



**The Corporation of the City of Temiskaming Shores**  
**Regular Meeting of Council**  
**Tuesday, September 21, 2021 – 6:00 p.m.**  
**City Hall – Council Chambers – 325 Farr Drive**

---

**Agenda**

**Land Acknowledgement**

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

**Draft Resolution**

Moved by: Councillor  
Seconded by: Councillor

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 Resolution**

Moved by: Councillor  
Seconded by: Councillor

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

- a) Regular Meeting of Council – September 7, 2021; and
- b) Special Meeting of Council – September 14, 2021.

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

- a) Zoning By-law Amendment (ZBA-2021-06)

**Owner:** Rudolf and Candace Tobler

**Agent:** William R. Ramsay, Ramsay Law Office Professional Corporation

**Subject Land:** West side of Sales Barn Road; Dymond Concession 4, North Part of Lot 12, Parcel 15244SST

**Purpose of the application:** To add a site-specific exception to the A1 Zone to prohibit future residential use and to recognize a reduced lot area for the subject property.

**8. Question and Answer Period**

**9. Presentations / Delegations**

None

**10. Communications**

- a) Larry and Marlene Welch, Residents

**Re:** Request to Purchase Municipal Land

**Reference:** Referred to the Municipal Clerk to process in accordance with the City's Disposition of Land By-law No. 2015-160

- b) Karine Pelletier, Clerk-Treasurer – Township of McGarry

**Re:** Support Resolution – Testing for Prostate Cancer

**Reference:** Received for Information

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

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

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

None

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

None

**13. Reports by Members of Council**

**14. Notice of Motions**

**15. New Business**

**a) January to August 2021 Year-to-Date Capital Financial Report**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt the January to August 2021 Year-to-Date Capital Financial Report for information purposes.

**b) Memo No. 032-2021-CS – Road Assumption – Clover Valley Road**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo 032-2021-CS; and

That Council directs staff to prepare the necessary by-law to dedicate a portion of Clover Valley Road as a highway, for public use within the City of Temiskaming Shores for consideration at the September 21, 2021 Regular Council meeting.

**c) Administrative Report CS-034-2021 – Alternative Voting Methods – 2022 Municipal Election**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-034-2021;

That Council endorse the use of a hybrid system using internet and telephone voting and optical scan vote tabulators with paper ballots, for the 2022 Municipal Elections, as set out in Administrative Report No. CS-034-2021; and

That Council directs staff to release a Request for Proposal for Alternative Voting System Services for the 2022 Municipal Election.

**d) Administrative Report CS-035-2021 – Sale of Municipal Property being Part of Laneway and Part of Ethel Street to Richard and Judith Walsh**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-035-2021;

That Council directs staff to continue with the disposition of municipal road allowances, being:



- a. part of a lane between Lots 138-139, and 156-157, on Plan M54NB, described as Part 2 on Plan 54R-6223, and
- b. part of Ethel Street, described as Part 1 on Plan 54R-6223;

in accordance with By-law No. 2015-160; and

That Council directs staff to prepare the necessary by-laws to Stop and Close the above-described road allowances, and to enter into an Offer of Purchase and Agreement between the City of Temiskaming Shores as Vendor, and Richard and Judith Walsh as Purchaser for the above-described road allowances, in the amount of \$500 plus taxes (if applicable) per lane, plus all associated costs (legal, registration, administration, etc.) in accordance with By-law No. 2015-160, for consideration at the September 21, 2021 Regular Council meeting.

**e) Administrative Report CS-036-2021 – Sale of Municipal Land (Parcel on Firstbrook Line Road) to Fredric and Carmen MacKewn**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-036-2021; and

That Council directs staff to prepare the necessary by-law to enter into an Offer of Purchase and Agreement between the City of Temiskaming Shores as Vendor, and Fredric and Carmen MacKewn as Purchaser for a vacant parcel described as BUCKE CON 4 S PT LOT 1 PCL 5447NND, in the amount of \$25,000, plus taxes (if applicable), and all associated costs (appraisal, legal, registration, administration, etc.) in accordance with By-law No. 2015-160, for consideration at the September 21, 2021 Regular Council meeting.

**f) Fire Prevention Week Proclamation**

Whereas the City of Temiskaming Shores is committed to ensuring the safety and security of all those living in and visiting Temiskaming Shores; and

Whereas fire is a serious public safety concern both locally and nationally, and homes are the locations where people are at greatest risk from fire; and

Whereas smoke alarms detect smoke well before you can, alerting you to danger in the event of fire in which you may have just seconds to escape safely; and

Whereas working smoke alarms save lives by providing early warning of fire so you and your family can safely escape; and

Whereas Temiskaming Shores residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond; and

Whereas residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

Whereas Temiskaming Shores residents will make sure their smoke and carbon monoxide alarms meet the needs of all their family members, including those with sensory or physical disabilities; and

Whereas Temiskaming Shores first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and public fire safety education; and

Whereas Temiskaming Shores residents are responsive to public education measures and are able to take personal steps to increase their safety from fire, especially in their homes; and

Whereas the 2021 Fire Prevention Week theme, “Learn the Sounds of Fire Safety”, effectively serves to remind us it is important to learn the different sounds of smoke and carbon monoxide alarms.

Now therefore be it resolved that the Council for the City of Temiskaming Shores hereby proclaims October 3<sup>rd</sup> to 9<sup>th</sup>, 2021, as Fire Prevention Week, and urges all residents to “Learn the Sounds of Fire Safety”; and

Further that residents be encouraged to support public safety activities and efforts of Temiskaming Shores fire and emergency services during Fire Prevention Week.

**g) Memo No. 003-2021-PPP – Renewal of Emergency Fire Call Response System Agreement**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 003-2021-PPP;

That Council hereby agrees to a five-year agreement renewal with the Corporation of the City of Timmins for the provision of a Twenty-Four (24) hour Emergency Fire Call Response System subject to the conditions as outlined in Appendix 01; and

That Council directs staff to prepare the necessary by-law to enter into an Agreement with The Corporation of the City of Timmins for the provision of a Twenty-Four (24) hour Emergency Fire Call Response System for consideration at the September 21, 2021 Regular Council meeting.

**h) Memo No. 018-2021-PW – Investing in Canada Infrastructure Program (ICIP) – Green Stream 2nd Intake (Submission Update)**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 018-2021-PW for information purposes.

**i) Memo No. 019-2021-PW – Blue Box Transition Ad-Hoc Committee**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 019-2021-PW;

That Council approves the establishment of Temiskaming Shores (Ad Hoc) Blue Box Transition Committee; and

That Council directs staff to prepare the necessary by-law to amend By-law No. 2019-001 for the Appointment of Council Representatives to various Boards & Committees, to appoint Mayor Kidd, Councillor Jelly and Councillor Whalen as Committee representatives on the Temiskaming Shores (Ad Hoc) Blue Box Transition Committee, for consideration at the September 21, 2021 Regular Council meeting.

**j) Memo No. 012-2021-RS – Recreation Facilities Proof of COVID-19 Vaccination Policy**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 012-2021-RS;

That Council directs staff to prepare the necessary by-law to adopt the Recreation Facilities Proof of COVID-19 Vaccination Policy for consideration at the September 21, 2021 Regular Council meeting.

**16. By-laws**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that:

- |                     |  |
|---------------------|--|
| By-law No. 2021-130 | Being a by-law to adopt a COVID-19 Vaccination Policy for the City of Temiskaming Shores   |
| By-law No. 2021-131 | Being a by-law for the assumption of a Highway for public use (Portions of Clover Valley Road)   |
| By-law No. 2021-132 | Being a by-law to Stop up and Close a Highway – Part of Lane, being legally described as Part 2 on Plan 54R-6223   |
| By-law No. 2021-133 | Being a by-law to Stop up and Close a Highway – Part of Ethel Street, being legally described as Part 1 on Plan 54R-6223   |
| By-law No. 2021-134 | Being a by-law to authorize the Sale of Land for a Portion of a Lane, described as Part 2 on Plan 54R-6223 to Richard Walsh and Judith Walsh   |
| By-law No. 2021-135 | Being a by-law to authorize the Sale of Land for a Portion of Ethel Street, described as Part 1 on Plan 54R-6223 to Richard Walsh and Judith Walsh   |
| By-law No. 2021-136 | Being a by-law to authorize the Sale of Land described as BUCKE CON 4 S PT LOT 1 PCL 5447NND to Fredric MacKewn and Carmen Mackewn   |
| By-law No. 2021-137 | Being a by-law to amend By-law No. 2015-015, as amended being a by-law to enter into an agreement with the Corporation of the City of Timmins for the provision of a Twenty-Four (24) hour Emergency Fire Call Response System |
| By-law No. 2021-138 | Being a by-law to amend By-law No. 2019-001 (Appointment of Council Representatives to various Boards and  |

Committees – Temiskaming Shores Ad Hoc Blue Box Transition Committee)

By-law No. 2021-139 Being a by-law to adopt a Recreation Facilities Proof of COVID-19 Vaccination Policy for the City of Temiskaming Shores

be hereby introduced and given first and second reading.

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that:

By-law No. 2021-130;	By-law No. 2021-135;
By-law No. 2021-131;	By-law No. 2021-136;
By-law No. 2021-132;	By-law No. 2021-137;
By-law No. 2021-133;	By-law No. 2021-138; and
By-law No. 2021-134;	By-law No. 2021-139;

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, October 5, 2021 at 6:00 p.m.
- b) Regular – Tuesday, October 19, 2021 at 6:00 p.m.

**18. Question and Answer Period**

**19. Closed Session**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

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

- a) Adoption of the September 7, 2021 and the September 14, 2021 – Closed Session Minutes;
- b) Section 239(2)(b) of the Municipal Act, 2001 – Personal matter (identifiable individual) – Memo No. 011-2021-RS – Amend Members of the Age Friendly Committee; and
- c) Section 239(2)(b) of the Municipal Act, 2001 – Personal matter (identifiable individual) – Labour Relations.

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

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

**20. Confirming By-law**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that By-law No. 2021-140 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 **September 14, 2021**, and for its Regular meeting held on **September 21, 2021**, be hereby introduced and given first and second reading.

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that By-law No. 2021-140 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

**21. Adjournment**

Draft Resolution

Moved by: Councillor

Seconded by: Councillor

Be it resolved that Council hereby adjourns its meeting at \_\_\_\_\_ p.m.



**The Corporation of the City of Temiskaming Shores**  
**Regular Meeting of Council**  
**Tuesday, September 7, 2021 – 6:00 p.m.**  
**City Hall – Council Chambers – 325 Farr Drive**

---

**Minutes**

**1. Call to Order**

The meeting was called to order by Mayor 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: Logan Belanger, Clerk  
Christopher Oslund, City Manager  
Kelly Conlin, Deputy Clerk  
Mathew Bahm, Director of Recreation  
Brad Hearn, IT Administrator  
Steve Burnett, Manager of Environmental Services  
Mitch Lafreniere, Manager of Transportation Services

Regrets: N/A

Media: 1, Blake Christie, CJTT

Members of the Public: 11

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

None

**4. Approval of Agenda**

Resolution No. 2021-340

Moved by: Councillor Laferriere

Seconded by: Councillor McArthur

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

**Carried**

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

Mayor Kidd declared a Conflict of Pecuniary Interest related to **Section 19 – Closed Session, Item e) related to the Integrity Commissioner**, as he is the subject of an ongoing proceeding related to a decision of the Integrity Commissioner on a Conflict-of-Interest Complaint Report.

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

Resolution No. 2021-341

Moved by: Councillor Jelly

Seconded by: Councillor Foley

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

- a) Committee of the Whole Meeting – August 10, 2021; and
- b) Regular Meeting of Council – August 10, 2021.

**Carried**

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

- a) Potential Disposition of Land

**Applicant:** Cobalt Camp Refinery Ltd. (subsidiary of First Cobalt Corp.)

**Property:** Various Parcels and Unopened Roads and Lanes on Plan M-147 NB



**Purpose:** The Applicant is interested in acquiring the subject properties and Unopened Roads to support their operation of the Refinery facility

Mayor Kidd outlined that the purpose of this public meeting is to present to Council and the public details related to proposed disposition of land.

The meeting also allows the public to provide comments on the proposed disposition prior to Council making a decision.

Mayor Kidd declared that this to be an open public meeting and requested the Clerk, Logan Belanger to outline the details of the proposed disposition.

Municipal Clerk Logan Belanger, utilizing PowerPoint, outlined the background related to the proposed disposition, and the subject property/ immediate area was illustrated using an aerial photograph. No formal/written comments were received prior to the public meeting noting objections to the proposed sale.

Notice of the public meeting was provided in accordance with the City's disposition of land By-law No. 2015-160, through posting on the City's website and in the City Bulletin.

Municipal staff comments were reviewed related to the Zoning and Official Plan designations, as well as comments for two known Mining Hazard Constraints. If a development is proposed on the subject lands in the future, the proponent would need to consult with the City and depending on the nature of the proposal additional information and/or studies may be required.

Next steps would include an appraisal to determine the fair market value of the land, seeking additional information regarding the mining hazards, an administrative report to Council recommending the adoption of a stop up and closure by-law for the various road allowances, a purchase and sale agreement and the adoption of a deeming by-law.

Mayor Kidd stated that if there are any members of the public wanting to speak to this issue to input their comments into the chat box or to submit by email. The Director of Corporate Services indicated no comments were received.

Mayor Kidd inquired if there were any comments from members of Council, and Councillor Laferriere inquired about the volume of material transported and the impact on municipal roadways. Hayden Fiset, Representative of First Cobalt indicated that there could be upwards of three (3) tri-axle loads of material per day hauled from the facility. The Manager of Transportation will engage in further discussion with the company.

Mayor Kidd declared that this public meeting is closed, and Council will give due consideration to the application.

b) Potential Disposition of Land

**Applicant:** Hazel and Maurice Pleau

**Property:** Portion of Second Street and Portion of Fourth Street

**Purpose:** The applicant owns land adjacent to Second Street and Fourth Street (unopened road allowances), and is seeking to acquire the subject properties to have contiguous property ownership for continued residential use

Mayor Kidd outlined that the purpose of this public meeting is to present to Council and the public details related to proposed disposition of land.

The meeting also allows the public to provide comments on the proposed disposition prior to Council making a decision.

Mayor Kidd declared that this to be an open public meeting and requested the Clerk, Logan Belanger to outline the details of the proposed disposition.

Municipal Clerk Logan Belanger, utilizing PowerPoint, outlined the background related to the proposed disposition, and the subject property/ immediate area was illustrated using an aerial photograph. The Clerk noted that a survey would be required to legally describe the lands for transfer, and the survey would determine whether an existing fence, owned by a neighbouring property owner is within the road allowance. The City sought legal advice, and if the fence is found to be on municipal land, could disclose this detail and sell the land on an as is, where is basis. The matter was reviewed at the Corporate Services Committee meeting on July 28, 2021, and the Committee supported this approach. No comments were received prior to the public meeting noting objections to the proposed sale.

Notice of the public meeting was provided in accordance with the City's disposition of land By-law No. 2015-160, through posting on the City's website and in the City Bulletin.

Municipal staff comments were reviewed related to the Zoning and Official Plan designations, and that a deeming by-law would be required to merge the properties on title.

Next steps would include an administrative report to Council recommending the adoption of a stop up and closure by-law for the various road allowances, a purchase and sale agreement and the adoption of a deeming by-law.

Mayor Kidd stated that if there are any members of the public wanting to speak to this issue to input their comments into the chat box or to submit by email. The Director of Corporate Services indicated no comments were received.

Mayor Kidd inquired if there were any comments from members of Council, and Councillor Jelly requested clarification regarding the City's obligation if the fence was determined to be on City lands.

Mayor Kidd declared that this public meeting is closed, and Council will give due consideration to the application.

**8. Question and Answer Period**

None.

**9. Presentations / Delegations**

- a) Lyne Labelle – Housing Services Manager, District of Timiskaming Social Services Administration Board (DTSSAB)

**Re:** Community Homelessness Prevention Initiative

Mr. Mark Stewart, Director of Client Services, began the presentation by reviewing a video supporting the creation of long-term solutions for homeless Canadians, and provided a briefing of a homeless issue in the Timiskaming District from DTSSAB's perspective. DTSSAB is a Service Manager for the Ministry of Municipal Affairs and Housing's initiative Community Homeless Prevention Initiative (CHPI). The objectives of the program is to assist the homeless and to obtain/retain housing, and to assist individuals and families who are at risk of becoming homeless. The current situation in Timiskaming – from January to July 2021, CHPI program assists 48 individuals/ families. These are cases where the individuals requested help or were referrals, and does not represent the entire homeless issue in the area. Six (6) Cases were victims of domestic violence; 17 were victims of a home disaster; 4 were released from incarceration; 12 cases were forced from their housing that was not their own; 7 people were street homeless; and 2 were released from the hospital. Homeless are citizens in our communities and someone's child or parent, a student, a senior citizen, a veteran, someone who doesn't have sufficient income for housing, or essential life and coping skills and become overcome with the problem; lack of support, or with a physical or mental disability without proper care and medicals, or someone who comes upon unexpected circumstances. Mr. Stewart reviewed the Zack's Crib shelter housing and services model for individuals to have a sense of belonging and community, and to act as a hub to connect someone back to our community to move from being homeless to a home of their home.

Ms. Lynn Labelle reviewed the need for a shelter in their 10-year housing and homelessness plan, and have been searching for opportunities. The creation of Zack's crib provided this opportunity. DTSSAB has been working with partners to develop the facility, and provided an overview of the operation of the facility,

including staffed by qualified individuals. Zack's Crib will be overseen by a Board of Directors for financial and governance purposes. DTSSAB owns the building and will be involved in every step of development and operation of the facility.

Mayor Kidd thanked the DTSSAB representatives for their presentation, and invited questions from Council. Councillor McArthur inquired about those serviced; Mrs. Labelle clarified that the facility will service both men and women. Councillor Laferriere commented that the facility is needed and that it is great to hear the expertise that will be made available. Councillor Whalen appreciates the collective approach to the facility. Councillor Hewitt hopes the media publicizes about these statistics, to begin changing perceptions, and commends their work. Councillor Jelly stated that this is an excellent project, these services might offer an individual the first day of the rest of their life. Mayor Kidd commented that the more information provided to the public will be beneficial, and really positive for the community.

- b) Northern College - Audrey J. Penner, President and CEO; Doug Walsh, Chair of the Board of Governors; and Tammy Mackey, Manager, Haileybury Campus

**Re: Northern College Update**

Dr. Penner, President and CEO, utilized a PowerPoint presentation to provide a brief history of Northern College, as well as discussed the new marketing campaign and slogan of "Proud to be north. Proud to be Northern. Dr. Penner reviewed the opportunities and challenges moving forward; student enrollment in the various programs and employee counts, and outlined that 2021 has been a record year, with increased applications, offers and confirmations. The College is future focused, and is concentrating on indigenous education and empowerment, innovative approaches to access and invigorating northern experiences. Dr. Penner outlined that Northern College, during the pandemic, did not experience any outbreaks, program closures, or permanent layoffs and had 728 graduates. The Alumni and Foundation was also rebranded and launched a new scholarship, bursary and awards application portal. Lastly, Dr. Penner discussed how Northern College continues to identify and create new programs for future in-demand careers.

Mayor Kidd thanked Dr. Penner for her presentation, and inquired if there any questions from members of Council. Councillor McArthur, Councillor Whalen and Councillor Laferriere commented on and expressed their congratulations on Northern College's success. Councillor Hewitt commented on the speed to market and labour challenges, and requested if Council could be kept informed if there are ways Council could provide support or solutions. Councillor Jelly stated that the College is very well positioned to provide workers for the Northern Ontario workforce. Mayor Kidd commented on the investment in the residence and how its drawn students to the College, and how great the operation of the college is for our region.

## 10. **Communications**

- a) Kelly Niemi, Resident

**Re:** Request to Purchase Municipal Land, 2021-08-13

**Reference:** Referred to the Municipal Clerk to process in accordance with the City's Disposition of Land By-law No. 2015-160

- b) Ruby Mekker

**Re:** Request to Rescind Support for the Closure of Ontario Gas Plants (Motion No. 2021-005, adopted at the January 5, 2021 Regular Council Meeting) – 2021-08-22

**Reference:** Received for Information

- c) Association of Municipalities Ontario (AMO)

**Re:** AMO Policy Update – Draft Resolution for Municipal Recognition of September 30th as National Day for Truth and Reconciliation

**Reference:** Motion Presented Under New Business

- d) Kelly Black, Chief Administrative Officer – District of Timiskaming Social Services Administrative Board (DTSSAB)

**Re:** DTSSAB Second Quarter Operational Overview Report, April 1 to June 30, 2021

**Reference:** Received for Information

- e) Tanya Daniels, City Clerk – City of Brantford

**Re:** Support for Year of the Garden 2022 – 2021-08-27

**Reference:** Received for Information

- f) Robert Ritchie, Resident

**Re:** Transit Route Request, 2021-09-01

**Reference:** Received for Information and referred to the Temiskaming Transit Committee

- g) Dan Tache, President – D2 Management and Development/Tache Construction INC

**Re:** Affordable, supportive or transitional housing to help end homelessness, 2021-08-27

**Reference:** Referred to the Corporate Services Committee

**Note:** Councillor Laferriere requested this item be directed to DTSSAB

Resolution No. 2021-342

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

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

**Carried**

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

Resolution No. 2021-343

Moved by: Councillor Laferriere

Seconded by: Councillor Jelly

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

- a) Minutes of the Age Friendly Community Committee meetings held on March 2, 2021 and on June 1, 2021;
- b) Minutes of the Bicycle Friendly Community Committee meetings held on January 21, 2021 and on April 19, 2021;
- c) Minutes of the Committee of Adjustment meeting held on July 28, 2021;
- d) Minutes of the District of Timiskaming Social Services Administration Board meeting held on June 16, 2021;

- e) Minutes of the New Liskeard Non-Profit Housing Corporation meetings held on January 27, 2021; February 24, 2021; March 24, 2021; April 28, 2021; May 26, 2021; and June 23, 2021;
- f) Minutes of the Temiskaming Municipal Association meeting held on February 11, 2021;
- g) Minutes of the Splash Pad Committee meetings held on March 4, 2021 and on August 20, 2021; and
- h) Minutes of the Joint Temiskaming Shores Accessibility Advisory Committee and the New Liskeard Business Improvement Area Board of Management meeting held on July 6, 2021.

**Carried**

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

### Resolution No. 2021-344

Moved by: Councillor McArthur

Seconded by: Councillor Foley

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

- a) Minutes of the Building Maintenance Committee meeting held on July 28, 2021;
- b) Minutes of the Corporate Services Committee meeting held on July 28, 2021;
- c) Minutes of the Protection to Persons and Property Committee meeting held on July 28, 2021;
- d) Minutes of the Public Works Committee meetings held on July 28, 2021 and on August 23, 2021; and
- e) Minutes of the Temiskaming Transit Committee meetings held on July 7, 2021 and on August 20, 2021.

**Carried**

## **13. Reports by Members of Council**

- a) Councillor Danny Whalen provided a written report to Council regarding the 2021 AMO Conference. Councillor Whalen also inquired if an ad hoc committee could be established with the purpose to plan for the transition from Full-Producer Responsibility to blue box regulations.

- b) Councillor McArthur noted that he joined the virtual AMO conference, and provided an overview of the sessions he attended.
- c) Councillor Hewitt inquired if communication from the proposed Ad Hoc Committee regarding the Blue Box transition, could be shared with the Climate Change Committee.
- d) Mayor Kidd met with the new owner of the hanger located in Earlington, and advised that there may be a possibility to lease space within the hanger. The ETRAA was also approved for funding related to covering COVID-19 related expenses.

**14. Notice of Motions**

None

**15. New Business**

**a) Support Resolution – Rising Cost of Building Materials, City of Kitchener**

Resolution No. 2021-345

Moved by: Councillor Whalen

Seconded by: Councillor Jelly

Whereas the City of Kitchener adopted a resolution regarding the rising cost of building materials at their regular meeting on July 12, 2021; and

Whereas the prices for construction materials have seen dramatic increases during the pandemic; and

Whereas reports by Statistics Canada noted that the price of lumber increased by 68 percent between March 2020 and March 2021, while fabricated metal products and construction material rose by 9 percent; and

Whereas the Province of Ontario has seen an accelerated overall increase in demands for construction; and

Whereas the Province of Ontario has deemed residential construction as essential activity during province-wide emergency declarations and stay-at-home orders; and

Whereas Kitchener City Council considers it a matter of public interest as the increase in rates and demand could result in unsustainable costs on the local construction industry.



Therefore be it resolved that Council for the City of Temiskaming Shores hereby supports the City of Kitchener advocacy to the Federal and Provincial Governments to review actions that could be taken to help mitigate or offset the impacts related to the rising cost of building materials; and

That a copy of this resolution be forwarded to the Right Honourable Justin Trudeau; the Honourable Doug Ford, Premier Ontario; the Honourable Peter Bethlenfalvy, Minister of Finance; the Honourable Victor Fedeli, Minister of Economic Development; the Honourable Steve Clark, Minister of Municipal Affairs; Job Creation and Trade; the Federation of Canadian Municipalities; the Association of Municipalities of Ontario; and the City of Kitchener.

**Carried**

**b) Support Resolution – Affordable Housing Crisis in Canada - City of Woodstock**

Resolution No. 2021-346

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Whereas the City of Woodstock adopted a resolution regarding the current affordable housing crisis in Canada at their regular meeting on July 15, 2021; and

Where the current affordable housing crisis in Canada and the quality-of-life implications caused by addiction, drug and opioid use, and mental health issues are impacting communities in Canada and around the world; and

Whereas citizens in many communities are alarmed by the increase in homelessness, needles discarded in public spaces, visible signs of illegal activities and are disillusioned with the justice system response; and

Whereas policing and the justice system is not the solution to homelessness and addiction or an effective use of public funds; and

Whereas Public health initiatives and programs aimed at addiction are provided by multiple Ministries and agencies and are clearly inadequate and new long-term solutions are required; and

Whereas many of the programs and attempts from different agencies, government organizations and Ministry service providers have created a disjointed delivery system.

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby supports the City of Woodstock call on the Honourable Doug Ford,

Premier of Ontario to bring together the Ministry of the Attorney General, the Ministry of Health, the Ministry of Municipal Affairs and Housing and the Ministry of Children, Community and Social Services to immediately work together on both short and long term solutions, complete with funding, to take proper responsibility and action to address the affordable housing, homelessness and addictions crisis; and

That this resolution be circulated to John Vanthof, MPP Timiskaming-Cochrane; the Association of Municipalities Ontario; and the City of Woodstock.

**Carried**

**c) Support Resolution – Building the Early Learning and Child Care System, City of Toronto**

Resolution No. 2021-347

Moved by: Councillor Foley

Seconded by: Councillor Jelly

Whereas the City of Toronto adopted a resolution regarding the early learning and child care system at their regular meeting on May 5<sup>th</sup> and 6<sup>th</sup>, 2021.

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby supports the City of Toronto in their support for building a system of early learning and child care services that are high-quality, public and not-for profit, affordable, inclusive and accessible for all families; while supporting a Canada wide system of Early Learning and Child Care and Indigenous Early Learning and Child Care; and

That this resolution be circulated to the Association of Municipalities Ontario; the Ontario Municipal Social Services Association; and the City of Toronto.

**Carried**

**d) Support Resolution – Report of the Regional Solicitor - Court Services Annual Report 2020, Regional Municipality of York**

Resolution No. 2021-348

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Whereas the Regional Municipality of York discussed the Court Services Annual Report, 2020 and requested the support from Ontario Municipalities; and

Whereas the impacts of COVID-19 on municipally administered Provincial Offences Court have resulted in a higher volume of pending Provincial Offences Act trial matters; and

Whereas immediate regulatory and legislative changes are critical to delivering services to the public by putting in place the most modern, efficient, and effective justice system attainable; and

Whereas the proposed Early Resolution reforms in Bill 177 Stronger, Fairer Ontario Act (Budget Measures) 2017 do not fully support the objectives of the Ministry of the Attorney General pertaining to creating a modernized and efficient justice system.

Now therefore be it resolved that Council of the City of Temiskaming Shores hereby requests the Attorney General of Ontario to halt the proclamation of the Early Resolution reforms included in Bill 177 Stronger Fairer Ontario Act (Budget Measures), 2017 and take immediate action to streamline and modernize this section of the legislation by making it easier and more convenient for the public and prosecutors to engage in resolution discussions and by making it more effective and efficient to administer early resolution proceedings for Part I and Part II offences in the Provincial Offences Court; and

That Council requests the Attorney General of Ontario to enact changes to the Provincial Offences Act and any related regulations to permit the prosecutor and defendant or legal representative to agree, at any stage of a proceeding, to a resolution in writing for proceedings commenced under Part I or Part II of the Provincial Offences Act and to permit the Clerk of the Court to register the court outcome immediately upon receipt of the written agreement without requiring an appearance before a justice of the peace; and

That Council requests the Ministry of Transportation in consultation with Municipalities give consideration to suspending (temporarily) the imposition of demerit points for persons who pay their ticket in cases where they have no previous relevant convictions.

**Carried**

**e) Support Resolution – Municipal Recognition of September 30th as National Day for Truth and Reconciliation**

Resolution No. 2021-349

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Whereas the AMO Board of Directors encourages members to recognize September 30th as National Day for Truth and Reconciliation (also known as Orange Shirt Day); and

Whereas the Truth and Reconciliation Commission released its final report on June 2, 2015, which included 94 Calls to Action to redress the legacy of residential schools and advance the process of Canadian reconciliation; and

Whereas the recent discoveries of remains and unmarked graves across Canada have led to increased calls for all levels of government to address the recommendations in the TRC's Calls to Action; and

Whereas all Canadians and all orders of government have a role to play in reconciliation; and

Whereas Recommendation #80 of the Truth and Reconciliation Commission called upon the federal government, in collaboration with Aboriginal peoples, to establish, as a statutory holiday, a National Day for Truth and Reconciliation to ensure that public commemoration of the history and legacy of residential schools remains a vital component of the reconciliation process; and

Whereas the Federal Government has announced September 30th as the first National Day for Truth and Reconciliation (National Orange Shirt Day).

Therefore, be it resolved that the Council of the City of Temiskaming Shores does hereby commit to recognizing September 30th as the National Day for Truth and Reconciliation (National Orange Shirt Day) by sharing the stories of residential school survivors, their families and communities.

**Carried**

**f) Memo No. 028-2021-CS – Land Registry Update – Portion of Silver Centre Road and Water Line Easement**

Resolution No. 2021-350

Moved by: Councillor Laferriere

Seconded by: Councillor Jelly

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo 028-2021-CS;

That Council acknowledges an application was filed at the Land Registry Office to correct the registered owner of part of Silver Centre Road (referenced as Highway 567 on Plan 54R-4169), from the Ministry of Transportation to The Corporation of the City of Temiskaming Shores; and

That Council directs staff to prepare the necessary by-law to grant Cobalt Camp Refinery Ltd. an easement over parts 8, 9, 10 and 11 on Plan 54R-4169 for the maintenance and operation of an existing underground water pipeline for consideration at the September 7, 2021 Regular Council meeting.

**Carried**

**g) Memo No. 029-2021-CS – Deeming By-law for Daniel and Katherine Mainguy – 754 Latchford Street**

Resolution No. 2021-351

Moved by: Councillor Foley

Seconded by: Councillor Hewitt

Whereas the owners of 754 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 owners have acknowledged that registration of the pending deeming by-law on title will be at their 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 PLAN M82NB LOT 173 PCL 7818SST and PLAN M82NB LOT 172 PCL 10322SST to no longer be Lots on a Plan of Subdivision; and

Further that Council hereby directs staff to prepare the necessary deeming by-law for consideration at the September 7, 2021 Regular Council meeting.

**Carried**

**h) Memo No. 030-2021-CS – Deeming By-law for CMEA Holdings Inc. – 40 Armstrong Street**

Resolution No. 2021-352

Moved by: Councillor Jelly

Seconded by: Councillor Whalen

Whereas the owners of 40 Armstrong 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 owners have acknowledged that registration of the pending deeming by-law on title will be at their 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 PLAN M22NB LOT 18 PCL 8337SST ARMSTRONG ST W SIDE and PLAN M22NB LOT 19 PCL 24963SST to no longer be Lots on a Plan of Subdivision; and

Further that Council hereby directs staff to prepare the necessary deeming by-law for consideration at the September 7, 2021 Regular Council meeting.

**Carried**

**i) Memo No. 031-2021-CS – Deeming By-law for Nicole Desmarias – 69 Carter Boulevard**

Resolution No. 2021-353

Moved by: Councillor Laferriere

Seconded by: Councillor Jelly

Whereas the owners of 69 Carter Boulevard 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 owners have acknowledged that registration of the pending deeming by-law on title will be at their 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 PLAN M52NB LOTS 69, 71 PCLS 14366, 17352SST to no longer be Lots on a Plan of Subdivision; and

Further that Council hereby directs staff to prepare the necessary deeming by-law for consideration at the September 7, 2021 Regular Council meeting.

**Carried**

**j) Memo No. 016-2021-PW – Joyal Drive - Resurfacing**

Resolution No. 2021-354

Moved by: Councillor Jelly

Seconded by: Councillor Laferriere

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 016-2021-PW;

That Council hereby approves the reinstatement of the Temiskaming Transit route to Joyal Drive from Morissette Drive, conditional upon the resurfacing of Joyal Drive in 2021; and

That Council hereby approves the resurfacing Joyal Drive in the amount of \$120,000, plus HST, funded through the 2021 roads rehabilitation program budget.

**Carried**

**k) Memo No. 017-2021-PW – Emergency Culvert Replacement – River Road**

Resolution No. 2021-355

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 017-2021-PW for information purposes.

**Carried**

**l) Emergency Bridge Repairs – Mowat Landing Road**

Resolution No. 2021-356

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that Council for the Corporation of The City of Temiskaming Shores hereby approves the emergency repairs of the Mowat Landing Road bridge, per engineering specifications, in the amount of \$166,387.50, plus applicable taxes; and

That as outlined in By-law No. 2017-015, *Procurement Policy, Section 6.1*, Council approves to waive approval by by-law or resolution for a sole source or single source greater than \$50,000; and

Further that as outlined in By-law No. 2017-015, *Procurement Policy, Section 10*, Council approves to waive the tendering procedure.

**Carried**

**m) Memo No. 010-2021-RS – Ontario Trillium Foundation - Community Building Fund**

Resolution No. 2021-357

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Memo No. 010-2021-RS; and

That Council directs staff to submit an application to the Ontario Trillium Foundation - Community Building Fund, Capital Stream, in the amount of \$500,000 for the roof replacement project at the Waterfront Pool and Fitness Centre.

**Carried**

**16. By-laws**

Resolution No. 2021-358

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Be it resolved that:

By-law No. 2021-125 Being a by-law to authorize the execution of an easement agreement between Cobalt Camp Refinery Ltd. and The Corporation of the City of Temiskaming Shores

By-law No. 2021-126 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 (754 Latchford Street)

By-law No. 2021-127 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 (40 Armstrong Street South)

By-law No. 2021-128 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 (69 Carter Boulevard)

be hereby introduced and given first and second reading.

**Carried**



Resolution No. 2021-359

Moved by: Councillor Laferriere

Seconded by: Councillor Hewitt

Be it resolved that:

By-law No. 2021-125;  
By-law No. 2021-126;  
By-law No. 2021-127; and  
By-law No. 2021-128

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) Regular – Tuesday, September 21, 2021 at 6:00 p.m.
- b) Regular – Tuesday, October 5, 2021 at 6:00 p.m.

**18. Question and Answer Period**

None

**19. Closed Session**

Resolution No. 2021-360

Moved by: Councillor McArthur

Seconded by: Councillor Foley

Be it resolved that Council agrees to convene in Closed Session at 8:00 p.m. to discuss the following matters:

- a) Adoption of the July 13, 2021 – Closed Session Minutes;
- b) Under Section 239 (2) (a) of the Municipal Act, 2001 – Security of the Property of the Municipality – COVID-19 Protocols for Staff and the Public at Recreational Facilities;
- c) Under Section 239(2)(b) of the Municipal Act, 2001 – Personal matter (identifiable individual) – Labour Relations;

- d) Under Section 239 (2) (c) of the Municipal Act, 2001 – proposed or pending acquisition or disposition of land by the municipality – 545 Lakeshore Road; and
- e) Under Section 239 (2) (f) of the Municipal Act, 2001 – advise that is subject to solicitor-client privilege, including communications necessary for that purpose – Integrity Commissioner.

**Carried**

Resolution No. 2021-361

Moved by: Councillor McArthur

Seconded by: Councillor Hewitt

Be it resolved that Council agrees to rise with report from Closed Session at 9:45 p.m.

**Carried**

**Matters from Closed Session**

**Adoption of the July 13, 2021 Closed Session Minutes**

Resolution No. 2021-362

Moved by: Councillor Whalen

Seconded by: Councillor McArthur

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

- a) Closed Session Minutes from the Regular meeting of Council – July 13, 2021.

**Carried**

**Under Section 239 (2) (a) of the Municipal Act, 2001 – Security of the Property of the Municipality – COVID-19 Protocols for Staff and the Public at Recreational Facilities**

Resolution No. 2021-363

Moved by: Councillor Whalen

Seconded by: Councillor Hewitt

Be it resolved that City Council directs staff scheduled a special meeting on Tuesday, September 14, 2021 to discuss a policy for COVID-19 Protocols for Staff and the Public at Recreational Facilities.

**Carried**

**Under Section 239(2)(b) of the Municipal Act, 2001 – Personal matter (identifiable individual) – Labour Relations**

Council provided staff with direction.

**Under Section 239 (2) (c) of the Municipal Act, 2001 – proposed or pending acquisition or disposition of land by the municipality – 545 Lakeshore Road**

Council provided staff with direction to relist the property with Miller Realty Group Ltd., with the inclusion of an escape clause for the buyer with the conditional offer.

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

*Mayor Kidd disclosed a pecuniary interest with this item, and left the Closed Session meeting at 9:05 p.m.; therefore, did not participate in the discussion of the subject matter.*

Council provided staff with direction, and to discuss the matter further during the scheduled closed session on September 14, 2021.

**Note:** Councillor Laferriere was designated Chair at the time Mayor Kidd departed the meeting at 9:05 p.m.

**20. Confirming By-law**

Resolution No. 2021-364

Moved by: Councillor Hewitt

Seconded by: Councillor Whalen

Be it resolved that By-law No. 2021-129 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 **September 7, 2021** be hereby introduced and given first and second reading.

**Carried**

Resolution No. 2021-365

Moved by: Councillor Foley

Seconded by: Councillor Jelly

Be it resolved that By-law No. 2021-129 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

**Carried**

**21. Adjournment**

Resolution No. 2021-366

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that Council hereby adjourns its meeting at 9:47 p.m.

---

Mayor

---

Clerk



**The Corporation of the City of Temiskaming Shores**  
**Special Meeting of Council**  
**Tuesday, September 14, 2021 – 6:00 p.m.**  
**City Hall – Council Chambers – 325 Farr Drive**

---

**Minutes**

**1. Call to Order**

The meeting was called to order by Mayor 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: Logan Belanger, Clerk  
Christopher Oslund, City Manager  
Shelly Zubycck, Director of Corporate Services  
Mathew Bahm, Director of Recreation

Regrets: N/A

Media: 0

Members of the Public: 0

**3. Approval of Agenda**

**Resolution No. 2021-367**

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

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

**Carried**

**4. Declaration of Special Council Meeting**

*Resolution No. 2021-368*

Moved by: Councillor Jelly  
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**

Mayor Kidd declared a Conflict of Pecuniary Interest related to **Section 19 – Closed Session, Item b) related to the Integrity Commissioner**, as he is the subject of an ongoing proceeding related to a decision of the Integrity Commissioner on a Conflict-of-Interest Complaint Report.

**6. New Business**

**a) National Day for Truth and Reconciliation**

*Resolution No. 2021-369*

Moved by: Councillor Laferriere  
Seconded by: Councillor Hewitt

Whereas the Federal Government has announced September 30<sup>th</sup>, 2021 as the first National Day for Truth and Reconciliation (National Orange Shirt Day); and

Whereas the recent discoveries of remains and unmarked graves across Canada have led to increased calls for all levels of government to address the recommendations in the TRC’s Calls to Action; and

Whereas Council for the City of Temiskaming Shores adopted Resolution No. 2021-349 at the September 7, 2021 regular Council meeting, supporting AMO’s resolution encouraging members to recognize September 30<sup>th</sup> as National Day for Truth and Reconciliation; and

Whereas Council desires to recognize September 30<sup>th</sup> as the National Day for Truth and Reconciliation (National Orange Shirt Day).

Therefore, be it resolved that the Council of the City of Temiskaming Shores hereby agrees to grant employees September 30th as a paid holiday, in the same manner that Remembrance Day is recognized as a paid holiday under its Collective Agreement with CUPE Local 5014; and

That Council encourages all employees to use the day to commemorate the history and ongoing trauma caused by residential schools and to honour the survivors, families and communities who continue to grieve for those who were lost.

### **Recorded Vote**

#### **For Motion**

Councillor Laferriere

#### **Against Motion**

Councillor Foley  
Councillor Jelly  
Councillor Hewitt  
Councillor McArthur  
Councillor Whalen  
Mayor Kidd

**Defeated**

## **7. Closed Session**

### **Resolution No. 2021-370**

Moved by: Councillor Whalen  
Seconded by: Councillor Laferriere

Be it resolved that Council agrees to convene in Closed Session at 6:20 p.m. to discuss the following matter:

- a) Under Section 239 (2) (a) of the Municipal Act, 2001 – Security of the Property of the Municipality – COVID-19 Protocols for Staff and the Public at Recreational Facilities.

**Carried**

### **Resolution No. 2021-371**

Moved by: Councillor Whalen  
Seconded by: Councillor Jelly

Be it resolved that Council agrees to rise with report from Closed Session at 7:16 p.m.

**Carried**

**Matters from Closed Session**

**Under Section 239 (2) (a) of the Municipal Act, 2001 – Security of the Property of the Municipality – COVID-19 Protocols for Staff and the Public at Recreational Facilities**

**Resolution No. 2021-372**

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that Council for the City of Temiskaming Shores hereby endorses and approves the COVID-19 Vaccination Policy, as amended; and

That Council directs Management to schedule meetings with staff to present the policy; and

Further that Council directs staff to prepare the necessary by-law to confirm the COVID-19 Vaccination Policy at the September 21, 2021 regular meeting.

**Recorded Vote**

**For Motion**

Councillor Foley  
Councillor Jelly  
Councillor Laferriere  
Councillor McArthur  
Councillor Whalen  
Mayor Kidd

**Against Motion**

Councillor Hewitt

**Carried**

**Note:** Mayor Kidd departed the meeting at 7:18 p.m. Councillor Laferriere was designated Chair for the remainder of the meeting, and the Closed Session resumed.

**Resolution No. 2021-373**

Moved by: Councillor Whalen

Seconded by: Councillor Foley

Be it resolved that Council agrees to convene in Closed Session at 7:18 p.m. to discuss the following matter:



- b) Under Section 239 (2) (f) of the Municipal Act, 2001 – advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Integrity Commissioner.

**Carried**

Resolution No. 2021-374

Moved by: Councillor Whalen

Seconded by: Councillor Jelly

Be it resolved that Council agrees to rise with report from Closed Session at 7:30 p.m.

**Carried**

**Matters from Closed Session**

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

*Mayor Kidd disclosed a pecuniary interest with this item, and left the meeting; therefore, did not participate in the discussion of the subject matter.*

Council provided staff with direction.

**8. Adjournment**

Resolution No. No. 2021-375

Moved by: Councillor Whalen

Seconded by: Councillor Hewitt

Be it resolved that City Council adjourns at 7:32 p.m.

**Carried**



## Public Meeting Zoning By-law Amendment

# Zoning By-law Amendment

**Application No.:** ZBA-2021-06

**Owner:** Rudolf and Candice Tobler

**Agent:** William R. Ramsay, Ramsay Law Office Professional Corporation

**Subject Land:**

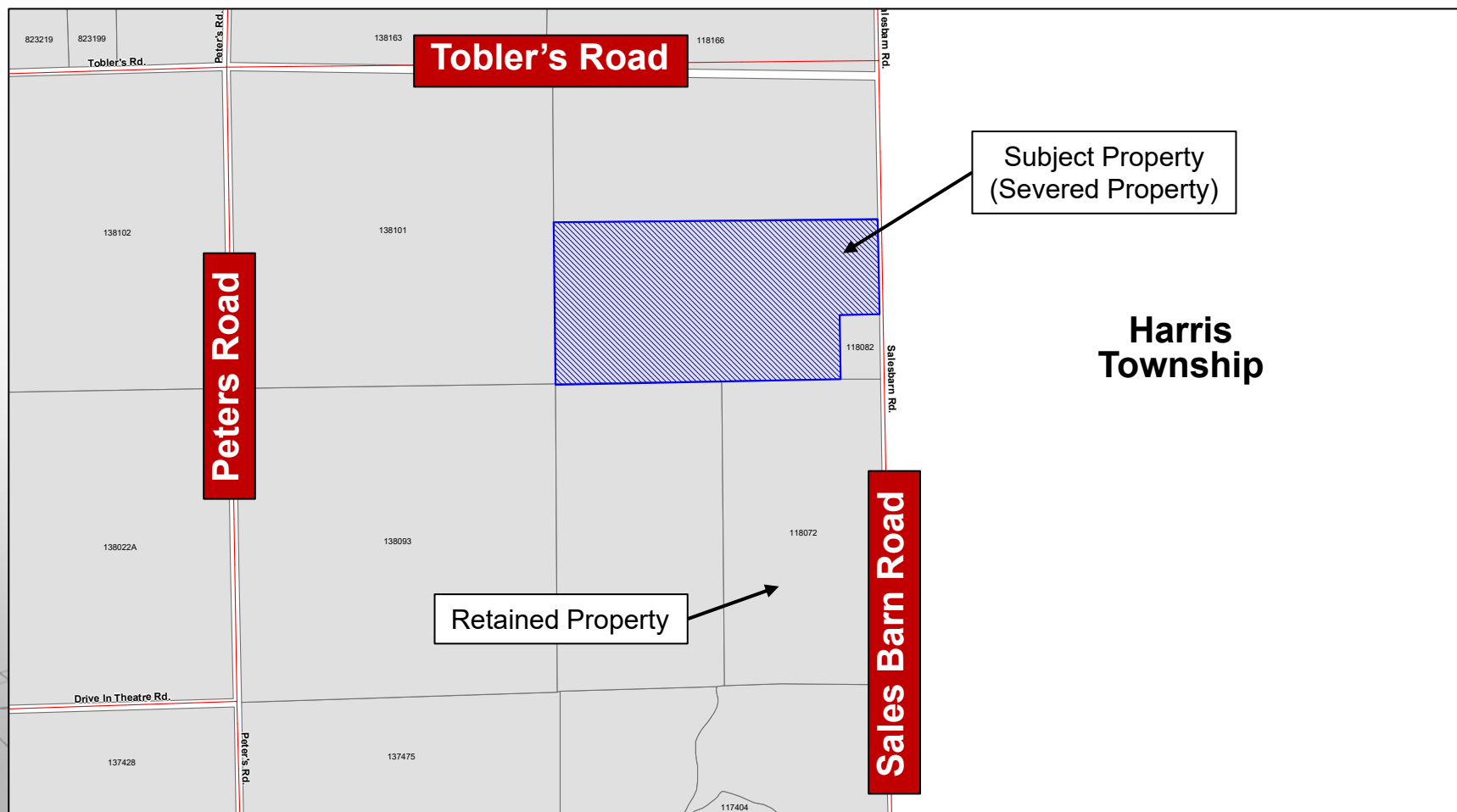
➤ DYMOND CON 4 N PT LOT 12 PCL 15244SST

ZBA-2021-06 – September 21, 2021

## **Purpose of the Amendment**

- Amend the provisions of the Prime Agricultural (A1) Zone to:
  - Prohibit future residential uses;
  - Recognize a lot area of 31.62 hectares where the Zoning By-law requires a minimum lot area of 40 hectares.
- Condition of approval of consent application B-2021-02
  - Property is the severed portion – to be transferred to a landowner with holdings in the area

## Public Meeting Zoning By-law Amendment



ZBA-2021-06 – September 21, 2021



# Public Meeting Zoning By-law Amendment



ZBA-2021-06 – September 21, 2021



# Public Meeting Zoning By-law Amendment



ZBA-2021-06 – September 21, 2021

### Official Plan Designation

- Prime Agricultural Land
  - The protection of the agricultural land base for the long-term is identified as the priority.
  - In the prime agricultural area the predominant use of land will be for farming (agricultural uses) and the predominant type of development will be the “farm unit,” including:
    - Land base
    - Barns and other buildings that support the farm operation
    - Farm dwelling and dwellings required for additional labour
    - Secondary uses
    - Agriculture-related uses
  - Lot sizes shall be adequate to support the long-term needs of agriculture and shall ensure that land parcels remain flexible for agricultural uses.
  - Land division policies allow for the conveyance/retention of land for agricultural use, provided that both the severed and retained properties are “generally a minimum of 40 hectares.”

## Current Zoning

### ➤ Prime Agricultural (A1)

#### ➤ Permitted Uses

- ✓ Agricultural processing establishment
- ✓ Agricultural produce warehouse
- ✓ Agricultural use
- ✓ Agricultural product sales outlet
- ✓ Agricultural services

- ✓ Equestrian Facility
- ✓ Greenhouse, nursery, garden centre
- ✓ Group home
- ✓ Market
- ✓ Wayside pit or quarry

#### ➤ Accessory Uses

- ✓ Bed and breakfast establishment
- ✓ Dwelling, single detached
- ✓ Home industry
- ✓ Home occupation

- ✓ Outdoor storage
- ✓ Private home child care
- ✓ Second dwelling unit



### Proposed Zoning

#### ➤ Prime Agricultural Exception(A1-#)

##### ➤ Permitted Uses

- ✓ Agricultural processing establishment
- ✓ Agricultural produce warehouse
- ✓ Agricultural use
- ✓ Agricultural product sales outlet
- ✓ Agricultural services
- ✓ Equestrian Facility
- ✓ Greenhouse, nursery, garden centre
- ✓ Group home
- ✓ Market
- ✓ Wayside pit or quarry

##### ➤ Accessory Uses

- ✓ Bed and breakfast establishment
- ✓ ~~Dwelling, single detached~~
- ✓ Home industry
- ✓ Home occupation
- ✓ Outdoor storage
- ✓ Private home child care
- ✓ Second dwelling unit

## Public Meeting Zoning By-law Amendment

### Proposed Zoning

#### ➤ Prime Agricultural (A1)

TABLE 9.3 – AGRICULTURAL AND RURAL ZONE REQUIREMENTS

Regulation		Zone	
		A1	RU
		Prime Agricultural	Rural
Minimum Lot Area (hectares)	General	40	10
	Residential Lot (surplus dwelling)	0.6	n/a
	Residential Lot (created by consent)	n/a	0.6
Minimum Lot Frontage (metres)	General	120	120
	Residential Lot	60	60
Maximum Lot Coverage (%)	General	5	5
	Residential Lot	20	20
Maximum Lot Coverage for accessory buildings (%)		5	5
Minimum Front Yard and Exterior Side Yard (m)	General	30	30
	Residential Use	9	9
Minimum Interior Side Yard (m)	General	15	15
	Residential Use	9	3
Minimum Interior Side Yard abutting a Residential Zone (m)		30	15
Minimum Rear Yard (m)	General	15	15
	Residential Use	10	10
Minimum Rear Yard abutting a Residential Zone (m)		30	30
Minimum setback from watercourse (m)		15	15
Maximum Building Height (m)		11	11
Maximum Accessory Building Height (m)		11	11
Maximum Number of Dwelling Units (excluding second dwelling)	Agriculture	3 (*1)	2 (*1)
	Residential lot or other non-residential use	1	1
Minimum Landscaped Open Space (%)		0	0
Other Provisions		(*2)	(*2)

## Public Meeting

### Zoning By-law Amendment

## Proposed Zoning

- Prime Agricultural Exception (A1-#)

Reduce  
minimum lot  
area to  
31.6 hectares

TABLE 9.3 – AGRICULTURAL AND RURAL ZONE REQUIREMENTS

Regulation		Zone	
		A1	RU
		Prime Agricultural	Rural
Minimum Lot Area (hectares)	General	40	10
	Residential Lot (surplus dwelling)	0.6	n/a
	Residential Lot (created by consent)	n/a	0.6
Minimum Lot Frontage (metres)	General	120	120
	Residential Lot	60	60
Maximum Lot Coverage (%)	General	5	5
	Residential Lot	20	20
Maximum Lot Coverage for accessory buildings (%)		5	5
Minimum Front Yard and Exterior Side Yard (m)	General	30	30
	Residential Use	9	9
Minimum Interior Side Yard (m)	General	15	15
	Residential Use	9	3
Minimum Interior Side Yard abutting a Residential Zone (m)		30	15
Minimum Rear Yard (m)	General	15	15
	Residential Use	10	10
Minimum Rear Yard abutting a Residential Zone (m)		30	30
Minimum setback from watercourse (m)		15	15
Maximum Building Height (m)		11	11
Maximum Accessory Building Height (m)		11	11
Maximum Number of Dwelling Units (excluding second dwelling)	Agriculture	3 (*1)	2 (*1)
	Residential lot or other non-residential use	1	1
Minimum Landscaped Open Space (%)		0	0
Other Provisions		(*2)	(*2)

### Additional Information

- Consent application B-2021-02 was conditionally approved by the Committee of Adjustment on May 26
- Conditions of approval include:
  - Standard legal paperwork to finalize/register consent
  - Survey
  - Confirmation that the existing septic system on the retained portion is adequate for the residential use
  - Confirmation of the location of the buildings on the proposed retained property
  - Approval of a Zoning By-law amendment for both the severed and retained properties:
    - Severed: prohibit future residential uses, recognize reduced lot area
    - Retained: recognize reduced lot area, recognize any situations of non-compliance (setbacks) created as a result of approval of the consent

#### Public Notice and Comments

- Notice of the public hearing was advertised in the Temiskaming Speaker beginning on September 1
- Application has been circulated to City staff and no concerns or objections were received
- No comments or concerns have been received from external agencies or members of the public

#### Next Steps

- An administrative and planning report will be presented for consideration at the October 5, 2021 Regular Council Meeting

August 12, 2021

Mayor and Council

Corporation of the City of Temiskaming Shores

325 Farr Drive

Box 2050, Haileybury ON P0J-1K0

We wish to purchase the lot at 54 Ferland Avenue, Haileybury.

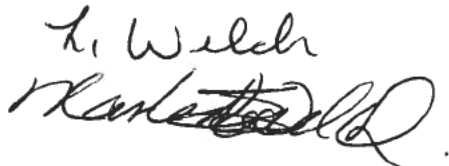
We own lots 52 and 53 Ferland Avenue. We feel owning lot 54 would complement our lots 52 and 53.

The location of our residence on lot 53 and the location of the septic bed on lot 52 severely restrict any future building on either lot. Our home is situated close to the 53/54 lot line. Owning lot 54 should allow for the building of a garage, if we were to choose to do so. Also, lot 54 is forested and we would hope to keep the natural appearance here as much as possible as there are some mature trees on lots 52 and 53.

We are asking the city to favourably consider our application to purchase lot 54 Ferland Ave, Haileybury.

Respectfully,

Larry and Marlene Welch

Handwritten signatures of Larry and Marlene Welch. The signature for Larry is written above the signature for Marlene. Both signatures are in cursive and appear to be in black ink.

## Application to Purchase Municipal Land

City of Temiskaming Shores  
P.O. Box 2050 / 325 Farr Drive  
Haileybury, Ontario / P0J 1K0

### Office Use Only

Application No.: \_\_\_\_\_ Date: \_\_\_\_\_  
Roll No.: 54-18-\_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_  
OP Designation: \_\_\_\_\_  
Zoning: \_\_\_\_\_

### 1. Applicant Information

Name of Applicant: Larry & Marlene Welch  
Mailing Address: [REDACTED] Haileybury ON P0J-1K0  
Email Address: [REDACTED] Phone: [REDACTED]

### 2. Land Information

☐ New Liskeard ☒ Haileybury ☐ Dymond

#### Municipal Address

54 Ferland Ave. Haileybury

#### Legal Description (concession and lot numbers, reference plan and lot/part numbers)

Plan M-82 N.B. lot #54

### 3. Proposed use of land:

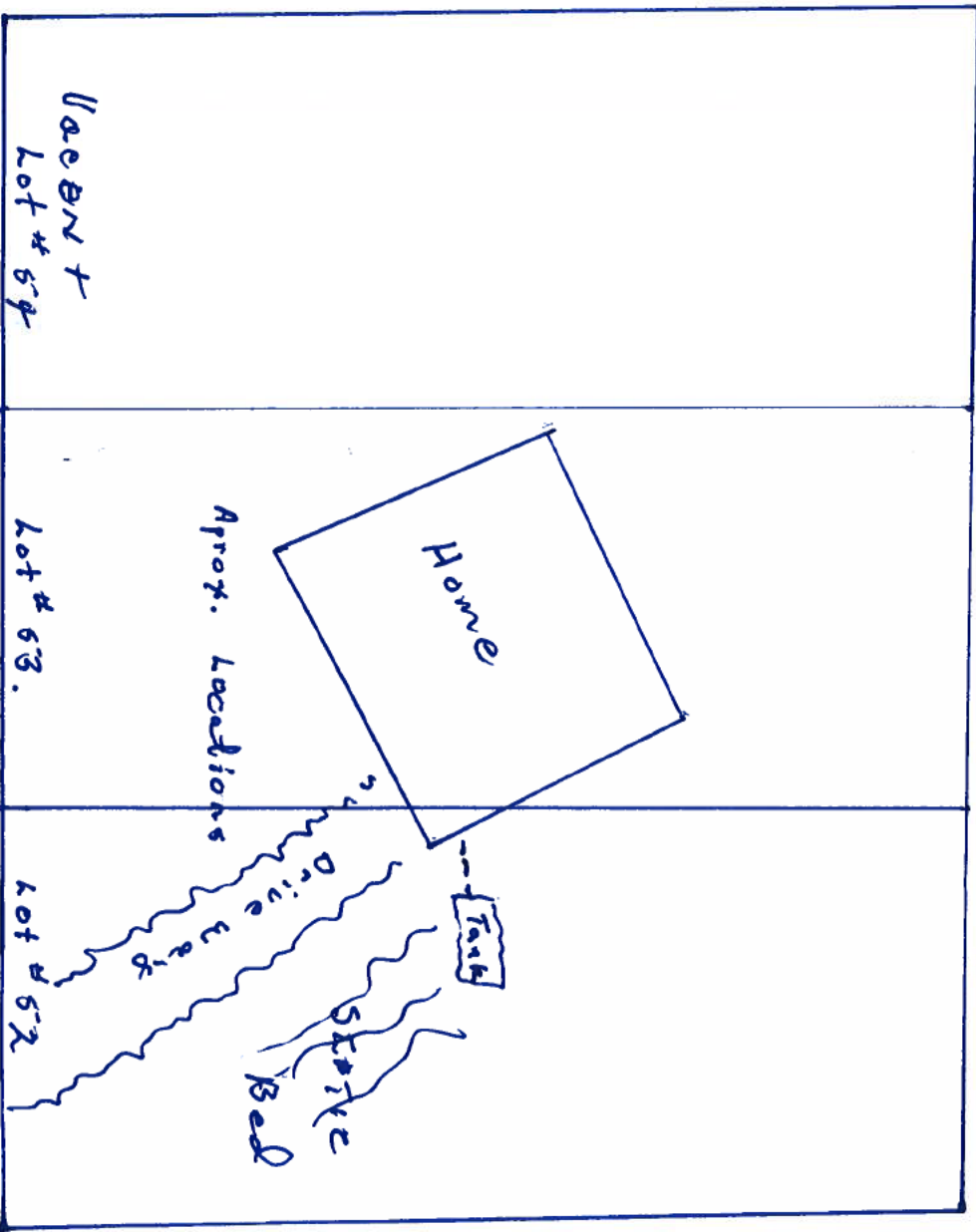
As outlined on cover letter.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Notes:

- Applications will be circulated to internal departments for comment followed by a memo/report to council to determine if Council would like to proceed with a potential land sale;
- If approval is received to proceed a **Non-Refundable Deposit** of \$250 is required;
- Depending on the circumstances of the land sale additional deposits may be required throughout the process to cover other costs such (i.e. reference plans, advertising fees, appraisal, legal fees etc.);

L. Welch  
Signature of Applicant  
Marlene Welch

12-08-21  
Date (dd/mm/yy)



← FERRAND AVE. →



CORPORATION OF THE  
**TOWNSHIP OF MCGARRY**

PHONE: (705) 634-2145 FAX: (705) 634-2700  
EMAIL: [kpelletier@mcgarry.ca](mailto:kpelletier@mcgarry.ca) WEBSITE: [www.mcgarry.ca](http://www.mcgarry.ca)

27 WEBSTER STREET  
P.O. BOX 99, VIRGINIATOWN, ONTARIO P0K 1X0



September 15, 2021

The Honourable Justin Trudeau  
Prime Minister of Canada  
Office of the Prime Minister  
80 Wellington Street  
Ottawa, Ontario  
K1A 0A2

Dear Prime Minister Trudeau,

This will serve to advise you that the Council of The Corporation of the Township of McGarry passed the following resolution at its September 14, 2021 Regular Council meeting:

**WHEREAS** the male population has been made to pay for prostate blood test and whereas 11 Canadian Men will die of prostate cancer every day and;

**WHEREAS** 1.5 million Canadian men are not seeking the early detection PSA testing and;

**WHEREAS** prostate cancer is the most common cancer in men and;

**WHEREAS** when detected early the survival rate is close to 100% and detected late 3 of 4 men will be lost and;

**WHEREAS** men who wishes to have this test done have to pay \$33.00 for the test;

**THEREFORE**, the Township of McGarry Council move that both the Federal and Provincial Governments move to have this test included in the national health care system and that it be made available for all Canadian men at no charge and further that the Government make every effort to have this become reality sooner than later as stated above every day that goes by another 11 men will die of this avoidable disease and;



**FURTHERMORE**, that this motion be distributed to Right Honourable Justin Trudeau Prime Minister of Canada, Honourable Doug Ford Premier of Ontario, Minister of Health (Canada) Honourable Patty Hajdu, Deputy Premier and Minister of Health (Ontario) Honourable Christine Elliot, all municipalities, and all First Nation Communities.

Yours truly, on behalf of Council



Karine Pelletier  
Clerk-Treasurer  
Township of McGarry

cc. Hon. Doug Ford, Premier of Ontario  
Hon. Patty Hajdu, Minister of Health (Canada)  
Hon. Christine Elliot, Deputy Premier and Minister of Health (Ontario)  
All municipalities  
All First Nation Communities

# **THE CITY OF TEMISKAMING SHORES JANUARY - AUGUST 2021 YEAR-TO-DATE CAPITAL FINANCIAL REPORT**

Finance Department Contact:  
Laura-Lee MacLeod, Treasurer

17-Sep-21

**GENERAL CAPITAL  
Revenues & Expenditures  
as at August 2021**

Department	Project	2021			%	G Y R		
		Actual	Budget	Variance B/(W)				
<b>REVENUES:</b>	Transfer from Operations		1,065,365	(1,065,365)				
	Transfer from Reserves	57,099	3,103,939	(3,046,840)				
	Borrowing	3,712,027	4,676,130	(964,103)				
	Federal Gas Tax		1,894,874	(1,894,874)				
	Efficiency Funding		456,747	(456,747)				
	FCM Funding		50,000	(50,000)				
	OCIF Funding	195,000	195,000	0				
	FedNor Funding		18,000	(18,000)				
	COVID Resilience Funding		100,000	(100,000)				
	EDSC Accessibility Funding	100,000	100,000	0				
	Provincial Gas Tax		31,738	(31,738)				
	ICIP		87,262	(87,262)				
	Transport Canada		39,200	(39,200)				
	Ontario Trillium Fund	135,000	150,000	(15,000)				
	Partnership - Splashpad	67,573	300,000	(232,427)				
<b>Total Revenues</b>		<b>4,266,699</b>	<b>12,268,255</b>	<b>(8,001,556)</b>				
<b>EXPENDITURES:</b>								
<b>Corporate Services:</b>	Cemetery Columbarium Upgrades		15,000	15,000				
	Asset Management Software	8,721	100,000	91,279	33%	X		
<b>Fire:</b>	Jordair Fill Station (Stn #1)	11,224	11,200	-24	100%	X		
<b>Public Works:</b>	2021 Roads Program		5,000,000	5,000,000	100%	X		
	Roy's Bridge (Uno Park Road)	190,627	195,000	4,373	100%	X		
	Street Lights - Grant Drive	10,645	130,000	119,355	75%	X		
	Engineering - Bridges Structural Report	20,773	20,000	-773	80%	X		
	Decorative Street Light LED Upgrades Phase 1		75,000	75,000				
	Radley Hill Road Crossing Engineering	507	49,000	48,493	50%	X		
<b>Solid Waste:</b>	Landfill Expansion	6,365	1,500,000	1,493,635	25%	X		
	Spoke Transfer Station - Rehab Project	28,865	50,000	21,135	100%	X		
<b>Property Mtnce:</b>	Haileybury Fire Station	4,579	2,513,000	2,508,421	50%	X		
	NL Arena Accessibility Project	18,425	450,000	431,575	15%			X
	PFC Upgrades	21,818	43,750	21,932	75%	X		
	Spurline Building Accessibility Upgrades		30,000	30,000	15%	X		
	CJTT Window Upgrades		30,305	30,305	100%	X		
	NL Library Relocation	2,141	0	-2,141				
<b>Fleet:</b>	Small Fleet Replacement	61,264	155,000	93,736	50%	X		
	Tri Axle Dump Truck		225,000	225,000	75%	X		
	Loader	229,900	350,000	120,100	100%	X		
	Fire Rescue		415,000	415,000	75%	X		
<b>Transit:</b>	Bus Shelters	1,043	20,000	18,957	50%	X		
	Ridership App	12,875	99,000	86,125	25%	X		
<b>Recreation:</b>	Tennis Court Resurfacing	3,011	70,000	66,989	50%	X		
	Pool Regrouting	22,879	31,000	8,121	100%	X		
	Splash Pad	328,439	550,000	221,561	75%	X		
	Stairmaster		11,000	11,000	100%	X		
	Farr Park - Old Hlby Food Bank Demolition		10,000	10,000	25%	X		
	Wabi Pedestrian Project - Engineering		20,000	20,000	15%	X		
	COVID Resilience Project		100,000	100,000	50%	X		
<b>Total Expenditures</b>		<b>984,101</b>	<b>12,268,255</b>	<b>11,154,154</b>				

**ENVIRONMENTAL CAPITAL**  
**Revenues & Expenditures**  
as at August 2021

	2021			%			
	Actual	Budget	Variance B/(W)				
<b>REVENUES:</b>							
Tranfer from Operations		487,000	(487,000)				
<b>Total Revenues</b>	<b>0</b>	<b>487,000</b>	<b>(487,000)</b>				
<b>EXPENDITURES:</b>							
ICI Water Meter Program	89,374	100,000	10,626	90%	X		
Farr Drive Sewer Repair	26,152	35,000	8,848	100%	X		
Robert/Elm Pumping Station	118,037	190,000	71,963	90%	X		
Hwy 11 Emergency Watermain Relocation	1,560	162,000	160,440	50%	X		
<b>Total Expenditures</b>	<b>235,123</b>	<b>487,000</b>	<b>251,877</b>				

## **Memo**

**To:** Mayor and Council  
**From:** Logan Belanger, Municipal Clerk  
**Date:** September 21, 2021  
**Subject:** Road Assumption – Clover Valley Road  
**Attachments:** Draft By-law (**Please refer to By-law No. 2021-131**)

---

Mayor and Council:

The City was contacted by Kemp Pirie Crombeen (KPC) related to a property sale occurring on Clover Valley Road in Haileybury. KPC is representing the seller. The Road is currently identified by PINs; however, they are not under the name of the City of Temiskaming Shores. Prior to the sale, the buyer's lawyer has requested confirmation that the road is indeed an open and maintained municipal roadway.

The portion of Clover Valley Road in question, is part of the open and maintained municipal roadway, and is maintained as a Class 5 roadway, under the City's Minimum Maintenance Standards for Municipal Roadways By-law No. 2018-129, as amended.

As the road is not laid out on a plan of subdivision or on the Crown Survey, the City then relies on the five (5) percent reservation for roads. As such, a by-law would be required to assume the property as a road based on dedication and assumption (maintenance prior to 2001).

There is no cost to the City related to this matter, as disbursements are covered by the seller.

It is recommended that Council directs staff to prepare the necessary by-law to dedicate the applicable portion of Clover Valley Road as a highway, for public use within the City of Temiskaming Shores. KPC will provide the descriptions for identifying the portions of road for use in the dedication by-law.

Prepared by:

Reviewed by:

Reviewed and submitted for  
Council's consideration by:

"Original signed by"

"Original signed by"

"Original signed by"

Logan Belanger  
Municipal Clerk

Shelly Zubyck  
Director of Corporate  
Services

Christopher W. Oslund  
City Manager

**Subject:** Alternative Voting Methods – **Report No.:** CS-034-2021  
2022 Municipal Election

**Agenda Date:** September 21, 2021

---

**Attachments**

**Appendix 01:** [Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020](#)

**Appendix 02:** [Bill 232, Local Choice for Local Election](#)

**Appendix 03:** [Bill 204, Helping Tenants and Small Businesses Act, 2020](#)

**Appendix 04:** [Modernization of the Voters List](#) – AMCTO Position Paper

**Recommendations**

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-034-2021;
2. That Council endorse the use of a hybrid system using internet and telephone voting and optical scan vote tabulators with paper ballots, for the 2022 Municipal Elections, as set out in Administrative Report No. CS-034-2021; and
3. That Council directs staff to release a Request for Proposal for Alternative Voting System Services for the 2022 Municipal Election.

**Background**

The purpose of this report is to provide an overview of recent changes to the Municipal Elections Act, 1996, and to detail the various alternative methods that Council may wish to utilize in the 2022 Municipal Election. These changes are seen as a positive change to enable greater opportunity and access for both resident and non-resident electors.

**Updates to the Municipal Elections Act**

Bill 218, Supporting Ontario's Recovery and Municipal Elections Act, 2020 received royal assent on November 20, 2020 introducing a series of significant changes to municipal elections in light of the ongoing COVID-19 pandemic, including:

- changing Nomination Day from the fourth Friday in July to the third Friday in August;
- changing the timeline for passing a by-law authorizing the use of voting and vote-counting equipment or alternative voting method from May 1st the year before an election to May 1st the year of an election;

- changing the timeline to establish procedures and forms for voting and vote-counting equipment and alternative voting methods from December 31 in the year before the year of the election to before June 1 in the year of the election; and
- removal of ranked ballot voting.

### Changes to Nomination Day and other Deadlines

	Previous Deadline	New Deadline
<b>Passage of By-law setting Method and Manner of Voting</b>	May 1st year prior the election (May 1, 2021)	May 1 year of the election (May 1, 2022)
<b>Publication of Election Procedures</b>	December 31 year prior to the election (December 31, 2021)	June 1 year of the election (June 1, 2022)
<b>Nomination Day</b>	Fourth Friday in July the year of the election (July 22, 2022)	Third Friday in August of the election year (August 19, 2022)

Furthermore, on November 17, 2020 one day after Bill 218 Supporting Ontario's Recovery and Municipal Elections Act passed third reading, MPP Mitzie Hunter introduced a Private Members' Bill (PMB), Bill 232, Local Choice for Local Elections Act.<sup>1</sup> This proposed Bill would reintroduce the option of ranked ballots providing a municipality choose to pass a by-law that adopts a ranked ballot election, provided public consultation takes place before a bylaw is passed, and would not be in effect until it is ratified by a vote of eligible voters on a fixed date set by Council<sup>2</sup>. This Bill has not advanced since being introduced and remains in first reading.

The Municipal Elections Act, 1996 s42 (1) permits a Council of a local municipality to pass by-laws,

- authorizing the use of voting and vote-counting equipment such as voting machines, voting recorders or optical scanning vote tabulators;
- authorizing electors to use an alternative voting method, such as voting by mail or by telephone, that does not require electors to attend at a voting place in order to vote. 1996, c. 32, Sched., s. 42 (1).

<sup>1</sup> <https://www.amcto.com/Blog/November-2020/Private-Members-Bill-on-Ranked-Ballots>

<sup>2</sup> <https://www.amcto.com/Blog/November-2020/Private-Members-Bill-on-Ranked-Ballots>

## Methods of Voting

The main methods of voting used by Ontario municipalities are:

- Paper ballot: manual counting or optical scan vote tabulators
- Vote-by-mail
- Internet and telephone voting

Council may choose to offer voters any of the above-noted options, or a hybrid approach using two or more systems. When selecting a method of voting, Council would also need to consider the impact of COVID-19 as well as the impact on the City's finances, as it is still unknown how long the current safety and emergency measures will be in place.

## 2018 Municipal Elections

In 2018, the use of mail-in ballots for municipal elections in Ontario dropped by 46%, and likely reflected a move to a method that is safe from a postal strike, and 178 municipal governments used the internet/phone method, which is 84 more than the 2014 election<sup>3</sup>. The number of municipalities seeking internet/ telephone voting methods are anticipated to increase for the 2022 Municipal Elections. While some municipalities have conducted elections solely using internet voting, others have adopted a hybrid approach including internet and telephone voting in addition to paper ballots and optical scan vote tabulators.

Of the municipalities that used internet voting in 2018, there were 51 municipalities utilizing the same company providing election tabulation software who reported technical issues on Voting Day. The issues were caused by a limit placed on incoming online traffic by the Internet Voting Provider's third-party server that was approximately 1/10th of the Internet Voting Provider's system designated bandwidth. These issues resulted in delays of up to 90 minutes for voters, causing some municipalities to extend their voting hours to accommodate this delay. The vendor assured voters that they will work to ensure the problem does not occur in future elections. The vendor also confirmed that it did not affect the security or integrity of the elections in those municipalities.<sup>4</sup>

## Voter Turn Out

The Association of Municipalities of Ontario indicated that the average voter turnout across Ontario municipalities was 38.29 percent in 2018 (based on 421 municipalities)<sup>5</sup>, 43.12 percent in 2014 (based on 389 municipalities)<sup>6</sup>; and 44.35 percent in 2010<sup>7</sup>. These numbers indicate a decreasing voter turnout across Ontario.

---

<sup>3</sup> <https://elections.amo.on.ca/web/en/stats>

<sup>4</sup> <https://globalnews.ca/news/4585577/ontario-voting-issues/>

<sup>5</sup> <https://elections.amo.on.ca/web/en/home>

<sup>6</sup> <https://www.amo.on.ca/2014-municipal-election-stats>

<sup>7</sup> <https://www.amo.on.ca/2010-municipal-election-stats>



In 2018, the voter turnout for the City of Temiskaming Shores was:

<b>Voter Turnout</b>	
Eligible Voter's	7,766
Advance Poll	438
Voting Day	2,130
Total Ballots Cast:	2,568
<b>Voter Turnout:</b>	<b>33.07%</b>

### **Alternative Voting**

The Municipal Elections Act provides municipalities the ability to use an alternative voting method, such as voting by mail, telephone or electronically, as well as the ability to use voting and vote-counting equipment, such as voting machines, voting recorders or optical scanning vote tabulators. These alternatives to the traditional polling station and paper ballot can provide enhanced accessibility to voters when casting a ballot, decrease counting errors through manual counting of ballots, increase efficiencies and reduce the time it takes to calculate election results.

In preparation for the 2022 Municipal and School Board Election, Staff believe that internet and telephone voting will enhance the accessibility of the municipal election, as well as voter turnout. As we continue to strive to make the municipal election experience a positive one, it is also recommended that a traditional paper ballot be utilized as a secondary option for the first election year internet/telephone methods are used. As the communication strategy would focus on the alternate methods, it is anticipated that the number of voters utilizing paper ballots would be significantly less; therefore, Council may also consider whether tabulators are required.

### **Alternative Voting Methods for 2022 Municipal and School Board Elections**

During the COVID-19 pandemic, the City adapted on how services were provided to the public to ensure the health and safety of our community. In looking to the future and considering the best method to cast a ballot in the 2022 municipal and school board election, it is important to understand the needs of the electorate, while upholding the principles of the Municipal Elections Act, which include:

- maintaining the secrecy and confidentiality of the voting process and individual votes
- providing an election that is accessible to the voters
- providing an election that is fair and non-biased
- ensuring the integrity of the process is maintained throughout the election
- ensuring the results of the election reflect the votes cast, and that valid votes be counted and invalid votes be rejected so far as reasonably possible

- ensuring voters and candidates are treated fairly and consistently within the municipality.

When considering options in which an elector can cast a ballot, there are a number of methods that can be considered. These include:

- Traditional paper ballot marked by hand at a polling station, with votes manually counted
- Traditional paper ballot marked by hand at a polling station, with votes counted by the use of a tabulator
- Paper ballot provided by mail to electors that is mailed back to the municipality, with votes counted by the use of a tabulator
- Vote-by-Mail
- Internet and Telephone voting
- Mix of any of the above

The various advantages and disadvantages of each method are summarized below. As a point of reference, the City has used the Traditional Paper Ballot, with votes Counted by the use of a tabulator. Once Council has selected a preferred method of voting, an Request for Proposal would be issued for voting services, and to determine the cost for the service.

## 1. Paper Ballots with Manual Count

### How it Works

The default election method contemplated under the Act is paper ballots with manual counting by election officials. Elections take place at advance polling station(s), and at polling stations on election day. Voters mark their ballot and drop it into a secure ballot box staffed by election workers and/or volunteers. Upon the close of polls, ballots are counted by volunteers and/or staff.

Voting Method	Pros	Cons
Traditional Paper Ballot (Hand Count)	<p>Accessible and familiar to residents</p> <p>Voter verification through ID requirement</p> <p>No risk of technology related interruptions or delays</p>	<p>Expensive due to extensive staff resources to oversee polling stations</p> <p>Potentially disenfranchises non-resident electors</p> <p>Manual count of votes can be time consuming</p>

		If pandemic is ongoing, complexities with maintaining COVID-19 protocols
--	--	--

## 2. Traditional Paper Ballot with Tabulator

### How it Works

Elections take place at advance polling station(s), and at polling stations on election day. Voters mark their ballot and insert it into a tabulator that records their vote on an internal memory card. The vote tabulating equipment keeps a running total of votes cast, and this total is maintained on the memory card, stored in the vote tabulating unit at each voting location. The results at each voting location are then combined and tabulated to produce the final results for the election for each office.

Voting Method	Pros	Cons
Traditional Paper Ballot (Tabulator)	<p>Accessible and familiar to residents</p> <p>Voter verification through ID requirement</p> <p>Use of electronic tabulators allows for fast and reliable results following close of polls</p>	<p>Expensive primarily due to staff and/or volunteer resources to oversee polling sites.</p> <p>Use of tabulators does not greatly reduce costs.</p> <p>Potentially disenfranchises non-resident electors</p> <p>Should pandemic still be an issue, this method would create complexities with regards to maintaining COVID-19 protocols</p>

For both Traditional Paper Ballot methods using hand counts or tabulator counts, requires an extensive compliment of election workers and City staff to administer.

Since 2006, the City has used the optical scan vote tabulators for all regular municipal and school board elections. In 2018, seven (7) election workers were allocated for advance polls, and 46 election workers were required for Voting Day. Polling stations were established in New Liskeard, Dymond and Haileybury. In addition, polling stations were established at the Northdale Manor, Temiskaming Hospital, Temiskaming Lodge and Tri-Town Extendicare.

### 3. Vote By Mail

#### **How it Works**

This method of election is typically used by rural municipalities where electors would otherwise be required to travel some distance to vote at a polling station. In a vote-by-mail method, every elector on the Voters' List is mailed a voting package which includes a return envelope, declaration form, ballot and ballot secrecy envelope. The elector marks their ballot and places it in the ballot secrecy folder, signs the voter declaration and returns both documents by mail, or in person, in the return envelope to the Municipality's Election Centre by the specified date. After the specified date, mail-in ballots are dropped off at the Municipality's Election Centre or other designated location as identified in the Clerk's Procedures. Ballots which have been mailed in or dropped off are counted either manually or using optical scan vote tabulators after the polls close on Voting Day.

<b>Voting Method</b>	<b>Pros</b>	<b>Cons</b>
Vote by Mail	<p>Increased accessibility, voter participation, and voter convenience.</p> <p>Elimination of proxy voting and advance polls.</p> <p>Greater accuracy and prompt election results</p> <p>Less costly alternative to traditional internet polls</p>	<p>Increased processing time by election officials</p> <p>Timeframe required from mail out of ballots to return of ballots, and postal service disruptions.</p> <p>Errors can occur in the mail distribution process</p>

### 4. Internet and Telephone Voting

#### **How it Works**

Internet voting is often available as part of a voting online platform that also includes a telephone voting option. This means that voters could mark their ballots using a computer, tablet or mobile device, or by selecting options over the phone. As such, internet and telephone voting are often offered together as one voting method.

In the lead up to the election, each elector is mailed a personal voter notification letter containing voting instructions as well as:

- (a) A voter ID number;
- (b) A unique voter PIN; and
- (c) The URL and telephone number used to vote.

During an election where internet and telephone voting is used, a voter notice is mailed that includes a Personal Identification Number (PIN) and instructions to access either the website or telephone number to cast their vote. During the voting period, an elector can register to use the online voting system that has an authentication process by using the PIN provided to make their selections regarding their preferred candidates to cast their vote. If utilizing telephone voting, the elector would call the provided telephone number and would be prompted using verbal instructions through an authentication process, including the PIN provided and navigate through the ballot to cast their vote.

Voting Method	Pros	Cons
Internet Voting/Telephone Voting	<p>Convenient and fast for electors.</p> <p>Widely accessible</p> <p>Secure method that allows electors to cast their ballot online anywhere with internet access using a number of devices, or by landline or cell phone.</p> <p>Unintentionally spoiled ballots are not possible</p> <p>Election results available immediately upon close of polls</p> <p>Little or no additional staffing required</p> <p>Eliminates the need for proxies</p> <p>Should pandemic still be an issue, this method would create the fewest complexities with regards to maintaining COVID-19 protocols.</p>	<p>Some electors may not have access to internet or the necessary technology</p> <p>Some voters may not have full confidence in an internet and telephone voting system and may be concerned with the security of the internet including voter fraud, security breaches or other challenges or issues to controvert an election</p>

## **Consultation / Communication**

Changes to the *Municipal Elections Act, 1996* have markedly increased the timeframe for selecting a method for alternative voting for the 2022 municipal election. With several methods of voting available, staff presented the options to the Corporate Services Committee on September 15, 2021. The Committee endorsed the following method of voting for the 2022 Municipal Election:

### **Recommendation CS-2021-048**

Moved by: Mayor Carman Kidd

Be it resolved that:

The Corporate Services Committee hereby recommends that Council consider supporting the Hybrid System using Optical Scan Vote Tabulators, Accessible Voting Equipment and Internet and Telephone for the 2022 Municipal Election.

**CARRIED**

## **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 City maintains an Election Reserve of \$30,000.

The 2018 Municipal and School Board Election was completed under budget at \$26,519.49. The use of tabulators for the vote counting equipment was valued at \$8,807.05.

The cost to change to an alternate voting method is currently unknown, until the results of a Request for Proposal are received.

Should an alternate method be selected; there may be opportunity to reduce the number of polling stations, the number of election workers, election supplies (voter boxes, screens, etc.), and the number or use of tabulators.

Staff anticipate that the 2022 election could be suitably conducted at the budgeted level; however, depending on the method of voting selected, additional funds may be required.

## **Options/ Alternatives**

### **1. Optical Scan Vote Tabulator Devices**

This is the option traditionally used by the City. This option requires the acquisition of paper ballots, rental of tabulators, hiring and/or allocation of upwards of 50 election workers, and the use of a multiple of voting places, for advance voting and voting day.

Should Council wish to adopt this option, the following recommendation should be moved: That Council endorse the use optical scan vote tabulators as the preferred method of voting for the 2022 Municipal Elections, as set out in Administrative Report No. CS-000-2021; and,

That Council direct staff to prepare a by-law to authorize the use of optical scan vote tabulators and for the 2022 Municipal Elections.

### **2. Internet and Telephone Voting Only**

In an internet and telephone voting system, all electors are mailed a voter information package that includes an individual, secret Personal Identification Number (PIN) and voting instructions. Internet and telephone voting provides the opportunity for voters to vote from wherever they wish, using an authentication security system from almost any device. For voters requiring assistance or who do not have access to technology, Advance Voting and Voting Day locations would also be made available to allow voters to go in person to cast their votes using electronic equipment at Voter Assistance Centres (V.A.C.).

The V.A.C. bridges the gap between paper ballot and fully digital processes. The V.A.C. will provide a similar voting experience to paper balloting procedures; however, a paper ballot and tabulator are replaced with kiosks to allow voters to use a device and internet access to cast their ballot. The elector would attend a V.A.C., present their voter information and be 'struck off' the Voter's list. Instead of a paper ballot, the elector would be provided access to an electronic system similar to the at-home internet voting process to allow them to mark and cast their electronic ballot. Trained election officials would be available in the V.A.C. to provide assistance to all voters as requested.

In addition, staff would attend all long-term care facilities and retirement homes with the necessary technology to enable those voters who may not have access to the internet or a telephone, and may not have the ability to attend a V.A.C. Regardless of the method used, once a voter has voted, the system will prevent them from being able to vote again. No one would be excluded from voting because they do not have access to the internet. If a person wishes to vote from home or another location and they do not have access to the internet, they can vote by phone (cell phone or landline) using the same PIN. The system provides instructions on how to vote. These instructions would also be included in the packages sent to voters. After hearing the instructions, they would be provided with



the names of the candidates and then prompted to select the candidate they wish to vote for, by pressing the appropriate number.

A fewer number of Voting Places would be required, voting equipment and staff trained to assist voters on the use of electronic voting process would be staffed at each location. This system would also use a vote anywhere system, where voters would not be required to go to a specific voting place to receive the correct ballot; they could choose any of the V.A.C.'s that would be made available throughout the City.

Of the municipalities that have facilitated internet voting in previous elections, many have noted the need for an increase in their budget for communications, especially during the first election(s) that implemented internet and telephone voting options.

Should Council wish to adopt this option, the following recommendation should be moved:

That Council endorse internet and telephone voting for the 2022 Municipal Elections as set out in Administrative Report CS-000-2021; and

That Council direct staff to prepare a by-law, authorizing the use of internet and telephone voting technologies for the 2022 Municipal Election.

3. Hybrid System using Optical Scan Vote Tabulators, Accessible Voting Equipment and Internet and Telephone (**Recommended**)

A hybrid system option may require the use of optical scan vote tabulators as used in the 2018 Municipal Elections for Advance Voting and Voting Day, as well as an internet and telephone voting platform, each described above, for Advance Voting and Voting Day. This hybrid approach would provide opportunity for the community to transition into electronic voting with traditional forms of voting for users not comfortable with the technology. This option is recommended by staff.

As there is no way to determine how many voters would use each method, the Clerk may need to prepare for use of both systems; however, an advertising campaign would be launched to encourage the alternative voting methods.

Should Council wish to adopt a hybrid system using both internet and telephone voting and paper ballots, potentially using optical scan vote tabulators, the following recommendation should be moved:

That Council endorse the use of a hybrid system using internet and telephone voting and optical scan vote tabulators for the 2022 Municipal Elections, as set out in Administrative Report No. CS-000-2021; and

That Council directs staff to release a Request for Proposal for Alternative Voting System Services for the 2022 Municipal Election.



Should Council wish to proceed following the Request for Proposal review, council would then direct staff to prepare the necessary by-law to authorize the use of internet and telephone voting and paper ballots and optical scan vote tabulators for the 2022 Municipal Election.

#### 4. Vote-by-Mail

Vote-by-mail was not considered as a viable option by staff.

It is important to note that any election model has an inherent risk. Therefore, regardless of the voting method selected, Council should consider adequate back-up systems to ensure plans are in place should technology fail during the voting periods, whether that technology is an optical scan vote tabulator or an internet connection.

#### **Submission**

Prepared by:

Reviewed by:

Reviewed and submitted for  
Council's consideration by:

"Original signed by"

"Original signed by"

"Original signed by"

Logan Belanger  
Municipal Clerk

Shelly Zubyck  
Director of Corporate  
Services

Christopher W. Oslund  
City Manager

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO  
69 ELIZABETH II, 2020

# Bill 204

*(Chapter 23 of the Statutes of Ontario, 2020)*

**An Act to amend various Acts respecting municipal elections, to amend the  
Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 and  
to provide for a temporary residential rent freeze and  
specified temporary protections for certain commercial tenants**

**The Hon. S. Clark**

Minister of Municipal Affairs and Housing

1st Reading      September 17, 2020

2nd Reading      September 28, 2020

3rd Reading      September 30, 2020

Royal Assent      October 1, 2020





## EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 204 and does not form part of the law.  
Bill 204 has been enacted as Chapter 23 of the Statutes of Ontario, 2020.*

### **SCHEDULE 1 ASSESSMENT ACT**

The *Assessment Act* is amended to reflect that the Municipal Property Assessment Corporation will no longer be carrying out enumerations for the purposes of the *Municipal Elections Act, 1996*. It will still carry out other enumerations required by the Minister.

### **SCHEDULE 2 COMMERCIAL TENANCIES ACT**

The Schedule amends the *Commercial Tenancies Act* to provide temporary protections for certain commercial tenants. The amendments are similar to the amendments that were made by the *Protecting Small Business Act, 2020*.

Namely, the Act is amended to prohibit certain actions by landlords if the landlord is or would be eligible to receive assistance from the Canada Emergency Commercial Rent Assistance for small businesses program; however, the rules cease to apply if the landlord is approved to receive the assistance. Judges are prohibited from ordering a writ of possession that is effective during the non-enforcement period if the basis for ordering the writ is an arrears of rent. As well, the amendments prohibit landlords from exercising a right of re-entry and from seizing any goods or chattels as a distress for arrears of rent during the non-enforcement period.

The non-enforcement period begins on the day section 2 of Schedule 2 to the *Helping Tenants and Small Businesses Act, 2020* comes into force and ends on October 30, 2020 or such earlier date as may be prescribed.

If a landlord exercised a right of re-entry between September 1, 2020 and the start of the non-enforcement period, the landlord must restore possession of the premises to the tenant or, if unable to do so, must compensate the tenant for damages. Also, if a landlord seized a tenant's goods between September 1, 2020 and the start of the non-enforcement period as a distress for arrears of rent, the landlord must return any unsold goods to the tenant.

### **SCHEDULE 3 ELECTION ACT**

The *Election Act* is amended to extend the Chief Electoral Officer's responsibilities with respect to the permanent register of electors to include persons entitled to be electors in municipal elections, beginning in 2024.

### **SCHEDULE 4 MUNICIPAL ELECTIONS ACT, 1996**

The *Municipal Elections Act, 1996* is amended to move the responsibility for preparing the preliminary voters' list in municipal elections from the Municipal Property Assessment Corporation to the Chief Electoral Officer, beginning in 2024. The responsibilities of the clerk with regard to updating the voters' list are adjusted accordingly, as are the dates regarding the calculation of contribution and spending limits.

A related amendment is made to the *Municipal Act, 2001*.

### **SCHEDULE 5 MUNICIPAL PROPERTY ASSESSMENT CORPORATION ACT, 1997**

The *Municipal Property Assessment Corporation Act, 1997* is amended to require the Corporation to provide information to the Chief Electoral Officer free of charge, for the purposes of establishing and maintaining a permanent register of electors.

### **SCHEDULE 6 REOPENING ONTARIO (A FLEXIBLE RESPONSE TO COVID-19) ACT, 2020**

The *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* is amended in relation to organized public events and other gatherings. A police officer, special constable or First Nations Constable will be able to order that premises be temporarily closed if too many people are attending an event or other gathering occurring at the premises. A host or organizer of an event or other gathering will be guilty of an offence if too many people attend.

### **SCHEDULE 7 RESIDENTIAL TENANCIES ACT, 2006**

The Schedule amends the *Residential Tenancies Act, 2006* to provide for a residential rent freeze for the calendar year 2021, subject to specified exceptions.

The Schedule provides that the guideline for rent increases in 2021 is zero per cent, despite the guideline that was published under subsection 120 (3) of the Act in *The Ontario Gazette* for 2021.

The Lieutenant Governor in Council is given the power to make regulations governing transitional matters arising from the amendments made by the Schedule.

**An Act to amend various Acts respecting municipal elections, to amend the  
Reopening Ontario (A Flexible Response to COVID-19) Act, 2020 and  
to provide for a temporary residential rent freeze and  
specified temporary protections for certain commercial tenants**

**CONTENTS**

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	Assessment Act
Schedule 2	Commercial Tenancies Act
Schedule 3	Election Act
Schedule 4	Municipal Elections Act, 1996
Schedule 5	Municipal Property Assessment Corporation Act, 1997
Schedule 6	Reopening Ontario (A Flexible Response to COVID-19) Act, 2020
Schedule 7	Residential Tenancies Act, 2006

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

**Contents of this Act**

**1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.**

**Commencement**

**2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.**

**(2) The Schedules to this Act come into force as provided in each Schedule.**

**(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.**

**Short title**

**3 The short title of this Act is the *Helping Tenants and Small Businesses Act, 2020*.**

**SCHEDULE 1  
ASSESSMENT ACT**

**1 Subsection 1 (1) of the *Assessment Act* is amended by adding the following definition:**

“Chief Electoral Officer” means the Chief Electoral Officer who holds office under the *Election Act*; (“directeur général des élections”)

**2 Section 15 of the Act is repealed and the following substituted:**

**Enumeration**

**15** (1) The Minister may require the assessment corporation to conduct an enumeration of the inhabitants in all or part of a municipality, locality or non-municipal territory.

**Time and manner**

(2) An enumeration under subsection (1) shall be conducted at the times and in the manner provided for in regulations made by the Minister.

**Information**

(3) The Chief Electoral Officer may provide information requested by the assessment corporation for the purposes of conducting an enumeration under this section.

**3 (1) Subsections 16 (2) and (3) of the Act are repealed and the following substituted:**

**Information from C.E.O.**

- (2) The assessment corporation may prepare the list referred to in subsection (1) on the basis of information that is,
- (a) provided to the assessment corporation by the Chief Electoral Officer under section 17.2 of the *Election Act*; or
  - (b) obtained from any source the assessment corporation considers reliable.

**Application respecting school support**

(3) Any person may apply to the assessment corporation, in a written, electronic or other form approved by the Minister, to have his or her name included or altered in the assessment roll as a supporter of a type of school board under the *Education Act*.

**(2) Subsection 16 (8) of the Act is repealed and the following substituted:**

**Delivery of application by assessment corporation**

- (8) If the assessment corporation approves an application under subsection (3), the assessment corporation shall deliver a copy of the approved application to,
- (a) the secretary of each school board in the municipality or locality in which the applicant is entitled to support a school board; and
  - (b) the Chief Electoral Officer.

**Commencement**

**4 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

## SCHEDULE 2 COMMERCIAL TENANCIES ACT

**1** The definition of “landlord” in section 1 of the *Commercial Tenancies Act* is amended by striking out “Parts II and III” and substituting “Parts II, III and IV”.

**2** The Act is amended by adding the following Part:

### PART IV

#### Non-enforcement period

**79** In this Part,

“non-enforcement period” means the period that begins on the day section 2 of Schedule 2 to the *Helping Tenants and Small Businesses Act, 2020* comes into force and ends on October 30, 2020 or on such earlier date as may be prescribed.

#### Application

**80** (1) Subject to subsection (2), this Part applies to a tenancy in respect of which the landlord satisfies any of the following criteria:

1. The landlord is eligible to receive assistance under the Canada Emergency Commercial Rent Assistance for small businesses program.
2. The landlord would be eligible to receive assistance under the Canada Emergency Commercial Rent Assistance for small businesses program if the landlord entered into a rent reduction agreement with the tenant containing a moratorium on eviction.
3. The landlord would have been eligible to receive assistance under the Canada Emergency Commercial Rent Assistance for small businesses program as described in paragraph 1 or 2 if applications under that program were being accepted. This paragraph applies only if applications to the Canada Emergency Commercial Rent Assistance for small businesses program are no longer being accepted.

#### Same

(2) If a landlord described in subsection (1) is approved to receive assistance under the Canada Emergency Commercial Rent Assistance for small businesses program in respect of the tenancy, the following paragraphs apply:

1. Section 81 does not apply in respect of an action or application by the landlord for a writ of possession, if the action or application was commenced after the landlord was approved to receive the assistance.
2. Sections 82 and 83 do not apply in respect of an exercise of a right of re-entry by the landlord, if the right was exercised after the landlord was approved to receive the assistance.
3. Sections 84 and 85 do not apply in respect of a seizure of goods or chattels as a distress for arrears of rent by the landlord, if the seizure was done after the landlord was approved to receive the assistance.

#### Same

(3) For greater certainty, subsection (2) applies if the landlord was approved to receive assistance under the Canada Emergency Commercial Rent Assistance for small businesses program in respect of the tenancy but is no longer receiving assistance under that program.

#### Conflict

(4) This Part applies despite any other Part of this Act or any provision in an agreement or any common law rule.

#### Eviction orders for rent arrears not effective during the non-enforcement period

**81** (1) Despite anything in this or any other Act, a judge shall not order a writ of possession that is effective during the non-enforcement period in respect of a tenancy described in section 80 if the basis for ordering the writ is an arrears of rent.

#### Same

(2) Subsection (1) applies in respect of an action or application that was commenced before, on or after the day section 2 of Schedule 2 to the *Helping Tenants and Small Businesses Act, 2020* comes into force.

#### No re-entry during the non-enforcement period

**82** No landlord shall exercise a right of re-entry during the non-enforcement period.

#### Restore possession and compensate for re-entry before the non-enforcement period

**83** (1) If a landlord exercised a right of re-entry during the period that begins on September 1, 2020 and ends immediately before the day section 2 of Schedule 2 to the *Helping Tenants and Small Businesses Act, 2020* comes into force, the landlord shall, as soon as reasonably possible,



- (a) restore possession of the premises to the tenant unless the tenant declines to accept possession; or
- (b) if the landlord is unable to restore possession of the premises to the tenant for any reason other than the tenant declining to accept possession, compensate the tenant for all damages sustained by the tenant by reason of the inability to restore possession.

**Tenancy deemed reinstated**

(2) If a landlord restores possession of a premises to a tenant under subsection (1), the tenancy is deemed to be reinstated on the same terms and conditions unless the landlord and the tenant agree otherwise.

**No distress during the non-enforcement period**

**84** No landlord shall, during the non-enforcement period, seize any goods or chattels as a distress for arrears of rent.

**Return goods seized before the non-enforcement period**

**85** If, during the period that begins on September 1, 2020 and ends immediately before the day section 2 of Schedule 2 to the *Helping Tenants and Small Businesses Act, 2020* comes into force, a landlord seized any goods or chattels as a distress for arrears of rent, the landlord shall, as soon as reasonably possible, return to the tenant all of the seized goods and chattels that are unsold as of the day section 2 of Schedule 2 to the *Helping Tenants and Small Businesses Act, 2020* comes into force.

**Liability for re-entry and seizure of goods**

**86** (1) A landlord who contravenes section 82 or 84 or who fails to comply with clause 83 (1) (a) or section 85 is liable to the person aggrieved for any damages sustained by the person aggrieved as a result of the contravention or non-compliance.

**Same**

(2) For greater certainty, subsection (1) applies in addition to any other remedy available by law to the person aggrieved.

**Regulations, end of non-enforcement period**

**87** The Lieutenant Governor in Council may make regulations prescribing a date for the purposes of the definition of “non-enforcement period” in section 79.

**Commencement**

**3** This Schedule comes into force on the day the *Helping Tenants and Small Businesses Act, 2020* receives Royal Assent.

### SCHEDULE 3 ELECTION ACT

**1 Section 1 of the *Election Act* is amended by adding the following definition:**

“permanent register” and “permanent register of electors” means the permanent register of electors established and maintained under section 17.1; (“registre permanent”, “registre permanent des électeurs”)

**2 Section 3.2 of the Act is amended by adding the following subsections:**

**Same, municipal elections**

(3) The Chief Electoral Officer is responsible for all of the functions and responsibilities of the Chief Electoral Officer under the *Assessment Act*, the *Municipal Elections Act, 1996*, the *Municipal Act, 2001* and the *Municipal Property Assessment Corporation Act, 1997*.

**Transitional**

(4) The Chief Electoral Officer’s functions and responsibilities under the *Municipal Elections Act, 1996* apply with respect to anything necessary for the purposes of by-elections and regular elections that commence on or after January 1, 2024.

**3 Section 4.7 of the Act is repealed and the following substituted:**

**Redaction of information**

**4.7** Despite any requirement in this or any other Act that the Chief Electoral Officer or a returning officer provide information about a person, the Chief Electoral Officer may, on the request of the person, redact any information that the Chief Electoral Officer reasonably believes would, if made available, endanger the person’s life, health or security.

**4 (1) Subsections 17.1 (1) and (1.1) of the Act are repealed and the following substituted:**

**Permanent register**

- (1) The Chief Electoral Officer shall establish and maintain a permanent register of electors for Ontario, to include both,
- (a) persons entitled under this Act to vote at an election to the Assembly; and
  - (b) persons entitled to be an elector at an election held in a local municipality under subsections 17 (2) and (3) of the *Municipal Elections Act, 1996*.

**Unique identifiers**

(1.1) The permanent register must contain, for each person identified in the register, a unique identifier that is assigned by the Chief Electoral Officer.

**(2) Subsection 17.1 (3) of the Act is repealed and the following substituted:**

**Same**

- (3) The following rules apply to updating under subsection (2):
- 1. In respect of general elections, the permanent register shall be updated with respect to all of Ontario,
    - i. at least once in each calendar year, and
    - ii. as soon as possible after a writ is issued for a general election, unless the most recent previous updating was done within two months before the day the writ is issued.
  - 2. In respect of a by-election for the Assembly, the permanent register shall be updated with respect to an individual electoral district as soon as possible after a writ is issued for a by-election to be held there, unless the most recent previous updating was done within two months before the day the writ is issued.
  - 3. In respect of general elections, the permanent register shall be updated with respect to all of Ontario at a registered party’s request. However, in that case the costs of updating, as determined by the Chief Electoral Officer, shall be paid by the party.
  - 4. In respect of municipal elections, the permanent register shall be updated as often as the Chief Electoral Officer considers necessary or desirable in order to meet the requirements of the *Municipal Elections Act, 1996*.

**(3) Paragraph 2 of subsection 17.1 (4) of the Act is amended by adding the following subparagraph:**

- v. the Municipal Property Assessment Corporation.

**(4) Subsection 17.1 (5) of the Act is amended by striking out “subparagraph iii or iv” and substituting “subparagraph iii, iv or v”.**

**5 Section 17.1.1 of the Act is repealed and the following substituted:**

### **Electronic system for confirmation of information**

**17.1.1** The Chief Electoral Officer shall establish and maintain an electronic system to allow persons to verify and confirm information about themselves in the permanent register of electors.

### **6 Section 17.1.2 of the Act is repealed and the following substituted:**

#### **Application re permanent register**

**17.1.2** (1) A person may apply to have their name added to or removed from the permanent register of electors in accordance with the following rules:

1. In respect of an election to the Assembly, the application shall be accompanied by proof of the person's identity and place of residence in accordance with section 4.2.
2. In respect of an election to the Assembly, during the period that begins with the issue of a writ for an election and ends on the day before polling day, the application may be submitted at a returning office.
3. In respect of an election to the Assembly, at all other times except on polling day, the application may be,
  - i. submitted at the office of the clerk of any municipality with territorial jurisdiction in the electoral district, or
  - ii. sent to the office of the Chief Electoral Officer.
4. In respect of a municipal election, the application shall be accompanied by proof of identity and proof that the person is entitled to be an elector at an election held in a local municipality under subsections 17 (2) and (3) of the *Municipal Elections Act, 1996*.
5. In respect of a municipal election,
  - i. during the times set out in sections 24 and 25 of the *Municipal Elections Act, 1996*, the application may be submitted to the clerk of the municipality in the manner set out in those sections, or
  - ii. at all other times, the application may be sent to the office of the Chief Electoral Officer.

#### **Polling day**

(2) An application under subsection (1) in respect of an election to the Assembly may not be made on polling day, but an elector may apply to the deputy returning officer or to a revision assistant under section 47.1 to be added to the list of electors.

### **7 Subsection 17.4 (4) of the Act is repealed and the following substituted:**

#### **Exception**

- (4) Subsection (3) does not apply to,
- (a) a person or party who obtains the information under section 17.3;
  - (b) a person or entity who obtains the information from a person or party described in clause (a), if there is compliance with clause (1) (c);
  - (c) the clerk of a municipality who is performing their functions under the *Municipal Elections Act, 1996*, if the clerk provides a written acknowledgement described in clause (1) (c) of this section; or
  - (d) a person to whom the clerk provides information under subsection 23 (3) or (4) of the *Municipal Elections Act, 1996*, if the person provides a written acknowledgment described in subsection 23 (7) of that Act.

### **8 Section 17.14 of the Act is amended by adding the following subsection:**

#### **Municipal elections**

(9) The Chief Electoral Officer may conduct a targeted registration program with respect to persons entitled to be an elector at an election held in a local municipality under subsections 17 (2) and (3) of the *Municipal Elections Act, 1996* in calendar years in which a regular election is to be held under that Act, and subsections (2) to (8) of this section apply to such a program with necessary modification.

#### **Commencement**

**9 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**

## SCHEDULE 4 MUNICIPAL ELECTIONS ACT, 1996

### **1 Subsection 1 (1) of the *Municipal Elections Act, 1996* is amended by adding the following definitions:**

“Chief Electoral Officer” means the Chief Electoral Officer who holds office under the *Election Act*; (“directeur général des élections”)

“permanent register of electors” means the permanent register of electors for Ontario established and maintained by the Chief Electoral Officer under section 17.1 of the *Election Act*; (“registre permanent des électeurs”)

### **2 The Act is amended by adding the following section:**

#### **Transition**

**3.1** Despite any amendment made to this Act by Schedule 4 to the *Helping Tenants and Small Businesses Act, 2020*, the relevant provision of this Act, as it existed immediately before the coming into force of the amendment, continues to apply for the purposes of a by-election that commences before January 1, 2024.

### **3 Subsection 18 (2) of the Act is repealed and the following substituted:**

#### **Notice to C.E.O.**

(2) A clerk who acts under subsection (1) shall, on or before March 31 in the year of the regular election, inform the Chief Electoral Officer of the boundaries of the voting subdivisions.

### **4 (1) Subsections 19 (1) to (3.4) of the Act are repealed and the following substituted:**

#### **Preliminary list**

(1) The Chief Electoral Officer shall prepare and maintain a preliminary list for each local municipality and make it available to the clerk.

#### **Subdivisions**

(2) If the local municipality is divided into voting subdivisions, the preliminary list must contain a preliminary list for each voting subdivision.

#### **Permanent register**

(3) The preliminary list must be based on the permanent register of electors.

#### **Access to list**

(3.1) The clerk may obtain the preliminary list, or any information from the preliminary list, at one or more times before September 1 in the year of a regular election.

(2) **Subsection 19 (5) of the Act is amended by striking out “entered” wherever it appears and substituting in each case “included”.**

### **5 Section 20 of the Act is repealed and the following substituted:**

#### **Homeless persons**

**20** The Chief Electoral Officer is not required to include on a preliminary list the name of a person whose residence is determined under subsection 2 (3).

**6 Subsection 22 (1) of the Act is amended by striking out “Municipal Property Assessment Corporation” and substituting “Chief Electoral Officer”.**

### **7 Section 23 of the Act is amended by adding the following subsections:**

#### **Redacted information**

(6) A copy of the voters’ list provided under subsection (3) or a part of the voters’ list provided under subsection (4) shall not contain information about a person that has been redacted under section 4.7 of the *Election Act*.

#### **Restrictions**

(7) The clerk may not provide a copy of the voters’ list under subsection (3) or a part of the voters’ list under subsection (4) to a person unless the person provides a written acknowledgment that they,

- (a) shall only use it for electoral purposes and shall not use it for commercial purposes;
- (b) are bound by the restrictions in this subsection and subsection (8); and
- (c) may only disclose its content to others after obtaining their written acknowledgement that they are bound by the restrictions in this subsection and subsection (8).

### **Further rules**

(8) The following rules apply to persons who are required to provide a written acknowledgment under subsection (7):

1. In the case of a person who has been provided with a copy of the voters' list from a person described in clauses (3) (a) to (c) or part of the voters' list from a certified candidate under subsection (4),
  - i. they shall not provide it to any other person, and shall not make further copies, either in printed form or electronically,
  - ii. if they received a printed copy, they shall return it to the person who provided it, on or before the date specified by that person, and
  - iii. if they received an electronic copy, they shall destroy it, and shall provide the person who provided it with a written acknowledgment of the destruction, on or before the date specified by that person.
2. Where a person has been provided with a copy of the voters' list under clauses (3) (a) to (c) or a certified candidate has been provided with part of the voters' list under subsection (4), and they have provided it to another person, they shall retain the written acknowledgement provided by each person to whom they provided it, in accordance with paragraph 5.
3. A person who has been provided with a copy of the voters' list under clauses (3) (a) to (c) shall, on or before December 31 in the year of a regular election or 45 days after voting day in a by-election,
  - i. destroy the copy of the voters' list,
  - ii. destroy any printed copies returned to them under subparagraph 1 ii, and
  - iii. require the receipt of the written acknowledgments of destruction that are to be provided to them under subparagraph 1 iii.
4. A certified candidate who has been provided with part of the voters' list under subsection (4) shall, on or before the day when the candidate's election campaign period ends under subsection 88.24 (1),
  - i. destroy the part of the voters' list,
  - ii. destroy any printed copies returned to them under subparagraph 1 ii, and
  - iii. require the receipt of the written acknowledgments of destruction that are to be provided to them under subparagraph 1 iii.
5. The written acknowledgements received under this section shall be retained for the term of office of the council or local board and until their successors are elected and the newly elected council or local board is organized.

### **8 Section 24 of the Act is amended by adding the following subsections:**

#### **Addition of name to permanent register**

(5) When a person's name is added to the voters' list under this section, it shall also be added to the permanent register of electors, unless the person objects.

#### **Deletion of name from permanent register**

(6) When a person's name is removed from the voters' list under this section, it shall also be deleted from the permanent register of electors, unless the person objects.

### **9 Section 27 of the Act is repealed and the following substituted:**

#### **List of changes**

##### **Interim list**

**27** (1) During the period beginning on September 20 and ending on September 30 in the year of a regular election, the clerk shall,

- (a) prepare an interim list of changes to the voters' list that,
  - (i) must include changes approved under sections 24 and 25 on or before September 20, and
  - (ii) may include changes based on updated information from the permanent register of electors that the clerk obtains on or before September 20; and
- (b) give a copy of the interim list to each person who received a copy of the voters' list under section 23.

##### **Final list**

(2) Within 30 days after voting day, the clerk shall,

- (a) prepare a final list of the changes to the voters' list approved under sections 24 and 25; and

- (b) give a copy of the final list of changes to the Chief Electoral Officer.

**10 Subsection 43 (6) of the Act is repealed and the following substituted:**

**Access for candidates**

(6) The clerk shall give a copy of any list referred to in subclause (5) (b) (i) to any certified candidate who has made a written request under subsection 23 (4), subject to the restrictions set out in subsections 23 (6) and (7).

**11 (1) Paragraph 4 of subsection 65 (4) of the Act is repealed and the following substituted:**

- 4. The voters' list shall be prepared as follows:
  - i. the clerk shall notify the Chief Electoral Officer that a by-election is required,
  - ii. the clerk shall, at least 21 days before nomination day, obtain the preliminary list or the part of it that is required for the by-election,
  - iii. the clerk shall make corrections to the preliminary list as soon as possible after obtaining the list, and
  - iv. the corrected list constitutes the voters' list.

**(2) Subsection 65 (4) of the Act is amended by adding the following paragraph:**

- 5.1 Within 30 days after voting day, the clerk shall,
  - i. prepare a final list of the changes to the voters' list approved under sections 24 and 25, and
  - ii. give a copy of the final list of changes to the Chief Electoral Officer.

**(3) Paragraph 3 of subsection 65 (5) of the Act is repealed and the following substituted:**

- 3. The voters' list shall be prepared as follows:
  - i. the clerk shall notify the Chief Electoral Officer that a by-election is required and,
    - A. for a by-law under clause 8 (1) (a) or a question under subsection 8 (2) or (3), the clerk shall, within 10 days after the clerk notifies the Chief Electoral Officer that a by-election is required, obtain the preliminary list that is required for the by-election, or
    - B. for a question under clause 8 (1) (b) or (c), the clerk shall, at least 60 days before voting day, obtain the preliminary list that is required for the by-election,
  - ii. the clerk shall make corrections to the preliminary list under section 22 as soon as possible after obtaining the list, and
  - iii. the corrected list constitutes the voters' list.

**(4) Subsection 65 (5) of the Act is amended by adding the following paragraph:**

- 3.2 Within 30 days after voting day, the clerk shall,
  - i. prepare a final list of the changes to the voters' list approved under sections 24 and 25, and
  - ii. give a copy of the final list of changes to the Chief Electoral Officer.

**12 (1) Section 88 of the Act is amended by adding the following subsections:**

**Redacted information**

(6.2) Subsection (5) does not apply to information about a person that has been redacted under section 4.7 of the *Election Act*.

**Restriction**

(7.1) Subsection (7) does not entitle a person to make extracts from, or copies of, the voters' list, unless authorized to do so by a court order.

**(2) Subsection 88 (9) of the Act is amended by striking out "subsection (6)" and substituting "subsection (6.1) or (7.1)".**

**13 (1) Subsection 88.9.1 (2) of the Act is repealed and the following substituted:**

**Number of electors, regular election**

(2) For the purposes of subsection (1), for a regular election the number of electors is the greater of the following:

- 1. The number determined from the voters' list from the previous regular election, as it existed on September 20 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

2. The number determined from the voters' list for the current election, as it exists on September 20 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

**(2) Paragraph 1 of subsection 88.9.1 (3) of the Act is repealed and the following substituted:**

1. The number determined from the voters' list from the previous regular election, as it existed on September 20 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

**(3) Clause 88.9.1 (4) (a) of the Act is amended by striking out "September 25" and substituting "September 30".**

**(4) Subsection 88.9.1 (7) of the Act is repealed and the following substituted:**

**Transition**

(7) For the 2026 regular election, the maximum amount determined under subsection (1) shall be determined as if paragraph 1 of subsection (2) read as follows:

1. The number determined from the voters' list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for applications under sections 24 and 25 that were approved as of that day.

**14 (1) Subsection 88.20 (11) of the Act is repealed and the following substituted:**

**Number of electors, regular election**

(11) For the purposes of subsection (7), for a regular election the number of electors is the greater of the following:

1. The number determined from the voters' list from the previous regular election, as it existed on September 20 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.
2. The number determined from the voters' list for the current election, as it exists on September 20 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

**(2) Paragraph 1 of subsection 88.20 (12) of the Act is repealed and the following substituted:**

1. The number determined from the voters' list from the previous regular election, as it existed on September 20 in the year of the previous election, adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

**(3) Clause 88.20 (13) (a) of the Act is amended by striking out "September 25" and substituting "September 30".**

**(4) Subsection 88.20 (15) of the Act is repealed and the following substituted:**

**Transition**

(15) For the 2026 regular election, the maximum amount determined under subsection (6) shall be determined as if paragraph 1 of subsection (11) read as follows:

1. The number determined from the voters' list from the previous regular election, as it existed on September 15 in the year of the previous election, adjusted for applications under sections 24 and 25 that were approved as of that day.

**15 (1) Subsection 88.21 (11) of the Act is repealed and the following substituted:**

**Number of electors, regular election**

(11) Subject to subsection (16), for the purpose of applying the prescribed formula for a regular election, the number of electors is the greater of the following:

1. The number determined from the voters' list from the previous regular election, as it existed on the day specified in subsection (13), adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.
2. The number determined from the voters' list for the current election, as it exists on September 20 in the year of the current election, adjusted for changes made under sections 24 and 25 that are approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

**(2) Paragraph 1 of subsection 88.21 (12) of the Act is repealed and the following substituted:**

1. The number determined from the voters' list from the previous regular election, as it existed on the day specified in subsection (13), adjusted for changes made under sections 24 and 25 that were approved as of that day and any changes based on updated information from the permanent register of electors that the clerk may obtain on or before that day.

**(3) Subsection 88.21 (13) of the Act is repealed and the following substituted:**

**Same, regular or by-election**

(13) For the purposes of paragraph 1 of subsection (11) and paragraph 1 of subsection (12), the number shall be determined using the voters' list from the previous regular election as the list existed on,

- (a) September 15 in the year of the previous regular election, if the formula is being applied for the purposes of the 2026 regular election; or
- (b) September 20 in the year of the previous regular election, if the formula is being applied for the purposes of an election in any other year.

**(4) Clause 88.21 (14) (a) of the Act is amended by striking out "September 25" and substituting "September 30".**

***Municipal Act, 2001***

**16 Subsection 222 (9.1) of the *Municipal Act, 2001* is amended by adding "and the Chief Electoral Officer" at the end of the portion before clause (a).**

**Commencement**

**17 This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.**



**SCHEDULE 5**  
**MUNICIPAL PROPERTY ASSESSMENT CORPORATION ACT, 1997**

**1** Section 12 of the *Municipal Property Assessment Corporation Act, 1997* is amended by adding the following subsection:

**No charge for election information**

(5.1) Despite subsection (5), the Corporation shall not levy a charge for providing information requested by the Chief Electoral Officer under section 17.1 of the *Election Act* for the purposes of establishing and maintaining a permanent register of electors.

**Commencement**

**2** This Schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

**SCHEDULE 6**  
**REOPENING ONTARIO (A FLEXIBLE RESPONSE TO COVID-19) ACT, 2020**

**1 Section 1 of the *Reopening Ontario (A Flexible Response to COVID-19) Act, 2020* is amended by adding the following definitions:**

“occupier” has the same meaning as in the *Trespass to Property Act*; (“occupant”)

“premises” has the same meaning as in the *Trespass to Property Act*. (“lieux”)

**2 The Act is amended by adding the following section:**

**Temporary closure by police, etc.**

**9.1** (1) A police officer, special constable or First Nations Constable may order that premises be temporarily closed if the police officer, special constable or First Nations Constable has reasonable grounds to believe that an organized public event or other gathering is occurring at the premises and that the number of people in attendance exceeds the number permitted under a continued section 7.0.2 order.

**Compliance with order**

(2) Every individual who is on the premises shall comply with the order to temporarily close the premises by promptly vacating the premises after being informed of the order.

**Same**

(3) No individual shall re-enter the premises on the same day that the premises were temporarily closed under subsection (1) unless a police officer, special constable or First Nations Constable authorizes the re-entry.

**Exception for residents**

(4) Subsections (2) and (3) do not apply to individuals residing in the premises.

**3 Subsection 10 (1) of the Act is amended by adding “with subsection 9.1 (2) or (3) or” after “comply”.**

**4 The Act is amended by adding the following section:**

**Offence for occupier of premises**

**10.1** (1) A person is guilty of an offence if the person hosts or organizes a public event or other gathering at residential premises or other prescribed premises and the number of people in attendance exceeds the number permitted under a continued section 7.0.2 order.

**Presumption that owner, etc. is hosting or organizing**

(2) If the owner or occupier of premises at which a public event or other gathering is held is present at the event or gathering, the owner or occupier is presumed, in the absence of evidence to the contrary, to be hosting or organizing the event or gathering.

**Penalties**

(3) A person who is convicted of an offence under subsection (1) is liable,

- (a) in the case of an individual, subject to clause (b), to a fine of not less than \$10,000 and not more than \$100,000 and for a term of imprisonment of not more than one year;
- (b) in the case of an individual who is a director or officer of a corporation, to a fine of not less than \$10,000 and not more than \$500,000 and for a term of imprisonment of not more than one year; and
- (c) in the case of a corporation, to a fine of not less than \$10,000 and not more than \$10,000,000.

**Applicable provisions**

(4) Subsections 10 (2) to (4) apply, with necessary modifications, with respect to offences under subsection (1).

**Regulations**

(5) The Lieutenant Governor in Council may make regulations prescribing premises for the purposes of subsection (1).

**Commencement**

**5 This Schedule comes into force on the day the *Helping Tenants and Small Businesses Act, 2020* receives Royal Assent.**

**SCHEDULE 7**  
**RESIDENTIAL TENANCIES ACT, 2006**

**1 Section 120 of the *Residential Tenancies Act, 2006* is amended by adding the following subsections:**

**Guideline for 2021**

(3.1) The guideline for the calendar year 2021 is zero per cent, despite subsection (2) and despite the guideline published under subsection (3) in *The Ontario Gazette* for 2021.

**Same**

(3.2) The Minister is not required to have the guideline for the calendar year 2021, as set out in subsection (3.1), published in *The Ontario Gazette*.

**2 The Act is amended by adding the following Part:**

**PART VII.1**  
**RENT FREEZE, 2021**

**Rent freeze period**

**Definition**

**136.1** (1) In this section,

“rent freeze period” means the period that begins on January 1, 2021 and ends on December 31, 2021.

**Non-application, certain rent increases**

(2) This section does not apply with respect to,

- (a) accommodation described in clause 6 (1) (a) or (b);
- (b) an increase in rent for a rental unit taken in accordance with an agreement under section 121 or 123;
- (c) an increase in rent for a rental unit permitted under subsection 126 (10) or section 127 for,
  - (i) an extraordinary increase in the cost for municipal taxes and charges as described in paragraph 1 of subsection 126 (1), if the increase in rent is permitted by an order of the Board that was issued before the day the *Helping Tenants and Small Businesses Act, 2020* receives Royal Assent,
  - (ii) eligible capital expenditures as described in paragraph 2 of subsection 126 (1), or
  - (iii) operating costs related to security services as described in paragraph 3 of subsection 126 (1); or
- (d) an increase in rent payable by an assignee under a tenancy agreement for a site for a mobile home or a site on which there is a land lease home in accordance with section 165.

**No rent increase during rent freeze period**

(3) No landlord shall increase the rent charged to a tenant during the rent freeze period, even if notice of the increase was given before the day the *Helping Tenants and Small Businesses Act, 2020* receives Royal Assent.

**Clarification, notice during rent freeze period**

(4) For greater certainty, nothing in subsection (3) prohibits a landlord from giving a notice during the rent freeze period of a rent increase that takes effect after the rent freeze period.

**Conflict, *Housing Services Act, 2011*, rent geared to income**

(5) For greater certainty, in the event of a conflict between this section and a regulation made under section 50 of the *Housing Services Act, 2011*, this section prevails.

**3 The Act is amended by adding the following section:**

**Transition regulations, *Helping Tenants and Small Businesses Act, 2020***

**241.4** (1) The Lieutenant Governor in Council may make regulations governing transitional matters that, in the opinion of the Lieutenant Governor in Council, are necessary or advisable to deal with issues arising out of the amendments to this Act made by Schedule 7 to the *Helping Tenants and Small Businesses Act, 2020*.

**Same**

(2) A regulation made under subsection (1) may govern the application of provisions of this Act to proceedings before a court or the Board in which a claim is made relating to amendments to this Act made by Schedule 7 to the *Helping Tenants and Small Businesses Act, 2020* and which were commenced before the commencement date of the amendment.

**Commencement**

**4 This Schedule comes into force on the day the *Helping Tenants and Small Businesses Act, 2020* receives Royal Assent.**



# **MODERNIZING THE VOTERS' LIST**

AMCTO POSITION PAPER

MAY 2019



## OUR POSITION

The 2018 post-election survey makes it clear that AMCTO's members continue to view the voters' list as problematic and in need of reform.

After each provincial election, Ontario's Chief Electoral Officer reports to the legislature on the main issues in running the event. In his report on the 2018 provincial election, Greg Essensa also addressed issues surrounding the municipal voters' list. In fact, he identified three specific recommendations that would increase the involvement of Elections Ontario in local government elections:

- Establish a single address authority
- Appoint Elections Ontario as the authority responsible for the municipal voters' list
- Establish a voting day that is not a school day

AMCTO generally supports these positions.

Deeper analysis of our data along with discussions with specialized advisory groups has helped AMCTO formalize its support for the following principles:

- That the voters' list must be as accurate as possible and that municipalities should receive updated information in a timely manner;
- That data access and sharing between government agencies improve the quality of the list; and
- That the holder of the voters' list must be able to support school board elections and associated requirements of such a list.

With these principles, AMCTO can confidently advocate for a new way of developing and maintaining the voters' list – built from the ground up – rather than using a system for which electoral accuracy is a secondary concern from the provider's main business line.

## OUR ROLE

AMCTO members are central to the administration of municipal elections. This vital component of local democracy requires the professionalism, dedication, and attention to detail expected of municipal clerks. However, the clerks and other officials charged with ensuring municipal elections are fair and effective rely heavily on the voters' list data provided by the Municipal Property Assessment Corporation (MPAC).

It is not an exaggeration to say that, without an accurate voters' list, municipal elections would lay an onerous burden on the clerks' staff. It would also lay a burden on individual voters: they would have to seek out information on how, where, and when to vote, and then they would have to prove that they are eligible to vote within a given municipality.

Unlike the voters' list used for provincial and federal elections, the Ontario municipal voters' list is derived largely from the property tax rolls of a municipality. Unfortunately, it is plagued by inaccuracies which result in frustration for both individual voters and the election administrators tasked with running a fair election. Despite numerous attempts to improve the system by which voter information is collected and shared with municipalities, the voters' list remains mired in controversy, requiring a significant number of manual changes during each election cycle.

AMCTO has long supported a new approach to building the voters' list. However, our members experience the same problems, election after election. The time has come for bold and transformative action to ensure the integrity of future municipal elections.

*"I strongly encourage efforts to figure out how to improve our voters' list. It is so inaccurate and not acceptable.*

*Epecially, if municipalities are going to continue to try alternate methods of voting such as internet and telephone - the accuracy of the voters' list is so very important"*

– AMCTO Member





## OUR WORK TO DATE

In 2012, AMCTO engaged its Municipal Elections Project Team to study the problems facing our members responsible for administering local elections and issue a discussion paper to consider ways in which these problems might be solved. The paper itself outlined the existing processes used to create the voters' list for each municipal election, the key issues, and recommendations for specific outcomes.

The paper was born from a view that AMCTO members, as the chief officials responsible for administering municipal elections, had something valuable to say about the state of the voters' list. As a result, the paper focuses on the then-current state of the voters' list along with the assumptions that had guided its development over time. The paper refutes some of those assumptions and offers suggestions to reframe the discussion around a set of principles more suited to the modern realities of local elections.

### **AMCTO's members responded to five key concerns about the voters' list:**

- **Accuracy of the voters' list;**
- **Costs of developing and maintaining the voters' list;**
- **Absence of outcome-based performance measures;**
- **Risks to personal privacy; and**
- **Voter turnout.**

The paper's conclusions are divided into two parts. First, the report suggests three critical reforms on which the Ministry of Municipal Affairs and Housing should take immediate action through a review of the Municipal Elections Act and the development by the Municipal Property Assessment Corporation (MPAC) of outcome-based performance measures.

### **The second part of the report's conclusions outlines the options AMCTO's members believe would allow for a more viable voters' list:**

- **No list;**
- **List maintained by Municipal Clerk with data provided by MPAC;**
- **List maintained by Municipal Clerk and MPAC;**
- **List maintained by MPAC;**
- **One list for all elections; and**
- **Hybrid options.**

AMCTO continued to push for a better, more efficient way to create and maintain a voters' list for local government elections in this modern age. Using data from AMCTO's 2014 Post-Election Survey, the 2015 position paper highlighted the association's continued concerns:

#### › Data Accuracy

The most significant complaint our members have about the MPAC data is that it is often incomplete, incorrect, and inaccurate. Our members report that many eligible electors – even those who had voted in the last election in the same municipality – were not on the voters' list, while many ineligible voters were.

#### › Costs

The cost of developing, maintaining, and revising the MPAC data is also increasing. Not only do municipalities pay for the data prepared and delivered by MPAC but they must also spend additional public money to revise it. In other words, municipalities must budget to correct a high volume of errors in what has been provided to them.

#### › Voter Turnout

Voter turnout has become a very public debate in recent years. Elections at all three levels of government – federal, provincial, and municipal – have generally seen lower and lower voter turnout. In Ontario, municipal turnout hovered between 40 and 45% from 1988 until 2014. In the 2018 municipal election, the voter turnout was a mere 38.29%.

While it is unlikely that the accuracy of the voters' list is a causative factor, it is a potential barrier that might make voting “too much work” for an elector; after all, voter cards (based on a voters' list) increase awareness of the election and give broader, more inclusive opportunity to vote. An accurate voters' list can ensure that municipalities do not give eligible voters a reason not to exercise their democratic franchise.



### › Accessibility

AMCTO members also recognize that the advent of alternative voting strategies – particularly internet voting – means that municipalities require an accurate voters' list to ensure a fair and inclusive election. As of the 2014 election, some municipalities have chosen to forgo the data from MPAC in favour of other data sources.

### › Accountability

While Ontario's municipal clerks have statutory responsibility to administer elections in a fair and effective manner, they also have limited control over the voters' list. The clerks are accountable for all aspects of the election without having full control over one of the critical elements. Until provided, the voters' list data is managed by MPAC – which incorrectly results in a public perception that the clerks are responsible for any errors in the list on or ahead of voting day.

### › One List

With three different levels of government seeking votes from virtually the same pool of eligible electors, there is a strong argument for a single list managed by a single entity. As AMCTO has noted in the past, the average voter may or may not be able to differentiate between the responsibilities and functions of a given level of government, but they do understand frustration when the act of voting does not occur in a seamless manner across all three orders of government.

After the 2014 municipal election, AMCTO's advocacy efforts focused around the six issues identified above. As a result, both Elections Ontario and a former Minister of Municipal Affairs and Housing expressed interest in AMCTO's positions. This interest led to AMCTO's involvement in a confidential working group to assist the Minister in offering some small reforms to the voters' list process ahead of the 2018 municipal election. Despite this, AMCTO remained committed to the position that transformational reforms would be needed following the 2018 election to reform the voters' list.

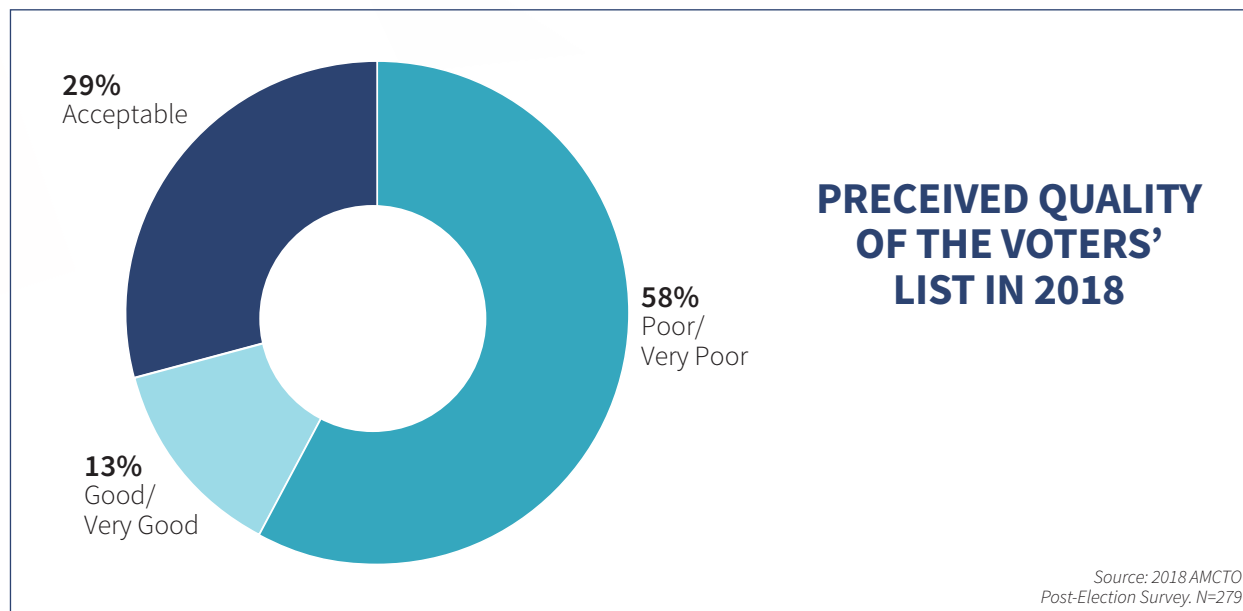
## WHY WE WANT CHANGE

The 2018 municipal election went ahead with many of the same issues our members had previously identified as problematic with the voters' list. Our post-election data confirms that our members still view the voters' list as a major impediment to a fully successful election. Some major issues – consistent with previous post-election surveys – remain.

Most notably, respondents had significant concerns with the quality of the voters' list, with the majority indicating that it was some form of "poor".

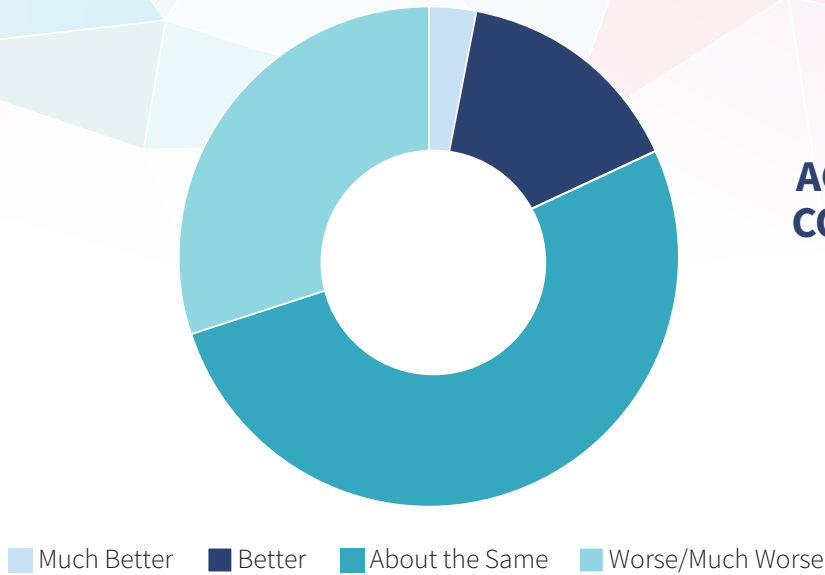
*"Overall the election went well. We did have issues with the quality of data received from MPAC. The data included incorrect information from over 20 years ago."*

– AMCTO Member



Perception of quality also got worse when respondents considered the accuracy of the MPAC data compared to the 2014 data. While this may seem acceptable – after all, fully 2/3 of respondents said that the data did not get worse between elections – it is important to understand the scope of work and resources required to manage inaccurate data.

## ACCURACY OF DATA COMPARED TO 2014



Source: 2018 AMCTO  
Post-Election Survey. N=279

From our survey, 75% of respondents made at least 100 changes to the data provided by MPAC; almost half of all respondents had to make more than 500 changes, with a small number of municipalities having to make more than 20,000 changes.

Although our research does not capture the kind of changes or quantify the labour required; it is clear that respondents were not satisfied with the quality of the data they received, particularly since the time frame for receiving data and making changes is measured in weeks.

Ultimately, AMCTO's members want a better voters' list to serve the interests of fair, free elections – a cornerstone of any democracy. This is the foundation of the work our members do and is the reason AMCTO is advocating for meaningful reforms to the ways in which Ontario's municipalities receive and update the voters' list.

*"MPAC simply cannot continue providing such a low quality list in an era where almost 50% of all municipalities used remote voting technologies that rely on high quality list data. This is absolutely a paradigm shift, and the legislation must be updated to provide the high quality data needed to ensure municipal elections can be conducted with integrity when using remote voting technologies."*

– AMCTO Member



## REFERENCES

AMCTO, Post-Election Survey, 2010.

AMCTO, Discussion Paper: Issues and Options on the Use of a Voters' List for Municipal Elections in Ontario, 2012.

AMCTO, Post-Election Survey, 2014.

AMCTO, Voters' List Survey: Preliminary Results, 2015.

AMCTO, Position Paper: Time to Fix the Voters' List, 2015.

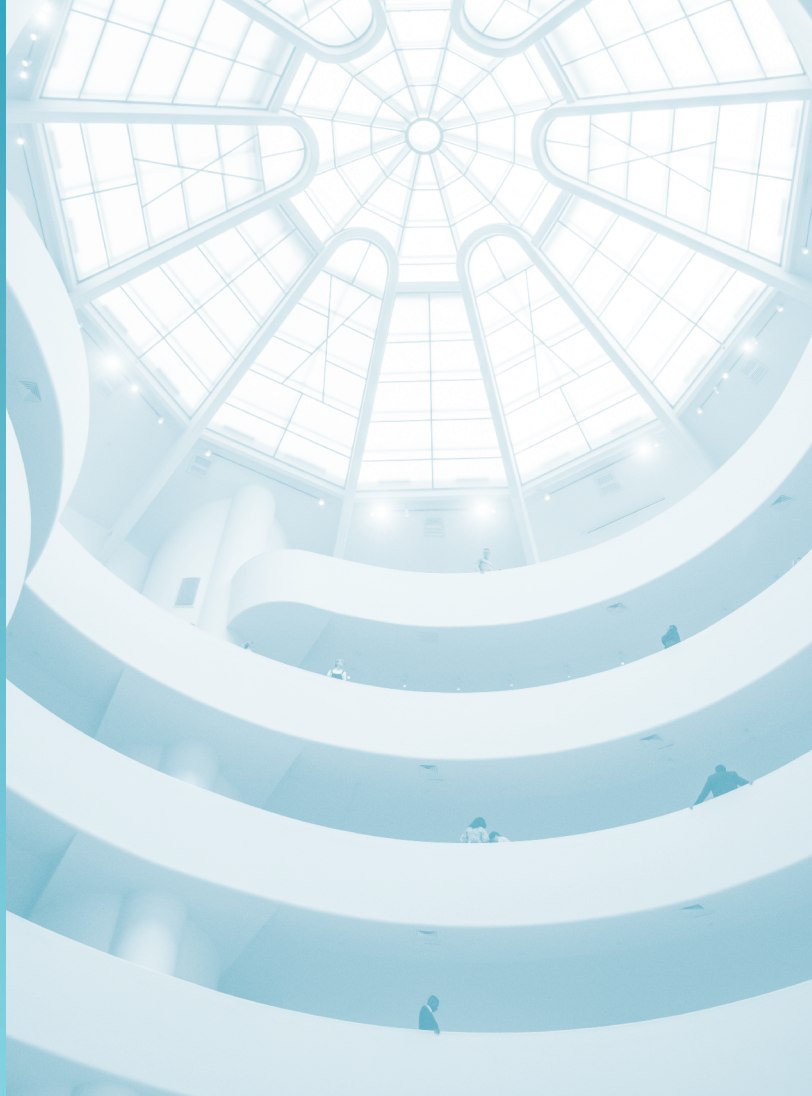




AMCTO represents excellence in local government management and leadership. AMCTO has provided education, accreditation, leadership and implementation expertise for Ontario's municipal professionals for over 80 years.

With approximately 2,200 members working in municipalities across Ontario, AMCTO is Ontario's largest voluntary association of local government professionals, and the leading professional development organization for municipal professionals.

Our mission is to provide professional development, engagement opportunities, advocacy and leadership in the sector, which strengthens and supports the capabilities and performance of municipal professionals.



**For more information about this submission, contact:**

**Rick Johal**

*Director, Member and Sector Relations*  
rjohal@amcto.com | (905) 624-4294 ext. 232

**Adam McDonald**

*Policy Advisor*  
amcdonald@amcto.com | (905) 602-4294 ext. 234

**Contact Us:**

**AMCTO | Association of Municipal Managers,  
Clerks and Treasurers of Ontario**

2680 Skymark Avenue, Suite 610  
Mississauga, Ontario L4W 5L6  
Tel: (905) 602-4292 | Fax: (905) 602-4295  
www.amcto.com



Instagram



Twitter



Facebook



LinkedIn



Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO  
69 ELIZABETH II, 2020

# Bill 218

*(Chapter 26 of the Statutes of Ontario, 2020)*

**An Act to enact the Supporting Ontario's Recovery Act, 2020  
respecting certain proceedings relating to the coronavirus (COVID-19), to amend  
the Municipal Elections Act, 1996 and to revoke a regulation**

**The Hon. D. Downey**  
Attorney General

1st Reading	October 20, 2020
2nd Reading	October 27, 2020
3rd Reading	November 16, 2020
Royal Assent	November 20, 2020



## EXPLANATORY NOTE

*This Explanatory Note was written as a reader's aid to Bill 218 and does not form part of the law.  
Bill 218 has been enacted as Chapter 26 of the Statutes of Ontario, 2020.*

### **SCHEDULE 1 SUPPORTING ONTARIO'S RECOVERY ACT, 2020**

The *Supporting Ontario's Recovery Act, 2020* is enacted. Section 2 of the Act provides that no cause of action arises against any person as a direct or indirect result of an individual being or potentially being infected with or exposed to coronavirus (COVID-19) on or after March 17, 2020 as a direct or indirect result of an act or omission of the person if,

- (a) at the relevant time, the person acted or made a good faith effort to act in accordance with,
  - (i) public health guidance relating to coronavirus (COVID-19) that applied to the person, and
  - (ii) any federal, provincial or municipal law relating to coronavirus (COVID-19) that applied to the person; and
- (b) the act or omission of the person does not constitute gross negligence.

Proceedings directly or indirectly based on or related to any such matter may not be brought, and any that exist when the Act comes into force are deemed to have been dismissed without costs. The section also applies with respect to a person who is vicariously liable for the acts or omissions of another person, if the other person's liability is negated in relation to any such act or omission under subsection 2 (1). The terms "good faith effort", "law", "public health guidance", and "person" are defined and clarified in section 1 of the Act.

The Act also sets out an exception to section 2 relating to the closure of a person's operations under a law, as well as exceptions relating to employment and the performance of work.

### **SCHEDULE 2 MUNICIPAL ELECTIONS ACT, 1996**

Currently, the *Municipal Elections Act, 1996* provides a framework for conducting ranked ballot elections for offices on a municipal council. Amendments are made to remove that framework. Ontario Regulation 310/16 (Ranked Ballot Elections) made under the Act is revoked.

**An Act to enact the Supporting Ontario's Recovery Act, 2020  
respecting certain proceedings relating to the coronavirus (COVID-19), to amend  
the Municipal Elections Act, 1996 and to revoke a regulation**

**CONTENTS**

1.	Contents of this Act
2.	Commencement
3.	Short title
Schedule 1	Supporting Ontario's Recovery Act, 2020
Schedule 2	Municipal Elections Act, 1996

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

**Contents of this Act**

**1 This Act consists of this section, sections 2 and 3 and the Schedules to this Act.**

**Commencement**

**2 (1) Subject to subsections (2) and (3), this Act comes into force on the day it receives Royal Assent.**

**(2) The Schedules to this Act come into force as provided in each Schedule.**

**(3) If a Schedule to this Act provides that any provisions are to come into force on a day to be named by proclamation of the Lieutenant Governor, a proclamation may apply to one or more of those provisions, and proclamations may be issued at different times with respect to any of those provisions.**

**Short title**

**3 The short title of this Act is the *Supporting Ontario's Recovery and Municipal Elections Act, 2020*.**

## SCHEDULE 1 SUPPORTING ONTARIO'S RECOVERY ACT, 2020

### Interpretation

**1** (1) In this Act,

“good faith effort” includes an honest effort, whether or not that effort is reasonable; (“effort de bonne foi”)

“law” means a statute or any regulation, order, by-law or other instrument made under a statute; (“règle de droit”)

“public health guidance” means advice, recommendations, directives, guidance or instructions given or made in respect of public health, regardless of the form or manner of their communication, by any of the following:

- i. The Chief Medical Officer of Health appointed under the *Health Protection and Promotion Act*, an Associate Chief Medical Officer of Health under that Act or the Office of the Chief Medical Officer of Health.
- ii. A person appointed as a medical officer of health or associate medical officer of health of a board of health under the *Health Protection and Promotion Act*, or an employee of a board of health.
- iii. A public health official of the Government of Canada.
- iv. A minister or ministry of the Government of Ontario or Canada, or an officer or employee in such a ministry.
- v. An agency of the Government of Ontario or Canada or an officer or employee in such an agency.
- vi. A municipality or an officer or employee of a municipality.
- vii. A regulatory body having jurisdiction over a person, or an officer or employee of such a regulatory body. (“orientations en matière de santé publique”)

### Same

(2) A reference in this Act to a person includes a reference to any individual, corporation or other entity, and includes the Crown in right of Ontario.

### No effect on defence, immunity

(3) Nothing in this Act shall be read as abrogating or limiting any defence or immunity that exists in law or at common law.

### Protection from liability

**2** (1) No cause of action arises against any person as a direct or indirect result of an individual being or potentially being infected with or exposed to coronavirus (COVID-19) on or after March 17, 2020 as a direct or indirect result of an act or omission of the person if,

- (a) at the relevant time, the person acted or made a good faith effort to act in accordance with,
  - (i) public health guidance relating to coronavirus (COVID-19) that applied to the person, and
  - (ii) any federal, provincial or municipal law relating to coronavirus (COVID-19) that applied to the person; and
- (b) the act or omission of the person does not constitute gross negligence.

### Same

(2) Subsection (1) applies regardless of any conflict or inconsistency in the public health guidance or laws applicable to the person.

### Same

(3) A difference in the degree of specificity respecting a matter does not constitute a conflict or inconsistency for the purposes of subsection (2).

### Proceedings barred

(4) No proceeding that is directly or indirectly based on or related to anything referred to in subsection (1) may be brought or maintained against a person.

### Retrospective effect

(5) Subsection (4) applies regardless of whether the cause of action on which the proceeding is purportedly based arose before, on or after the day this Act comes into force.

### Proceedings dismissed

(6) Any proceeding referred to in subsection (4) that is commenced before the day this Act comes into force is deemed to have been dismissed, without costs, on the day this Act comes into force.

### **No compensation payable**

(7) No person is entitled to any compensation or any other remedy or relief for the extinguishment or termination of rights under this Act.

### **Vicarious liability**

(8) This section applies with necessary modifications with respect to a person who is vicariously liable for the acts or omissions of another person, where subsection (1) would negate the liability of the other person in relation to any such act or omission.

### **Non-application, required closure**

**3** Section 2 does not apply with respect to acts or omissions of a person that,

- (a) occurred while a law required the person's operations to close, in whole or in part; and
- (b) relate to an aspect of the person's operations that was required to close under the law.

### **Non-application, employment and performance of work**

**4** (1) In this section,

"occupational disease", "Schedule 1 employer", "Schedule 2 employer", "survivor" and "worker" have the same meaning as in the *Workplace Safety and Insurance Act, 1997*.

### **Causes of action, proceedings unaffected**

(2) Section 2 does not apply with respect to any of the following:

- 1. A cause of action of a worker who is or was employed by a Schedule 1 employer or Schedule 2 employer, or of the worker's survivor, in respect of a personal injury by accident arising out of and in the course of the worker's employment or an occupational disease.
- 2. A cause of action of a worker who is or was employed by a Schedule 1 employer or Schedule 2 employer, or of the worker's survivor, to which the Workplace Safety and Insurance Board or Schedule 2 employer, as the case may be, is subrogated under section 30 of the *Workplace Safety and Insurance Act, 1997*.
- 3. A cause of action of an individual in respect of an actual or potential exposure to or infection with coronavirus (COVID-19) that occurred in the course, or as a result, of employment with a person or in the performance of work for or supply of services to a person.
- 4. A proceeding arising from a cause of action referred to in paragraph 1, 2 or 3.

### **No effect on jurisdiction**

(3) Nothing in this Act affects the exclusive jurisdiction of the Workplace Safety and Insurance Appeals Tribunal to determine a matter described in subsection 31 (1) of the *Workplace Safety and Insurance Act, 1997*.

### **Conflict**

(4) In the event of a conflict between this Act and the *Workplace Safety and Insurance Act, 1997*, the *Workplace Safety and Insurance Act, 1997* prevails to the extent of the conflict.

### **Crown bound**

**5** This Act binds the Crown.

### **Commencement**

**6** The Act set out in this Schedule comes into force on the day the *Supporting Ontario's Recovery and Municipal Elections Act, 2020* receives Royal Assent.

### **Short title**

**7** The short title of the Act set out in this Schedule is the *Supporting Ontario's Recovery Act, 2020*.

**SCHEDULE 2**  
**MUNICIPAL ELECTIONS ACT, 1996**

**1** (1) The definition of “prescribed” in subsection 1 (1) of the *Municipal Elections Act, 1996* is amended by striking out “or, for references in section 41.1, prescribed by the Lieutenant Governor in Council”.

(2) The definition of “ranked ballot election” in subsection 1 (1) of the Act is repealed.

**2** Subparagraph 1 iii of section 3 of the Act is amended by striking out “that has not passed a by-law authorizing the use of a ranked ballot election” at the end.

**3** Paragraph 3 of subsection 7 (3) of the Act is repealed.

**4** Section 31 of the Act is amended by striking out “fourth Friday in July” and substituting “third Friday in August”.

**5** Sections 41.1 and 41.2 of the Act are repealed.

**6** (1) Clause (a) of subsection 42 (2) of the Act is amended by striking out “in the year before the year of the election” and substituting “in the year of the election”.

(2) Subparagraph 1 i of subsection 42 (4) of the Act is amended by striking out “before December 31 in the year before the year of the election” and substituting “before June 1 in the year of the election”.

**7** Subsection 51 (3) of the Act is repealed.

**8** Subsection 60 (4) of the Act is repealed.

**9** Paragraph 5 of subsection 83 (7) of the Act is repealed.

**10** Clause (a) of subsection 95 (1) of the Act is amended by striking out “regulations, except in sections 41.1 and 41.2” and substituting “regulations”.

**Revocation**

**11** Ontario Regulation 310/16 (Ranked Ballot Elections) made under the Act is revoked.

**Commencement**

**12** This Schedule comes into force on the day the *Supporting Ontario’s Recovery and Municipal Elections Act, 2020* receives Royal Assent.

Legislative  
Assembly  
of Ontario



Assemblée  
législative  
de l'Ontario

1ST SESSION, 42ND LEGISLATURE, ONTARIO  
69 ELIZABETH II, 2020

# Bill 232

**An Act to amend the City of Toronto Act, 2006 and the Municipal Act, 2001  
with respect to ranked ballot by-laws for council elections**

**Ms M. Hunter**

**Private Member's Bill**

1st Reading      November 17, 2020

2nd Reading

3rd Reading

Royal Assent



#### EXPLANATORY NOTE

The *City of Toronto Act, 2006* and the *Municipal Act, 2001* are amended to allow municipal councils to pass a by-law adopting a ranked ballot election for the election of members of their councils. The Lieutenant Governor in Council may prescribe public consultation requirements that the councils must meet before voting on a ranked ballot by-law. The by-law only has force and effect if ratified by more than 50 per cent of the electors in the municipality. A procedure for the ratification vote is provided.

If ratified, the by-laws prevail over and may modify the application of the *Municipal Elections Act, 1996* and its regulations.



**An Act to amend the City of Toronto Act, 2006 and the Municipal Act, 2001  
with respect to ranked ballot by-laws for council elections**

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

***City of Toronto Act, 2006***

**1 (1) Subsection 3 (1) of the *City of Toronto Act, 2006* is amended by adding the following definition:**

“ranked ballot election” means an election conducted in accordance with the following rules:

1. Electors vote by ranking candidates for an office in order of the elector’s preference.
2. Votes are distributed to candidates based on the rankings marked on the ballots.
3. The counting of votes is carried out in one or more rounds, with at least one candidate being elected or eliminated in each round. (“scrutin préférentiel”)

**(2) Section 8 of the Act is amended by adding the following subsections:**

**Ranked ballot by-law**

(2.1) The City may pass a by-law that adopts a ranked ballot election for the election of members of city council and establishes the procedure for the ranked ballot election.

**Ranked ballot by-law public consultation requirements**

(2.2) Before city council votes on whether to pass, amend, revise or repeal a by-law made under subsection (2.1), the city council shall consult the public in accordance with any prescribed public consultation requirements.

**Ranked ballot by-law requires ratification**

(2.3) No by-law made under subsection (2.1), and no amendment to, revision of or repeal of such a by-law, has any force or effect until it is ratified under section 8.1.

**(3) Subsection 8 (4) of the Act is repealed and the following substituted:**

**One power not affecting another**

(4) The power to pass a by-law respecting a matter set out in a paragraph of subsection (2) or set out in subsection (2.1) is not limited or restricted by the power to pass a by-law respecting a matter set out in another paragraph of subsection (2) or set out in subsection (2.1).

**(4) The Act is amended by adding the following section:**

**Ranked ballot by-laws**

**8.1** (1) City council may submit to a vote the ratification of a by-law made under subsection 8 (2.1) or an amendment to, revision of or repeal of such a by-law.

**Voting day**

(2) City council shall fix a day for the vote on a ratification described in subsection (1) and notify the city clerk.

**Eligible voters**

(3) The persons eligible to vote on a ratification described in subsection (1) are the persons who would be eligible to vote in an election held under the *Municipal Elections Act, 1996* on the day fixed for taking the vote on the question.

***Municipal Elections Act, 1996* applies**

(4) The provisions of the *Municipal Elections Act, 1996* apply to the taking of a vote under this section.

**Return to city clerk**

(5) The returning officer shall make a return to the city clerk showing the number of votes polled for the affirmative and negative on the ratification.

### **Same**

(6) Upon receiving the return, the city clerk shall give notice of the return in *The Ontario Gazette*, showing the total number of votes polled in the municipality for the affirmative and negative on the ratification.

### **Ratification**

(7) The by-law, or amendment to, revision of or repeal of a by-law, is ratified if more than 50 per cent of the electors voting on the ratification vote in favour of the ratification.

### **Prevails over *Municipal Elections Act, 1996***

(8) A by-law made under subsection 8 (2.1) and ratified under this section prevails over and may modify the application of any provision of the *Municipal Elections Act, 1996* or of any regulation made under that Act.

**(5) Subsection 135 (2) of the Act is amended by adding “Subject to any by-law made under subsection 8 (2.1) and ratified under section 8.1,” at the beginning of the portion before paragraph 1.**

**(6) Subsection 152 (1) of the Act is amended by adding the following clause:**

- (k) prescribing public consultation requirements for the purposes of subsection 8 (2.2).

### ***Municipal Act, 2001***

**2 (1) Subsection 1 (1) of the *Municipal Act, 2001* is amended by adding the following definition:**

“ranked ballot election” means an election conducted in accordance with the following rules:

1. Electors vote by ranking candidates for an office in order of the elector’s preference.
2. Votes are distributed to candidates based on the rankings marked on the ballots.
3. The counting of votes is carried out in one or more rounds, with at least one candidate being elected or eliminated in each round. (“scrutin préférentiel”)

**(2) Section 10 of the Act is amended by adding the following subsections:**

#### **Ranked ballot by-law**

(2.1) A single-tier municipality may pass a by-law that adopts a ranked ballot election for the election of members of its council and establishes the procedure for the ranked ballot election.

#### **Ranked ballot by-law public consultation requirements**

(2.2) Before a council votes on whether to pass, amend, revise or repeal a by-law made under subsection (2.1), the council shall consult the public in accordance with any prescribed public consultation requirements.

#### **Ranked ballot by-law requires ratification**

(2.3) No by-law made under subsection (2.1), and no amendment to, revision of or repeal of such a by-law, has any force or effect until it is ratified under section 11.0.1.

**(3) Subsection 10 (3) of the Act is repealed and the following substituted:**

#### **One power not affecting another**

(3) The power to pass a by-law respecting a matter set out in a paragraph of subsection (2) or set out in subsection (2.1) is not limited or restricted by the power to pass a by-law respecting a matter set out in another paragraph of subsection (2) or set out in subsection (2.1).

**(4) Section 11 of the Act is amended by adding the following subsections:**

#### **Ranked ballot by-law**

(4.1) A lower-tier or upper-tier municipality may pass a by-law that adopts a ranked ballot election for the election of members of the municipality’s council and establishes the procedure for the ranked ballot election.

#### **Ranked ballot by-law public consultation requirements**

(4.2) Before a council votes on whether to pass, amend, revise or repeal a by-law made under subsection (4.1), the council shall consult the public in accordance with any prescribed public consultation requirements.

#### **Ranked ballot by-law requires ratification**

(4.3) No by-law made under subsection (4.1), and no amendment to, revision of or repeal of such a by-law, has any force or effect until it is ratified under section 11.0.1.

**(5) Subsection 11 (5) of the Act is repealed and the following substituted:**

### **One power not affecting another**

(5) The power to pass a by-law respecting a matter set out in a paragraph of subsection (2) or (3) or set out in subsection (4.1) is not limited or restricted by the power to pass a by-law respecting a matter set out in another paragraph of subsection (2) or (3) or set out in subsection (4.1).

### **(6) The Act is amended by adding the following section:**

#### **Ranked ballot by-laws**

**11.0.1** (1) The council of a municipality may submit to a vote the ratification of a by-law made under subsection 10 (2.1) or 11 (4.1) or an amendment to, revision of or repeal of such a by-law.

#### **Voting day**

(2) The council shall fix a day for the vote on a ratification described in subsection (1) and notify the clerk of the municipality.

#### **Eligible voters**

(3) The persons eligible to vote on a ratification described in subsection (1) are the persons who would be eligible to vote in an election held under the *Municipal Elections Act, 1996* on the day fixed for taking the vote on the question.

#### ***Municipal Elections Act, 1996* applies**

(4) The provisions of the *Municipal Elections Act, 1996* apply to the taking of a vote under this section.

#### **Return to clerk**

(5) The returning officer shall make a return to the clerk of the municipality showing the number of votes polled for the affirmative and negative on the ratification.

#### **Same**

(6) Upon receiving the return, the clerk of the municipality shall give notice of the return in *The Ontario Gazette*, showing the total number of votes polled in the municipality for the affirmative and negative on the ratification.

#### **Ratification**

(7) The by-law, or amendment to, revision of or repeal of a by-law, is ratified if more than 50 per cent of the electors voting on the ratification vote in favour of the ratification.

#### **Prevails over *Municipal Elections Act, 1996***

(8) A by-law made under subsection 10 (2.1) or 11 (4.1) and ratified under this section prevails over and may modify the application of any provision of the *Municipal Elections Act, 1996* or of any regulation made under that Act.

#### **Regulations**

(9) The Lieutenant Governor in Council may make regulations prescribing public consultation requirements for the purposes of subsections 10 (2.2) and 11 (4.2).

**(7) Subsection 217 (1) of the Act is amended by striking out “Without limiting sections 9, 10 and 11” at the beginning of the portion before paragraph 1 and substituting “Without limiting sections 9, 10 and 11 and subject to any by-laws made under subsection 10 (2.1) or 11 (4.1) and ratified under section 11.0.1”.**

**(8) Subsection 218 (1) of the Act is amended by striking out “Without limiting sections 9, 10 and 11” at the beginning of the portion before paragraph 1 and substituting “Without limiting sections 9, 10 and 11 and subject to any by-laws made under subsection 11 (4.1) and ratified under section 11.0.1”.**

#### **Commencement**

**3 This Act comes into force on the day it receives Royal Assent.**

#### **Short title**

**4 The short title of this Act is the *Local Choice for Local Elections Act (Ranked Ballot By-Laws), 2020*.**

**Subject:** Sale of Municipal Property - Part  
of Laneway and Part of Ethel  
Street

**Report No.:** CS-035-2021

**Agenda Date:** September 21, 2021

---

### **Attachments**

- Appendix 01:** Notice of Public Meeting
- Appendix 02:** Reference Plan No. 54R-6223
- Appendix 03:** Draft By-law to Stop Up and Close a Highway – Part of Lane (**Refer to By-law No. 2021-132**)
- Appendix 04:** Draft By-law to Stop Up and Close a Highway – Part of Ethel (**Refer to By-law No. 2021-133**)
- Appendix 05:** Notice to Stop Up and Close a Highway
- Appendix 06:** Draft By-law Offer of Purchase and Agreement – Sale of Part of Lane (**Refer to By-law No. 2021-134**)
- Appendix 07:** Draft By-law Offer of Purchase and Agreement – Sale of Part of Ethel Street (**Refer to By-law No. 2021-135**)

### **Recommendations**

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-035-2021;
2. That Council directs staff to continue with the disposition of municipal road allowances, being:
  - a. part of a lane between Lots 138-139, and 156-157, on Plan M54NB, described as Part 2 on Plan 54R-6223, and
  - b. part of Ethel Street, described as Part 1 on Plan 54R-6223;in accordance with By-law No. 2015-160; and
3. That Council directs staff to prepare the necessary by-laws to Stop and Close the above-described road allowances, and to enter into an Offer of Purchase and Agreement between the City of Temiskaming Shores as Vendor, and Richard and Judith Walsh as Purchaser, for the above-described road allowances, in the amount of \$500 plus taxes (if applicable) per lane, plus all associated costs (legal, registration, administration, etc.), in accordance with By-law No. 2015-160, for consideration at the September 21, 2021 Regular Council meeting.

## **Background**

The City received a request from Richard and Judith Walsh, to purchase a part of Ethel Street, as well as part of an unopened laneway dividing their property; i.e., Lots 138-139, and 156-157, on Plan M54NB. Currently, the Walsh's own a residential property located at 682 Latchford Street in Haileybury, and they are seeking to reconstruct a garage. It was determined that the garage was constructed on municipal property (being the subject lands), predating their ownership. Due to the land features and the grade of their property, relocating the building to another area is not possible.

The proposed disposition was discussed at the March 17, 2021 Corporate Services Committee, and the following recommendation was adopted:

### **Recommendation CS-2021-012**

Moved by: Councillor Danny Whalen

Be it resolved that:

The Corporate Services Committee hereby recommends that Council approve the transfer of a portion of Ethel Street road allowance to the adjacent property owners.

**CARRIED**

Following the Corporate Services Committee meeting, the application was circulated to internal departments for comment, with no departments indicating any concern with the potential disposition of the lands.

In accordance with the Land Disposition By-law (No. 2015-160), public notice regarding the Public Meeting for the proposed disposition, was publicized via the City Bulletin (Speaker and Weekender Editions), and on the City's website (**Appendix 01**). The Public Notice was also distributed to three homeowners located to the North of the subject lands, which included an area map to illustrate the general location of the road allowances. An opportunity was also provided to these owners, to purchase a portion of the laneway extending the width of their properties. No comments objecting the sale were received, or interest to purchase applicable portions of the laneway.

The Public Meeting was held during the April 6, 2021 regular Council meeting, and no comments or concerns were received during the presentation. The next steps were identified to include obtaining a reference plan, the adoption of a stop-up and closure by-law for each section of road allowance, an Administrative Report to Council recommending a Purchase and Sale Agreement, and a deeming by-law to merge the properties on title.

Following the meeting, a survey was commissioned from Surveyor on Site Inc. (SOS), and the survey was registered on August 27, 2021 (**Appendix 02**).

## **Analysis**

The part of Ethel Street proposed for disposition, extends the length of the Walsh's property, and is half the width of the road allowance (i.e., 33 feet); as such, does not interfere with the travelled portion of the road leading to the Northern College Campus, and will not impact municipal road operations. The Part of the lane proposed for disposition extends the width of the Walsh's property, and does not impact the neighbouring properties to the north, as it is not an open/ travelled lane.

It is recommended that Council consider a by-law for the Stopping Up and Closing of each section of road allowance, which would be registered on title (**Appendix 03 and Appendix 04**). The public notice regarding the proposed stop up was advertised on the website and in the Temiskaming Speaker and Weekender, in accordance with the City's Notice By-law No. 2004-022 (**Appendix 05**).

In addition, it is recommended that Council consider an Offer of Purchase and Sale Agreement for the sale of the subject road allowances to Richard and Judith Walsh (**Appendix 06 and Appendix 07**), for consideration at the September 21, 2021 Regular Council meeting.

## **Relevant Policy / Legislation / City By-Law**

- By-law No. 2004-022 – Establish Procedures for Public Notice
- By-law No. 2015-160, Procedural Policy for the Disposal of Real Property

## **Consultation / Communication**

- Consultation with City Manager throughout the process
- Notices in accordance with By-law No. 2004-022 & By-law No. 2015-160
- Circulated to Staff for comment

## **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 ☒

It is recommended to transfer each section of road allowance directly to the Walsh's for \$500.00, plus all costs related to each respective sale (i.e., reference plan, legal fees, registration fees, and incidental costs).

Staffing implications are limited to normal administrative functions of staff.

## **Alternatives**

No alternatives are being proposed by staff; however, the disposal of Municipally owned property is governed through By-law No. 2015-160 (Disposal By-law), and outlines a variety of methods for disposal and for determining fair market value. The relevant options for this proposed sale have been identified below.

### **Section 3: Disposal Methods**

One or more of the following disposal methods may be utilized:

1. Direct sale by the City
2. Public Tender or Request for Proposals
3. Public Auction
4. Listing land with a broker and/or real estate firm at a negotiated commission
5. Posting on the proposed land to be sold a “For Sale” sign which will include contact information for inquiries
6. Funding agreements
7. Direct negotiation
8. Direct advertising
9. Property exchange

### **Section 4: Determining Fair Market Value**

One or more of the following methods may be utilized to determine the fair market value:

1. Obtaining an appraisal
2. Using the assessed value
3. Comparing recent sales of similar properties based on willing buyer / willing seller
4. Using recent appraisals for similar properties

## **Submission**

Prepared by:

Reviewed by:

Reviewed and submitted for  
Council’s consideration by:

“Original signed by”

“Original signed by”

“Original signed by”

Logan Belanger  
Municipal Clerk

Shelly Zubyck  
Director of Corporate  
Services

Christopher W. Oslund  
City Manager



## Notice of Public Meeting

### Potential Sale of Municipal Land – Portion of Ethel Street and Portion of Adjacent Laneway

Notice is hereby given in accordance with By-law No. 2015-160 in respect to the City considering the sale of a portion of Ethel Street and a portion of an adjacent laneway.

This public notice is being given to advise the public that Council is considering the sale of the subject lands as described below and shown in the key map.

Any person may attend the public meeting or provide written comments prior to the public meeting.

#### The Public Meeting will be held:

**Date:** Tuesday, April 6, 2021  
**Time:** 6:00 p.m.  
**Location:** Virtual Meeting

#### Further information or written submissions:

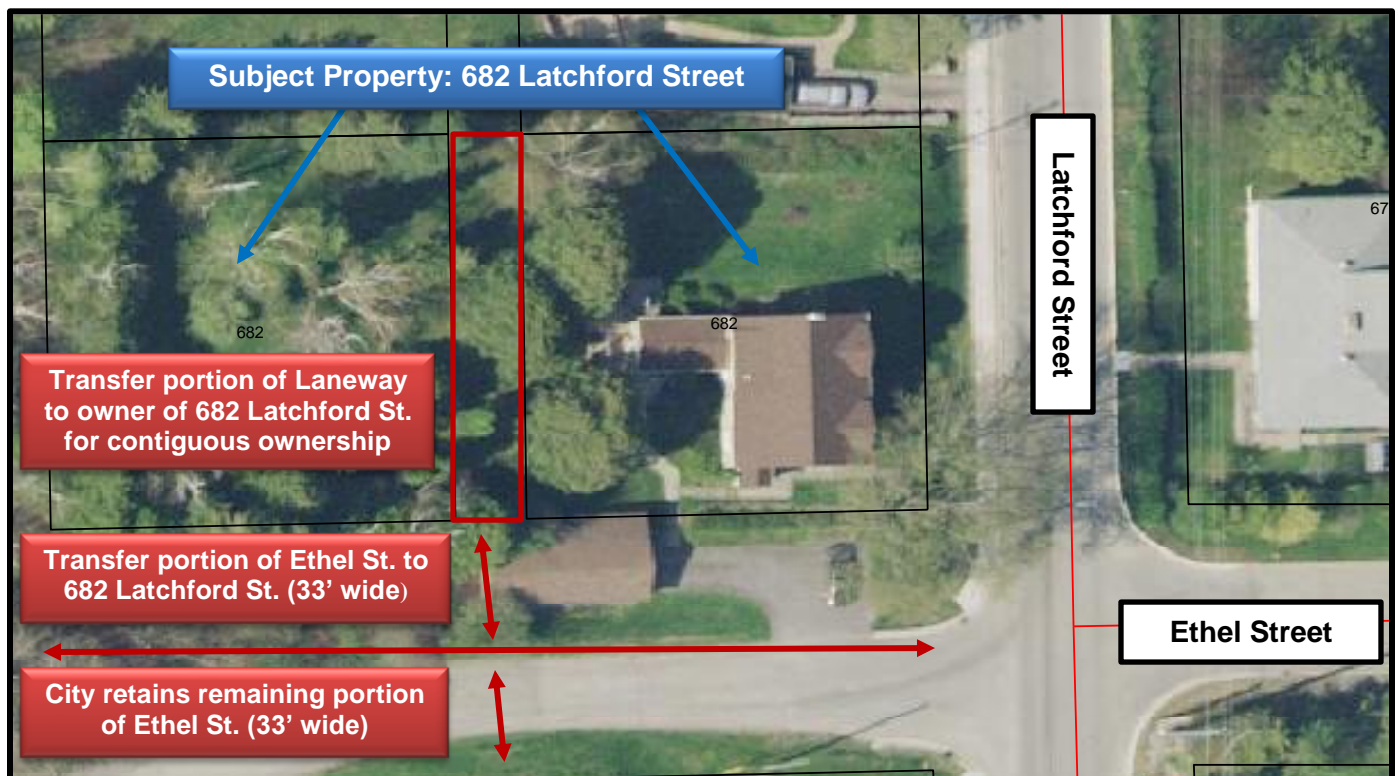
Logan Belanger, Municipal Clerk  
Email: [clerk@temiskamingshores.ca](mailto:clerk@temiskamingshores.ca)  
Phone: 705-672-3363 x 4136

The public can provide input on the proposed sale, as follows:

- **Submit Comments in Writing:** Persons wishing to provide written comments may submit in writing, using the email address above, prior to 4:30 p.m. on Tuesday, April 6, 2021; or may submit comments to [questions@temiskamingshores.ca](mailto:questions@temiskamingshores.ca), during the live-streamed Council meeting, viewed on the City of Temiskaming Shores Facebook page.
- **Register to Speak at the Virtual Meeting:** Persons wishing to speak to Council must register with the Clerk prior to 4:30 p.m. on Tuesday, April 6, 2021, using the above-noted email or telephone number. Following registration, a confirmation email containing meeting details and a Zoom link will be provided. Please note that a video sharing device is not required.

**Description of Land:** Portion of Ethel Street and a portion of an adjacent laneway as shown below:

#### Key Map



This map is provided for illustrative purposes. It is not a substitute for a legal survey.



## Notice of Proposed By-law to Stop Up and Close a Highway

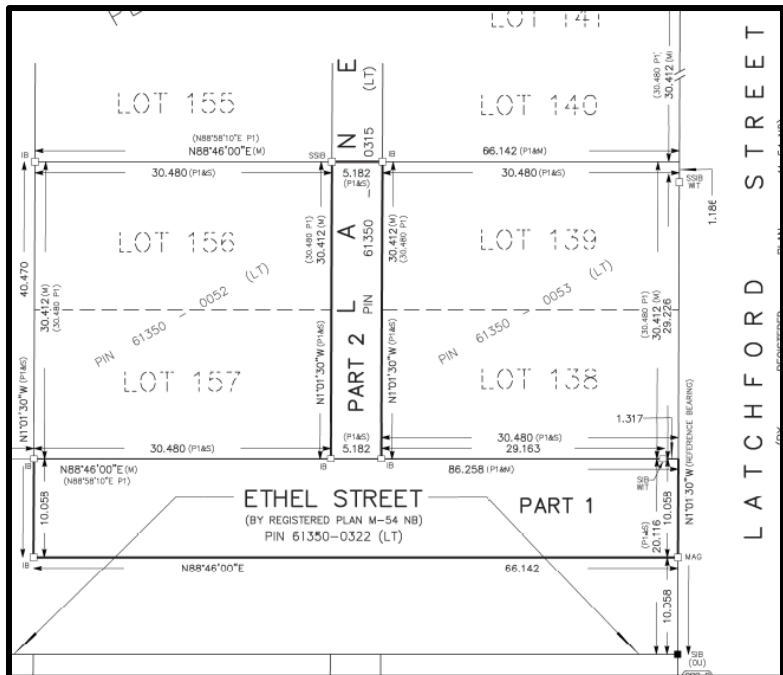
Notice is hereby given in accordance with By-law No. 2004-022 in respect to the permanent closure of a highway;

This public notice is being given to advise the public that Council will be considering the adoption of a by-law to Stop up and Close a part of Ethel Street described as Part 1 on Plan 54R-6223; and a part of a Lane abutting Lots 138,139,156 and 157, described as Part 2 on Plan 54R-6223, as shown in the key map below. The By-laws will be considered at the **September 21, 2021** Regular Council meeting held in Council Chambers at City Hall – 325 Farr Drive in Haileybury, commencing at 6:00 p.m.

### Key Map



This map is provided for illustrative purposes.



Excerpt of Plan 54R-6223

### Further information:

Logan Belanger, Municipal Clerk  
Email: [clerk@temiskamingshores.ca](mailto:clerk@temiskamingshores.ca)  
Telephone: 705-672-3363 ext. 4136

**Dated:** September 8, 2021

PLAN OF SURVEY OF  
PART OF ETHEL STREET  
AND  
PART OF LANE ABUTTING  
LOTS 138, 139, 156 & 157  
REGISTERED PLAN M-54 NB  
CITY OF TEMISKAMING SHORES  
DISTRICT OF TIMISKAMING

SCALE 1 : 350 METRES  
0 2 4 6 8 10 15 20 40  
SURVEYORS ON SITE INC.

THE INTENDED PLOT SIZE OF THIS PLAN IS 609mm IN WIDTH BY  
457mm IN HEIGHT WHEN PLOTTED AT A SCALE OF 1:350 METRES.

- LEGEND
- MONUMENT PLANTED
  - MONUMENT FOUND
  - SIB STANDARD IRON BAR
  - SSIB SHORT STANDARD IRON BAR
  - IB IRON BAR
  - MAG MAG NAIL
  - M MEASURED
  - S SET
  - P1 REGISTERED PLAN M-54 NB
  - SC H. SUTCLIFFE LTD.
  - OU ORIGIN UNKNOWN
  - // NOT TO SCALE

SCHEDULE				
PART	STREET/LANE	PLAN	PIN	AREA (M <sup>2</sup> )
1	PART OF ETHEL STREET	REGISTERED PLAN M-54 NB	PART OF PIN 61350-0322 (LT)	665.252
2	PART OF LANE ABUTTING LOTS 138, 139, 156 & 157		PART OF PIN 61350-0315 (LT)	157.594

PART 1 COMPRISES PART OF PIN 61350-0322 (LT).  
PART 2 COMPRISES PART OF PIN 61350-0315 (LT).

PLAN 54R-6223

Received and deposited

August 27<sup>th</sup>, 2021

Rhonda Lane

Representative for the  
Land Registrar for the  
Land Titles Division of  
Timiskaming (No.54)

NOTES

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES  
AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DISTANCES ON THIS PLAN ARE HORIZONTAL GROUND DISTANCES AND CAN  
BE CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE AVERAGE  
COMBINED SCALE FACTOR OF 0.99970105.

BEARINGS ARE UTM GRID AND ARE DERIVED FROM STATIC GPS OBSERVATIONS  
AND NRCAN PPP SERVICE ON MONUMENTS ORP A & ORP B AND ARE REFERRED  
TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS)(2010).

FOR BEARING COMPARISONS, THE FOLLOWING ROTATIONS WERE APPLIED:  
P1 - 1°01'50" COUNTER CLOCKWISE.

OBSERVED REFERENCE POINTS (ORPs) ARE DERIVED FROM STATIC AND RTK GPS OBSERVATIONS AND THE NRCAN PPP SERVICE, AND ARE REFERRED TO UTM ZONE 17, NAD83 (CSRS)(2010).		
COORDINATES SHOWN HEREON HAVE A RELATIVE ACCURACY TO MEET THE REQUIREMENTS OF AN URBAN AREA AT A 95% CONFIDENCE LEVEL AS PER SEC. 14 (2) OF O. REG. 216/10 UNDER THE SURVEYS ACT.		
POINT ID	NORTHING	EASTING
ORP A	5256725.59	602587.48
ORP B	5256551.93	602590.60
ORP C	5256570.18	602504.02
COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.		

SURVEYOR'S CERTIFICATE

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS  
ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE  
UNDER THEM.
- THE SURVEY WAS COMPLETED ON THE 10th DAY OF JULY, 2021.

AUGUST 23, 2021

  
RYAN W. SEGUIN  
ONTARIO LAND SURVEYOR

THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER V-14959.



17 WELLINGTON STREET  
NEW LISKEARD, ONTARIO  
POJ 1P0  
705-622-0872  
www.surveyorsonsite.com

**Subject:** Sale of Municipal Property –  
Parcel on Firstbrook Line Road

**Report No.:** CS-036-2021

**Agenda Date:** September 21, 2021

### **Attachments**

**Appendix 01:** Notice of Public Meeting

**Appendix 02:** Steele & Associates Appraisal

**Appendix 03:** Draft By-law Offer of Purchase and Agreement (**Refer to By-law No. 2021-136**)

### **Recommendations**

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-036-2021; and
2. That Council directs staff to prepare the necessary by-law to enter into an Offer of Purchase and Agreement between the City of Temiskaming Shores as Vendor and Fredric and Carmen MacKewn as Purchaser for a vacant parcel, described asl BUCKE CON 4 S PT LOT 1 PCL 5447NND, in the amount of \$25,000, plus taxes (if applicable), and all associated costs (appraisal, legal, registration, administration, etc.) in accordance with By-law No. 2015-160, for consideration at the September 21, 2021 Regular Council meeting.

### **Background**

The City received an application from Fredric and Carmen MacKewn, to purchase a 40-acre vacant rural property located on Firstbrook Line Road in Haileybury (i.e., BUCKE CON 4 S PT LOT 1 PCL 5447NND). The Applicants own three adjacent parcels of land in the subject Rural area - one parcel is for residential/ commercial purposes, and two parcels are vacant and designated for farm use. As such, the purpose of the application is for contiguous ownership, for the creation of an access to their adjoining properties from Firstbrook Line Road.

The application was circulated to internal departments for comment, with no departments indicating any concern with the potential disposition of the lands. However, the City's Planner recommended the properties merge on title, by ensuring the property is transferred to the same name as the adjacent property, as the applicants indicated the proposed use will be for access to adjacent properties.

In accordance with the Land Disposition By-law (No. 2015-160), notice regarding the Public Meeting for the proposed disposition, was publicized via the City Bulletin (Speaker and Weekender Editions), and on the City's website (**Appendix 01**), which included an area map to illustrate the general location of the subject land. No written comments objecting the sale were received.

The Public Meeting was held during the June 15, 2021 regular Council meeting, and no comments or concerns were received during the presentation. The next steps identified included obtaining an appraisal for the property, and an Administrative Report to Council recommending a Purchase and Sale Agreement.

Following the meeting, an appraisal was ordered from Steele & Associates, and was received on June 29, 2021 (**Appendix 02**). The fair market value for the property was identified as \$25,000.

### **Analysis**

The appraisal was reviewed by the Corporate Services Committee meeting held on September 15, 2021, and the following recommendation was adopted:

#### **Recommendation CS-2021-046**

Moved by: Mayor Carman Kidd

Be it resolved that:

The Corporate Services Committee hereby supports the appraised value of \$25,000 for Lot 1, Concession 4, Bucke Township, as per the Disposition of Land Policy.

CARRIED

It is recommended that Council consider an Offer of Purchase and Sale Agreement for the sale of the subject parcel (PCL 5447NND) to Fredric and Carmen MacKewn (**Appendix 03**), for consideration at the September 21, 2021 Regular Council meeting.

Note: The proposed disposition does not impact the travelled portion of Firstbrook Road running through the parcel of land. The City would maintain municipal ownership of the road, as well as associated maintenance.

### **Relevant Policy / Legislation / City By-Law**

- By-law No. 2004-022 – Establish Procedures for Public Notice
- By-law No. 2015-160, Procedural Policy for the Disposal of Real Property

### **Consultation / Communication**

- Consultation with City Manager throughout the process
- Notices in accordance with By-law No. 2004-022 & By-law No. 2015-160
- Circulated to Staff for comment

### **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 ☒

It is recommended to sell the parcel of land directly to the Fredric and Carmen MacKewn's for \$25,000, plus all costs related to the respective sale (i.e., appraisal fees, legal fees, registration fees, and incidental costs).

Staffing implications are limited to normal administrative functions of staff.

### **Alternatives**

No alternatives are being proposed by staff; however, the disposal of Municipally owned property is governed through By-law No. 2015-160 (Disposal By-law), and outlines a variety of methods for disposal and for determining fair market value. The relevant options for this proposed sale have been identified below.

#### **Section 3: Disposal Methods**

One or more of the following disposal methods may be utilized:

1. Direct sale by the City
2. Public Tender or Request for Proposals
3. Public Auction
4. Listing land with a broker and/or real estate firm at a negotiated commission
5. Posting on the proposed land to be sold a "For Sale" sign which will include contact information for inquiries
6. Funding agreements
7. Direct negotiation
8. Direct advertising
9. Property exchange

#### Section 4: Determining Fair Market Value

One or more of the following methods may be utilized to determine the fair market value:

1. Obtaining an appraisal
2. Using the assessed value
3. Comparing recent sales of similar properties based on willing buyer / willing seller
4. Using recent appraisals for similar properties

#### Submission

Prepared by:

Reviewed by:

Reviewed and submitted for  
Council's consideration by:

"Original signed by"

"Original signed by"

"Original signed by"

Logan Belanger  
Municipal Clerk

Shelly Zubyck  
Director of Corporate  
Services

Christopher W. Oslund  
City Manager



**Notice of Public Meeting  
Potential Sale of Municipal Land – Vacant Land  
(BUCKE CON 4 S PT LOT 1 PCL 5447NND)**

Notice is hereby given in accordance with By-law No. 2015-160 in respect to the City considering the sale of a vacant parcel of land (i.e. BUCKE CON 4 S PT LOT 1 PCL 5447NND).

This public notice is being given to advise the public that Council is considering the sale of the subject lands as described below and shown in the key map.

Any person may attend the public meeting or provided written comments prior to the public meeting.

**The Public Meeting will be held:**

**Date:** Tuesday, June 15, 2021  
**Time:** 6:00 p.m.  
**Location:** Virtual Meeting

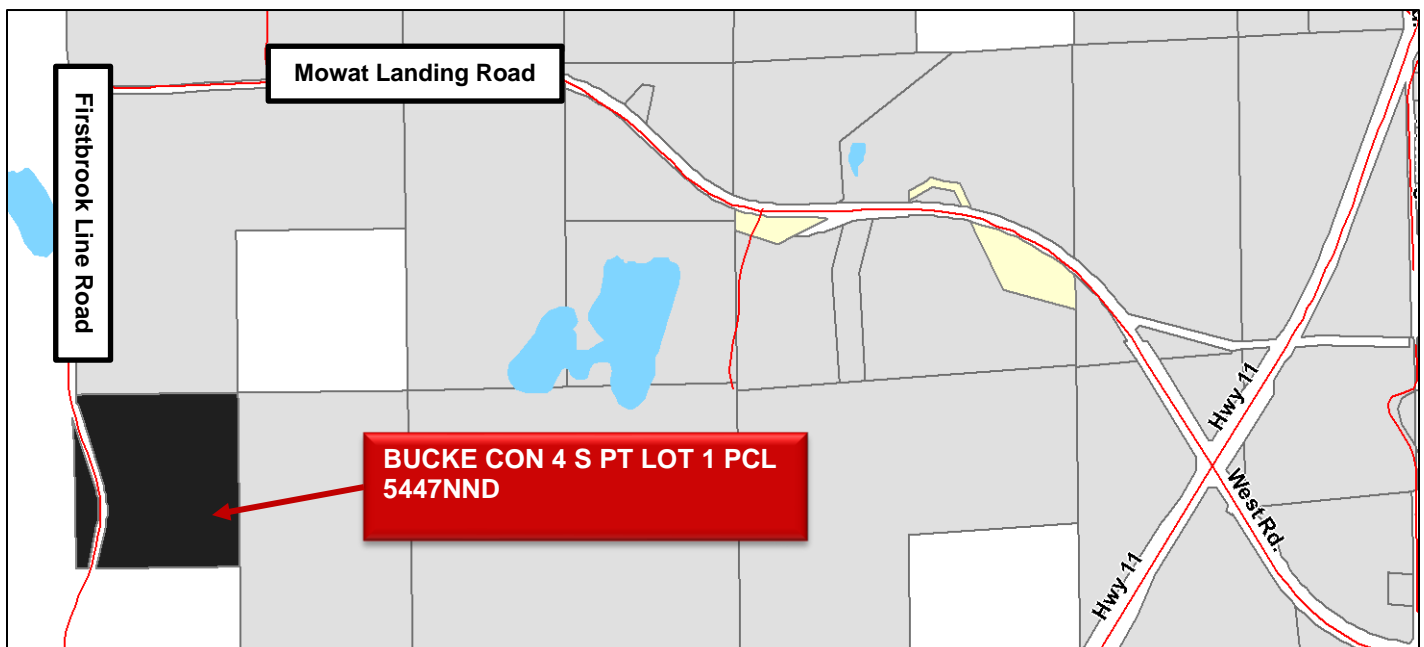
**Further information or written submissions:**

Logan Belanger, Municipal Clerk  
Email: [clerk@temiskamingshores.ca](mailto:clerk@temiskamingshores.ca)  
Phone: 705-672-3363 x 4136

The public can provide input on the proposed sale, as follows:

- **Submit Comments in Writing:** Persons wishing to provide written comments may submit in writing, using the email address above, prior to 4:30 p.m. on Tuesday, June 15, 2021; or may submit comments to [questions@temiskamingshores.ca](mailto:questions@temiskamingshores.ca), during the live-streamed Council meeting, viewed on the City of Temiskaming Shores Facebook page.
- **Register to Speak at the Virtual Meeting:** Persons wishing to speak to Council must register with the Clerk prior to 4:30 p.m. on Tuesday, June 15, 2021, using the above-noted email or telephone number. Following registration, a confirmation email containing meeting details and a Zoom link will be provided. Please note that a video sharing device is not required.
- **Description of Land:** BUCKE CON 4 S PT LOT 1 PCL 5447NND as shown below:

**Key Map**



This map is provided for illustrative purposes. It is not a substitute for a legal survey.

**APPRAISAL OF**



**LOCATED AT:**

Con 4 Lot 1 Parcel 5447  
Temiskaming Shores, ON P0J 1K0

**FOR:**

Corporation of the City of Temiskaming Shores  
325 Farr Drive, PO Box 2050  
Temiskaming Shores, ON P0J 1K0

**BORROWER:**

Corporation of the City of Temiskaming Shores

**AS OF:**

June 29, 2021

**BY:**

Natasha Bumstead, B.Sc.  
Steele & Associates



Natasha Bumstead, B.Sc.  
Cobalt, ON  
www.wevaluethenorth.com  
Ph: 705.995.3220 Em:rob@robertsteele.com

Corporation of the City of Temiskaming Shores

325 Farr Drive, PO Box 2050  
Temiskaming Shores, ON P0J 1K0

Address of Property:      Con 4 Lot 1 Parcel 5447  
   Temiskaming Shores, ON P0J 1K0


Market Value: \$              \$25,000

THIS REPORT CONTAINS AND IS SUBJECT TO specific terminology descriptions, conditions, and special limitations which may affect the stated opinion of value, the use, and the intended user of the report.

PLEASE CAREFULLY READ, AND PAY PARTICULAR ATTENTION TO all of these descriptions, conditions and special limitations.

Due to the limitations of this report software, the co-signer is unable to affix his name or signature in the letter of transmittal. The reader is directed to the certification page for the co-signers signature.


SEE ADDENDUM EXTRAORDINARY ASSUMPTIONS AND LIMITING CONDITIONS REGARDING COVID-19 AND THIS VALUATION

  
Natasha Bumstead, B.Sc.  
AIC Candidate Member

REFERENCE:

Steele &amp; Associates

FILE NO.: 211572

CLIENT	CLIENT: Corporation of the City of Temiskaming Shores		APPRAISER	AIC MEMBER: Natasha Bumstead, B.Sc.		 Appraisal Institute of Canada	
	ATTENTION:			COMPANY: Steele & Associates			
	ADDRESS: 325 Farr Drive, PO Box 2050 Temiskaming Shores, ON P0J 1K0			ADDRESS: Cobalt, ON www.wevaluethenorth.com			
	E-MAIL:			E-MAIL: appraiser@steeleassociates.com			
PHONE:		FAX:		PHONE: 705.995.3220		FAX: 866.684.7444	
SUBJECT	PROPERTY ADDRESS: Con 4 Lot 1 Parcel 5447		CITY: Temiskaming Shores		PROVINCE: ON		POSTAL CODE: P0J 1K0
	LEGAL DESCRIPTION: PIN: 613470286; PCL 5447 SEC NND; NW 1/4 OF S 1/2 LT 1 CON 4 BUCKE EXCEPT MRO AS IN LT63012; Source: GeoWarehouse						
	MUNICIPALITY AND DISTRICT: City of Temiskaming Shores; District of Timiskaming						
	ASSESSMENT: Land \$ 10,900		Assessment Date: 01-Jan-2016		Taxes \$ 142		Year 2021
ASSIGNMENT	EXISTING USE: Vacant Land						
	NAME: Corporation of the City of Temiskaming Shores Name Type: Applicant						
	PURPOSE: <input checked="" type="checkbox"/> To estimate market value <input type="checkbox"/> Marketing Purposes						
	INTENDED USE: <input type="checkbox"/> First mortgage financing only <input type="checkbox"/> Second mortgage financing only <input type="checkbox"/> Conventional <input checked="" type="checkbox"/> marketing purposes						
NEIGHBOURHOOD	INTENDED USERS (by name): Only-Corporation of the City of Temiskaming Shores						
	REQUESTED BY: <input checked="" type="checkbox"/> Client above <input type="checkbox"/> Other						
	VALUE: <input checked="" type="checkbox"/> Current <input type="checkbox"/> Retrospective <input type="checkbox"/> Prospective						
	<input type="checkbox"/> Update of original report completed on with an effective date of File No.						
	PROPERTY RIGHTS APPRAISED: <input checked="" type="checkbox"/> Fee Simple <input type="checkbox"/> Leasehold <input type="checkbox"/> Condominium/Strata						
	IS THE SUBJECT A FRACTIONAL INTEREST, PHYSICAL SEGMENT OR PARTIAL HOLDING? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes (if yes, see comments)						
	APPROACHES USED: <input checked="" type="checkbox"/> DIRECT COMPARISON APPROACH						
	EXTRAORDINARY ASSUMPTIONS & LIMITING CONDITIONS <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (see attached addendum)						
	HYPOTHETICAL CONDITIONS <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES (see attached addendum. A hypothetical condition requires an extraordinary assumption)						
	JURISDICTIONAL EXCEPTION <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (see attached addendum)						
SITE AND IMPROVEMENTS	NATURE OF DISTRICT: <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Industrial <input type="checkbox"/> Agricultural				From		To
	TYPE OF DISTRICT: <input type="checkbox"/> Urban <input type="checkbox"/> Suburban <input checked="" type="checkbox"/> Rural <input type="checkbox"/> Recreational				AGE RANGE OF PROPERTIES (years):		1 100
	TREND OF DISTRICT: <input type="checkbox"/> Improving <input checked="" type="checkbox"/> Stable <input type="checkbox"/> Transition <input type="checkbox"/> Deteriorating				PRICE RANGE OF PROPERTIES:		\$ 50,000 \$ 765,000
	BUILT-UP: <input type="checkbox"/> Over 75% <input type="checkbox"/> 25 - 75% <input type="checkbox"/> Under 25% <input checked="" type="checkbox"/> Rural				No negative influences noted.		
	CONFORMITY Size: <input type="checkbox"/> Larger <input checked="" type="checkbox"/> Similar <input type="checkbox"/> Smaller				MARKET OVERVIEW: Supply: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Low		
					Demand: <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Low		
					PRICE TRENDS: <input checked="" type="checkbox"/> Increasing <input type="checkbox"/> Stable <input type="checkbox"/> Declining		
	COMMENTS:						
	Value trends, market appeal, proximity to employment and amenities, anticipated public/private improvements, apparent detrimental conditions (railroad tracks, unkempt properties, major traffic arteries, hydro facilities, commercial/industrial sites, landfill sites)						
	The subject is situated in a rural residential neighborhood located on the outskirts of the City of Temiskaming Shores. The area consists primarily of well-spaced single family dwellings on acreage. Property values have experienced steady increases over the past 6 months. No negative influences noted in the neighbourhood.						
SITE AND IMPROVEMENTS	SITE DIMENSIONS: 1338' x 1274'		UTILITIES: <input type="checkbox"/> Telephone <input type="checkbox"/> Natural Gas <input type="checkbox"/> Storm Sewer <input type="checkbox"/> Sanitary Sewer <input type="checkbox"/> Septic				
	LOT SIZE: 40 Unit of Measurement Acres		<input checked="" type="checkbox"/> Open Ditch <input type="checkbox"/> Holding Tank				
	Source: GeoWarehouse/MPAC		WATER SUPPLY: <input type="checkbox"/> Municipal <input type="checkbox"/> Private Well				
	TOPOGRAPHY: Rolling						
	CONFIGURATION: rectangular		FEATURES: <input checked="" type="checkbox"/> Gravel Road <input type="checkbox"/> Paved Road <input type="checkbox"/> Lane <input type="checkbox"/> Sidewalk <input type="checkbox"/> Curbs				
			<input type="checkbox"/> Street Lights <input type="checkbox"/> Cablevision				
	ZONING: Residential RU-Rural		ELECTRICAL: <input type="checkbox"/> Overhead <input type="checkbox"/> Underground <input type="checkbox"/> N/A				
	Source: Online		LANDSCAPING: <input type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Fair <input type="checkbox"/> Poor N/A				
	OTHER LAND USE CONTROLS (see comments):		CURB APPEAL: <input type="checkbox"/> Good <input type="checkbox"/> Average <input type="checkbox"/> Fair <input type="checkbox"/> Poor N/A				
	USE CONFORMS: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO (see comments)						
ASSEMBLAGE <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (see comments)							
TITLE SEARCHED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (see comments and limiting conditions)							
COMMENTS:	SEE ADDENDUM EXTRAORDINARY ASSUMPTIONS AND LIMITING CONDITIONS REGARDING COVID-19 AND THIS VALUATION						
	The subject property consists of forested rolling acreage. Site dimensions were obtained from GeoWarehouse and site area was obtained from MPAC. Property taxes were estimated. No negative site features being noted based on cursory observation from the road.						

# RESIDENTIAL LAND APPRAISAL REPORT

REFERENCE:

Steele &amp; Associates

FILE NO.: 211572

EXISTING USE: Vacant Land

ANALYSES AND COMMENTS:

Given the predominate use in the immediate area is residential, the highest and best use for the subject property is for additional acreage to an adjoining property owner.

## HIGHEST AND BEST USE

SUBJECT		COMPARABLE NO. 1		COMPARABLE NO. 2		COMPARABLE NO. 3	
		Description	\$ Adjustment	Description	\$ Adjustment	Description	\$ Adjustment
Con 4 Lot 1 Parcel 5447 Temiskaming Shores, ON P0J 1K0		Con 2 Parcel 24284 Highway 624 Larder Lake, ON P0K 1L0		Con1 Lot 1 NE1/4 S1/2 Temiskaming Shores, ON P0J 1K0		Con 6 Lot 6 Parcel 1284 NW1/4 of N1/2 Bryce Township, ON P0J 1H0	
DATA SOURCE	Other	Online Data		Online Data		Online Data	
DATE OF SALE	N/A	18-Feb-2021		22-Mar-2021		20-May-2021	
SALE PRICE	\$ N/A	\$ 22,500		\$ 22,000		\$ 25,000	
DAYS ON MARKET	N/A	98		91		23	
LIST PRICE	N/A	\$ 30,000		\$ 29,900		\$ 29,900	
MLS #	N/A	TM202244		TM202433		TM210893	
LOCATION	Average	Average		Average		Average	
SITE DIMENSIONS/LOT SIZE	40 Acres	40 Acres		40 Acres		40 Acres	
ZONING/LAND USE CONTROLS	Residential	N/A		N/A		Unorganized Twp.	
TOPOGRAPHY	Rolling	Rolling		Rolling		Rolling	
VIEW	Average	Average		Average		Average	
ADJUSTMENTS (Gross\$, Net\$)		Gross: \$ 0 Net: \$ 0		Gross: \$ 0 Net: \$ 0		Gross: \$ 0 Net: \$ 0	
ADJUSTMENTS (Gross%, Net%)		Gross: 0.0 % Net: 0.0 %		Gross: 0.0 % Net: 0.0 %		Gross: 0.0 % Net: 0.0 %	
ADJUSTED VALUES		\$ 22,500		\$ 22,000		\$ 25,000	

ANALYSES AND COMMENTS:

SEE ADDENDUM EXTRAORDINARY ASSUMPTIONS AND LIMITING CONDITIONS REGARDING COVID-19 AND THIS VALUATION

The comparables used in this report best represent the subject property as substitutes for comparative analysis purposes due to their similarity &/or proximity to the subject property. Due to a lack of more recent sales in this category within the area comparables #1 and #2 are slightly time dated. The site adjustments applied or absent reflect the total site values including the influences of size, location, frontage, view and site improvements. In weighing the characteristics & attributes of the subject property relative to those of the available comparables, it is the opinion of the appraiser that given the closer proximity of the subject to amenities, the estimated market value for the subject property is closer to the upper end of the indicated range of sales.
---

## DIRECT COMPARISON APPROACH

#### ESTIMATED VALUE BY THE DIRECT COMPARISON APPROACH

(rounded): \$ 25.000

SEE ADDENDUM

# RESIDENTIAL LAND APPRAISAL REPORT

REFERENCE:

Steele & Associates

FILE NO.: 211572

<b>HISTORY</b>	SUBJECT SOLD WITHIN 3 YEARS OF EFFECTIVE DATE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO ANALYSES OF SALE TRANSFER HISTORY: (minimum of three years) <b>According to GeoWarehouse there has been no transfer activity of the subject property within the past 3 years.</b>	
	SUBJECT LISTED WITHIN 1 YEAR OF EFFECTIVE DATE: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO      SUBJECT CURRENTLY LISTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO ANALYSES OF AGREEMENTS FOR SALE, OPTIONS, LISTINGS OR MARKETING OF THE SUBJECT: (minimum of one year) <b>There have been no known MLS listings for the subject property within the last year.</b>	
<b>EXPOSURE TIME</b>	ANALYSES OF REASONABLE EXPOSURE TIME: <b>Depending on season &amp; listing price, a reasonable market exposure time for the subject is estimated to be less than 90 days.</b>	
	RECONCILIATION AND FINAL ESTIMATE OF VALUE: <b>SEE ADDENDUM EXTRAORDINARY ASSUMPTIONS AND LIMITING CONDITIONS REGARDING COVID-19 AND THIS VALUATION</b>  <b>The sales comparison approach is the most relevant method of estimating market value for this category of property as it best reflects the actions and motivations of buyers and sellers in the market place.</b>	
<b>RECONCILIATION AND FINAL VALUE</b>	UPON REVIEWING AND RECONCILING THE DATA AND ANALYSES AND CONCLUSIONS, THE MARKET VALUE OF THE INTEREST IN THE SUBJECT PROPERTY <b>AS AT 29-Jun-2021</b> (Effective Date of the Appraisal) <b>IS ESTIMATED AT \$ 25,000</b> <b>COMPLETED ON 15-Jul-2021</b> (Date of Report) As set out elsewhere in this report, this report is subject to assumptions and limiting conditions, the verification of which is outside the scope of this report.	
	DEFINITIONS <b>DEFINITION OF MARKET VALUE:</b> The most probable price, as of a specified date, in cash, or in terms equivalent to cash, or in other precisely revealed terms, for which the specified property rights should sell after reasonable exposure in a competitive market under all conditions requisite to a fair sale, with the buyer and seller each acting prudently, knowledgeably, and for self-interest, and assuming that neither is under undue duress. (Appraisal of Real Estate, Third Canadian Edition.2010) Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: buyer and seller are typically motivated; both parties are well informed or well advised, and acting in what they consider their own best interests; a reasonable time is allowed for exposure in the open market; payment is made in terms of cash in Canadian dollars or in terms of financial arrangements comparable thereto; and the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.  <b>DEFINITION OF MARKET RENT</b> (if applicable): The estimated amount for which an interest in real property should be leased on the valuation date between a willing lessor and a willing lessee on appropriate lease terms in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion. (International Valuation Standards 2017)  <b>DEFINITION OF HIGHEST AND BEST USE:</b> The reasonably probable use of real property, that is physically possible, legally permissible, financially feasible, maximally productive and that results in the highest value. (CUSPAP 2018)	
<b>SCOPE</b>	The scope of the appraisal encompasses the due diligence undertaken by the appraiser (consistent with the terms of reference from the client, the purpose and intended use of the report) and the necessary research and analyses to prepare a report in accordance with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP) of the Appraisal Institute of Canada. The following comments describe the extent of the process of collecting, confirming and reporting data and its analyses, describe relevant procedures and reasoning details supporting the analyses, and provide the reason for the exclusion of any usual valuation procedures.  The appraisal issue that is the focus of this engagement has been discussed and defined with the client, the work required to solve the issue planned, and the necessary market data acquired, analyzed and reconciled into an estimate of market value in a manner typically expected in a "form" report.  The specific tasks and items necessary to complete this assignment include a summary of the following: <ol style="list-style-type: none"> <li>1. assembly and analyses of relevant information pertaining to the property being appraised, including listing and acquisition particulars if acquired within three years prior to the effective date of the appraisal;</li> <li>2. a site visit and observation of the subject property and the surrounding area;</li> <li>3. assembly and analyses of pertinent economic and market data;</li> <li>4. an analyses of land use controls pertaining to the subject property;</li> <li>5. an analyses of "Highest and Best Use", or most probable use;</li> <li>6. a discussion of the appraisal methodologies and procedures employed in arriving at the indications of value;</li> <li>7. inclusion of photographs, maps, graphics and addendum/exhibits when deemed appropriate; and</li> <li>8. reconciliation of the collected data into an estimate of the market value or the market value range as at the effective date of the appraisal.</li> </ol> All data considered appropriate for inclusion in the appraisal is, to the best of our knowledge, factual. Due to the type of property being appraised and the nature of the appraisal issue, the findings have been conveyed in this "form" format.  Other:	
	<b>All information pertaining to the comparables was obtained from MLS profiles and is assumed to be accurate.</b>	

# RESIDENTIAL LAND APPRAISAL REPORT

Steele & Associates

FILE NO.: 211572

## REFERENCE:

ASSUMPTIONS, LIMITING CONDITIONS, DISCLAIMERS AND LIMITATIONS OF LIABILITY

- The certification that appears in this appraisal report is subject to compliance with the Personal Information and Electronics Documents Act (PIPEDA), Canadian Uniform Standards of Professional Appraisal Practice ("CUSPAP") and the following conditions:
- This report is prepared only for the client and authorized users specifically identified in this report and only for the specific use identified herein. No other person may rely on this report or any part of this report without first obtaining consent from the client and written authorization from the authors. Liability is expressly denied to any other person and, accordingly, no responsibility is accepted for any damage suffered by any other person as a result of decisions made or actions taken based on this report. Liability is expressly denied for any unauthorized user or for anyone who uses this report for any use not specifically identified in this report. Payment of the appraisal fee has no effect on liability. Reliance on this report without authorization or for an unauthorized use is unreasonable.
  - Because market conditions, including economic, social and political factors, may change rapidly and, on occasion, without warning, this report cannot be relied upon as of any date other than the effective date specified in this report unless specifically authorized by the author(s).
  - The author will not be responsible for matters of a legal nature that affect either the property being appraised or the title to it. The property is appraised on the basis of it being under responsible ownership. No registry office search has been performed and the author assumes that the title is good and marketable and free of all encumbrances. Matters of a legal nature, including confirming who holds legal title to the appraised property or any portion of the appraised property, are outside the scope of work and expertise of the appraiser. Any information regarding the identity of a property's owner or identifying the property owned by the listed client and/or applicant provided by the appraiser is for informational purposes only and any reliance on such information is unreasonable. Any information provided by the appraiser does not constitute any title confirmation. Any information provided does not negate the need to retain a real estate lawyer, surveyor or other appropriate experts to verify matters of ownership and/or title.
  - Verification of compliance with governmental regulations, bylaws or statutes is outside the scope of work and expertise of the appraiser. Any information provided by the appraiser is for informational purposes only and any reliance is unreasonable. Any information provided by the appraiser does not negate the need to retain an appropriately qualified professional to determine government regulation compliance.
  - No survey of the property has been made. Any sketch in this report shows approximate dimensions and is included only to assist the reader of this report in visualizing the property. It is unreasonable to rely on this report as an alternative to a survey, and an accredited surveyor ought to be retained for such matters.
  - This report is completed on the basis that testimony or appearance in court concerning this report is not required unless specific arrangements to do so have been made beforehand. Such arrangements will include, but not necessarily be limited to: adequate time to review the report and related data, and the provision of appropriate compensation.
  - Unless otherwise stated in this report, the author has no knowledge of any hidden or unapparent conditions (including, but not limited to: its soils, physical structure, mechanical or other operating systems, foundation, etc.) of/on the subject property or of/on a neighbouring property that could affect the value of the subject property. It has been assumed that there are no such conditions. Any such conditions that were visibly apparent at the time of inspection or that became apparent during the normal research involved in completing the report have been noted in the report. This report should not be construed as an environmental audit or detailed property condition report, as such reporting is beyond the scope of this report and/or the qualifications of the author. The author makes no guarantees or warranties, express or implied, regarding the condition of the property, and will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. The bearing capacity of the soil is assumed to be adequate.
  - The author is not qualified to comment on detrimental environmental, chemical or biological conditions that may affect the market value of the property appraised, including but not limited to pollution or contamination of land, buildings, water, groundwater or air which may include but are not limited to moulds and mildews or the conditions that may give rise to either. Any such conditions that were visibly apparent at the time of inspection or that became apparent during the normal research involved in completing the report have been noted in the report. It is an assumption of this report that the property complies with all regulatory requirements concerning environmental, chemical and biological matters, and it is assumed that the property is free of any detrimental environmental, chemical legal and biological conditions that may affect the market value of the property appraised. If a party relying on this report requires information about or an assessment of detrimental environmental, chemical or biological conditions that may impact the value conclusion herein, that party is advised to retain an expert qualified in such matters. The author expressly denies any legal liability related to the effect of detrimental environmental, chemical or biological matters on the market value of the property.
  - The analyses set out in this report relied on written and verbal information obtained from a variety of sources the author considered reliable. Unless otherwise stated herein, the author did not verify client-supplied information, which the author believed to be correct.
  - The term "inspection" refers to observation only as defined by CUSPAP and reporting of the general material finishing and conditions observed for the purposes of a standard appraisal inspection. The inspection scope of work includes the identification of marketable characteristics/amenities offered for comparison and valuation purposes only.
  - The opinions of value and other conclusions contained herein assume satisfactory completion of any work remaining to be completed in a good and workmanlike manner. Further inspection may be required to confirm completion of such work. The author has not confirmed that all mandatory building inspections have been completed to date, nor has the availability/issuance of an occupancy permit been confirmed. The author has not evaluated the quality of construction, workmanship or materials. It should be clearly understood that this visual inspection does not imply compliance with any building code requirements as this is beyond the professional expertise of the author.
  - The contents of this report are confidential and will not be disclosed by the author to any party except as provided for by the provisions of the CUSPAP and/or when properly entered into evidence of a duly qualified judicial or quasi-judicial body. The author acknowledges that the information collected herein is personal and confidential and shall not use or disclose the contents of this report except as provided for in the provisions of the CUSPAP and in accordance with the author's privacy policy. The client agrees that in accepting this report, it shall maintain the confidentiality and privacy of any personal information contained herein and shall comply in all material respects with the contents of the author's privacy policy and in accordance with the PIPEDA.
  - The author has agreed to enter into the assignment as requested by the client named in this report for the use specified by the client, which is stated in this report. The client has agreed that the performance of this report and the format are appropriate for the intended use.
  - This report, its content and all attachments/addendums and their content are the property of the author. The client, authorized users and any appraisal facilitator are prohibited, strictly forbidden, and no permission is expressly or implicitly granted or deemed to be granted, to modify, alter, merge, publish (in whole or in part) screen scrape, database scrape, exploit, reproduce, decompile, reassemble or participate in any other activity intended to separate, collect, store, reorganize, scan, copy, manipulate electronically, digitally, manually or by any other means whatsoever this appraisal report, addendum, all attachments and the data contained within for any commercial, or other, use.
  - If transmitted electronically, this report will have been digitally signed and secured with personal passwords to lock the appraisal file. Due to the possibility of digital modification, only originally signed reports and those reports sent directly by the author can be reasonably relied upon.
  - This report form is the property of the Appraisal Institute of Canada (AIC) and for use only by AIC members in good standing. Use by any other person is a violation of AIC copyright.
  - Where the intended use of this report is for financing or mortgage lending or mortgage insurance, it is a condition of reliance on this report that the authorized user has or will conduct lending, underwriting and rigorous due diligence in accordance with the standards of a reasonable and prudent lender or insurer, including but not limited to ensuring the borrower's demonstrated willingness and capacity to service his/her debt obligations on a timely basis, and to conduct loan underwriting or insuring due diligence similar to the standards set out by the Office of the Superintendent of Financial Institutions (OSFI), even when not otherwise required by law. Liability is expressly denied to those that do not meet this condition. Any reliance on this report without satisfaction of this condition is unreasonable.

## See Attached Addendum

I certify that, to the best of my knowledge and belief that:

- The statements of fact contained in this report are true and correct;
- The reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are my impartial and unbiased professional analyses, opinions and conclusions;
- I have no past, present or prospective interest in the property that is the subject of this report and no personal and/or professional interest or conflict of interest with respect to the parties involved with this assignment;
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;
- My engagement in and compensation is not contingent upon developing or reporting predetermined results, the amount of value estimate, a conclusion favouring the client, or the occurrence of a subsequent event;
- My analyses, opinions and conclusions were developed, and this report has been prepared, in conformity with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP);
- I have the knowledge and experience to complete this assignment competently, and where applicable this report is co-signed in compliance with the Canadian Uniform Standards of Professional Appraisal Practice (CUSPAP);
- ☒ No one has provided professional assistance to the members(s) signing this report;  
☐ The following individual provided the following professional assistance:

## PROPERTY IDENTIFICATION

ADDRESS: Con 4 Lot 1 Parcel 5447 CITY: Temiskaming Shores PROVINCE: ON POSTAL CODE: P0J 1K0  
LEGAL DESCRIPTION: PIN: 613470286; PCL 5447 SEC NND; NW 1/4 OF S 1/2 LT 1 CON 4 BUCKE EXCEPT MRO AS IN LT63012;

BASED UPON THE DATA, ANALYSES AND CONCLUSIONS CONTAINED HEREIN, THE MARKET VALUE OF THE INTEREST IN THE PROPERTY DESCRIBED,

AS AT 29-Jun-2021 (Effective Date of the Appraisal) IS ESTIMATED AT \$ 25,000

AS SET OUT ELSEWHERE IN THIS REPORT, THIS REPORT IS SUBJECT TO CERTAIN ASSUMPTIONS AND LIMITING CONDITIONS, THE VERIFICATION OF WHICH IS OUTSIDE THE SCOPE OF THIS REPORT.

CERTIFICATION

## APPRAISER

SIGNATURE:

NAME: Natasha Bumstead, B.Sc.

AIC DESIGNATION/STATUS: ☒ Candidate Member ☐ CRA, P.App ☐ AACI, P.App Membership # 915379

DATE OF REPORT/DATE SIGNED: 16-Jul-2021

PERSONALLY INSPECTED EXTERIOR OF THE SUBJECT PROPERTY: ☒ YES ☐ NO

DATE OF INSPECTION: 29-Jun-2021

LICENSE INFO: (where applicable)

NOTE: For this appraisal to be valid, an original or a password protected digital signature is required.

SOURCE OF DIGITAL SIGNATURE SECURITY:

ATTACHMENTS AND ADDENDA: ☐ ADDITIONAL SALES ☒ EXTRAORDINARY ASSUMPTIONS/LIMITING CONDITIONS ☐ NARRATIVE ☒ PHOTOGRAPHS  
☒ MAPS ☐ SCOPE OF WORK

## CO-SIGNING AIC APPRAISER (If applicable)

SIGNATURE:

NAME: Robert Steele, B.A.

AIC DESIGNATION/STATUS: ☒ CRA, P.App ☐ AACI, P.App Membership # 905309

DATE OF REPORT/DATE SIGNED: 16-Jul-2021

PERSONALLY INSPECTED EXTERIOR OF THE SUBJECT PROPERTY: ☐ YES ☒ NO

DATE OF INSPECTION:

LICENSE INFO: (where applicable)

NOTE: For this appraisal to be valid, an original or a password protected digital signature is required.

# RESIDENTIAL LAND APPRAISAL REPORT

REFERENCE:

Steele & Associates

FILE NO.: 211572

<b>CLIENT</b>	<b>CLIENT:</b> Corporation of the City of Temiskaming Shores	<b>APPRAISER</b>	<b>AIC MEMBER:</b> Natasha Bumstead, B.Sc.	 <b>Appraisal Institute of Canada</b>
	<b>ATTENTION:</b>		<b>COMPANY:</b> Steele & Associates	
	<b>ADDRESS:</b> 325 Farr Drive, PO Box 2050 Temiskaming Shores, ON P0J 1K0		<b>ADDRESS:</b> Cobalt, ON www.wevaluethenorth.com	
	<b>E-MAIL:</b>		<b>E-MAIL:</b> appraiser@steeleassociates.com	
	<b>PHONE:</b>		<b>PHONE:</b> 705.995.3220 <b>FAX:</b> 866.684.7444	
	<b>FAX:</b>			

## EXTRAORDINARY ASSUMPTIONS & LIMITING CONDITIONS

An extraordinary assumption is a hypothesis, either supposed or unconfirmed, which, if not true, could alter the appraiser's opinions and conclusions (e.g. an absence of contamination where such contamination is possible, the presence of a municipal sanitary sewer where unknown or uncertain). An extraordinary limiting condition is a necessary modification or exclusion of a Standard Rule which must be explained and justified by the appraiser (e.g. exclusion of one or more valuation approaches). The appraiser must conclude before accepting the assignment which involves invoking an Extraordinary Limiting Condition that the scope of the work applied will result in opinions and conclusions which are credible. Both must accompany statements of each opinion/conclusion so affected.

The coronavirus pandemic is causing a significant degree of uncertainty in capital markets and could have an effect on real estate values depending on the duration and severity of the crisis. At present, it is too early to predict how values may be affected, but it may be likely that market demand is adversely affected in the short term.

Values contained in this appraisal are based on market conditions as at the time of this report. This appraisal does not provide a prediction of future values. In the event of market instability and/or disruption, values may change rapidly, and such potential future events have been NOT been considered in this report. As this appraisal does not and cannot consider any changes to the property appraised or market conditions after the effective date, readers are cautioned in relying on the appraisal after the effective date noted herein.

As of the date of this report Canada and the Global Community is experiencing unprecedented measures undertaken by various levels of government to curtail health related impacts of the Covid-19 Pandemic. The duration of this event is not known. While there is potential for negative impact with respect to micro and macro-economic sectors, as well as upon various real estate markets, it is not possible to predict such impact at present, or the impact of current and future government countermeasures. There is some risk that the Covid-19 Pandemic increases the likelihood of a global recession, however without knowledge of further anticipated government countermeasures at the national and global levels it is not possible to predict any impact at this point in time.

Accordingly, this point-in-time valuation assumes the continuation of current market conditions, and that current longer-term market conditions remain unchanged. Given the market uncertainties of the Covid-19 pandemic, a force majeure event, we reserve the right to revise the value estimation set out in this report for a fee, with an update appraisal report under a separate appraisal engagement, incorporating market information available at that time.

## HYPOTHETICAL CONDITIONS

Hypothetical conditions may be used when they are required for legal purpose, for purposes of reasonable analyses or for purposes of comparison. Common hypothetical conditions include proposed improvements, completed repairs, rezoning, or municipal services. For every Hypothetical Condition, an Extraordinary Assumption is required. Following is a description of each hypothetical condition applied to this report, the rationale for its use and its effect on the result of the assignment.

The coronavirus pandemic is causing a significant degree of uncertainty in capital markets and could have an effect on real estate values depending on the duration and severity of the crisis. At present, it is too early to predict how values may be affected, but it may be likely that market demand is adversely affected in the short term.

Values contained in this appraisal are based on market conditions as at the time of this report. This appraisal does not provide a prediction of future values. In the event of market instability and/or disruption, values may change rapidly, and such potential future events have been NOT been considered in this report. As this appraisal does not and cannot consider any changes to the property appraised or market conditions after the effective date, readers are cautioned in relying on the appraisal after the effective date noted herein.

As of the date of this report Canada and the Global Community is experiencing unprecedented measures undertaken by various levels of government to curtail health related impacts of the Covid-19 Pandemic. The duration of this event is not known. While there is potential for negative impact with respect to micro and macro-economic sectors, as well as upon various real estate markets, it is not possible to predict such impact at present, or the impact of current and future government countermeasures. There is some risk that the Covid-19 Pandemic increases the likelihood of a global recession, however without knowledge of further anticipated government countermeasures at the national and global levels it is not possible to predict any impact at this point in time.

Accordingly, this point-in-time valuation assumes the continuation of current market conditions, and that current longer-term market conditions remain unchanged. Given the market uncertainties of the Covid-19 pandemic, a force majeure event, we reserve the right to revise the value estimation set out in this report for a fee, with an update appraisal report under a separate appraisal engagement, incorporating market information available at that time.

## JURISDICTIONAL EXCEPTION

The Jurisdictional Exception permits the appraiser to disregard a part or parts of the Standards determined to be contrary to law or public policy in a given jurisdiction and only that part shall be void and of no force or effect in that jurisdiction. The following comments identify the part or parts disregarded, if any, and the legal authority justifying these actions.

## ADDENDUM

Borrower: Corporation of the City of Temiskaming Shores

File No.: 211572

Property Address: Con 4 Lot 1 Parcel 5447

Case No.:

City: Temiskaming Shores

Province: ON

Postal Code: P0J 1K0

Lender: Corporation of the City of Temiskaming Shores

### **Additional Assumptions and Limiting Conditions and Extraordinary Items**

If this appraisal report concerns the valuation of a condominium or strata type property. No investigation was made of the appraiser as to the content of the bylaws, the status or sufficiency of the property insurance, budget, financing, reserves, board of management structure, or any other affairs of the condominium or condominium corporation unless otherwise noted in this report. It is assumed that the condominium corporation is, and has been, professionally operated and managed consistent with the present Provincial Condominium or Strata Act and, that sufficient reserve funds are in place. It is recommended that the client obtain, study, and understand the minutes of the corporation for at least the past two years, along with any depreciation report or reserve fund planning report covering the subject property, that is available.

If the client has requested an estimate of market rent, then the estimate of market rent herein provided is subject to the hypothetical condition that the subject property is available for leasing at the moment and that any inherent expenses associated with the rental estimate have not been verified but are consistent with properties similar to the subject property in the subject market area.



SUBJECT PROPERTY PHOTO ADDENDUM

Borrower: Corporation of the City of Temiskaming Shores		File No.: 211572
Property Address: Con 4 Lot 1 Parcel 5447		Case No.:
City: Temiskaming Shores	Prov.: ON	P.C.: P0J 1K0
Lender: Corporation of the City of Temiskaming Shores		



FRONT VIEW OF  
SUBJECT PROPERTY

Appraised Date: June 29, 2021  
Appraised Value: \$ 25,000



REAR VIEW OF  
SUBJECT PROPERTY



STREET SCENE



Borrower: Corporation of the City of Temiskaming Shores		File No.: 211572
Property Address: Con 4 Lot 1 Parcel 5447		Case No.:
City: Temiskaming Shores	Prov.: ON	P.C.: P0J 1K0
Lender: Corporation of the City of Temiskaming Shores		



Con 2 Parcel 24284 Highway 624  
Larder Lake, ON P0K 1L0  
Sale Date: 18-Feb-2021  
Sale Price: \$ 22,500



Con1 Lot 1 NE1/4 S1/2  
Temiskaming Shores, ON P0J 1K0  
Sale Date: 22-Mar-2021  
Sale Price: \$ 22,000

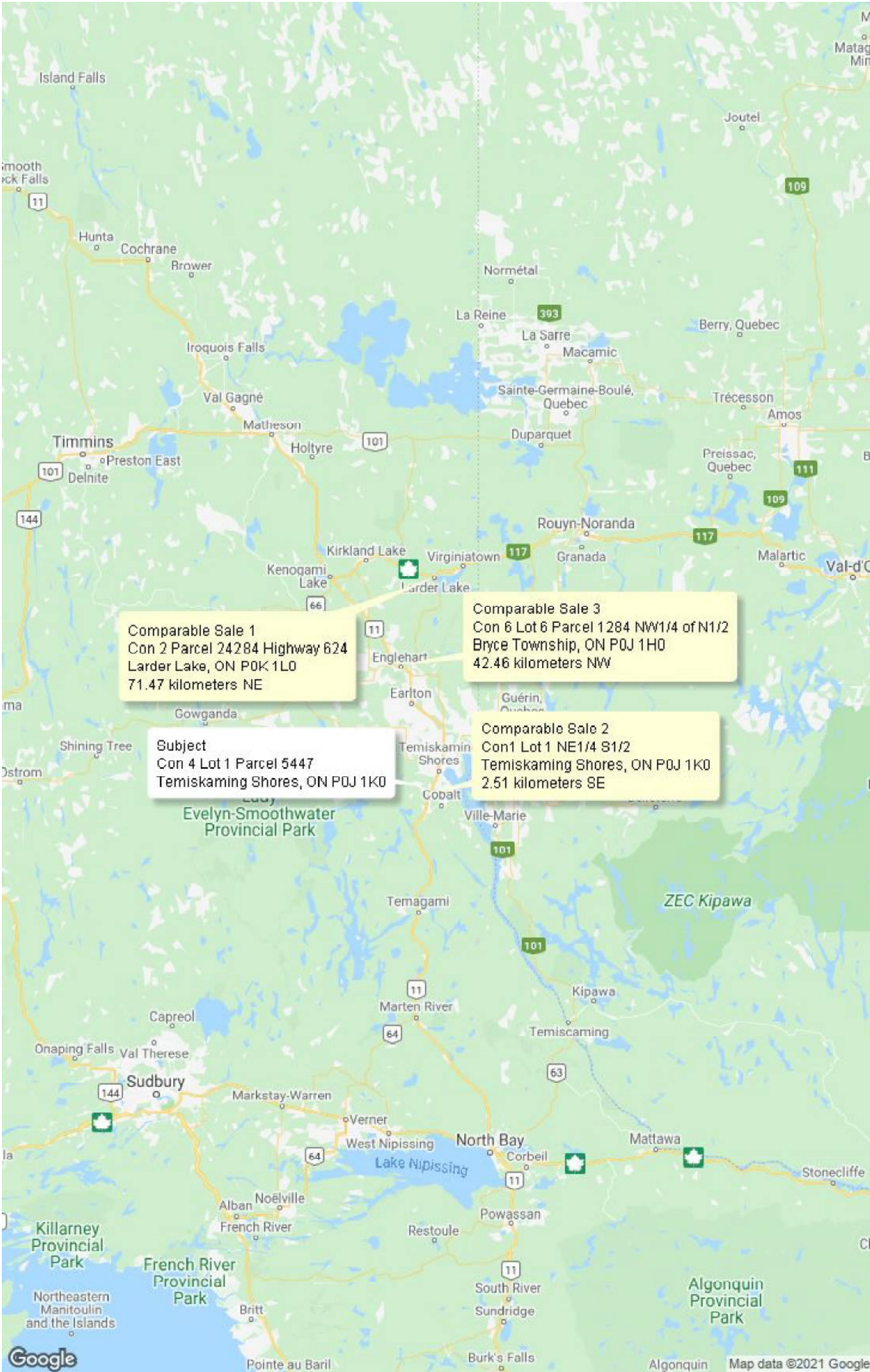


Con 6 Lot 6 Parcel 1284 NW1/4 of N1/2  
Bryce Township, ON P0J 1H0  
Sale Date: 20-May-2021  
Sale Price: \$ 25,000



LOCATION MAP

Borrower: Corporation of the City of Temiskaming Shores		File No.: 211572
Property Address: Con 4 Lot 1 Parcel 5447		Case No.:
City: Temiskaming Shores	Prov.: ON	P.C.: P0J 1K0
Lender: Corporation of the City of Temiskaming Shores		



# **Memo**

**To:** Mayor and Council  
**From:** Steve Langford, Fire Chief  
**Date:** September 21<sup>st</sup>, 2021  
**Subject:** Renewal of Emergency Fire Call Response System Agreement  
**Attachments:** Appendix 01: Agreement Renewal Offer  
Appendix 02: Draft By-law (**Please refer to By-law No. 2021-137**)

---

Mayor and Council:

On December 31, 2021 our current agreement with the City of Timmins for the provision of twenty-four-hour dispatching services under By-law No. 2015-015 will expire.

On July 29, 2021 the City received a letter from the Timmins Police Service with an offer to renew the agreement (see Appendix 01) for five (5) years at a rate of \$52,377.60 annually for the period of January 1, 2022 to December 31, 2024 and \$54,758.40 annually for the period of January 1, 2025 to December 31, 2026. The fee for the agreement the past three (3) years has been \$52,586.33 annually.

Upon review of the offer with the City Manager, it was agreed that it would be financially advantageous for the City to consider the offer as it would maintain the current costing formula for the next three years, with minimal increase for the final two years.

Based on the above the following is being recommended to Council for consideration:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Memo 003-2021-PPP;
2. That Council hereby agrees to a five-year agreement renewal with the Corporation of the City of Timmins for the provision of a Twenty-Four (24) hour Emergency Fire Call Response System subject to the conditions as outlined in Appendix 01; and
3. That Council directs staff to prepare the necessary by-law to enter into an Agreement with the Corporation of the City of Timmins for the provision of a Twenty-Four (24) hour Emergency Fire Call Response System for consideration at the September 21<sup>st</sup>, 2021 Regular Council meeting.

I would like to thank Council for your consideration.

Prepared by:

*“Original signed by”*

---

Steve Langford  
Fire Chief

Reviewed and submitted for  
Council’s consideration by:

*“Original signed by”*

---

Christopher W. Oslund  
City Manager

JOHN GAUTHIER  
CHIEF OF POLICE

HENRY DACOSTA  
DEPUTY CHIEF OF POLICE



TEL: (705)264-1201  
FAX: (705)360-2697

## TIMMINS POLICE SERVICE

185 SPRUCE STREET SOUTH  
TIMMINS, ONTARIO P4N 2M7  
[www.timminspolice.ca](http://www.timminspolice.ca)

July 29, 2021

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

Attention: Bradley Hearn

RE: Fire Dispatch Agreement

The current contract with the City of Timmins for the Provision of a Twenty-Four hour Emergency Fire Call Response System expires on December 31, 2021.

This letter is to offer the City of Temiskaming Shores a five year contract renewal. The following sections of the contract would be modified if accepted.

1) **Section 2 Term:** Term will be amended to begin January 1, 2022 and terminate December 31, 2026.

2) **Section 6 Payment of Services:**

Payment for services is based on population count of 9,920 based on the 2016 Statistics Canada report and to be adjusted upon release of such a report.

**January 1, 2022 – December 31, 2024:** 44 cents per capita per month with a monthly payment of \$4,364.80 for a total of \$52,377.60 annually.

**January 1, 2025 – December 31, 2026:** 46 cents per capita per month with a monthly payment of \$4,563.20 for a total of \$54,758.40

If you are in agreement with the proposed terms of the contract renewal as outlined, kindly reply via email to the undersigned no later than October 1, 2021.

Sincerely,

Communications Manager  
Timmins Police Service

"PRIDE AND INTEGRITY SINCE 1912"  
"FIERTÉ ET INTÉGRITÉ DEPUIS 1912"

# **Memo**

**To:** Mayor and Council  
**From:** Steve Burnett, Manager of Environmental Services  
**Date:** September 21, 2021  
**Subject:** Investing in Canada Infrastructure Program (ICIP) – Green Stream 2<sup>nd</sup> Intake (Submission Update)

---

Mayor and Council:

On July 13, 2021, the Ministry of Infrastructure announced that the second intake of funding under the Green Stream of the Investing in Canada Infrastructure Program (ICIP) opened. This intake is open to municipalities and First Nation communities with populations under 100,000 and will be focused on drinking water projects. Applicants will be able to apply for a maximum of \$5 million in total eligible costs, including contingency with a deadline to submit of September 9, 2021.

At the Regular meeting of Council held on August 10, 2021, Council supported the submission of an application to the second intake of the ICIP Green Stream funding for the refurbishment of the filters with associated piping and appurtenances at the Haileybury Water Treatment Plant. In addition, EXP was engaged to prepare the application on the City's behalf due to the technical nature of the project.

In conjunction with City staff, EXP finalized and submitted the application on September 8, 2021. The total cost of the funding application was \$2,600,000 which includes a contingency of 15% or \$ 340,000. Should the application be approved, the City's contribution to this capital project would be 26.67% or approximately \$ 695,000.

Staff will present this project as a "capital project pending funding" for Council's consideration through the 2022 Budget deliberation process.

Prepared by:

Reviewed and submitted for Council's consideration by:

"Original signed by"

"Original signed by"

Steve Burnett  
Manager of Environmental Services

Christopher W. Oslund  
City Manager



# **Memo**

**To:** Mayor and Council  
**From:** Steve Burnett, Manager of Environmental Services  
**Date:** September 21, 2021  
**Subject:** Blue Box Transition Ad-Hoc Committee  
**Attachments:** Draft By-law (**Please refer to By-law No. 2021-138**)

---

Mayor and Council:

In June of 2021, Ontario Regulation 391/21: Blue Box was introduced under the Resource Recovery and Circular Economy Act, 2016. This regulation outlines how Producers are fully accountable for the recyclable material they produce once they reach their end of life. The Ministry has also set a Transition Schedule for all eligible municipalities to transition to the new framework starting in 2023. The City of Temiskaming Shores transition date is January 1, 2025.

Many discussions and decisions will be required leading up to the transition in 2025. Some of these discussion topics include whether or not the City should be a service provider for the producers and how the City's decision will affect our neighbouring municipalities. Due to the time required to have these important discussions, the suggestion of the establishment of a sub-committee was made at the Regular Council Meeting held on September 7, 2021.

This topic was discussed at the Public Works Committee Meeting held on September 15, 2021, resulting in the following recommendation:

*Recommendation PW-2021-049*  
*Moved by: Carman Kidd*

*Be it resolved that:*

*The Public Works Committee hereby supports and recommends that Council support the establishment of an Ad-Hoc Committee for the Blue Box Transition comprised of the Council members of the Public Works Committee and applicable staff.*

**CARRIED**

It is therefore Staff's recommendation that Council supports the establishment of an Ad-Hoc committee as it relates to Blue Box Transition.

Prepared by:

Reviewed and submitted for  
Council's consideration by:

*"Original signed by"*

---

Steve Burnett  
Manager of Environmental Services

*"Original signed by"*

---

Christopher W. Oslund  
City Manager



# **Memo**

**To:** Mayor and Council  
**From:** Mathew Bahm, Director of Recreation  
**Date:** September 21, 2021  
**Subject:** Recreation Facilities Proof of Vaccination  
**Attachments:** Draft By-law (**Please refer to By-law No. 2021-139**)

---

Mayor and Council:

City staff have been crafting a policy to ensure that the City is meeting its obligations until Ontario Regulation 364/20, specifically, new regulations surrounding proof of vaccination requirements at recreation facilities which are coming into effect on September 22, 2021

The City's Recreation Committee reviewed the draft policy on September 13, 2021 before the final regulation was released to the public on September 15, 2021.

Further amendments have been made based upon the information that the province has provided on September 15, 2021.

Staff are requesting that the policy be reviewed and discussed at the September 21, 2021 council meeting to confirm that the policy receives councils' full approval.

Prepared by:

Reviewed and submitted for Council's  
consideration by:

*"Original signed by"*

---

*"Original signed by"*

---

Mathew Bahm  
Director of Recreation

Christopher W. Oslund  
City Manager

**The Corporation of The City of Temiskaming Shores**  
**By-Law No. 2021-130**  
**Being a By-Law to Adopt a COVID-19 Vaccination Policy for 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 municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

**Whereas** Council adopted Resolution No. 2021-372 at the September 14, 2021 Special Council meeting, to endorse and approve the COVID-19 Vaccination Policy for the City of Temiskaming Shores, and directed staff to prepare the necessary by-law to confirm the Policy at the September 21, 2021, 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 adopts a COVID-19 Vaccination Policy for the City of Temiskaming Shores, identified as 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 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 21<sup>st</sup> day of September, 2021.

---

Mayor

---

Clerk



Schedule “A” to

**By-law No. 2021-130**

**Being a By-Law to Adopt a COVID-19 Vaccination Policy  
for the City of Temiskaming Shores**



## **City of Temiskaming Shores COVID-19 Vaccination Policy**

### **Policy Statement**

Throughout the COVID-19 virus pandemic the City of Temiskaming Shores has placed the health and safety of our employees and community at the forefront of our planning. The City is committed to taking every precaution reasonable in the circumstances for the protection of the health and safety of workers from the hazard of COVID-19.

Vaccination is a key element in the protection of City employees against the hazard of COVID-19. This policy is designed to maximize COVID-19 vaccination rates among City employees as one of the critical control measures for the hazard of COVID-19. To this end all City employees are required to be fully vaccinated against COVID-19.

This policy is applied in accordance with the *Ontario Human Rights Code*, *Occupational Health and Safety Act* and other applicable legislation. Information collected under this policy and procedure is in compliance with relevant legislation including but not limited to the *Personal Health Information Protection Act* and the *Human Rights Code*.

### **Purpose**

The purpose of this policy is to outline the City's expectations with regards to COVID-19 vaccinations of all employees. Contingent upon vaccine availability and unless medically contraindicated, it is the expectation that all eligible employees are fully vaccinated against COVID-19.

### **Background and Current Situation**

On March 11, 2020, the World Health Organization declared COVID-19 a global pandemic with variants of the virus circulating throughout the world in the time since the pandemic was declared. Given the continuing spread of COVID-19 and the compelling data demonstrating a higher incidence of COVID-19 among the unvaccinated population it is important for City employees to be fully vaccinated in order to protect themselves, co-workers and members of the public.

Full vaccination has been shown to be safe and effective in reducing the transmission of COVID-19 and protecting vaccinated individuals from severe consequences of contracting COVID-19.

## Definitions

**COVID-19:** A virus belonging to the coronavirus family which includes the virus that causes the common cold and more severe disease such as Severe Acute Respiratory Syndrome (SARS) and Middle East Respiratory Syndrome (MERS-COV). The virus that causes COVID-19 is a novel coronavirus, named SARS-CoV-2.

**Employees:** means all permanent, probationary, full time, part time, temporary, students or volunteers.

**Vaccine:** For the purposes of this policy, a vaccine is defined as a substance used to stimulate the production of antibodies and provide immunity against SARS-CoV-2.

**Fully Vaccinated:** Having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines authorized or approved by the World Health Organization (WHO) (e.g., two doses of a two-dose vaccine series, or one dose of a single-dose vaccine series); having received the final dose of the COVID-19 vaccine at least 14 days ago; and any subsequent required boosters.

**Partially Vaccinated:** Having received one dose of a two-dose series of a COVID-19 vaccine or combination of COVID-19 vaccines authorized or approved by the World Health Organization (WHO); having received the final dose of a single-dose or two-dose series of the COVID-19 vaccine less than 14 days ago; and/or failure to receive subsequent required boosters.

**Unvaccinated:** Has not received any doses of a COVID-19 vaccine authorized or approved by the World Health Organization (WHO).

**Proof of Vaccination:** Documentation issued by the Ontario Ministry of Health, other provinces or territory or international equivalent indicating individual immunization status against the COVID-19 virus.

**Proof of Medical Exemption:** Written proof of a medical reason provided by a physician, nurse practitioner in the extended class, or physician specialist as deemed necessary that sets out: (i) the nature of the medical condition that the person cannot be vaccinated against COVID-19, and (ii) the effective time-period for the medical reason.

**Educational Program:** An educational program that has been approved by and/or provided by the City and addresses the following learning components:

- How COVID-19 vaccines work
- Vaccine safety related to the development of the COVID-19 vaccines
- Benefits of vaccination against COVID-19
- Risks of not being vaccinated against COVID-19
- Possible side effects of COVID-19 vaccination

## **Scope**

This policy applies to all City of Temiskaming Shores employees.

Employees in certain departments may have obligations in addition to this policy under specific policies regarding COVID-19 vaccination or under regulations, legislation or guidelines applicable to their position.

New City of Temiskaming Shores employees are required to be fully vaccinated against COVID-19 as a condition of being hired by the City of Temiskaming Shores.

## **Support for Vaccinations**

The City supports employees in obtaining their COVID-19 vaccination. If operationally feasible and with the permission of their immediate supervisor, City employees can be released on work time to be vaccinated while on-duty without loss of compensation or the requirement to use entitlements, to a maximum of one (1) hour.

## **Continued Compliance with all Health and Safety Precautions**

Unless a legislated or regulatory exemption applies, all City of Temiskaming Shores employees are expected and required to continue to comply with applicable health and safety measures to reduce the hazard of COVID-19, including but not limited to compliance with established workplace access controls (e.g. screening), wearing a mask or face covering, using provided PPE, maintaining appropriate physical distancing and self-monitoring of potential COVID-19 symptoms when at work or otherwise engaged in City business.

## **Vaccination Requirement**

All City of Temiskaming Shores employees are required to be fully vaccinated with a COVID-19 vaccine series by November 14, 2021. For a two dose vaccine series, employees must receive one dose of COVID-19 vaccine by September 30, 2021 and two doses of COVID-19 vaccine by October 30, 2021. The City requires proof of vaccination from all employees.

Employees who are unable to be fully vaccinated must provide written proof of a medical exception.

Employees must disclose their vaccination status to the City in accordance with the established process by no later than September 17, 2021.

Employees who, by September 17, 2021, disclose that they are not partially vaccinated, not fully vaccinated or who have not disclosed their vaccination status as required, shall attend a mandatory education program. Upon completion of the mandatory education program, employees are required to declare in writing to the Director of Corporate Services their intention on becoming fully vaccinated and if

applicable, the date of their scheduled COVID-19 vaccination appointment.

Employees will be required to update their vaccination status in accordance with the established process and by the dates set out in this policy, as they obtain each dose of COVID-19 vaccine.

### **COVID-19 Rapid Antigen Testing**

Employees who are not partially vaccinated, not fully vaccinated or elect not to provide proof of vaccination will be subject to COVID-19 Rapid Antigen Testing administered by the City.

The testing frequency and location will be determined by the City, at its sole discretion.

The time required for an employee to undergo a rapid test will be on unpaid time.

Costs associated with the purchase of COVID-19 Rapid Antigen Testing Kits will be paid by the City for the period of October 1<sup>st</sup>, 2021 to December 31<sup>st</sup>, 2021. Effective January 1<sup>st</sup>, 2022, the costs will be the sole responsibility of the employee.

### **Additional Requirements**

Employees who are not fully vaccinated or do not disclose their vaccination status may be subject to additional requirements such as redeployment, personal and public health measures, leave of absence, termination, etc. as determined by the City.

### **Responsibilities**

#### *Management/Supervisors*

- Ensure proper application of this policy;
- Support on-site rapid antigen testing, where appropriate;
- Follow and comply with any federal or provincial mandates or directives;
- Continue to enforce workplace precautions that limit the spread of COVID-19 virus
- Where feasible, support time from regular duties for staff to attend vaccination appointments/clinics; and
- Ensure employees are following health and safety protocols including being vaccinated against COVID-19.

#### *Director of Corporate Services*

- Ensure employees have submitted proof of their vaccination status or a substantiated exemption;
- Ensure employee vaccination status information is collected, maintained and disclosed in accordance with this policy and privacy legislation;
- Ensure employees who are not fully vaccinated have provided required medical proof of exemption or have completed the mandatory COVID-19 educational course;
- Follow up with employees who elect not to provide proof of vaccination; and

- Ensure all future hires are aware of and meet the requirements of this policy.

### *Employees*

- Follow all health and safety policies and protocols, and;
- Complete any required education or training about COVID-19, including regarding vaccinations and safety protocols.

### **Ongoing Monitoring and Assessment/Non-Compliance**

The City will continue to monitor public health and government directives to ensure our COVID-19 controls continue to effectively protect the health and safety of our employees.

The City will continue to review and assess health and safety protocols to mitigate the risk of COVID-19 in our workplaces and our community. Any changes to safety measures will be communicated to employees and the appropriate policies will be updated accordingly.

This policy will be reviewed and amended as deemed necessary by the City.

Non-compliance with this policy may be subject to discipline, up to and including termination.



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

### **By-law No. 2021-132**

#### **Being a by-law to Stop up and Close a Highway – Part of Lane, being legally described as Part 2 on Plan 54R-6223**

**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 No. CS-035-2021 at the September 21, 2021 Regular Council meeting, and directed staff to prepare the necessary by-law for the Stopping Up and Closing part of a lane abutting Lots 138, 139, 156 & 157 on Plan M-54 N.B, identified as Part 2 on Plan 54R-6223, for consideration at the September 21, 2021 Regular Council meeting.

**Now therefore** the Municipal Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That Part of a Lane abutting Lots 138, 139, 156 & 157 on Plan M-54 N.B., being legally described as Part 2 on Plan 54R-6223; is hereby stopped up and closed.
2. The Mayor and Clerk are authorized to sign all necessary documents in connection to this by-law.
3. 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.
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 21<sup>st</sup> day of September, 2021.

---

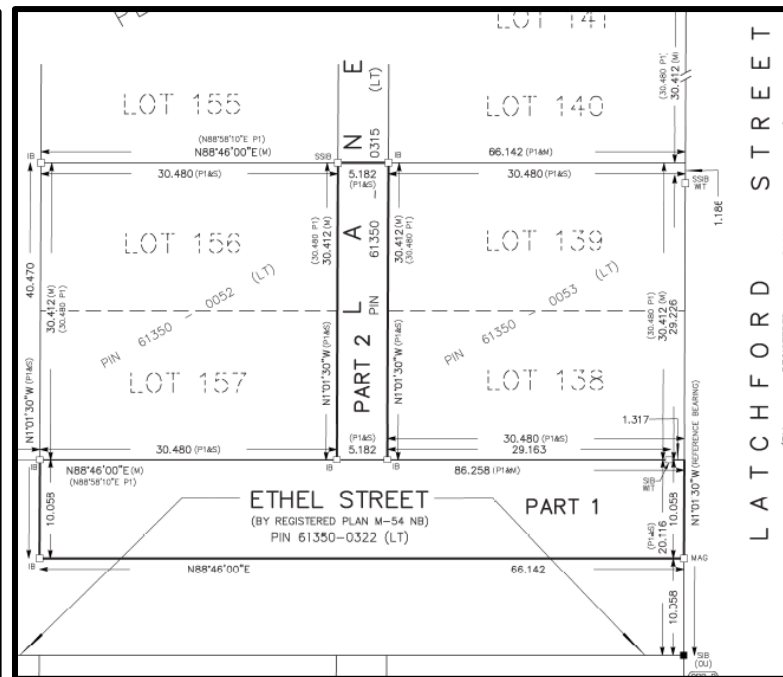
Mayor

---

Clerk

Schedule "A"

City of Temiskaming Shores – Part of Lane Abutting Lots 138, 139, 156 & 157 on Plan  
M-54 N.B., described as Part 2 on Plan 54R-6223



This map is provided for illustrative purposes.

Excerpt of Plan 54R-6223

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

### **By-law No. 2021-133**

#### **Being a by-law to Stop up and Close a Highway – Part of Ethel Street, being legally described as Part 1 on Plan 54R-6223**

**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 No. CS-035-2021 at the September 21, 2021 Regular Council meeting and directed staff to prepare the necessary by-law for the Stopping Up and Closing a Part of Ethel Street, being described as Part 1 on Plan 54R-6223, for consideration at the September 21, 2021 Regular Council meeting.

**Now therefore** the Municipal Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That Part of Ethel Street being legally described as Part 1 on Plan 54R-6223; is hereby stopped up and closed.
2. The Mayor and Clerk are authorized to sign all necessary documents in connection to this by-law.
3. 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.
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 21<sup>st</sup> day of September, 2021.

---

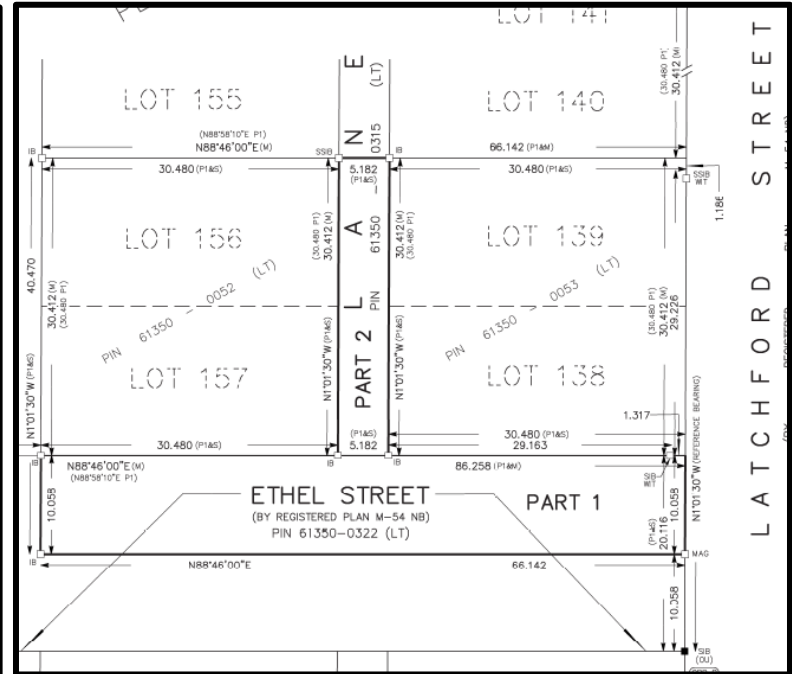
Mayor

---

Clerk

Schedule “A”

City of Temiskaming Shores – Part of Ethel Street (Part 1 on Plan 54R-6223)



This map is provided for illustrative purposes.

Excerpt of Plan 54R-6223

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

## **By-law No. 2021-134**

### **Being a by-law to authorize the Sale of Land for a Part of a Lane Abutting Lots 138, 139, 156 & 157 on Plan M-54 N.B., identified as Part 2 on Plan 54R-6223 to Richard Walsh and Judith Walsh**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, 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** By-law No. 2015-160 establishes procedures for the disposal of real property, including the giving of notice to the public, governing the sale of land; and

**Whereas** Council considered Administrative Report No. CS-035-2021 at the September 21, 2021 Regular Council meeting, and directed staff to prepare the necessary by-law to enter into an Agreement of Purchase and Sale with Richard and Judith Walsh for municipal real property, for consideration at the September 21, 2021 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 confirms the procedures set forth in By-law No. 2015-160 have been followed by the municipality in order to allow for the sale of lands herein after referred to in this By-law.
2. That Council authorizes the entering into an Agreement of Purchase and Sale between Richard Walsh and Judith Walsh as Purchaser, and The Corporation of the City of Temiskaming Shores as Vendor, in the form annexed hereto as Schedule "A" and forming part of this by-law.
3. That Council agrees to sell the subject land in the amount of \$500.00, plus applicable taxes and other such considerations outlined in the said agreement, for the land described as:

Part of Lane Abutting Lots 138, 139, 156 & 157 on Plan M-54 N.B., identified as Part 2 on Plan 54R-6223

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 21<sup>st</sup> day of September, 2021.

---

Mayor

---

Clerk



## **Offer to Purchase**

### **Richard Walsh and Judith Walsh**

(as "Purchaser"), having inspected the property, hereby agree to and with

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

(as "Vendor") to purchase the property being:

Part of Lane Abutting Lots 138, 139, 156 & 157 on Plan M-54 N.B., identified as Part 2  
on Plan 54R-6223

(herein called the "Real Property") at the purchase price of five-hundred dollars (\$500.00) payable to the Vendor, subject to adjustments, on the closing date hereinafter set forth.

This offer to Purchase shall be conditional upon the Purchaser entering into an agreement with the Vendor on or before closing, failing which this Offer to Purchase shall be null and void. Only the Vendor may waive this condition at its option.

### **Non- Refundable Deposit**

The Purchaser and the Vendor acknowledge that a deposit in the amount of two-hundred and fifty dollars (\$250.00) has been paid to the Vendor by the Purchaser. The Purchaser agrees and acknowledges that this deposit shall be non-refundable in the event that the transaction does not close. The deposit shall be credited to the Purchaser on closing.

### **Release of Information**

**Vendor authorizes the release of any information relating to the Real Property to the Purchaser and the Purchaser's solicitor by any governmental body or authority and appoints the Purchaser and the Purchaser's solicitor as its agent for the purpose. Without limiting the generality of the foregoing the Vendor consents to the disclosure to the Purchaser and the Purchaser's solicitor of any information relating to the Real Property or the use thereof pursuant to the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990. C.F. 31 and the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, C. M. 56.**

### **Deficiency Notices and Work Orders**

The Vendor represents that as at the date of acceptance hereof the Vendor has not received from any municipal or other governmental authority any deficiency notice or work order affecting the Real Property pursuant to which any deficiencies are required to be remedied or any demolition, repairs or replacements are required to be carried out. If the Vendor receives any such deficiency notice or work order after the date of acceptance hereof, the Vendor shall forthwith produce same to the Purchaser for inspection. If by the date of closing the Vendor has not either (a) complied with such deficiency notice or work order, or (b) settled with the Purchaser any question of an abatement of the purchase price arising out of such deficiency notice or work order, the Purchaser may at his option

either (a) accept the Real Property subject to such deficiency notice or work order or (b) terminate this Agreement. In the event of termination as aforesaid, all moneys paid hereunder shall be returned to the Purchaser without interest or deductions.

### **Adoption of LSUC – OBA Document Registration Agreement**

Provided the solicitors for each of the Vendor and the Purchaser are able to complete transactions using electronic registration, the parties agree to complete this transaction using electronic registration, to adopt the LSUC-OBA Document Registration Agreement in use on the Closing Date, and to abide by, and instruct their solicitors to abide by, the closing procedures set forth therein for electronic registration.

### **Acceptance**

This Offer shall be irrevocable by the Purchaser until **11:59 P.M. on the 15<sup>th</sup> day after the date of signing the offer**, after which time, if not accepted, this Offer shall be null and void.

### **Title**

Title to the Real Property shall be good and free from all encumbrances, except as set out in this Agreement, and except local rates, and except as to any registered restrictions or covenants that run with the land, and subdivision agreements with the municipality, provided the same have been complied with, and except for minor easements for hydro, gas, telephone or like services. Purchaser shall accept the Real Property subject to municipal and other governmental requirements, including building and zoning by-laws, regulations and orders, provided same have been complied with.

### **Requisitions**

Purchaser shall be allowed until closing to investigate the title at his own expense and to satisfy himself that there is no breach of municipal or other governmental requirements affecting the Real Property, that its present use may be lawfully continued and that the principal buildings may be insured against risk of fire. If within that time any valid objection to title or to any breach of municipal or other governmental requirements, or to the fact that the present use may not be lawfully continued, or that the principal buildings may not be insured against risk of fire, which the Vendor is unable or unwilling to remove, remedy or satisfy, and which the Purchaser will not waive, this Agreement shall notwithstanding any intermediate acts or negotiations, be null and void and the deposit money returned to the Purchaser, without interest or deduction, and the Vendor shall not be liable for any costs or damages whatever. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the Vendor's title to the Real Property.

### **Surveys and Documents**

The Purchaser shall not call for the production of any title deed, abstract, survey or other evidence of title except such as are in the possession or control of the Vendor. The Vendor agrees that he will deliver any existing survey to the Purchaser as soon as possible and prior to the last day allowed for examining title. In the event that a discharge of any mortgage or charge held by a Chartered Bank, Trust Company, Credit Union or Insurance Company which is not to be assumed by the Purchaser on completion, is not available in registrable form on completion, the Purchaser agrees to accept the Vendor's solicitor's personal undertaking to obtain, out of the closing funds, a discharge or cessation of charge in registrable form and to register same on title within a reasonable period of time after completion, provided that on or before completion the Vendor shall provide to the Purchaser a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, together with a direction executed by the Vendor directing payment to the mortgagee, of the amount required to obtain the discharge out of the balance due on completion.

### **Closing**

**This Agreement shall be completed on or before October 22, 2021 on which date vacant possession of the Real Property shall be given to the Purchaser unless otherwise provided for herein.**

### **Inspection of Property**

The Purchaser acknowledges having inspected the Real Property prior to submitting this Offer and understands that upon the Vendor accepting this offer there shall be a binding Agreement of Purchase and Sale between the Purchaser and the Vendor. The Purchaser shall be entitled to inspect the Real Property immediately prior to the date for completion.

### **Adjustments**

Unearned fire insurance premiums, fuel, taxes, rentals and all local improvements and water rates and other charges for municipal improvements to be apportioned and allowed to the date of completion of sale (the day itself to be apportioned to the Purchaser). Provided Purchaser may elect not to accept assignment of fire insurance in which case no adjustment for insurance premiums.

### **Costs**

The deed or transfer, save for Land Transfer Tax Affidavit, to be prepared at the expense of the Vendor in a form acceptable to the Purchaser and if a mortgage or charge is to be given back, it shall be prepared at the expense of the Purchaser in a form acceptable to the Vendor.

### **Planning Act Compliance**

This Agreement shall be effective only if the provisions of Section 50 of the *Planning Act*, R.S.O. 1990, C.P. 13 as amended, are complied with, and the Vendor agrees, at his expense, to comply with such provisions and to proceed diligently with the application for such compliance, if necessary.

The Transfer/Deed of Land to be given to the Purchaser shall contain a statement of the Vendor and the Vendor's solicitor pursuant to section 50(22) of the *Planning Act*, R.S.O. 1990, C.P. 13 as amended.

### **Spousal Consent**

The Vendor represents and warrants that no consent to this transaction is required pursuant to s.21(1) of the *Family Law Act*, R.S.O. 1990, C.F. 3 unless the Vendor's spouse has executed this agreement to consent thereto, and that the Transfer/Deed shall contain a statement by the Vendor as required by section 21(3) of the *Family Law Act*, R.S.O. 1990, C.F. 13 or the spouse of the Vendor shall execute the Transfer/Deed to consent thereto.

### **Residency of Vendor**

Vendor further agrees to produce evidence that he is not now and that on closing he will not be a non-resident of Canada within the meaning of s.116 of the *Income Tax Act* of Canada, or in the alternative, evidence that the provisions of s.116 regarding disposition of property by a non-resident person have been complied with at or before closing, failing which the Purchaser will be credited towards the purchase price with the amount, if any, which shall be necessary for the Purchaser to pay to the Minister of Revenue in order to satisfy the Purchaser's liability in respect of tax payable by the Vendor under S. 116 of the *Income Tax Act* of Canada by reason of the sale.

### **Facsimile**

Either party may execute this document by signing a facsimile thereof. The parties agree that execution by any party of a facsimile shall be in all respects identical to execution of an original or photocopy. The parties agree to accept a facsimile of the signature of any party as evidence of the fact that the agreement has been executed by that party. In all respects a facsimile signature may be accepted as having the same effect as an original signature.

### **Counterpart**

This agreement may but need not be executed in counterpart.

### **Time of Essence**

This Offer, when accepted, shall constitute a binding contract of purchase and sale, and time in all respects shall be of the essence in this Agreement.

### **H.S.T.**

If this transaction is subject to Harmonized Sales Tax (HST) pursuant to the Excise Tax Act (Canada) as amended (the "Act") then such HST shall be in addition to and not included in the purchase price, and:

- (a) HST shall be collected and remitted by the Vendor in accordance with the applicable legislation; or
- (b) If applicable, the parties shall jointly execute an election pursuant to Act, such election to be filed by the Purchaser as required under the Act; or
- (c) If the Purchaser is registered under the Act, the Purchaser shall provide the Vendor and its solicitor with proof of his/her HST registration number in a form reasonably satisfactory to the Vendor and its solicitor.

If this transaction is not subject to HST pursuant to the Act, the Vendor agrees to provide on or before closing to the Purchase or Purchaser's solicitor a certificate in the form prescribed by the Act, if so prescribed, or otherwise in a form reasonably satisfactory to the Purchase and his/her solicitor certifying that the transaction is not subject to HST.

### **Representations and Warranties**

It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement or the Real Property or supported hereby other than as expressed herein in writing.

### **Tender**

**Any tender of documents or money hereunder may be made upon the Vendor or Purchaser or upon the solicitor acting for the party on whom tender is desired, and it shall be sufficient that a cheque certified by a chartered bank or a trust company or the trust cheque of the law firm acting for the party desiring such tender be tendered instead of cash.**

### **Costs of Registration**

The Purchaser shall pay all costs of registration and taxes for both parties documents.

### **Legal Fees**

The Parties agree that the Purchaser will pay the Vendor's reasonable legal fees for the transaction.

### **Gender**

This Offer and the resulting Agreement to be read with all changes of gender or number required by the context.

**Road Closing By-Law**

The Purchaser and the Vendor acknowledge and agree that a Stop Up and Road Closing By-Law is required as a condition of this transaction. The Purchaser agrees that he shall be fully responsible for the legal costs relating to the registration of the said By-Law.

The Purchaser further agrees that he shall be fully responsible for the costs of obtaining the reference plan that shall be required as part of this said By-Law. The Purchaser and Vendor agree that this By-Law must be registered prior to closing and that the Closing Date may be extended as required to permit this.

**Remainder of this page left blank intentionally**

**Signed, Sealed and Delivered** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

in the presence of:

Purchaser: ***Richard Walsh and Judith Walsh***

Per:

Richard Walsh

Purchaser's Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Per:

Judith Walsh

The Vendor hereby accepts the above offer.

Dated at the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

\_\_\_\_\_  
Mayor - Carman Kidd

\_\_\_\_\_  
Clerk – Logan Belanger

Vendor's Address:

City of Temiskaming Shores  
P.O. Box 2050 / 325 Farr Drive  
Haileybury, Ontario  
P0J 1K0

Attn.: Logan Belanger, Clerk

We have authority to bind the Corporation.

Purchaser's Solicitor:

**Kemp Pirie Crombeen**

P.O. Box 1540  
22 Armstrong Street  
New Liskeard, ON P0J 1P0

Phone Number: (705) 647-7353

Vendor's Solicitor:

**Kemp Pirie Crombeen**

P.O. Box 1540  
22 Armstrong Street  
New Liskeard, ON P0J 1P0

Phone Number: (705) 647-7353

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

**By-law No. 2021-135**

**Being a by-law to authorize the Sale of Land for a Part of  
Ethel Street, described as Part 1 on Plan 54R-6223 to  
Richard Walsh and Judith Walsh**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, 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** By-law No. 2015-160 establishes procedures for the disposal of real property, including the giving of notice to the public, governing the sale of land; and

**Whereas** Council considered Administrative Report No. CS-035-2021 at the September 21, 2021 Regular Council meeting and directed staff to prepare the necessary by-law to enter into an Agreement of Purchase and Sale with Richard and Judith Walsh for municipal real property, for consideration at the September 21, 2021 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 confirms the procedures set forth in By-law No. 2015-160 have been followed by the municipality in order to allow for the sale of lands herein after referred to in this By-law.
2. That Council authorizes the entering into an Agreement of Purchase and Sale between Richard Walsh and Judith Walsh as Purchaser and The Corporation of the City of Temiskaming Shores as Vendor, in the form annexed hereto as Schedule "A" and forming part of this by-law.
3. That Council agrees to sell the subject land in the amount of \$500.00, plus applicable taxes and other such considerations outlined in the said agreement, for the land described as:

Part of Ethel Street, described as Part 1 on Plan 54R-6223



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 21<sup>st</sup> day of September, 2021.

---

Mayor

---

Clerk

## **Offer to Purchase**

**Richard Walsh and Judith Walsh**

(as "Purchaser"), having inspected the property, hereby agree to and with

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

(as "Vendor") to purchase the property being:

Part of Ethel Street, described as Part 1 on Plan 54R-6223

(herein called the "Real Property") at the purchase price of five-hundred dollars (\$500.00) payable to the Vendor, subject to adjustments, on the closing date hereinafter set forth.

This offer to Purchase shall be conditional upon the Purchaser entering into an agreement with the Vendor on or before closing, failing which this Offer to Purchase shall be null and void. Only the Vendor may waive this condition at its option.

### **Release of Information**

**Vendor authorizes the release of any information relating to the Real Property to the Purchaser and the Purchaser's solicitor by any governmental body or authority and appoints the Purchaser and the Purchaser's solicitor as its agent for the purpose. Without limiting the generality of the foregoing the Vendor consents to the disclosure to the Purchaser and the Purchaser's solicitor of any information relating to the Real Property or the use thereof pursuant to the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990. C.F. 31 and the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, C. M. 56.**

### **Deficiency Notices and Work Orders**

The Vendor represents that as at the date of acceptance hereof the Vendor has not received from any municipal or other governmental authority any deficiency notice or work order affecting the Real Property pursuant to which any deficiencies are required to be remedied or any demolition, repairs or replacements are required to be carried out. If the Vendor receives any such deficiency notice or work order after the date of acceptance hereof, the Vendor shall forthwith produce same to the Purchaser for inspection. If by the date of closing the Vendor has not either (a) complied with such deficiency notice or work order, or (b) settled with the Purchaser any question of an abatement of the purchase price arising out of such deficiency notice or work order, the Purchaser may at his option either (a) accept the Real Property subject to such deficiency notice or work order or (b) terminate this Agreement. In the event of termination as aforesaid, all moneys paid hereunder shall be returned to the Purchaser without interest or deductions.

### **Adoption of LSUC – OBA Document Registration Agreement**

Provided the solicitors for each of the Vendor and the Purchaser are able to complete transactions using electronic registration, the parties agree to complete this transaction using electronic registration, to adopt the LSUC-OBA Document Registration Agreement

in use on the Closing Date, and to abide by, and instruct their solicitors to abide by, the closing procedures set forth therein for electronic registration.

### **Acceptance**

This Offer shall be irrevocable by the Purchaser until **11:59 P.M. on the 15<sup>th</sup> day after the date of signing the offer**, after which time, if not accepted, this Offer shall be null and void.

### **Title**

Title to the Real Property shall be good and free from all encumbrances, except as set out in this Agreement, and except local rates, and except as to any registered restrictions or covenants that run with the land, and subdivision agreements with the municipality, provided the same have been complied with, and except for minor easements for hydro, gas, telephone or like services. Purchaser shall accept the Real Property subject to municipal and other governmental requirements, including building and zoning by-laws, regulations and orders, provided same have been complied with.

### **Requisitions**

Purchaser shall be allowed until closing to investigate the title at his own expense and to satisfy himself that there is no breach of municipal or other governmental requirements affecting the Real Property, that its present use may be lawfully continued and that the principal buildings may be insured against risk of fire. If within that time any valid objection to title or to any breach of municipal or other governmental requirements, or to the fact that the present use may not be lawfully continued, or that the principal buildings may not be insured against risk of fire, which the Vendor is unable or unwilling to remove, remedy or satisfy, and which the Purchaser will not waive, this Agreement shall notwithstanding any intermediate acts or negotiations, be null and void and the deposit money returned to the Purchaser, without interest or deduction, and the Vendor shall not be liable for any costs or damages whatever. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the Vendor's title to the Real Property.

### **Surveys and Documents**

The Purchaser shall not call for the production of any title deed, abstract, survey or other evidence of title except such as are in the possession or control of the Vendor. The Vendor agrees that he will deliver any existing survey to the Purchaser as soon as possible and prior to the last day allowed for examining title. In the event that a discharge of any mortgage or charge held by a Chartered Bank, Trust Company, Credit Union or Insurance Company which is not to be assumed by the Purchaser on completion, is not available in registrable form on completion, the Purchaser agrees to accept the Vendor's solicitor's personal undertaking to obtain, out of the closing funds, a discharge or cessation of charge in registrable form and to register same on title within a reasonable period of time after completion, provided that on or before completion the Vendor shall provide to the Purchaser a mortgage statement prepared by the mortgagee setting out

the balance required to obtain the discharge, together with a direction executed by the Vendor directing payment to the mortgagee, of the amount required to obtain the discharge out of the balance due on completion.

### **Closing**

**This Agreement shall be completed on or before October 22, 2021 on which date vacant possession of the Real Property shall be given to the Purchaser unless otherwise provided for herein.**

### **Inspection of Property**

The Purchaser acknowledges having inspected the Real Property prior to submitting this Offer and understands that upon the Vendor accepting this offer there shall be a binding Agreement of Purchase and Sale between the Purchaser and the Vendor. The Purchaser shall be entitled to inspect the Real Property immediately prior to the date for completion.

### **Adjustments**

Unearned fire insurance premiums, fuel, taxes, rentals and all local improvements and water rates and other charges for municipal improvements to be apportioned and allowed to the date of completion of sale (the day itself to be apportioned to the Purchaser). Provided Purchaser may elect not to accept assignment of fire insurance in which case no adjustment for insurance premiums.

### **Costs**

The deed or transfer, save for Land Transfer Tax Affidavit, to be prepared at the expense of the Vendor in a form acceptable to the Purchaser and if a mortgage or charge is to be given back, it shall be prepared at the expense of the Purchaser in a form acceptable to the Vendor.

### **Planning Act Compliance**

This Agreement shall be effective only if the provisions of Section 50 of the *Planning Act*, R.S.O. 1990, C.P. 13 as amended, are complied with, and the Vendor agrees, at his expense, to comply with such provisions and to proceed diligently with the application for such compliance, if necessary.

The Transfer/Deed of Land to be given to the Purchaser shall contain a statement of the Vendor and the Vendor's solicitor pursuant to section 50(22) of the *Planning Act*, R.S.O. 1990, C.P. 13 as amended.

### **Spousal Consent**

The Vendor represents and warrants that no consent to this transaction is required pursuant to s.21(1) of the *Family Law Act*, R.S.O. 1990, C.F. 3 unless the Vendor's spouse has executed this agreement to consent thereto, and that the Transfer/Deed shall contain a statement by the Vendor as required by section 21(3) of the *Family Law Act*,

R.S.O. 1990, C.F. 13 or the spouse of the Vendor shall execute the Transfer/Deed to consent thereto.

### **Residency of Vendor**

Vendor further agrees to produce evidence that he is not now and that on closing he will not be a non-resident of Canada within the meaning of s.116 of the *Income Tax Act* of Canada, or in the alternative, evidence that the provisions of s.116 regarding disposition of property by a non-resident person have been complied with at or before closing, failing which the Purchaser will be credited towards the purchase price with the amount, if any, which shall be necessary for the Purchaser to pay to the Minister of Revenue in order to satisfy the Purchaser's liability in respect of tax payable by the Vendor under S. 116 of the *Income Tax Act* of Canada by reason of the sale.

### **Facsimile**

Either party may execute this document by signing a facsimile thereof. The parties agree that execution by any party of a facsimile shall be in all respects identical to execution of an original or photocopy. The parties agree to accept a facsimile of the signature of any party as evidence of the fact that the agreement has been executed by that party. In all respects a facsimile signature may be accepted as having the same effect as an original signature.

### **Counterpart**

This agreement may but need not be executed in counterpart.

### **Time of Essence**

This Offer, when accepted, shall constitute a binding contract of purchase and sale, and time in all respects shall be of the essence in this Agreement.

### **H.S.T.**

If this transaction is subject to Harmonized Sales Tax (HST) pursuant to the Excise Tax Act (Canada) as amended (the "Act") then such HST shall be in addition to and not included in the purchase price, and:

- (a) HST shall be collected and remitted by the Vendor in accordance with the applicable legislation; or
- (b) If applicable, the parties shall jointly execute an election pursuant to Act, such election to be filed by the Purchaser as required under the Act; or
- (c) If the Purchaser is registered under the Act, the Purchaser shall provide the Vendor and its solicitor with proof of his/her HST registration number in a form reasonably satisfactory to the Vendor and its solicitor.

If this transaction is not subject to HST pursuant to the Act, the Vendor agrees to provide on or before closing to the Purchase or Purchaser's solicitor a certificate in the form prescribed by the Act, if so prescribed, or otherwise in a form reasonably satisfactory to the Purchase and his/her solicitor certifying that the transaction is not subject to HST.

### **Representations and Warranties**

It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement or the Real Property or supported hereby other than as expressed herein in writing.

### **Tender**

**Any tender of documents or money hereunder may be made upon the Vendor or Purchaser or upon the solicitor acting for the party on whom tender is desired, and it shall be sufficient that a cheque certified by a chartered bank or a trust company or the trust cheque of the law firm acting for the party desiring such tender be tendered instead of cash.**

### **Costs of Registration**

The Purchaser shall pay all costs of registration and taxes for both parties documents.

### **Legal Fees**

The Parties agree that the Purchaser will pay the Vendor's reasonable legal fees for the transaction.

### **Gender**

This Offer and the resulting Agreement to be read with all changes of gender or number required by the context.

### **Road Closing By-Law**

The Purchaser and the Vendor acknowledge and agree that a Stop Up and Road Closing By-Law is required as a condition of this transaction. The Purchaser agrees that he shall be fully responsible for the legal costs relating to the registration of the said By-Law.

The Purchaser further agrees that he shall be fully responsible for the costs of obtaining the reference plan that shall be required as part of this said By-Law. The Purchaser and Vendor agree that this By-Law must be registered prior to closing and that the Closing Date may be extended as required to permit this.

**Remainder of this page left blank intentionally**

**Signed, Sealed and Delivered** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

in the presence of:

Purchaser: ***Richard Walsh and Judith Walsh***

Per:

Richard Walsh

Purchaser's Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Per:

Judith Walsh

The Vendor hereby accepts the above offer.

Dated at the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

\_\_\_\_\_  
Mayor - Carman Kidd

\_\_\_\_\_  
Clerk – Logan Belanger

Vendor's Address:

City of Temiskaming Shores  
P.O. Box 2050 / 325 Farr Drive  
Haileybury, Ontario  
P0J 1K0

Attn.: Logan Belanger, Clerk

We have authority to bind the Corporation.

Purchaser's Solicitor:

**Kemp Pirie Crombeen**

P.O. Box 1540  
22 Armstrong Street  
New Liskeard, ON P0J 1P0

Phone Number: (705) 647-7353

Vendor's Solicitor:

**Kemp Pirie Crombeen**

P.O. Box 1540  
22 Armstrong Street  
New Liskeard, ON P0J 1P0

Phone Number: (705) 647-7353

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

## **By-law No. 2021-136**

### **Being a by-law to authorize the Sale of Land described as BUCKE CON 4 S PT LOT 1 PCL 5447NND, to Fredric and Carmen MacKewn**

**Whereas** under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, 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** By-law No. 2015-160 establishes procedures for the disposal of real property, including the giving of notice to the public, governing the sale of land; and

**Whereas** Council considered Administrative Report No. CS-036-2021 at the September 21, 2021 Regular Council meeting and directed staff to prepare the necessary by-law to enter into an Offer of Purchase and Agreement between the City of Temiskaming Shores as Vendor, and Fredric and Carmen MacKewn as Purchaser for a vacant parcel described as BUCKE CON 4 S PT LOT 1 PCL 5447NND, in the amount of \$25,000, plus taxes (if applicable), and all associated costs (appraisal, legal, registration, administration, etc.) in accordance with By-law No. 2015-160, for consideration at the September 21, 2021 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 confirms the procedures set forth in By-law No. 2015-160 have been followed by the municipality in order to allow for the sale of lands herein after referred to in this By-law.
2. That Council authorizes the entering into an Agreement of Purchase and Sale between Fredric and Carmen MacKewn as Purchaser and The Corporation of the City of Temiskaming Shores as Vendor, in the form annexed hereto as Schedule "A" and forming part of this by-law.
3. That Council agrees to sell the subject land in the amount of \$25,000.00, plus applicable taxes, and other such considerations outlined in the said agreement, for the land described as:

BUCKE CON 4 S PT LOT 1 PCL 5447NND



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 21<sup>st</sup> day of September, 2021.

---

Mayor

---

Clerk

## **Offer to Purchase**

### **Fredric MacKewn and Carmen MacKewn**

(as "Purchaser"), having inspected the property, hereby agree to and with

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

(as "Vendor") to purchase the property being:

BUCKE CON 4 S PT LOT 1 PCL 5447NND

(herein called the "Real Property") at the purchase price of twenty-five thousand dollars (\$25,000.00) payable to the Vendor, subject to adjustments, on the closing date hereinafter set forth.

This offer to Purchase shall be conditional upon the Purchaser entering into an agreement with the Vendor on or before closing, failing which this Offer to Purchaser shall be null and void. Only the Vendor may waive this condition at its option.

### **Release of Information**

**Vendor authorizes the release of any information relating to the Real Property to the Purchaser and the Purchaser's solicitor by any governmental body or authority and appoints the Purchaser and the Purchaser's solicitor as its agent for the purpose. Without limiting the generality of the foregoing the Vendor consents to the disclosure to the Purchaser and the Purchaser's solicitor of any information relating to the Real Property or the use thereof pursuant to the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, C.F. 31 and the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, C. M. 56.**

### **Deficiency Notices and Work Orders**

The Vendor represents that as at the date of acceptance hereof the Vendor has not received from any municipal or other governmental authority any deficiency notice or work order affecting the Real Property pursuant to which any deficiencies are required to be remedied or any demolition, repairs or replacements are required to be carried out. If the Vendor receives any such deficiency notice or work order after the date of acceptance hereof, the Vendor shall forthwith produce same to the Purchaser for inspection. If by the date of closing the Vendor has not either (a) complied with such deficiency notice or work order, or (b) settled with the Purchaser any question of an abatement of the purchase price arising out of such deficiency notice or work order, the Purchaser may at his option either (a) accept the Real Property subject to such deficiency notice or work order or (b) terminate this Agreement. In the event of termination as aforesaid, all moneys paid hereunder shall be returned to the Purchaser without interest or deductions.

### **Adoption of LSUC – OBA Document Registration Agreement**

Provided the solicitors for each of the Vendor and the Purchaser are able to complete

transactions using electronic registration, the parties agree to complete this transaction using electronic registration, to adopt the LSUC-OBA Document Registration Agreement in use on the Closing Date, and to abide by, and instruct their solicitors to abide by, the closing procedures set forth therein for electronic registration.

### **Acceptance**

This Offer shall be irrevocable by the Purchaser until **11:59 P.M. on the 15<sup>th</sup> day after the date of signing the offer**, after which time, if not accepted, this Offer shall be null and void.

### **Title**

Title to the Real Property shall be good and free from all encumbrances, except as set out in this Agreement, and except local rates, and except as to any registered restrictions or covenants that run with the land, and subdivision agreements with the municipality, provided the same have been complied with, and except for minor easements for hydro, gas, telephone or like services. Purchaser shall accept the Real Property subject to municipal and other governmental requirements, including building and zoning by-laws, regulations and orders, provided same have been complied with.

### **Requisitions**

Purchaser shall be allowed until closing to investigate the title at his own expense and to satisfy himself that there is no breach of municipal or other governmental requirements affecting the Real Property, that its present use may be lawfully continued and that the principal buildings may be insured against risk of fire. If within that time any valid objection to title or to any breach of municipal or other governmental requirements, or to the fact that the present use may not be lawfully continued, or that the principal buildings may not be insured against risk of fire, which the Vendor is unable or unwilling to remove, remedy or satisfy, and which the Purchaser will not waive, this Agreement shall notwithstanding any intermediate acts or negotiations, be null and void and the deposit money returned to the Purchaser, without interest or deduction, and the Vendor shall not be liable for any costs or damages whatever. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the Vendor's title to the Real Property.

### **Surveys and Documents**

The Purchaser shall not call for the production of any title deed, abstract, survey or other evidence of title except such as are in the possession or control of the Vendor. The Vendor agrees that he will deliver any existing survey to the Purchaser as soon as possible and prior to the last day allowed for examining title. In the event that a discharge of any mortgage or charge held by a Chartered Bank, Trust Company, Credit Union or Insurance Company which is not to be assumed by the Purchaser on completion, is not available in registrable form on completion, the Purchaser agrees to accept the Vendor's solicitor's personal undertaking to obtain, out of the closing funds, a discharge or

cessation of charge in registrable form and to register same on title within a reasonable period of time after completion, provided that on or before completion the Vendor shall provide to the Purchaser a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, together with a direction executed by the Vendor directing payment to the mortgagee, of the amount required to obtain the discharge out of the balance due on completion.

### **Closing**

**This Agreement shall be completed on or before October 22, 2021 on which date vacant possession of the Real Property shall be given to the Purchaser unless otherwise provided for herein.**

### **Inspection of Property**

The Purchaser acknowledges having inspected the Real Property prior to submitting this Offer and understands that upon the Vendor accepting this offer there shall be a binding Agreement of Purchase and Sale between the Purchaser and the Vendor. The Purchaser shall be entitled to inspect the Real Property immediately prior to the date for completion.

### **Adjustments**

Unearned fire insurance premiums, fuel, taxes, rentals and all local improvements and water rates and other charges for municipal improvements to be apportioned and allowed to the date of completion of sale (the day itself to be apportioned to the Purchaser). Provided Purchaser may elect not to accept assignment of fire insurance in which case no adjustment for insurance premiums.

### **Costs**

The deed or transfer, save for Land Transfer Tax Affidavit, to be prepared at the expense of the Vendor in a form acceptable to the Purchaser and if a mortgage or charge is to be given back, it shall be prepared at the expense of the Purchaser in a form acceptable to the Vendor.

### **Planning Act Compliance**

This Agreement shall be effective only if the provisions of Section 50 of the *Planning Act*, R.S.O. 1990, C.P. 13 as amended, are complied with, and the Vendor agrees, at his expense, to comply with such provisions and to proceed diligently with the application for such compliance, if necessary.

The Transfer/Deed of Land to be given to the Purchaser shall contain a statement of the Vendor and the Vendor's solicitor pursuant to section 50(22) of the *Planning Act*, R.S.O. 1990, C.P. 13 as amended.

### **Spousal Consent**

The Vendor represents and warrants that no consent to this transaction is required pursuant to s.21(1) of the *Family Law Act*, R.S.O. 1990, C.F. 3 unless the Vendor's spouse has executed this agreement to consent thereto, and that the Transfer/Deed shall contain a statement by the Vendor as required by section 21(3) of the *Family Law Act*, R.S.O. 1990, C.F. 13 or the spouse of the Vendor shall execute the Transfer/Deed to consent thereto.

### **Residency of Vendor**

Vendor further agrees to produce evidence that he is not now and that on closing he will not be a non-resident of Canada within the meaning of s.116 of the *Income Tax Act* of Canada, or in the alternative, evidence that the provisions of s.116 regarding disposition of property by a non-resident person have been complied with at or before closing, failing which the Purchaser will be credited towards the purchase price with the amount, if any, which shall be necessary for the Purchaser to pay to the Minister of Revenue in order to satisfy the Purchaser's liability in respect of tax payable by the Vendor under S. 116 of the *Income Tax Act* of Canada by reason of the sale.

### **Facsimile**

Either party may execute this document by signing a facsimile thereof. The parties agree that execution by any party of a facsimile shall be in all respects identical to execution of an original or photocopy. The parties agree to accept a facsimile of the signature of any party as evidence of the fact that the agreement has been executed by that party. In all respects a facsimile signature may be accepted as having the same effect as an original signature.

### **Counterpart**

This agreement may but need not be executed in counterpart.

### **Time of Essence**

This Offer, when accepted, shall constitute a binding contract of purchase and sale, and time in all respects shall be of the essence in this Agreement.

### **H.S.T.**

If this transaction is subject to Harmonized Sales Tax (HST) pursuant to the Excise Tax Act (Canada) as amended (the "Act") then such HST shall be in addition to and not included in the purchase price, and:

- (a) HST shall be collected and remitted by the Vendor in accordance with the applicable legislation; or

- (b) If applicable, the parties shall jointly execute an election pursuant to Act, such election to be filed by the Purchaser as required under the Act; or
- (c) If the Purchaser is registered under the Act, the Purchaser shall provide the Vendor and its solicitor with proof of his/her HST registration number in a form reasonably satisfactory to the Vendor and its solicitor.

If this transaction is not subject to HST pursuant to the Act, the Vendor agrees to provide on or before closing to the Purchase or Purchaser's solicitor a certificate in the form prescribed by the Act, if so prescribed, or otherwise in a form reasonably satisfactory to the Purchase and his/her solicitor certifying that the transaction is not subject to HST.

### **Representations and Warranties**

It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement or the Real Property or supported hereby other than as expressed herein in writing.

### **Tender**

**Any tender of documents or money hereunder may be made upon the Vendor or Purchaser or upon the solicitor acting for the party on whom tender is desired, and it shall be sufficient that a cheque certified by a chartered bank or a trust company or the trust cheque of the law firm acting for the party desiring such tender be tendered instead of cash.**

### **Costs of Registration**

The Purchaser shall pay all costs of registration and taxes for both parties documents.

### **Legal Fees**

The Parties agree that the Purchaser will pay the Vendor's reasonable legal fees for the transaction.

### **Appraisal**

The Purchaser and the Vendor acknowledge and agree that an appraisal was required to determine the fair market value for transaction. The Purchaser agrees that he shall be fully responsible for the costs of obtaining the appraisal.

### **Gender**

This Offer and the resulting Agreement to be read with all changes of gender or number required by the context.

**Remainder of this page left blank intentionally**

**Signed, Sealed and Delivered** this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

in the presence of:

Purchaser: ***Fredric MacKewn and Carmen MacKewn***

Per:

Fredric MacKewn

Purchaser's Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Per:

Carmen MacKewn

The Vendor hereby accepts the above offer.

Dated at the \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

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

\_\_\_\_\_  
Mayor - Carman Kidd

\_\_\_\_\_  
Clerk – Logan Belanger

Vendor's Address:

City of Temiskaming Shores  
P.O. Box 2050 / 325 Farr Drive  
Haileybury, Ontario  
P0J 1K0

Attn.: Logan Belanger, Clerk

We have authority to bind the Corporation.

Purchaser's Solicitor:

**Doupe Law (Michael J Doupe)**  
P.O. Box 2999  
7 Armstrong Street  
New Liskeard, ON P0J 1P0

Phone Number: (705) 647-9411

Vendor's Solicitor:

**Kemp Pirie Crombeen**  
P.O. Box 1540  
22 Armstrong Street  
New Liskeard, ON P0J 1P0

Phone Number: (705) 647-7353

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

### **By-law No. 2021-137**

#### **Being a by-law to amend By-law No. 2015-015, as amended, to enter into an agreement with The Corporation of the City of Timmins for the provision of a Twenty-Four (24) hour Emergency Fire Call Response System**

**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** in accordance with Section 130 of the Municipal Act, 2001, Council may pass such by-laws of the municipality in matters not specifically provided for by the Act, as may be deemed expedient and not contrary to law; and

**Whereas** Council adopted By-law No. 2015-015 being an agreement with the City of Timmins for the provision of an Emergency Fire Call Response System; and

**Whereas** Council considered Memo No. 003-2021-PPP at the September 21, 2021 Regular Council meeting, and directed staff to prepare the necessary by-law to amend By-law No. 2015-015 to extend the contract by an additional five (5) years, at a rate of \$52,377.60 annually for the period of January 1, 2022 to December 31, 2024, and at a rate of \$54,758.40 annually for the period of January 1, 2025 to December 31, 2026, for consideration at the September 21, 2021 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 Schedule "A" to By-law No. 2015-015, as amended, be further amended by removing Article 2: Term and replacing it with the following:

#### **Term**

The term of this agreement shall be for a period of five (5) years commencing on the 1<sup>st</sup> day of January, 2022 and terminate on the 31<sup>st</sup> day of December, 2026, provided that this agreement may be terminated earlier in accordance with the provisions relating to termination set out in Paragraph 8 hererin.

2. That Schedule "A" to By-law No. 2015-015, as amended, be further amended by removing the Payment of Services description in Article 6, preceding 6 a), and replacing it with the following:



Payment for services is based on population count of 9,920 based on the 2016 Statistics Canada report and to be adjusted upon release of such a report.

**January 1, 2022 - December 31, 2024:** 44 cents per capita per month with a monthly payment of \$4,364.80 for a total of \$52,377.60 annually.

**January 1, 2025 - December 31, 2026:** 46 cents per capita per month with a monthly payment of \$4,563.20 for a total of \$54,758.40

3. That this by-law shall come into effective as of January 1, 2022.
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 21<sup>st</sup> day of September, 2021.

---

Mayor

---

Clerk

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

**By-law No. 2021-138**

**Being a by-law to amend By-law No. 2019-001 to appoint Council Committees and Council Representatives to various Boards & Committees for the December 1, 2018 to November 30, 2022 Term of Council**

**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 adopted By-law No. 2019-001, being a by-law to appoint Council Committees and Council Representatives to various Boards & Committees for the December 1, 2018 to November 30, 2022 Term of Council, on December 3, 2018; and

**Whereas** Council considered Memo No. 019-2021-PW at the September 21, 2021 Regular Council meeting, and directed staff to prepare the necessary by-law to amend By-law No. 2019-001 to appoint Council representatives on the Temiskaming Shores (Ad Hoc) Blue Box Transition Committee, for consideration at the September 21, 2021 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 Schedule "A" to By-law No. 2019-018, as amended, be further amended by including a line item to appoint the following Council representatives to the **Temiskaming Shores (Ad Hoc) Blue Box Transition Committee** for the 2019-2022 Term of Council:
  - Mayor Carman Kidd;
  - Councillor Doug Jelly; and
  - Councillor Danny Whalen.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor changes 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 21<sup>st</sup> day of September 2021.

---

Mayor

---

Clerk

**The Corporation of The City of Temiskaming Shores**  
**By-Law No. 2021-139**  
**Being a By-Law to Adopt a Recreation Facilities Proof of COVID-19**  
**Vaccination Policy for 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 municipality may provide any service or thing that the municipality considers necessary or desirable for the public; and

**Whereas** Council considered Memo No. 012-2021-CS at the September 21, 2021 Regular Council meeting, and directed staff to prepare the necessary by-law to adopt the Recreation Facilities Proof of COVID-19 Vaccination Policy at the September 21, 2021, 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 adopts the Recreation Facilities Proof of COVID-19 Vaccination Policy for the City of Temiskaming Shores, identified as 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 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 21<sup>st</sup> day of September, 2021.

---

Mayor

---

Clerk



Schedule “A” to

## **By-law No. 2021-139**

**Being a By-Law to Adopt a Recreation Facilities Proof of COVID-19  
Vaccination Policy for the City of Temiskaming Shores**

## **City of Temiskaming Shores**

### **Recreation Facilities Proof of COVID-19 Vaccination Policy**

#### **1. Definitions**

- 1.1. *COVID-19*: A virus belonging to the coronavirus family which includes the virus that causes the common cold and more severe disease such as Severe Acute Respiratory Syndrome (SARS) and Middle East Respiratory Syndrome (MERS-COV). The virus that causes COVID-19 is a novel coronavirus, named SARS-CoV-2.
- 1.2. *Vaccine*: For the purposes of this policy, a vaccine is defined as a substance used to stimulate the production of antibodies and provide immunity against SARS-CoV-2.
- 1.3. *Fully Vaccinated*: Having received the full series of a COVID-19 vaccine or combination of COVID-19 vaccines authorized or approved by Health Canada (e.g., two doses of a two-dose vaccine series, or one dose of a single-dose vaccine series); having received the final dose of the COVID-19 vaccine at least 14 days ago; and any subsequent required boosters.
- 1.4. *Partially Vaccinated*: Having received one dose of a two-dose series of a COVID-19 vaccine or combination of COVID-19 vaccines authorized or approved by Health Canada; having received the final dose of a single-dose or two-dose series of the COVID-19 vaccine less than 14 days ago; and/or failure to receive subsequent required boosters.
- 1.5. *Unvaccinated*: Has not received any doses of a COVID-19 vaccine authorized or approved by Health Canada.
- 1.6. *Proof of Vaccination*: Documentation issued by the Ontario Ministry of Health, other provinces or territory or international equivalent indicating individual immunization status against the COVID-19 virus.
- 1.7. *Proof of Medical Exemption*: Written proof of a medical reason provided by a physician, nurse practitioner in the extended class, or physician specialist as deemed necessary

that sets out: (i) the nature of the medical condition that the person cannot be vaccinated against COVID-19, and (ii) the effective time-period for the medical reason.

## **2. Purpose**

2.1. The goal of the policy is to establish a framework that will provide clear and consistent procedures for all recreation department staff and members of the public. This policy focuses on Proof of Vaccination requirements for entry by members of the public to City of Temiskaming Shores Recreation Facilities.

2.1.1. Facilities covered by this policy include: all municipal arenas, all municipal halls and the Waterfront Pool and Fitness Centre

2.2. This policy has been created to satisfy the City's obligations under *Ontario Regulation 364/20*.

# Waterfront Pool and Fitness Centre

## **3. General Policies**

3.1. Every member of the public eligible to receive a Covid-19 vaccine (anyone with a birthdate before 2010-01-01) must provide proof of full vaccination for COVID-19 before entering the WPFC beginning September 22, 2021.

3.2. Provision of a negative COVID-19 test shall NOT be considered an equivalent to proof of vaccination.

3.3. Members of the public shall be considered fully vaccinated once 14 days has passed after receiving their second dose of a 2-dose series Health Canada approved COVID-19 vaccine or once 14 days has passed after receiving a single-dose Health Canada approved COVID-19 vaccine.

3.4. This policy will apply to everyone entering the WPFC including, but not limited to, gym members, participants in all public swim times, participants in all aquatics programs, all spectators, all members of the Timiskaming Northern Loons

#### **4. Providing Proof of Vaccination**

4.1. Proof of vaccination shall be provided by one of three ways:

4.1.1. Vaccine Receipt

4.1.1.1. A member of the public displays their vaccination receipt to City of Temiskaming Shores staff either on a mobile phone or with a physical copy.

4.1.1.2. The individual also displays a piece of government-issued ID with their photo and name.

4.1.1.3. Once staff have verified the receipt, they will check to ensure the name on the piece of government-issued ID matches the vaccination receipt.

4.1.1.4. The individual will then be able to scan their City membership card or pay for admission to the facility.

4.1.2. Ontario QR Code (Expected introduction: October 22, 2021)

4.1.2.1. A member of the public displays their QR code on a Government of Ontario approved mobile application.

4.1.2.2. Staff scan the QR code with a Government of Ontario approved mobile application.

4.1.2.3. If the QR code is accepted the individual will then be able to scan their City membership card or pay for admission to the facility.

4.1.3. Quebec QR Code

4.1.3.1. A member of the public displays their QR code on the VaxiCode mobile application.

4.1.3.2. Staff scan the QR code with the VaxiCode Verif mobile application.

4.1.3.3. If the QR code is accepted the individual will then be able to scan their City membership card or pay for admission to the facility.

4.2. Any member who does not provide sufficient proof of vaccination in accordance with this policy shall be denied access to the facility.



## **5. Exemptions**

- 5.1. Individuals without proof of full vaccination against COVID-19 may provide written proof of a medical exemption, provided by a physician or registered nurse in the extended class. The exemption must:
  - 5.1.1. Include the name of the person receiving the medical exemption;
  - 5.1.2. Name and contact information of the physician or registered nurse in the extended class;
  - 5.1.3. Logo or letterhead identifying the physician or registered nurse in the extended class;
  - 5.1.4. Statement that there is a medical reason for the individual's exemption from being fully vaccinated against COVID-19; and
  - 5.1.5. Any effective time-period for the medical reason which includes the date the patron is seeking access to the business or organization.
- 5.2. Anyone who cannot get a vaccine due to any other grounds protected under the Ontario Human Rights Code will be able to submit their request for accommodation to the Director of Recreation.
  - 5.2.1. Please note that with respect to the COVID-19 pandemic, the position of the Ontario Human Rights Commission (OHRC) has been that a singular belief or personal preference against vaccinations and/or masks is not protected on the basis of creed under the Code.
- 5.3. Written proof of medical exemption shall be provided to the person responsible for screening for proof of vaccination at the facility.
- 5.4. Singular personal belief exemptions will not be honoured.

## **6. Membership Pauses and Refunds**

- 6.1. Any member of the public with a current facility membership who refuses to provide proof of vaccination shall be allowed to pause their membership without penalty, to be resumed automatically when proof of vaccination requirements are removed.

- 6.2. Refunds for any members who refuse to provide proof of vaccination and do not have a valid medical exemption will be provided based upon on the Cancellation and Refund Policy (By-law 2020-032).

## **7. Willful Policy Avoidance**

- 7.1. Any member of the public who willfully does not provide proof of vaccination and enters the members area of the facility shall have their membership or remaining punch card visits forfeited without refund.
- 7.2. Any member of the public who willfully enters the members only area of the facility a second time without providing proof of vaccination shall be deemed trespassing and a trespassing notice shall be issued.

# Municipal Arenas

## **8. General Policies**

- 8.1. Every member of the public eligible to receive a Covid-19 vaccine (anyone with a birthdate before 2010-01-01) must provide proof of full vaccination for COVID-19 before entering the Don Shepherdson Memorial Arena or Shelley Herbert Shea Memorial Arena beginning September 22, 2021.
- 8.2. Provision of a negative COVID-19 test shall NOT be considered an equivalent to proof of vaccination.
- 8.3. Members of the public shall be considered fully vaccinated once 14 days has passed after receiving their second dose of a 2-dose series Health Canada approved COVID-19 vaccine or once 14 days has passed after receiving a single-dose Health Canada approved COVID-19 vaccine.
- 8.4. City of Temiskaming Shores staff will be responsible for checking proof of vaccination.

## **9. Providing Proof of Vaccination**

9.1. Proof of vaccination shall be provided by one of three ways:

9.1.1. Vaccine Receipt

9.1.1.1. A member of the public displays their vaccination receipt to City of Temiskaming Shores staff either on a mobile phone or with a physical copy.

9.1.1.2. The individual also displays a piece of government-issued ID with their photo and name.

9.1.1.3. Once staff have verified the receipt, they will check to ensure the name on the piece of government-issued ID matches the vaccination receipt.

9.1.1.4. The individual will then be able to enter the facility.

9.1.2. Ontario QR Code (Expected introduction: October 22, 2021)

9.1.2.1. A member of the public displays their QR code on a Government of Ontario approved mobile application.

9.1.2.2. Staff scan the QR code with a Government of Ontario approved mobile application.

9.1.2.3. If the QR code is accepted the individual will then be able to enter the facility.

9.1.3. Quebec QR Code

9.1.3.1. A member of the public displays their QR code on the VaxiCode mobile application.

9.1.3.2. Staff scan the QR code with the VaxiCode Verif mobile application.

9.1.3.3. If the QR code is accepted the individual will then be able to enter the facility.

9.2. Any member who does not provide sufficient proof of vaccination in accordance with this policy shall be denied access to the facility.

## **10. Exemptions**

- 10.1. Individuals without proof of full vaccination against COVID-19 may provide written proof of a medical exemption, provided by a physician or registered nurse in the extended class. The exemption must:
  - 10.1.1. Include the name of the person receiving the medical exemption;
  - 10.1.2. Name and contact information of the physician or registered nurse in the extended class;
  - 10.1.3. Logo or letterhead identifying the physician or registered nurse in the extended class;
  - 10.1.4. Statement that there is a medical reason for the individual's exemption from being fully vaccinated against COVID-19; and
  - 10.1.5. Any effective time-period for the medical reason which includes the date the patron is seeking access to the facility.
- 10.2. Anyone who cannot get a vaccine due to any other grounds protected under the Ontario Human Rights Code will be able to submit their request for accommodation to the Director of Recreation.
  - 10.2.1. With respect to the COVID-19 pandemic, the position of the Ontario Human Rights Commission (OHRC) has been that a singular belief or personal preference against vaccinations and/or masks is not protected on the basis of creed under the Code.
- 10.3. Those who are 12 years-of-age to 17 years-of-age and are entering the facility to actively participate in an organized sport, may enter a municipal arena if they have only received 1-dose of a 2-dose series vaccine. This exemption shall apply from September 22, 2021 to October 31, 2021. After October 31, 2021, anyone aged 12 or older must provide proof they are fully vaccinated to enter the facility.
- 10.4. Written proof of medical exemption shall be provided to the City of Temiskaming Shores staff screening for proof of vaccination at the facility.
- 10.5. Singular personal belief exemptions will not be honoured.

## **11. Willful Policy Avoidance**

- 11.1. Any member of the public who willfully does not provide proof of vaccination and enters the facility shall have their privileges to access to the facility revoked.
- 11.2. Any member of the public who willfully enters the facility a second time without providing proof of vaccination shall be deemed trespassing and a trespassing notice shall be issued.
- 11.3. The City of Temiskaming Shores reserves the right to cancel without refund the future bookings of any renter or organization whose members willfully disregard this policy.

# Municipal Halls

## **12. General Policies**

- 12.1. Every member of the public eligible to receive a Covid-19 vaccine (anyone with a birthdate before 2010-01-01) must provide proof of full vaccination for COVID-19 before entering Riverside Place, Dymond Community Hall, New Liskeard Community Hall or Haileybury Arena Hall beginning September 22, 2021.
- 12.2. Provision of a negative COVID-19 test shall NOT be considered an equivalent to proof of vaccination.
- 12.3. Members of the public shall be considered fully vaccinated once 14 days has passed after receiving their second dose of a 2-dose series Health Canada approved COVID-19 vaccine or once 14 days has passed after receiving a single-dose Health Canada approved COVID-19 vaccine.
- 12.4. City of Temiskaming Shores staff will be responsible for checking proof of vaccination for any events at Municipal Halls.

## **13. Providing Proof of Vaccination**

- 13.1. Proof of vaccination shall be provided by one of three ways:
  - 13.1.1. Vaccine Receipt

13.1.1.1. The person entering the facility displays their vaccination receipt to the person checking proof of vaccination either on a mobile phone or with a physical copy.

13.1.1.2. The individual also displays a piece of government-issued ID with their photo and name.

13.1.1.3. Once the receipt has been verified, their piece of government-issued ID shall be checked to ensure it matches the vaccination receipt.

13.1.1.4. The individual will then be able to enter the facility.

13.1.2. Ontario QR Code (Expected introduction: October 22, 2021)

13.1.2.1. The person entering the facility displays their QR code on a Government of Ontario approved mobile application.

13.1.2.2. The person checking for proof of vaccination scans the QR code with a Government of Ontario approved mobile application.

13.1.2.3. If the QR code is accepted the individual will then be able to enter the facility.

13.1.3. Quebec QR Code

13.1.3.1. The person entering the facility displays their QR code on the VaxiCode mobile application.

13.1.3.2. The person checking for proof of vaccination scans the QR code with the VaxiCode Verif mobile application.

13.1.3.3. If the QR code is accepted the individual will then be able to enter the facility.

13.2. Any person who does not provide sufficient proof of vaccination in accordance with this policy shall be denied access to the facility.

## **14. Exemptions**

14.1. Individuals without proof of full vaccination against COVID-19 may provide written proof of a medical exemption, provided by a physician or registered nurse in the extended class. The exemption must:

- 14.1.1. Include the name of the person receiving the medical exemption;
- 14.1.2. Name and contact information of the physician or registered nurse in the extended class;
- 14.1.3. Logo or letterhead identifying the physician or registered nurse in the extended class;
- 14.1.4. Statement that there is a medical reason for the individual's exemption from being fully vaccinated against COVID-19; and
- 14.1.5. Any effective time-period for the medical reason which includes the date the patron is seeking access to the facility.

14.2. Anyone who cannot get a vaccine due to any other grounds protected under the Ontario Human Rights Code will be able to submit their request for accommodation to the Director of Recreation.

- 14.2.1. Please note that with respect to the COVID-19 pandemic, the position of the Ontario Human Rights Commission (OHRC) has been that a singular belief or personal preference against vaccinations and/or masks is not protected on the basis of creed under the Code.

14.3. Written proof of medical exemption shall be provided to the person responsible for screening for proof of vaccination at the facility.

14.4. Singular personal belief exemptions will not be honoured.

## **15. Willful Policy Avoidance**

15.1. Any member of the public who willfully does not provide proof of vaccination and enters the facility shall have their privileges to access to the facility revoked.

- 15.2. Any member of the public who willfully enters the facility a second time without providing proof of vaccination shall be deemed trespassing and a trespassing notice shall be issued.
- 15.3. The City of Temiskaming Shores reserves the right to cancel without refund the future bookings of any renter or organization whose members willfully disregard this policy.



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

**By-law No. 2021-140**

**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 September 14, 2021, and for its Regular meeting held on September 21, 2021**

**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 Special Meeting held on **September 14, 2021**, and for its Regular meeting held on **September 21, 2021**, 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 21<sup>st</sup> day of September, 2021.

---

Mayor

---

Clerk