	Title Secretary Treasurer
Telephone 705-647-6223	Fax 705-647-8851
Cell Phone if available 705-647-2707	Date December 11, 2018
Email address for Contact Person apedersen@pedersenconstruction.ca	

This is page 2 of 7 to be submitted



**City of Temiskaming Shores**  
**PWO-RFQ-010-2018**  
Equipment Rental – Excavator

**Non Collusion Affidavit**

I/ We  the undersigned am fully informed respecting the preparation and contents of the attached quotation and of all pertinent circumstances respecting such bid.

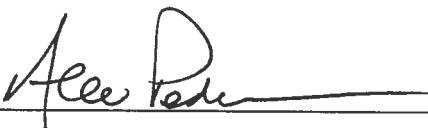
Such bid is genuine and is not a collusive or sham bid.

Neither the bidder nor any of its officers, partners, owners, agents, representatives, employees or parties of interest, including this affiant, has in any way colluded, conspired, connived or agreed directly or indirectly with any other Bidder, firm or person to submit a collective or sham bid in connection with the work for which the attached bid has been submitted nor has it in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other bidder, firm or person to fix the price or prices in the attached bid or of any other Bidder, or to fix any overhead, profit or cost element of the bid price or the price of any bidder, or to secure through any collusion, conspiracy, connivance or unlawful agreement any advantage against the City of Temiskaming Shores or any person interested in the proposed bid.

The price or prices quoted in the attached bid are fair and proper and not tainted by any collusion, conspiracy, connivance or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

The bid, quotation or Tender of any person, company, corporation or organization that does attempt to influence the outcome of any City purchasing or disposal process will be disqualified, and the person, company, corporation or organization may be subject to exclusion or suspension.

Signed



Company Name

Pedersen Construction (2013) Inc.

Title

Secretary Treasurer





**City of Temiskaming Shores  
PWO-RFQ-010-2018**

Equipment Rental – Excavator

**Conflict of Interest Declaration**

Please check appropriate response:

- ☒ I/we hereby confirm that there is not nor was there any actual or perceived conflict of interest in our quotation submission or performing/providing the Goods/Services required by the Agreement.
- ☐ The following is a list of situations, each of which may be a conflict of interest, or appears as potentially a conflict of interest in our Company's quotation submission or the contractual obligations under the Agreement.

List Situations:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

In making this quotation submission, our Company has / has no *(strike out inapplicable portion)* knowledge of or the ability to avail ourselves of confidential information of the City (other than confidential information which may have been disclosed by the City in the normal course of the quotation process) and the confidential information was relevant to the Work/Services, their pricing or quotation evaluation process.

Dated at New Liskeard this 11th day of December, 2018.

FIRM NAME:

Pedersen Construction (2013) Inc.

BIDDER'S AUTHORIZED OFFICIAL:

Alec Pedersen

TITLE:

Secretary Treasurer

SIGNATURE:

Alec Pedersen

This is page 4 of 7 to be submitted

**City of Temiskaming Shores  
Schedule "A"****List of proposed Operators**

A list of no less than two (2) operators that the Contractor proposes to employ in completing the required work outlined in this Quotation must be included in the Quotation documents submitted.

Operator	Experience Describe graduate training/ years as Operator	Employee Status Full Time/Part time
Oscar Vinette	15 years	Full Time
Bob Jibb	25 years	Full Time
David Dufresne	30 years	Full Time.

I / We verify that the information provided above is accurate and that the individuals are qualified, experienced operators capable of completing the work outlined in this Quotation document.

Signed by Company Official

Alec Pedersen  
Printed

Alec Pedersen  
Signed

**City of Temiskaming Shores  
Schedule "B"****List of Proposed Sub-Contractors**

A list of Sub-Contractors that the Contractor proposes to employ in completing the required work outlined in this Quotation must be included in the Quotation documents submitted.

The Contractor shall not show "Own Forces" in their list of proposed Subcontractors, except where the Bidder's intent is to employ the Bidder's own qualified on-staff personnel to perform such work.

The Contractor shall not indicate "TBD" (To Be Determined) or "TBA" (To Be Announced) or similar wording and shall not indicate multiple choices of Subcontractor names

One Subcontractor name shall be indicated for each Subcontractor category.

No names, either of Subcontractors or "Own Forces" may be changed after submission of the list of proposed Subcontractors unless prior written approval is received from the City

Should the Bidder indicate "N/A" (not applicable), "None", "Own Forces" or imply by either non completion or omission of this form, that no Sub-Contractor will be used in the execution of this agreement, It is then understood that the City will make no allowance for, nor shall any Sub-Contractors shall be allowed to perform any part of this agreement.

Name	Address	WSIB Certificate Number (copy attached)
Pedersen Const		E2000008BT3N

I / We verify that the information provided above is accurate and that the individuals are qualified, experienced operators capable of completing the work outlined in this Quotation document.

Signed by Company Official

Alex Pedersen  
Printed

Alex R  
Signed

This is page 6 of 7 to be submitted

**City of Temiskaming Shores  
Schedule "C"****Accessibility for Ontarians with Disabilities Act, 2005 Compliance Agreement**

I/We, by our signature below, certify that we are in full compliance with Section 6 of Ontario Regulation 429/07, Accessibility Standards for Customer Service made under the *Accessibility for Ontarians with Disabilities Act, 2005*. If requested, we are able to provide written proof that all employees have been trained as required under the act.

This regulation establishes accessibility standards for customer service as it applies to every designated public sector organization and to every person or organization that provides goods or services to members of the public or other third parties and that have at least one employee in Ontario.

Name Alec Pedersen Company Name Pedersen Construction (2013) Inc.  
Phone Number 705-647-6223 Address 177246 Bedard Road  
New Liskeard

I, Alec Pedersen, declare that I, or my company, are in full compliance with Section 6 of Ontario Regulation 429/07, Accessibility Standards for Customer Service under the *Accessibility for Ontarians with Disabilities Act, 2005*.

I, \_\_\_\_\_, declare that I, or my company, are not in full compliance with Section 6 of Ontario Regulation 429/07, Accessibility Standards for Customer Service under the *Accessibility for Ontarians with Disabilities Act, 2005*, yet fully agree to meet the required compliance training standards on or before the delivery of the required goods and/or services. In an effort to assist non-compliant vendors, a link to a free e-learning course module called Serve-Ability, Transforming Ontario's Customer Service is available at [www.gov.on.ca/mcss/serve-ability/splash.html](http://www.gov.on.ca/mcss/serve-ability/splash.html).

Date: December 11, 2018

Clearance Certificate / Certificat de décharge

Contractor Legal / Trade Name / Appellation commerciale ou raison sociale de l'entrepreneur	Contractor Address / Adresse de l'entrepreneur	Contractor Classification Unit and Description / Unité de classification de l'entrepreneur et description	Principal Legal / Trade Name / Appellation commerciale ou raison sociale de l'entrepreneur principal	Principal Address / Adresse de l'entrepreneur principal	Clearance certificate number / Numéro du certificat de décharge	Validity period (dd-mm- yyyy) / Période de validité (jj/mm/aaaa)
PEDERSEN CONSTRUCTION (2013) INC.	PO BOX 2409, C/O HEATHER BRAZEAU, NEW LISKEARD, ON, POJ1P0, CA	1000-010: Non- Exempt Partners and Executive Officers in Rate Group 748 4224-001: Concrete Finishing 3551-000: Ready-Mix Concrete Operations 4122-000: Waterworks and Sewage Systems 4211-001: Wrecking and Structural Demolition 4222-002: Form Work (Low- Rise) 4231-000: Masonry Operations 4121-001: Highways, Streets, and Small Bridges 4591-001: Highway, Street, and Bridge Maintenance	THE CORPORATION OF THE CITY OF TEMISKAMING SHORES / CITY OF TEMISKAMING SHORES	PO BOX 2050, HAILEYBURY, ON, POJ1K0, CA	E200000FC3Q N	28-Nov-2018 to 19-May-2019

# **The Corporation of the City of Temiskaming Shores**

## **By-law No. 2019-017**

### **Being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Regular meeting held on December 18, 2018**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

**And whereas** under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

**And whereas** under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

**And whereas** it is the desire of the Council of The Corporation of the City of Temiskaming Shores to confirm proceedings and By-laws;

**Now therefore** the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the actions of the Council at its Regular meeting held on **December 18, 2018** with respect to each recommendation, by-law and resolution and other action passed and taken or direction given by Council at its said meeting, is, except where the prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.
2. That the Mayor, or in his absence the presiding officer of Council, and the proper officials of the municipality are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor, or in his absence the presiding officer, and the Clerk are hereby directed to execute all documents required by statute to be executed by them, as may be necessary in that behalf and to affix the corporate seal of the municipality to all such documents.

**Read a first, second and third time and finally passed** this 18<sup>th</sup> day of December, 2018.

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Mayor – Carman Kidd

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Clerk – David B. Treen