



**The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, December 19, 2017**

6:00 P.M.

City Hall Council Chambers – 325 Farr Drive

Agenda

- 1. Call to Order**

- 2. Roll Call**

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

- 4. Approval of Agenda**

Draft Motion

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

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

- 6. Review and adoption of Council Minutes**

Draft Motion

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

- a) Regular Meeting of Council – December 5, 2017

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

8. **Question and Answer Period**

9. **Presentations / Delegations**

- a) Laura-Lee MacLeod, Treasurer

Re: Presentation of the 2018 Municipal Budget

2018 Operating Budget

Draft Motion

Whereas staff presented the 2018 Municipal Operating Budget to Council at a Special meeting on November 14, 2017; and

Whereas Council directed each Council Committee to review their respective budgets; and

Whereas Council Committees met on November 27, 2017 and the recommendations from each Committee were presented by the Committee Chairs on December 5, 2017.

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby adopts in principal its 2018 Municipal Budget utilizing a 2.21% increase to the Municipal Tax Levy and a 4% increase to the Water/Wastewater Rates; and

Further be it resolved that Council hereby adopts, in principal, the 2018 General Operating Budget estimates as follows:

Department	Net Budget Estimates
General Government	\$ 405,481
Policing	2,183,989
Health & Social Services	2,846,000
Fire & Emergency Management	666,887
Economic Development	317,496
Corporate Services	(14,591,209)
Community Growth & Planning	298,276
Recreation	1,590,191
Public Works	4,966,080
Transit	251,300
Libraries	<u>379,299</u>
Net Transfer to General Capital	\$ (686,210)

And further that Council adopts, in principal, the 2018 Environmental Operating Budget estimates as follows:

Department	Net Budget Estimates
Environmental Services	<u>\$ (194,238)</u>
Net Transfer to Environmental Capital	\$ (194,238)

2018 Capital Budget

Draft Motion

Be it resolved that Council hereby adopts, in principal, the 2018 General Capital Budget estimates as follows:

Department	Budget Estimates
Fire & Emergency Management	\$ 14,500
Public Works	2,980,230
Recreation & Social Services	130,200
Property Maintenance	967,500
Fleet	1,203,000
Transit	<u>32,000</u>
General Capital Project Total	\$ 5,327,430

And further that Council hereby adopts, in principal, the 2018 Environmental Capital Budget estimates as follows:

Department**Budget Estimates**

Environmental Projects

\$ 1,965,000

10. Communications

- a) Monika Tobler, Area Forestry Technician – Hydro One Forestry Services

Re: Hydro One – Forestry Maintenance Program

Reference: Received for Information

- b) Yanni Dagonas, Minister's Office – Ministry of Community Safety and Correctional Services

Re: Ontario Strengthens Emergency Management Program

Reference: Referred to the Community Emergency Management Coordinator

- c) Steven Black, Mayor – City of Timmins

Re: Letters of Support – Noront facility bid

Reference: Motion to be presented under New Business

- d) Kathleen McFadden, Assistant Deputy Minister – Ministry of Natural Resources and Forestry

Re: Minister accepts recommendations in the Review of Forest Tenure Models Project Report

Reference: Received for Information

- e) North on Tap Craft Beer Festival

Re: Media Release – Inaugural Craft Beer Festival

Reference: Received for Information

- f) Press Release – Timiskaming Board of Health

Re: Appointment of Dr. Glenn Corneil as the Acting Medical Officer of Health (MOH) for Timiskaming

Reference: Received for Information

- g) Resolution – District of Timiskaming Social Services Administration Board

Re: Land on Grant Drive for proposed Affordable Housing Units

Reference: Received for Information

Draft Motion

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

11. Committees of Council – Community and Regional

Draft Motion

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

- a) Minutes of the Library Building Committee meeting held on November 28, 2017;
- b) Minutes of the Age Friendly Committee meeting held on November 13, 2017;
- c) Minutes of the New Liskeard BIA meeting held on October 10, 2017;
- d) Minutes of the New Liskeard BIA meeting held on November 7, 2017; and
- e) Minutes of the Timiskaming Board of Health meeting held on November 1, 2017.

12. Committees of Council – Internal Departments

Draft Motion

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

- a) Minutes of the Public Works Committee meeting held on November 9, 2017;
- b) Minutes of the Recreation Services Committee meeting held on November 13, 2017;
- c) Minutes of the Protection to Persons and Property Committee meeting held on November 27, 2017;
- d) Minutes of the Building Maintenance Committee meeting held on November 27, 2017;
- e) Minutes of the Corporate Services Committee meeting held on November 27, 2017;
- f) Minutes of the Public Works Committee meeting held on November 27, 2017; and
- g) Minutes of the Recreation Services Committee meeting held on November 27, 2017.

13. Reports by Members of Council

14. Notice of Motions

15. New Business

- a) **Notice of Motion - District of Temiskaming Social Services Administration Board – Social Housing in Southern portion of District**

Draft Motion

Whereas the District of Timiskaming Social Services Administration Board (DTSSAB) has identified a need for additional social housing in the South part of the District, and

Whereas the DTSSAB has been working with City staff to select a suitable site for two (2) buildings, one for four (4) affordable units, and one for four (4) market value units, in the City of Temiskaming Shores, and

Whereas Council voted down a proposal November 21, 2017 to locate this development on Raymond Street for various reasons.

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby considers the District of Timiskaming Social Services Administration Board's second choice for a location at its December 19, 2017 Regular Meeting. This property being located at the North half of Lot 9, Concession 3, on Grant Drive in Dymond Township, as per Addendum to lot appraisal done by Steele and Associates; and

Further be it resolved that a donation of approximately one (1) acre of land, building permit fees, survey costs, water and sewer connections, zoning amendment application fees and legal fees, being very similar to the Raymond Street request would meet the Investment in Affordable Housing Program guidelines with the costs being recouped within two (2) years in taxes payable on this property; and

Further be it resolved that Council hereby directs staff to initially transfer the entire 9.22 acre parcel to DTSSAB, until sufficient time for a survey to be completed to determine the exact lot size, with the understanding that the remaining property would then be transferred back to the City; and

Further be it resolved that if Council approves this request, that DTSSAB would then qualify for the \$600,000 in Federal funding for this project benefiting this Region.

b) Support – City of Timmins – Noront Ferrochrome processing facility

Draft Motion

Whereas the City of Timmins has placed a bid with Noront to be the host site for Noront's Ferrochrome Processing Facility (NFPF); and

Whereas this facility has the potential to have a tremendous positive impact on the entire region along with providing a long term major client for Ontario Northland Transportation Corporation.

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby supports the City of Timmins in its bid for the Noront Ferrochrome Processing Facility and petition Noront to locate their NFPF in Timmins, Ontario.

c) Approval to transfer surplus funds to Doctor Recruitment Reserve

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby directs staff to transfer any surplus/deficit budget in 2017 for Doctor Recruitment to/from the Doctor Recruitment Reserve.

d) Approval to transfer surplus/deficit funds to/from the Municipal Transit Reserve

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby directs staff to transfer any surplus/deficit budget in 2017 for Transit to/from the Municipal Transit Reserve.

e) Approval to transfer surplus/deficit funds to/from the Cemetery Reserve

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby directs staff to transfer any surplus/deficit budget in 2017 for Cemetery to/from the Cemetery Reserve.

f) Approval to transfer current year surplus/deficit funds to/from the Working Fund Reserve

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby agrees that any surplus or deficit from the 2017 Municipal Budget General Operations be transferred to or transferred from the Working Fund Reserve account; and

Further be it resolved that Council for The Corporation of the City of Temiskaming Shores hereby agrees that any surplus or deficit from the 2017 Municipal Budget Environmental Operations be transferred to or transferred from the Environmental Water Working Fund Reserve and/or Environmental Sewer Working Fund Reserve account.

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

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby directs the Treasurer to transfer any gain realized from the sale of surplus fleet assets in 2017 to the Fleet Replacement Reserve.

h) January to December 2017 Capital Financial Report

Draft Motion

Be it resolved that the January to December 2017 Year-to-Date Capital Financial Report be received for information purposes.

i) Administrative Report No. CGP-020-2017 – Agreement with the Ontario Ministry of Economic Development, Trade and Employment – Certified Site Program – Dymond Industrial Park

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CGP-020-2017;

That Council directs staff to prepare the necessary by-law and agreement with the Ontario Ministry of Economic Development, Trade and Employment for the completion of the Certified Site Program – Brazeau Boulevard project; and

That Council agrees to utilize funds within the Economic Development Programs 2018 Budget as the City's matching portion for the project completion.

j) Administrative Report No. CGP-019-2017 – Adoption of a Comprehensive Zoning By-law for the City of Temiskaming Shores

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CGP-019-2017; and

That Council acknowledges that changes have been made to the proposed Comprehensive Zoning By-law that was released for public review prior to the statutory open house held on November 22, 2017 and the statutory public meeting that was held on December 5, 2017 and that as per Section 34 (17) of the Planning Act Council has given due consideration to the proposed Comprehensive Zoning By-law and amendments thereto and has determined that no further notice of these changes need be given;

That Council agrees to waive the two-year waiting period and accept applications to amend the Comprehensive Zoning By-law as per Section 34 (10.0.0.2) of the Planning Act;

That Council directs staff to prepare the necessary by-law to approve the City of Temiskaming Shores Zoning By-law at the December 19, 2017 Regular Council meeting; and

That Council directs staff to provide notice of passing of the City of Temiskaming Shores Zoning By-law on January 3, 2018.

k) Administrative Report No. CS-044-2017 – CUPE Collective Agreement

Draft Motion

Be it resolved that That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-044-2017; and

That Council directs staff to prepare the necessary by-law to enter into a Collective Agreement with the Canadian Union of Public Employees and its Local 5014 for the period covering January 1, 2018 to December 31, 2020 for consideration at the December 19, 2017 Regular Council meeting.

l) Administrative Report No. CS-045-2017 – Management Agreement

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-045-2017;

That Council directs staff to prepare the necessary by-law to enter into an Agreement with its Management/Non-Unionized staff for the period covering January 1, 2018 to December 31, 2020 for consideration at the December 19, 2017 Regular Council meeting.

m) Administrative Report No. CS-046-2017 – Annual Review of Health and Safety Policy (2018)

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-046-2017;

That Council confirms it has reviewed the City of Temiskaming Shores Health and Safety Policy and Guidelines for the Structure and Function of the Joint Health and Safety Committee in accordance with the Occupational Health and Safety Act; and

That Council acknowledges that the TSJHSC will continue to operate under the requirements of the Occupational Health and Safety Act.

n) Memo No. 019-2017-PW – Contract Change Order – Streetscan Canada

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 019-2017-PW;

That Council approves Contract Change Order No. 001 to By-law No. 2017-109, being an agreement with STREETSCAN Canada ULC in the amount of \$3,945 plus applicable taxes for pavement inspection and management services for the City of Temiskaming Shores.

o) Administrative Report No. PW-035-2017 – Contract Change Order – Amec Landfill Expansion Project

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. PW-035-2017, more particularly Appendix 01 - Amec Foster Wheeler Proposal for additional costs associated with the longer than proposed approval process as well as continuous turnover in Ministry of the Environment personnel; and

That Council approves a Contract Change Order with Amec Foster Wheeler in the amount of \$ 81,639.62 plus applicable taxes.

p) Memo No. 020-2017-PW – Niven Street Pumping Station Pump Replacement

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo 020-2017-PW; and

That Council confirms the inclusion of the replacement of one (1) pump for the Niven Street Pumping Station in the 2018 Capital Budget at an estimated cost of \$125,000.

16. By-laws

Draft Motion

Be it resolved that:

By-law No. 2017-150 Being a by-law to execute an Agreement between the City of Temiskaming Shores and Prodigal Pets operating as Temiskaming Animal Care and Control for the provision of Animal Control and Pound Services

be hereby introduced and given first and second reading.

Draft Motion

Be it resolved that By-law No. 2017-150 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Draft Motion

Be it resolved that:

By-law No. 2017-151 Being a by-law to authorize an Agreement with the City's Management / Non-Union Employees

By-law No. 2017-152 Being a by-law to enter into an Agreement with the Canadian Union of Public Employees (CUPE) and its local 5014

By-law No. 2017-153 Being a by-law to enter into an Agreement between Her Majesty the Queen in right of Ontario as represented by the Minister of Economic Development, Trade and Employment for the completion of the Certified Site Designation for Brazeau Boulevard in the Dymond Industrial Park

By-law No. 2017-154 Being a by-law to adopt a Comprehensive Zoning By-law for the City of Temiskaming Shores

be hereby introduced and given first and second reading.

Draft Motion

Be it resolved that:

By-law No. 2017-151

By-law No. 2017-152

By-law No. 2017-153; and

By-law No. 2017-154

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

17. Schedule of Council Meetings

- a) Regular – Tuesday, January 9, 2018 at 6:00 p.m.
- b) Regular – Tuesday, January 23, 2018 at 6:00 p.m.

18. Question and Answer Period

19. Closed Session

20. Confirming By-law

Draft Motion

Be it resolved that By-law No. 2017-155 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 **December 19, 2017** and its Regular Meeting held on **December 19, 2017** be hereby introduced and given first and second reading.

Draft Motion

Be it resolved that By-law No. 2017-155 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

21. Adjournment

Draft Motion

Be it resolved that City Council adjourns at _____ p.m.



The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, December 5, 2017
6:00 P.M.

City Hall Council Chambers – 325 Farr Drive

Minutes

1. Call to Order

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

2. Roll Call

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

Present: Christopher W. Oslund, City Manager
David B. Treen, Municipal Clerk
Doug Walsh, Director of Public Works
Tammie Caldwell, Director of Recreation
Tim Uttley, Fire Chief
Steve Burnett, Technical & Environmental Compliance Coordinator
Mitch Lafreniere, Manager of Physical Assets
Laura-Lee MacLeod, Treasurer

Regrets:

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

Members of the Public Present: 28

3. Review of Revisions or Deletions to Agenda

Additions:

Under Item 15 – New Business add:

- k) Memo No. 039-2017-CS – Termination of agreement to sell New Liskeard Medical Centre (By-law No. 2014-139)

Under Item 16 – By-laws add:

<u>By-law No. 2017-148</u>	Being a by-law to enter into a Termination Agreement and Mutual Release to discontinue the sale of the New Liskeard Medical Centre to Allan Moonie and Gwen King-Moonie
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4. Approval of Agenda

Resolution No. 2017-476

Moved by: Councillor Jelly

Seconded by: Councillor Foley

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

Carried

5. Disclosure of Pecuniary Interest and General Nature

Councillor Laferriere disclosed a pecuniary interest in regards to Item 15 k) Memo No. 039-2017-CS and with item By-law No. 2017-148.

Councillor Foley disclosed a pecuniary interest in regards to Item 19 c) Under Section 239 (2) (d) of the Municipal Act, 2001 – labour relations- Negotiations Update (2018-2020).

Mayor Kidd disclosed a pecuniary interest in regards to Item 15 f) Administrative Report No. CS-043-2017 – Animal Control Contract.

6. Review and adoption of Council Minutes

Resolution No. 2017-477

Moved by: Councillor Whalen

Seconded by: Councillor Hewitt

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

- a) Regular Meeting of Council – November 21, 2017

Carried

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

7.1. Comprehensive Zoning By-law

Subject Land: All properties within the Boundary of Temiskaming Shores

Purpose: Creation of a new Zoning By-law for the City of Temiskaming Shores

Planscape consultant Mr. Rick Hunter, utilizing powerpoint, indicated that the zoning by-law is the City's way to legally regulate the use and development of land in the city in regards to how land can be used; types of buildings and structures permitted; location of those structures as well as standards for lot sizes, parking, height and setbacks from property lines.

The City is currently regulated by 3 different Zoning By-laws that are 30+ years old. The new Zoning By-law needs to conform to the new Official Plan (By-law No. 2014-040) and reflect changes to the Planning framework and nature of development in Ontario.

The objectives of the by-law are to create a modern, efficient, comprehensive Zoning By-law that implements and builds upon the City's OP, consistent with the Provincial Policy Statement, reflects the aspirations of Council and residents, sets common development standards and is easily administered by staff.

Rick indicated that we are at the statutory public meeting stage of the process and prior to today several meetings with staff, initial open house (June 14, 2017), Council presentation (Nov 21/17) and second Open House (Nov 22/17) have been conducted. Potential adoption of the comprehensive Zoning By-law could happen at the December 19, 2017 Regular Council meeting.

Rick outlined the layout of the by-law will have 21 Zones, 2 Overlay Zones (Mining Constraint & Floodplain), 50 Zone Schedules in GIS Format, General provisions and definitions updated to reflect current practices and issues, permitted uses and

regulations in chart form, special provisions carried forward from existing zoning by-laws as needed and reflect site specific amendments previously approved.

Rick highlighted and reviewed some of the specific sections that were felt to be of particular interest to Council as follows:

- ✓ **Section 4.1** – Accessory Uses, Buildings and Structures
- ✓ 4.1.7 – Shoreline Structures
- ✓ 4.1.12 – Portable Garage Shelters
- ✓ **Section 4.7 and 4.8** – Home Industry and Home Occupation
- ✓ **Section 4.17** – Number of Dwelling Units on a lot
 - 4.17.2 – Second Dwelling Units
- ✓ **Section 4.18** – Outdoor Boiler or Wood Furnace
- ✓ **Section 4.27** – Storage Container Regulations
- ✓ **Section 4.29** – Travel Trailers and Recreational Vehicles
- ✓ **Section 5.2** – Parking Space Requirements
 - 5.2.2 – Parking space size (3m x 6m)
- ✓ **Section 5.3** – Queuing Lane Requirements for Drive through service
- ✓ **Section 5.4** – Loading Space Requirements

Rick outlined the various types of residential, commercial and industrial zones as well as the permitted uses and specific standards within each. Rick reviewed the provisions related to the Agricultural and Rural zones followed by special zones entitled Community Facilities (CF), Open Space (OS), Development (D) and Mixed Use-A and their respective permitted uses and lot standards.

Rick illustrated how the schedules (mapping) was developed and that although there are several maps each individual property has a zone designation shown.

Mayor Kidd thanked Rick Hunter for his presentation and inquired if any members of the public wanted to make any comments.

Darcy Griffith (Property Owner)

Darcy outlined that he has a number of properties to which he is looking for a number of exceptions summarized as follows:

391 Farah Ave.: Currently used as a single family property; want to ensure that were there are possible setback issues that it will continue to be able to be used as an accessory apartment.

772 Lakeshore Rd. N.: Currently a duplex and encroaches on neighbouring property and almost abuts the property line - there are setback issues. Want to ensure that the existing use as a duplex is allowed; not looking for a legal non-conforming designation, but rather an exception within the by-law.

272 Broadwood: Warehouse space (former National Grocery). Presently zoned M2 – Mixed Industrial in the zoning by-law; however zoned Residential in the Official Plan, thus allowed to continue use as an unheated warehouse space. Purchased as a back-up location for primary business owned and existing zoning indicates a dry cleaner as a permitted use. Now understand, based on OP designation as residential that the zoning by-law will also designate it as residential. Provision in section 5.2.1 about residents of 100 m of railway tracks, this property is entirely within the 100 m buffer and given the setback requirements be impossible to build a residence on this property without exemptions. Now own a property that is impossible to comply with the zoning by-law, based on the designation as residential in the OP. Looking for exemptions and some type of redress in the Official Plan to give us back what we had.

66 Lakeshore Rd. N.: Request clarifications as to machines as it related to laundry mat and parking requirements.

33 Jaffray St.: Currently zoned as a duplex, again seeking approval that it can remain as a duplex. Not looking for legal non-conformance, but rather exemptions. Looking to avoid the necessity to go through planning process to use as a duplex.

196 May St.: Possibility of setback issues, want approval to ensure an accessory apartment or suite added to it. Going forward, want to ensure that the potential setback challenges and apartment challenges would not prohibit that.

53 Paget St.: Currently used as a fourplex and is on the property line zoned R3, but want to ensure it can be used as fourplex.

217 Haynes Cres.: there is a pool that will become legal non-conforming; again want verification that will continue in the event something happens and the pool has to be rebuilt that it can put back in the same place.

364 Elliott St.: Currently used as a duplex and seeking the same exemptions as the other duplexes – the ability to continue as a duplex in the future, not legal non-conforming.

374 Albert St.: Possible setback issues, seeking to ensure that can be used as an accessory apartment and any potential violations of location of building will impede that.

445 Main St.: Again, possible setback issues, seeking to ensure that can be used as an accessory apartment and any potential violations of location of building will impede that.

359 Elliot St.: Currently used as a single family home; however zoned as a triplex. Want the ability to put a triplex on the property in the future if desired.

Mayor Kidd thanked Darcy for his input.

Eveline Gauvreau (North Cobalt Subdivision)

Eveline outlined that the subdivision is being affected by this by-law and inquired if there were any changes to the subdivision zoning.

Jennifer Pye responded that the proposed zoning for the subdivision is R3 and the clause that Mrs. Gauvreau is concerned with is the definition of modular which indicates that the shortest side of the modular dwelling shall not be less than 6.1 m (20 ft.) in width.

Mrs. Gauvreau stated that all the units are 16 ft. (4.8 m) wide. In order to haul the units (on Provincial highway) to the site they cannot be any wider than 16 ft. otherwise they would have to bring units in in two pieces at double the cost to transport. With a 20 ft. width requirement the housing is no longer affordable. Suggests that the subdivision zoning remain as is.

Mayor Kidd thanked Eveline for her input.

Mayor Kidd inquired if any members of Council had any comments.

Councillor Whalen indicated that the consolidation of these by-laws is a great step, but the by-law shouldn't be a set a handcuffs to inhibit growth; it should be a tool that both the homeowner and the city use to encourage growth and hope that these points just raised are taken seriously.

Councillor Jelly indicated that section 4.9.1 speaks to parking of accessory vehicles limits use of residential property to store more than 2 boats and 1 recreational vehicle. Not sure why we are specify 2 boats and 1 recreation vehicle rather than combining the total space you can use in your yard for storage - some boats are larger than some recreational vehicles. Councillor Jelly outlined that he would like to see more consideration given to this provision.

With no further comments Mayor Kidd declared this portion of the public meeting to be closed and that staff will provide an administrative report and Council will consider approval of the Comprehensive Zoning By-law at a future Council meeting.

7.2. Sign By-law

Subject Land: All properties within the Boundary of Temiskaming Shores

Purpose: Adoption of a new Sign By-law and repeal of By-law No. 2007-019

Mayor Kidd indicated that the public meeting scheduled tonight is to consider a new Sign By-law for the City of Temiskaming Shores and that the public meeting serves two purposes: first, to present to Council and the public the details and

background to the proposed purchase and secondly, to receive comments from the public and agencies before a decision is made by Council.

Mayor Kidd declared the meeting to be open and to be a public meeting and asked the Clerk, Dave Treen to provide the background to the proposed by-law.

Clerk, Dave Treen utilizing powerpoint indicated that the current sign by-law (2007-019) was adopted in January 2007 based on Administrative Report PDS-04-2007 based on a variety of rationale including the consolidation of three existing sign by-laws, elimination of the wide variance of the permit fee structure, implementation of an encroachment agreement process for billboards, CBO designated the authority to enter into Encroachment Agreements (signs on municipal land) and that the Ontario Building Code (OBC) establishes criteria/threshold when a sign structure requires design by an engineer; provisions in current sign by-law permits discretion to the CBO to require an applicant to use an engineer to design a sign.

All signs require a permit issued by the City with some exceptions such as real estate signs, construction signs, signs contained in the interior of a building, election signs and window signs. It was noted that at the August 2, 2016 Regular Council meeting consideration was given to a request for the installation of an LED Billboard sign in downtown New Liskeard – the applicant subsequently outlined that plans for an LED were on hold; however there were no provisions for the regulation of these types of signs.

A full review of the sign by-law was conducted and it was determined that the document was too complex, difficult to maneuver, created frustration and confusion for both staff and applicants resulting in a non-efficient process. The revised sign by-law was reviewed by the PPP and Corporate Services Committees and Administrative Report CS-039-2017 along with the draft by-laws was considered at the November 21, 2017 Regular Council meeting at which time staff was authorized to provide notice for this public meeting.

It was noted that the revised/new by-law removes the requirement to issue permits for signs on private property unless it falls under the OBC; however there are general provisions that would apply such as the installation cannot interfere with underground utilities, cannot resemble regulatory, traffic or instructional signs, promote violence, hatred, etc. The encroachment process is maintained and specific provisions have been added for electronic text message signage, sandwich board signs, real estate and election signs.

Since notice of the public meeting several individuals were provided with an electronic copy of the proposed by-law and written comments were received with the concern summarized as follows:

- Finds current electronic billboards distracting, especially when it is a solid white background (too bright);

- No definition for Electronic Billboard, not sure if provisions for Electronic Text Message Signs applies to Electronic Billboards;

Mr. Treen recommends that the proposed sign by-law be referred back to the PPP Committee to address the written public comments as well as any comments received at this public meeting prior to consideration for adoption by Council.

Mayor Kidd inquired if there were any questions or comments from members of the public. With none Mayor Kidd inquired if there were any questions or comments from Council. With none Mayor Kidd declared this portion of the public meeting to be closed and thanked Mr. Treen for the presentation.

8. Question and Answer Period

Deb Murray (resident)

Deb spoke to the letter to the editor that was placed in the speaker by Barb Boivert and herself in regards to the recent decision not to proceed with the DTSSAB development at the intersection of Roland/Raymond. Deb indicated that many of our citizens are struggling daily to make ends meet with today's high cost world. Senior citizens on old age pensions, persons with illness on a small disability pension, people on minimum wage often without benefits. This affordable housing could mean a world of difference to our friends and neighbours in Temiskaming Shores.

Deb indicated that housing is the number one issue in Canada and is a significant issue in our community. We need to build neighbourhoods for our fellow citizens that look to the future; decisions made now will have an impact for a long time. The City is not incorporated to make investments for the sake of making investments; our view is to make human investments to improve the human condition. Research indicates that many people get into situations through no fault of their own – a change in circumstance, loss of a spouse or partner. Anyone can find themselves in such a situation.

Concerns raised at the public meeting on this issue range from privacy, declining property values, water pressure, traffic and crime. Deb indicated that residents look to Council to make decisions that consider meaningful data and are here to ask Council to look again at the issue and allow input from the citizens, can the issue be revisited? Can the people of Temiskaming Shores step up, with your leadership, and continue to show that we care about each other.

Mayor Kidd thanked Deb for her comments.

Jan Edwards (Zone K-1 Legion Veterans Home)

Jan outlined disappointment she experienced last week with the decision to decline the Affordable housing development, but understands that this matter will be revisited. Jan outlined that the Province of Ontario has identified housing as the number one determinant to health. It doesn't matter whether it is seniors, people with mental health, low income or whatever the situation the number one social determinant of health is housing. Every municipality is dealing with the same issue and wanted to ensure that Council understands that.

Mayor Kidd thanked Jan for her comments.

Walter Humeniux (Resident)

Walter spoke along the same lines pointing out that currently in Timiskaming 20.3% of children under the age of 18 live in poverty, in terms of seniors 19.9% live in poverty; that is just over 1 in 5 children and just under 1 in 5 seniors.

Walter inquired if anyone has sat with a single mother as she worried about where she is getting her next groceries from, how she is going to pay her bills, skip a meal so that her child can eat because she is spending 75-80% of her income on rent, Walter indicated he had as that was his mother – fortunately he was able to get out of poverty, but not everyone is so fortunate.

According the Ontario Human rights affordable housing is a human right. Canada has an obligation to look after its' citizens. Walter concluded that if Council can find money to sponsor a Craft Beer festival surely we can find funds for affordable housing for seniors and those living in poverty.

Mayor Kidd thanked Walter for his comments.

Darlene Perreault (Resident)

Darlene inquired if Council knew how many seniors are currently on a waiting list for accommodations.

Mayor Kidd indicated that 105 Market Street has about 95 people; K-1 Legion (Haileybury) has about 39-40. Most of them are looking for market rate apartments.

Len Bilodeau (Resident)

Mr. Bilodeau outlined that there is a seven year waiting list for seniors in Haileybury, ten year waiting list in New Liskeard with a lot of seniors leaving the

area because there is not enough seniors apartments. A recent survey was completed in this area with 250 responding, all with a dire need for senior's affordable housing.

Barbara Boisvert (Resident)

Mrs. Boisvert indicated that the letter to the editor that she wrote (Speaker Nov 29/17) was not just with seniors in mind, but for people who are living on disability, pensions or some type of illness, working at minimum wage. They need affordable housing and there are times when we need to let our hearts rule in order to bring about the best future for the people of our community.

9. Presentations / Delegations

None

10. Communications

- a) Adam Redish, Assistant Deputy Minister – Ministry of Infrastructure and John Lieou, Assistant Deputy Minister – Ministry of Transportation

Re: Public Transit Infrastructure Fund (PTIF) \$8.3 Billion over 11 years

Reference: Referred to Temiskaming Transit Committee

- b) Honourable Bill Mauro, Minister of Municipal Affairs

Re: Transient Accommodation Tax authority

Reference: Referred to City Manager

- c) Jan Edwards, Representative – Temiskaming Shores Seniors' Affordable Housing Working Group

Re: Request for Grant Funding

Reference: Motion to be considered under New Business

Resolution No. 2017-478

Moved by: Councillor McArthur

Seconded by: Councillor Laferriere

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

Carried

11. Committees of Council – Community and Regional

Resolution No. 2017-479

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

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

- a) Minutes of the District of Timiskaming Social Services Administration Board meeting held on August 16, 2017;
- b) Minutes of the District of Timiskaming Social Services Administration Board meeting held on September 20, 2017;
- c) Minutes of the District of Timiskaming Social Services Administration Board meeting held on October 10, 2017;
- d) Third Quarter (Q3) Report to Board of Health from the Timiskaming Health Unit;
- e) Minutes of the Timiskaming Board of Health meeting held on October 4, 2017;
- f) Minutes of the Temiskaming Municipal Association meeting held on October 5, 2017; and
- g) Minutes of the City of Temiskaming Shores Committee of Adjustment meeting held on September 27, 2017.

Carried

12. Committees of Council – Internal Departments

Resolution No. 2017-480

Moved by: Councillor Jelly

Seconded by: Councillor Foley

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

- a) Minutes of the Protection to Persons and Property Committee meeting held on November 9, 2017.

Carried

13. Reports by Members of Council

Councillor Whalen reported on the following:

- Corporate Services Mtg (staff workload): The last quarter of the year, from a workload perspective, is significant on staff. Comprehensive zoning by-law is wrapping up with input from every department; new signage by-law; currently wrapping up Capital projects – filing funding reports to ensure receipt of funding payments; carry over of Capital Projects; continue to work on new project to ensure they are shovel ready status for funding opportunities; 2018 budget process; provincial base funding shortfall which has to be taken into account and on top of all that employee negotiations.

What we just went through for the past 1.5 hours (DTSSAB Affordable Housing) could have been better dealt with through a proper delegation between Council and DTSSAB – get together and figure out how we are going to get to the end of this. Based on an email Councillor Whalen understands that DTSSAB has no idea how they are funding this project, which put that much more workload on staff - Council fails to realize that.

We plan our projects properly – and I know our staff is too professional to every voice their opinion, there have been certain responses to Council questions have been borderline rude and that all comes from the workload thrown on staff. Therefore a little more planning on all of our parts via DTSSAB, Policing committee – don't care who it is and talking a little more talking between the boards rather than expecting staff to do everything. Staff has to be at their breaking limit and I am asking the rest of us to recognize that.

14. Notice of Motions

Councillor Jelly provided the following Notice of Motion:

Whereas the DTSSAB has identified a need for additional social housing in the South part of the District; and

Whereas the DTSSAB has been working with City staff to select a suitable site for (2) buildings, one for (4) affordable units, and one for (4) market value units, in the City of Temiskaming Shores; and

Whereas Council voted down a proposal November 21st, to locate this development on Raymond Street for various reasons;

Therefore, be it resolved that Council for the City of Temiskaming Shores, consider DTSSAB's second choice for a location, at it's December 19th regular meeting. This property being located at the North half of Lot 9 Con 3, on Grant Drive, in Dymond Township, as per Addendum to lot appraisal, done by Steele and Associates, and

Further be it resolved, that a donation of approximately (1) acre of land, building permit fees, survey costs, water and sewer connections, zoning amendment application fees and legal fees, being very similar to the Raymond Street ask, would meet the Investment in Affordable Housing Program guidelines, costs which would be recouped within (2) years in taxes payable on this property; and

Further be it resolved that council would give direction to staff to initially transfer the entire 9.22 acre parcel to DTSSAB, until sufficient time for a survey to be completed, to determine the exact lot size, with the understanding that the remaining property would then be transferred back to the city; and

Further be it resolved that if council approves this request, that DTSSAB would then qualify for the \$600,000 in Federal funding for this project, benefiting this region.

15. New Business

a) Approval of Council Meeting Schedule – January 2018 to July 2018

Resolution No. 2017-481

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Whereas By-law 2008-160, as amended indicates that Regular Meetings of Council shall be held on the first (1st) and third (3rd) Tuesdays of each month commencing at 6:00 p.m. unless otherwise decided by Council; and

Whereas the first meeting in 2018 would be on January 2nd immediately after the Christmas Holidays; and

Whereas January, 2018 has five (5) weeks, thus permitting a meeting on the second (2nd) and fourth (4th) Tuesday without affecting the rotation in February, 2018.

Now therefore be it resolved that Council for the City of Temiskaming Shores hereby confirms the following schedule of meetings for the months of January 2018 to July 2018:

Tuesday, January 9, 2018	Regular Meeting (2 nd Tuesday)
Tuesday, January 23, 2018	Regular Meeting (4 th Tuesday)
Tuesday, February 6, 2018	Regular Meeting
Tuesday, February 20, 2018	Regular Meeting
Tuesday, March 6, 2018	Regular Meeting
Tuesday, March 20, 2018	Regular Meeting
Tuesday, April 3, 2018	Regular Meeting
Tuesday, April 17, 2018	Regular Meeting
Tuesday, May 1, 2018	Regular Meeting
Tuesday, May 15, 2018	Regular Meeting
Tuesday, June 5, 2018	Regular Meeting
Tuesday, June 19, 2018	Regular Meeting

Carried

b) Notice of Motion – Temiskaming Shores Seniors Affordable Housing Working Group

Resolution No. 2017-482

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Whereas the Temiskaming Shores Seniors Affordable Housing Working Group wishes to seek incorporation for the purpose of initiating, designing and funding a new seniors complex; and

Whereas the Temiskaming Shores Seniors Affordable Housing Working Group have approached Council to request a sum of \$5,000 as City participation; and

Whereas Council recognizes the need for and supports the concept of additional seniors housing.

Now therefore be it hereby resolved that Council for the City of Temiskaming Shores acknowledges the request and adds the request for consideration to the 2018 Budget process at an upset limit of \$5,000; and

Furthermore be it resolved that this consideration of funding in the scope of the 2018 Budget process not be viewed as ongoing support or participation by Council beyond this initial request.

Carried

c) Resolution of Support – Tenanted Farm Tax Class properties being changed to the Residential Tax Class

Resolution No. 2017-483

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Whereas MPAC conducts ongoing reviews to ensure properties are accurately assessed and corrections are made where necessary; and

Whereas a review of a property could be triggered from ongoing data verification, updated tenant information, sales investigations, building permits and severances which may result in changes to the valuation or classification of a property which could include wooded acreage on a farm property; and

Whereas MPAC recently changed the assessed classifications on properties with portions of land tenanted for farming; and

Whereas MPAC is responsible for assessing and classifying all properties in Ontario in accordance with the *Assessment Act* and regulations established by the Government of Ontario; and

Whereas all properties in Ontario are continuously reviewed as part of the MPAC valuation process to ensure accurate information is used in determining our assessed values and tax classifications; and

Whereas under the *Assessment Act* all properties are classified according to their use; if a portion (or portions) of a farm property is used for non-farm purposes, the portion is valued and classified according to its use in order to ensure that the appropriate value and tax class is applied to the various uses of the property; and

Whereas MPAC has assessed non-tillable acreage that is rented to tenants as residential; and

Whereas MPAC has explained that this is a correction under the *Assessment Act / Regulation 282/98* with properties being assessed according to their use explaining that it was a review of the Farm Forestry Exemption Class that prompted this action; and

Whereas many properties have resulted in a substantial increase in property taxes due to this assessment class shift which may force farmers to share crop to avoid the tax increases or will cause land rent to increase to cover the increased taxes being a significant burden on the property owner and/or the tenant farmers.

Now therefore be it resolved that the Council of the City of Temiskaming Shores hereby requests that MPAC conduct a review on the effects of the tax

class shifts from farm land to residential and advise municipalities prior to any future tax class shifts or mass property assessment corrections; and

Furthermore that the Province of Ontario review Regulation 282/98 under the *Assessment Act* in respect to the property tax classification of non-tillage acres and a copy of this resolution be forwarded Premier Kathleen Wynne, Charles Sousa, Minister of Finance and the Association of Municipalities of Ontario.

Carried

d) Resolution of Support – Provincial Flood Insurance Program

Resolution No. 2017-484

Moved by: Councillor Whalen

Seconded by: Councillor McArthur

Whereas weather patterns seem to have changed resulting in excessive and prolonged rains that are becoming more frequent and resulting in an increased chance of flooding; and

Whereas property owners in areas that are at an increased risk of flooding are often unable to purchase flood insurance to protect their properties; and

Whereas the cost of property repair after a flood cause financial hardship for individuals, families and businesses.

Now therefore be it resolved that the Council of the City of Temiskaming Shores hereby petitions the Government of Ontario to create a Provincial Flood Insurance Program to cover those individuals, families and businesses who are unable to secure flood insurance for their properties; and

Furthermore that a copy of this resolution be sent to Premier Kathleen Wynne; Patrick Brown, Leader of the Progressive Conservative Party; Andrea Horwath, Leader of the New Democratic Party and the Association of Municipalities of Ontario.

Carried

e) Administrative Report No. CS-042-2017 – Contract Change Order – Pedersen Construction (2013) Inc. – Peters Road Municipal Drain

Resolution No. 2017-485

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-042-2017; and

That Council approves Contract Change Order No. 001 to By-law No. 2017-106 being an agreement with Pedersen Construction (2013) Inc. for the construction of drainage works locally known as the Peters Road Municipal Drain in the amount of \$18,000 plus applicable taxes.

Carried

f) Administrative Report No. CS-043-2017 – Animal Control Contract

Mayor Kidd disclosed a pecuniary interest with Administrative Report No. Cs-043-2017 and did not participate in the discussion of the subject matter nor did he vote on Resolution No. 2017-486.

Deputy Mayor Laferriere assumed the Chair for discussion of this item.

Resolution No. 2017-486

Moved by: Councillor Whalen

Seconded by: Councillor Jelly

Be it resolved that Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-043-2017; and

That Council directs staff to prepare the necessary by-law to enter into a one (1) year agreement with Prodigal Pets for Animal Control and Pound Services in the amount of \$72,627 plus applicable taxes for consideration at the December 19, 2017 Regular Council meeting.

Carried

g) Administrative Report No. PPP-008-2017 – Appointment of District Fire Chief – Dymond Fire Station

Resolution No. 2017-487

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. PPP-008-2017; and

That Council hereby appoints Gaston Beaubien as Volunteer District Chief to the Temiskaming Shores Fire Department in accordance with the *Volunteer Firefighter Hiring and Promotional Policy*.

Carried

h) Administrative Report No. CGP-019-2017 – Zoning By-law Amendment No. ZBA-2017-06(H) – Maria and Thomas McLean (1191 Lakeshore Road South)

Resolution No. 2017-488

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CGP-019-2017;

That Council agrees to amend the provisions of the Town of Haileybury Zoning By-law 85-27 to permit the zone change from Hazard (HAZ) to Hazard Exception (HAZ-E); and

That Council directs staff to prepare the necessary by-law to amend the Town of Haileybury Zoning By-law 85-27 for consideration at the December 5, 2017 Regular Council meeting.

Carried

i) Administrative Report No. CGP-018-2017 – Enterprise Temiskaming – Economic Development Report

Resolution No. 2017-489

Moved by: Councillor Hewitt

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CGP-018-2017 for information purposes.

Carried

j) Administrative Report No. RS-011-2017 – Funding Application – Ministry of Seniors Affairs (Senior Community Grant Program)

Resolution No. 2017-490

Moved by: Councillor Hewitt

Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. RS-011-2017; and

That Council approves the funding application in the amount of \$11,000 to the Ministry of Seniors Affairs under the Senior Community Grant Program to assist in the provision of transportation to existing and new community events and the provision of “travel training” workshops for older adults with the City’s

contribution of \$2,200 to be derived from the 2018 Age Friendly Program operating budget.

Carried

k) Memo No. 039-2017-CS – Termination of agreement to sell New Liskeard Medical Centre – By-law No. 2014-133

Resolution No. 2017-491

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 039-2017-CS; and

That Council directs staff to prepare the necessary by-law to enter into a Termination Agreement and Mutual Release with Allan Moonie and Gwen King-Moonie and the repeal of By-law No. 2014-133 for consideration at the December 5, 2017 Regular Council meeting.

Carried

l) 2018 Municipal Budget – Draft No. 2

Committee Chairs presented the recommendations from their respective Committee meetings held on November 27, 2017

Chair of the Public Works Committee, Councillor Doug Jelly touched on the operational budget outlining a reserve figure of \$100,000 for recycling bins, with a decrease in the operating costs over the last 4 years this line item has been reduced to \$50,000 for bin replacement under a phased in approach.

Councillor Jelly stated that there is \$2.8 M within the roads capital budget to deal with various sections of roadway including Lakeshore Rd., Ferguson, Armstrong, Rorke and West Rd with funding from both OCIF (\$1.68 M) and Gas Tax. This project would be 84% funded.

Councillor Jelly outlined that Dale's Road culvert replacement and Elm Street resurfacing remain in the capital budget and the landfill expansion design is a carryover and will continue. The Public Works Committee has recommended deferral of the Golf Course Road Bridge Rehabilitation project (\$500 k) to the 2019 budget and staff will impose appropriate weight restrictions on Golf Course Road after consultation with the Ministry of Transportation.

Councillor Jelly, from an Environmental perspective stated that the first three identified projects, infrastructure upgrades, water stabilization and the replacement of the iron removal tanks at the McCamus WTP are all carry over projects. Haileybury WTP refurbishment of the flocculation tank at an estimated \$100k and

engineering for the wastewater treatment plant in Haileybury at \$50k are also on the 2018 Capital list.

Councillor Jelly gave the floor to Environmental and Technical Compliance Coordinator, Steve Burnett to outline an issue that was identified this week. Mr. Burnett stated that a high temperature alarm at Niven St. N. sanitary pumping station went off for one of the three pumps; the situation was reviewed by our Master Electrician and it was determined that the amperage on the pump was extremely high at 250-260 amps and it normally runs at 130 amps. The amperage on the other two pumps was checked and one was in a good operating range, but the other was around 200 amps. A flygt pump technical was available (working on Gray Rd. pumping station) who attended and assessed the pumps on site; one pump will be pulled and sent for servicing next week. The pumps are original to the facility (22 yrs old) and have or are reaching their end of life cycle. It is staff's recommendation that one pump be replaced as part of the 2018 Capital Budget (\$125 k) and a second pump in the 2019 Capital Budget and the third in 2020.

Councillor Jelly outlined that the Committee reviewed the fleet replacement program and recommend that it be accepted as presented. Sweeper unit as a replacement, sidewalk unit as a replacement, blower attachment for a loader unit and is required based on safety issues, two pick-up trucks – one for public works, one for recreation, van for building maintenance and two water tanks.

In regards to the Fire Department request for a pumper/tanker Councillor Jelly stated that meetings were held with the Fire Chief and the three District Fire Chiefs. Haileybury station presently has a 1989 pumper/tanker and a 2001 converted tanker and both units are showing signs of failure and require replacement. It is recommended that these two units be replaced with one pumper/tanker reducing fleet by one. In regards to housing the new unit, space at the Haileybury Hall may not be adequate, an arrangement has been made to house the unit at the Haileybury Public Works complex until a decision has been made on the Haileybury District Fire Hall. The specifications for the unit will be determined by a working group which will likely include 6 volunteers.

Chair of the Building Maintenance Committee, Councillor Danny Whalen presented the 2018 Capital budget for Building Maintenance.

Councillor Whalen outlined that it was decided that for the sake of budgeting and spending purposes we would separate the Pool Fitness Center into two categories. The Committee is recommending an overall reduction in the Budget from \$1 million to \$872,500. This can be achieved by deferring the Reception Desk and Lobby Floor upgrades (estimated at \$55,000) to a future budget year and maintaining the budgeted work for the Pool section of the facility. The following is a breakdown of the work being recommended:

Mechanical Room	\$ 650,000
Engineering Services	\$ 50,000
Paint Duct Work Baffles	\$ 17,500
Electrical Upgrades	\$ 75,000
<u>Paint Ceiling on pool Deck</u>	<u>\$ 80,000</u>
Total:	\$ 872,500

The Committee recognizes the facility is almost 30 years old (opened in April 1989) and one of the better used facilities in the City. This separation for budget purposes will also allow for easier budgeting based on individual revenues as well as better planning of capital project down times.

The Committee is still recommending that the \$872,500 be financed through borrowing.

Councillor Whalen outlined that the Haileybury Marina Shore rehabilitation has been reduced from \$150,000 to \$30,000 as this facility is owned by the Department of Fisheries and Oceans (Small Craft Harbours division) and they wish to divest themselves of the facility.

The \$30,000 will address the re-lining of our stormwater culverts at the bottom of Main Street. The City would be better served with a strong lobby effort for a mutually suitable repair before Council ever entertains assumption of ownership.

Councillor Whalen stated that the original Capital submission to Council on November 14, 2017 included a carry-over project for the parapet wall rehabilitation project of the New Liskeard Branch of the Library with funding received for this project through Canada 150. The work is currently being undertaken at this time and the contractor has advised staff that the work will be completed by December 31, 2017. Therefore the carry-over is no longer required and has been removed from the 2018 Budget.

Councillor Whalen indicated that over the past couple of months, Council has discussed a potential relocation of the New Liskeard Library to address the accessibility and service needs of the Library. One of the sites explored is the former New Liskeard Medical Centre and until tonight, these discussions have occurred in Closed Session with direction provided to staff. There is still much work to be done on a possible relocation, including public consultation and in-depth discussions with the Library Board. It is anticipated that we will be scheduling public meetings/consultations early in the New Year.

Councillor Whalen stated that the City has recently received the legal documentation to terminate the agreement of Purchase and Sale for the Medical Centre which were provided to our Clerk on Friday (December 1, 2017) and have been added to tonight's Agenda for Council's consideration.

During the Committee's Budget review it was recommended that the New Liskeard Library relocation budget line item be reduced from \$100 k to \$50 k. Discussions with the firm currently carrying out the environmental assessment have been reassuring in that current work to date can be carried over to any potential new assessment.

In addition to the above noted items Councillor Whalen indicated that the Building Maintenance Committee supported a recommendation to eliminate the \$100,000 Reserve Fund contribution for the Haileybury Fire Station from the 2018 Budget. The Committee believes that additional discussions need to occur before allocating these funds. The Committee also recommends that the Corporate Services Committee consider allocating a \$50,000 contribution to the Care Close to Home Campaign in 2018 given that the sale of the New Liskeard Medical Centre will not be proceeding.

Councillor Whalen concluded that the overall impact of the changes outlined, based on the Committee's recommendations, is a reduction of **\$330,000** (from \$1,302,500 to \$972,500).

Recreation Committee Chair, Councillor McArthur outlined that the committee held a Special Meeting on November 27, 2017 to review the Budget and reported on the following.

Based on a review of the design costs for the Splash Pad, the Committee is recommending a reduction in the original budget from \$25,000 to \$15,000. This is a cost sharing arrangement with the Rotary Club so the City's cost will be \$7,500 instead of \$12,500 – a savings of \$5,000.

Councillor McArthur stated that the Recreation Committee supported the recommendation of the Building Maintenance Committee to reduce the Pool Fitness Centre Upgrades from \$1 million to \$872,500 and that this work would be financed through borrowing; however, given the high usage at the facility and ongoing issues with the mechanical and electrical systems in this 30 year old facility it is felt that this is a strategic investment and wise use of borrowing.

The Recreation Committee is recommending a reduction in the operating budget for the Pool/Fitness Centre Maintenance from \$57,000 to \$50,000 based on the proposed work at the PFC. It is anticipated that this line item in the operating budget could be reduced even further in 2019 after all of the upgrades have been completed. The Committee is hopeful to see some future energy cost savings as the upgrades will make the facility more energy efficient.

Councillor McArthur outlined that staff will explore funding opportunities for the PFC upgrades such as the Trillium Foundation and the Save On Energy Program.

Councillor McArthur noted that the Recreation Committee spent quite a bit of time discussing the replacement of Playground equipment. The \$50,000 allocated in the 2018 Budget has been earmarked for Shaver Park in North Cobalt. The Committee feels that this investment is needed to continue building on the momentum of our Health Kids program aimed at getting kids active.

Discussions were also held on the need for a Master Plan for Recreation. Although no funds are allocated in this year's budget, we need to start thinking about the future of recreation services in our community and lay out a plan that will help us make the investments required to serve our community's needs.

Councillor McArthur concluded by indicating that the overall impact of the changes, based on the Committee's recommendations, is a reduction of \$14,500.

The Protection to Persons and Property Committee Chair, Councillor Jelly outlined that an Ad Hoc Committee will be set up to determine as to what is needed in regards to a District Fire Station for Haileybury. Councillor Jelly, from a 2018 Capital Budget prospective, indicated that meetings were held with the 3 district station chiefs and it was concluded that replacement of all equipment is preferred on a five year pay back basis.

Councillor Jelly indicated that the only other item in the 2018 Capital Budget is \$75,000 for Archeological study which is being recommended for deferral to the 2019 budget.

Chair of the Corporate Services Committee, Councillor Jeff Laferriere outlined that on November 14, 2017 Council was presented with a summary of Capital Budget items that required almost \$1.9 million in borrowing to facilitate and that Council directed each Department Committee to review their respective budgets with the intent of reducing the impact of additional debt.

Councillor Laferriere indicated that on November 27, 2017 the Corporate Services Committee reviewed the recommendations from the various committees and were pleased to see an overall reduction of close to \$1 million in proposed new debt.

The two main projects being proposed that require debt financing are the Pool/Fitness Centre upgrades and the 2018 Roads Program. Based on the high usage at the Pool/Fitness Centre the Corporate Services Committee views this as a strategic investment into a community facility.

Councillor Laferriere stated that the City has applied for funding for the 2018 Roads Program through the Ontario Community Infrastructure Fund (OCIF) for a total of \$2.8 million in road rehabilitation projects. If the funding is approved, this

project would be funded at 84% with 16% in direct municipal cost (including debt financing). The Corporate Services Committee believes that incurring debt to leverage this level of funding as a strategic investment in critical municipal infrastructure.

Councillor Laferriere also stated that the Committee discussed the reduction in the City's Ontario Municipal Partnership Fund (OMPF) and the need to set up a meeting with the Minister of Finance to discuss our concerns. At the November 14, 2017 Special Council meeting it was anticipated that OMPF funding would be reduction from last year by \$88,000 and the 2018 allocations were recently announced by the Ministry and the City will receive \$121,000 less in OMPF funding which staff has incorporated into the operating budget.

Councillor Laferriere stated that it is interesting to note that in 2008 the City was receiving \$5,530,000 in OMPF funding and in 2018 the City will receive \$3,451,000 – a reduction of over \$2 million! This averages out to a reduction of \$200,000 per year for the past 10 years – which represents a 2% levy change each year just to cover the reduced contribution from the Provincial Transfer Payments!

Councillor Laferriere indicated that another area of concern discussed by the Committee is our Hydro costs. In 2017 the City see an increase of almost \$100,000 in the costs to operate our arenas and the Pool/Fitness Centre. The Province has advised us that further increases are anticipated; while the Province's assistance program focuses on residential hydro rates, it appears as if those costs are being transferred to other users and instead of seeing your actual cost on a hydro bill, our residents will see an increase on their property taxes.

Based on this, Councillor Laferriere stated that the Corporate Services Committee is recommending that Council schedule a meeting with our local MPP and develop a strategy to raise awareness about the impact of increasing hydro costs in relation to the services provided at the municipal level.

The Corporate Services Committee reviewed the Grant Drive Extension Project and passed a recommendation to move the project above the line, conditional on funding. The Committee further recommends that an application be prepared to FedNor and NOHFC for the road extension, turning lane design on Highway 65 E, road construction and Phase 2 of the Dymond-New Liskeard Water Linking Project. It was indicated that the 2018 costs associated with the project are estimated at \$225,000 for design work and in the event the City was successful in its funding application, the City's portion would be 10% or \$22,500 in 2018 and the remainder of the project would be considered as part of the 2019 Capital Budget.

The Committee also recommended discussions be initiated with the Ministry of Transportation to determine the requirements for the turning lanes required on Highway 65 East. Delegation requests have been submitted to the Ministry for the upcoming ROMA Conference in January.

Councillor Laferriere also stated that the Corporate Services Committee supported the recommendation of the Building Maintenance Committee to contribute \$50,000 to the Temiskaming Hospital's Care Close to Home Campaign.

In conclusion Councillor Laferriere outlined that based on the proposed changes to the Budget, the Committee passed a recommendation supporting the presentation of Draft 2 of the 2018 Budget for Council's consideration and approval.

Council deliberated several items within the presentations and agreed on the following:

- Inclusion of \$125,000 towards the pump replacement at the Niven St. N. sanitary lift station;
- inclusion of \$5,000 towards the Senior's Working group;
- inclusion of \$50,000 towards the "Care close to Home Campaign" for the Timiskaming Hospital;
- removal/exclusion of an the Grant Drive extension project and applications for funding within the 2018 budget.

16. **By-laws**

Resolution No. 2017-492

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that:

By-law No. 2017-147 Being a by-law to enact a Zoning By-law Amendment to rezone property from Hazard (HAZ) to Hazard Exception 2 (HAZ-E2) in the Town of Haileybury Zoning By-law No. 85-27 (1191 Lakeshore Road South – Roll No. 5418-030-011-121.00)

be hereby introduced and given first and second reading.

Carried

Resolution No. 2017-493

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that By-law No. 2017-147 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

Resolution No. 2017-494

Moved by: Councillor Whalen

Seconded by: Councillor Jelly

Councillor Laferriere disclosed a pecuniary interest with By-law No. 2017-148 and did not participate in the discussion of the subject matter nor did he vote on Resolution No. 2017-494.

Be it resolved that:

By-law No. 2017-148 Being a by-law to enter into a Termination Agreement and Mutual Release to discontinue the sale of the New Liskeard Medical Centre to Allan Moonie and Gwen King-Moonie

be hereby introduced and given first and second reading.

Carried

Resolution No. 2017-495

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Councillor Laferriere disclosed a pecuniary interest with By-law No. 2017-148 and did not participate in the discussion of the subject matter nor did he vote on Resolution No. 2017-495.

Be it resolved that By-law No. 2017-148 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, December 19, 2017 at 6:00 p.m.
- b) Regular – Tuesday, January 9, 2018 at 6:00 p.m.

18. Question and Answer Period

None

19. Closed Session

Resolution No. 2017-496

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that Council agrees to convene in Closed Session at 9:30 p.m. to discuss the following matters:

- a) **Adoption of the November 7, 2017 – Closed Session Minutes;**
- b) **Adoption of the November 21, 2017 – Closed Session Minutes;**
- c) **Under Section 239 (2) (d) of the Municipal Act, 2001 – Labour relations – Negotiations Update (2018-2020)**

Carried

Resolution No. 2017-497

Moved by: Councillor McArthur

Seconded by: Councillor Hewitt

Be it resolved that Council agrees to rise with report from Closed Session at 10:06 p.m.

Carried

Matters from Closed Session:

- a) **Adoption of the November 7, 2017 – Closed Session Minutes**

Resolution No. 2017-498

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Be it resolved that Council approves the November 7, 2017 Closed Session Minutes as printed.

Carried

- b) **Adoption of the November 21, 2017 – Closed Session Minutes**

Resolution No. 2017-499

Moved by: Councillor Laferriere

Seconded by: Councillor Whalen

Be it resolved that Council approves the November 21, 2017 Closed Session Minutes as printed.

Carried

c) Under Section 239 (2) (d) of the Municipal Act, 2001 – Labour relations – Negotiations Update (2018-2020)

Council provided direction in Closed Session.

20. Confirming By-law

Resolution No. 2017-500

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that By-law No. 2017-149 being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Regular Meeting held on **December 5, 2017** be hereby introduced and given first and second reading.

Carried

Resolution No. 2017-501

Moved by: Councillor McArthur

Seconded by: Councillor Whalen

Be it resolved that By-law No. 2017-149 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

21. Adjournment

Resolution No. 2017-502

Moved by: Councillor Laferriere

Seconded by: Councillor Hewitt

Be it resolved that City Council adjourns at 10:07 p.m.

Carried

Mayor – Carman Kidd

Clerk – David B. Treen

2018

MUNICIPAL

BUDGET

PRESENTATION

Summary by Department

GENERAL OPERATIONS	2017 Budget	2018 Budget	Variance B/(W)	% Change
Council	136,942	195,773	(58,831)	-43.0%
City Manager	209,703	209,708	(5)	0.0%
Fire & Emergency Management	578,346	666,887	(88,541)	-15.3%
Economic Development	303,670	317,496	(13,826)	-4.6%
Corporate Services	2,091,328	2,021,208	70,120	3.4%
Community Growth & Planning	327,179	298,276	28,903	8.8%
Recreation	1,455,358	1,590,191	(134,833)	-9.3%
Public Works	5,008,686	4,966,080	42,606	0.9%
Transit	238,750	251,300	(12,550)	-5.3%
Libraries	370,752	379,299	(8,547)	-2.3%
Net Municipal Expenditures	10,720,714	10,896,218	(175,504)	-1.6%
Policing	2,225,645	2,183,989	41,656	1.9%
Health & Social Services	2,789,955	2,846,000	(56,045)	-2.0%
Total External Agency Expenditures	5,015,600	5,029,989	(14,389)	-0.3%
Net General Operations	15,736,314	15,926,207	(189,893)	-1.2%
Taxation & OMPF Revenues				
General Taxation (net)	(12,878,568)	(13,160,817)	282,249	2.2%
OMPF	(3,573,000)	(3,451,600)	(121,400)	-3.4%
Total Taxation & OMPF Revenues	(16,451,568)	(16,612,417)	160,849	1.0%
Transfer to Capital	(715,254)	(686,210)	(29,044)	-4.1%
ENVIRONMENTAL	2017 Budget	2018 Budget	Variance B/(W)	% Change
Environmental Services	(248,346)	(194,238)	(54,108)	-21.8%
Total Expenditures	(248,346)	(194,238)	(54,108)	-21.8%

2018 CAPITAL PROJECTS

General	Department	Total Project Cost	Funding	Borrowing	Reserves	City Cost	Transfer fr Operations	Excess / Shortfall
	Fire & Emergency Management	14,500	0	0	0	14,500		
	Public Works	2,980,230	1,681,265	0	787,335	511,630		
	Recreation	130,200	7,500	0	0	122,700		
	Property Maintenance	967,500	0	0	25,000	942,500		
	Fleet	1,203,000	0	1,203,000	0	0		
	Transit	32,000	32,000	0	0	0		
	Total Capital	5,327,430	1,720,765	1,203,000	812,335	1,591,330	686,210	-905,120

Environmental	Department	Total Project Cost	Funding	Borrowing	Reserves	City Cost	Transfer fr Operations	Excess / Shortfall
	Environmental Projects	1,965,000	332,921	1,136,923	300,918	194,238	194,238	0
	Total Enviro Capital	1,965,000	332,921	1,136,923	300,918	194,238	194,238	0

2018 ENVIRONMENTAL CAPITAL PROJECTS

Project	Notes	Total Cost	Funding		Borrowing	Reserves	City Cost
TS Infrastructure - Phase 1	carry-over	900,000			723,000	177,000	-
NC Water Stabilization	niven st reservoir upgrades	75,000			60,000	15,000	-
McCamus WTP Iron Removal System	carry-over	700,000	332,921	a	353,923	13,156	-
Hlby WTP Sedimentation Tank Rebuild		110,000					110,000
Hlby STP Effluent Quality Issues	engineering design	55,000					55,000
Niven Street Pump Replacement		125,000				95,762	29,238
Capital Projects Recommended		1,965,000	332,921	-	1,136,923	300,918	194,238

a - CWWF funding

Tax Levy Analysis

Tax Levy Utilized to Calculate Tax Rates		% of Increase
12,808,279	2017 tax levy	
135,789	non municipal controlled budgets	1.06%
114,835	2018 capital borrowing	0.90%
13,058,903	subtotal	1.96%
32,364	2017 growth (new assessment)	0.25%
13,091,267	2018 tax levy	2.21%

2018 TAX SCENARIOS
2017 Tax Levy plus 2.21% increase
Water/Wastewater 4.0% increase

House Assessment

200,000	2017			
208,000	2018			
	2017		2018	
			2.21%	
			Diff	% I/D
Tax	2,449.88	2,465.35	15.47	0.63%
Education	358.00	372.32	14.32	4.00%
Subtotal	2,807.88	2,837.67	29.79	1.06%
Water/Wastewater	810.50	842.92	32.42	4.00%
SWDF	35.00	35.00	0.00	0.00%
Total	3,653.38	3,715.59	62.21	1.70%

	2017	2018	Decrease	% Change
Residential Tax Rate	0.0122494	0.0118527	-0.0003967	-3.24%



Hydro One - Forestry Maintenance Program

Re: Transmission Tower Line Vegetation Maintenance Program Project # 10227

I am writing to inform you that Hydro One Networks Inc. (Hydro One) is scheduled to complete right-of-way vegetation maintenance along the transmission corridor on or adjacent to your property within the townships of

Dymond, Harley, Casey, Hilliard, Armstrong, Evanturel, Marter, Catharine, Pacaud, Boston, Lebel, and Tech.

- The pruning of branches and removal of any dead or hazardous trees away from power lines may start as early as January 3, 2017.

Hydro One regularly monitors the conditions of its transmission corridors and schedules routine vegetation maintenance to identify incompatible vegetation along our rights-of-way, including tree species or brush that can grow tall enough to compromise the safe operation of power. Keeping vegetation a safe distance from power lines is necessary to ensure minimum clearance requirements established by our regulator, provincial agencies, and our utility partners across North America, to prevent tree related outages and for public safety. Maintaining our assets and infrastructure is vital to providing Ontario with the electricity we all depend on.

Hydro One uses an integrated approach to vegetation management and our forestry technicians assess each right-of-way to determine what work is required in the area. The work in your community will include the removal of non-compatible brush as well as pruning branches away from power lines and removing any dead or hazardous trees that have the potential to interfere with the safe and reliable operation of the power line. In areas where there is a higher density of brush, mechanical equipment may be used.

If you have any questions regarding the planned work, please contact Monika Tobler at 705-648-0603 or by email at monika.tobler@hydroone.com.

If you are a tenant, we ask that you forward this letter to the property owner.

Thank you for your co-operation as we complete this important work.

Sincerely,

Monika Tobler
Area Forestry Technician
Hydro One Forestry Services
Monika.tobler@hydroone.com
705.648.0603

Ontario Strengthens Emergency Management Program

First Steps in Action Plan Include New Urban Search and Rescue Resources in the North

NEWS

December 1, 2017

Ontario is making changes to its [emergency management program](#) in order to better protect public safety, and prevent and respond to existing and evolving risks.

As part of Ontario's new Emergency Management Action Plan, the province is investing in a Light Urban Search and Rescue (USAR) team in Thunder Bay so that specialized equipment and resources can be more quickly deployed in an emergency. Work to improve the search and rescue capacity across the province will continue to address recommendations in the [Elliot Lake Commission of Inquiry's](#) report.

In addition, the province will be recruiting a dedicated Chief of Emergency Management to help ensure effective oversight and governance of emergency management across Ontario.

Ontario is also taking immediate steps to:

- Enhance governance structures and implement a robust performance measurement and evaluation framework to build on lessons learned from previous incidents to support continuous improvement
- Review and update the Emergency Management and Civil Protection Act and the Provincial Emergency Response Plan in consultation with stakeholders so that they are consistent with national and international best practices and a modern approach to emergency management
- Release an updated Provincial Nuclear Emergency Response Plan by the end of 2017
- Pursue expansion of emergency management capacity through agreements with neighbouring jurisdictions to share support and resources in an emergency
- Support municipalities in accessing critical supplies and resources in an emergency by improving the supply chain and logistics program, and enhance information and resource sharing among municipalities and the province by deploying emergency management software.

These actions are the first step in Ontario's Emergency Management Action Plan. The province will continue to work with emergency management partners to build a system that is collaborative, proactive, and able to adapt to the unique circumstances of communities across the province.

Ontario's plan to create fairness and opportunity during this period of rapid economic change includes a higher minimum wage and better working conditions, free tuition for hundreds of thousands of students, easier access to affordable child care, and free prescription drugs for everyone under 25 through the biggest expansion of medicare in a generation.

QUOTES

“The safety of the people of Ontario is our top priority, and the government must be prepared to respond to any type of emergency. In times of crisis, rapid and effective emergency response saves lives and helps communities recover quickly. We have learned important lessons from recent emergencies in Ontario. This review and transformation will result in a better, more effective emergency management system in Ontario.”

— Marie-France Lalonde, Minister of Community Safety and Correctional Services

“As we witness devastating natural disasters occurring throughout the world, it is critically important that our emergency management framework is transformed to ensure Ontario is as resilient as possible, and we are prepared to respond effectively to complex major incidents.”

— Ross Nichols, Ontario Fire Marshal and Chief, Emergency Management

QUICK FACTS

- In December 2016, Ontario initiated an [independent review](#) of Ontario’s emergency management system that helped inform the development of the Emergency Management Action Plan.
- The [Emergency Management and Civil Protection Act, 2006](#) and associated regulations set out mandatory basic emergency program requirements in Ontario.
- The Office of the Fire Marshal and Emergency Management is responsible for monitoring, coordinating and assisting in the development and implementation of emergency management programs in Ontario.
- All municipalities and provincial ministries in Ontario must meet a legislated standard of emergency management, including conducting hazard and risk assessments for their areas of responsibility, developing programs and plans to address those risks, and conducting annual training exercises.
- The [Elliot Lake Commission of Inquiry](#) was created on July 19, 2012 to investigate the events surrounding the Algo Centre Mall collapse, which claimed two lives and injured 19 others. Commissioner Paul Bélanger submitted his final report to the Attorney General on October 15, 2014.
- USAR brings together people with specialized rescue skills and other resources for search, medical and structural assessment. USAR teams rescue victims from major structural collapse or other entrapments due to a variety of incidents, including earthquakes, tornadoes, severe storms and explosions.

LEARN MORE

[Emergency Management in Ontario](#)

[Emergency Management Review: Summary and Recommendations](#)

Yanni Dagonas, Minister’s Office, 416-325-5982
Brent Ross, Communications, 416-314-7024

ontario.ca/safety-news
Disponible en français

Dave Treen

From: Steven Black <Steven.Black@timmins.ca>
Sent: December-08-17 5:11 PM
To: Jo Ann Ducharme; Bob Courchesne - Fauquier; Carole Gendron - Moonbeam; Cassandra Child; Dave Landers; Dave Treen; Francis Lamontagne - Opasatika; Guylaine Coulombe - Mattice Val Cote; J.P. Ouellette - Cochrane; Jo Ann Ducharme; Kim Lauzon - Iroquois Falls; Lisa Greer; Lise Berube - Val Rita-Harty; Luc Denault - Smooth Rock Falls; Roger Sigouin; Sasha Vandermarel; Tammy Fillion - Kapuskasing; Tony Antoniazzi; Johanne Baril; Madeleine Tremblay; Gilles Laderoute; mayor@townsrf.ca; Peter Politis; Michel Briere; Andre Rheume; 'Corporation of the Township of Moonbeam'; Al Spacek; Michael Shea; 'Sue Perras'
Cc: Christy Marinig
Subject: Letters of support/resolutions for Noront facility bid
Attachments: Sample Letter of Support for Noront in Timmins for regional communities.docx; Sample Resolution for Noront for communities.docx

Importance: High

Hello everyone,

Thank you for your support today at NEOMA. The bid by Timmins to be the host site for Noront's Ferrochrome processing facility has the potential to have a tremendous positive impact on the entire region along with provide a longterm major client for Ontario Northland which benefits the entire region and our rail service as well.

please find the attached sample resolution and corresponding letter of support. The support of NEOMA today was appreciated and these letters/resolutions will help show the regional support for this project.

I have copied Christy Marinig from our economic development group whom is leading the bid. Please send approved resolutions/letters to either Christy or myself.

If you could pass the resolutions and send back after your next council meetings it would be appreciated as we are trying to finalize our bid by the end of December.

Thanks

Mayor Black

Sent from my BlackBerry 10 smartphone on the TELUS network.

From: Jo Ann Ducharme
Sent: Tuesday, November 28, 2017 2:27 PM
To: Bob Courchesne - Fauquier; Brian Marks; Carole Gendron - Moonbeam; Cassandra Child ; Dave Landers; Dave Treen; Francis Lamontagne - Opasatika; Guylaine Coulombe - Mattice Val Cote; J.P. Ouellette - Cochrane; Jo Ann

Ducharme; Kim Lauzon - Iroquois Falls; Laurie Ypya; Lisa Greer; Lise Berube - Val Rita-Harty; Louise Straatman - MNDM; Luc Denault - Smooth Rock Falls; Roger Sigouin; Sasha Vandermarel; Shannon MacGillvray - Moosonee; Steven Black; Tammy Fillion - Kapuskasing; Tony Antoniazzi

Subject: December 8 NEOMA Meeting -- Please respond confirming your attendance

Attached is the Agenda for the December 8 meeting in Timmis.

I know we are rushing, and I am sorry for the delay in getting the agenda to you...Could you please confirm your attendance asap, no later than noon on Thursday.

Thank you.

Jo Ann Ducharme, Municipal Clerk

TOWN OF KIRKLAND LAKE

3 Kirkland Street West

Kirkland Lake, ON P2N 3P4

705-567-9361 #238

1-800-249-8933



Visit our website:

<http://www.timmins.ca/>

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Ministry of Natural Resources and
Forestry

Office of the
Assistant Deputy Minister
Forest Industry Division

Roberta Bondar Place
Suite 610
70 Foster Drive
Sault Ste. Marie ON
P6A 6V5
Tel: 705-945-6767
Fax: 705-945-5977

Ministère des Richesses naturelles et
des Forêts

Bureau du
sous-ministre adjoint
Division de l'industrie forestière

Place Roberta Bondar
Bureau 610
70, promenade Foster
Sault Ste Marie (Ontario)
P6A 6V5
Tél.: 705-945-6767
Télééc.: 705-945-5977



MNR119AC-2017-5

December 11, 2017

Dear Partner in Forest Tenure Modernization:

The Ministry of Natural Resources and Forestry, in collaboration with the Forest Tenure Modernization Oversight Group (Oversight Group), has successfully completed the Review of Forest Tenure Models project (the Project). The Project began approximately three years ago to assess the performance and effectiveness of Ontario's various forest tenure models.

I am pleased to inform you that the Honourable Kathryn McGarry, Minister of Natural Resources and Forestry, has accepted the eight recommendations made by the Oversight Group in its May 2017 report. Planning will now begin in order to implement these recommendations. Early engagement of the Oversight Group members and its constituencies will be essential to preparing a plan and implementing it.

Thanks to all who have supported the Project through input into the measures, participation in the KBM 2016 review process and/or providing input to Oversight Group members on the draft recommendations; the Forest Industry Division appreciates your involvement. I also wish to sincerely thank the Oversight Group members for the commitment, passion and collaborative spirit they demonstrated throughout the Project.

You can find the Oversight Group's Report to the Minister and KBM's 2016 report and summary on the review of Ontario's forest tenure models at:

<http://www.foresttenuremodernization.ripplegroup.ca/cms/>.

Should you have any questions about the Project or its outcomes, including the ongoing implementation of the Oversight Group Report's recommendations, please contact Heather Barns at 705-541-2161 or heather.barns@ontario.ca.

Sincerely,

Kathleen McFadden
Assistant Deputy Minister
Forest Industry Division



North on Tap Craft Beer Festival

Box 1285, New Liskeard, (Ontario), P0J 1P0

Email: northontap@gmail.com

Website: northontap.ca

Media Release

Local Food Banks Big Winners at North on Tap's Inaugural Craft Beer Festival

August 22nd, 2017 – Temiskaming Shores, ON – Cold beer, delicious food and great live entertainment was a winning combination as the first North on Tap Craft Beer Festival debuted at the Harbourfront Pavilion on Saturday July 15th, 2017, with a sold out crowd.

"The first edition of the North on Tap Craft Beer Festival far exceeded all of our expectations", said Hugo Rivet, member of the organizing committee. "The organizing committee felt there was growing interest in our community for this type of festival but we were blown away by the response". Tickets to the event sold out a week in advance and left many scrambling to get their hands on one.

More than 1000 people gathered at the Festival grounds to sample craft beers from nine different brewers from across Ontario, including Haileybury's newest craft brewery, Whiskeyjack Beer Company. Thanks to a partnership with the Northern Ontario Farm Innovation Alliance (NOFIA) and Foods by Nature, festivalgoers got to pair their craft beers with delicious regional products and dishes. Local bands Kings of Nowhere and Layla Grace were on hand to rock the stage, as was the local MP for Timmins-James Bay, Charlie Angus. The event kicked off with the 5km Hop to It Beer run/walk as well as the Root beer run for kids, where 170 runners and walkers were piped off, by Legion Branch 33 and 54 Pipes and Drums.

However there was more to the North on Tap Craft Beer Festival than cold brews and good times. This festival was first and foremost about giving back to the community. "Thanks to the success of our event as well as the incredible generosity of our sponsors and community partners, we are very pleased to announce that the North on Tap Craft Beer Festival will be writing a cheque for \$30,000 to our three local area food banks" says Rivet. The Cobalt/Coleman/Latchford, New Liskeard (Salvation Army) and Haileybury Food Banks will each be receiving a donation in the amount of \$10,000.

Pat Rhiness, spokesperson for the Haileybury Food Bank said that he was "overwhelmed and extremely grateful for the donation". He also stated that this would "help so many families in our area". In fact, as area families prepare for back to school, it is a good reminder that hunger doesn't take a vacation and that many will be struggling at this time of year as they deal with the extra expenses of school supplies and new clothing.

About the North on Tap Craft Beer Festival: Held on the shores of Lake Temiskaming in Haileybury (Temiskaming Shores), Ontario, the North on Tap Craft Beer Festival showcases craft breweries from across Ontario as well as Food Vendors, great live music and the 'Hop To It' 5km Beer Run and Root beer run. All proceeds go to local charitable or not-for-profit organizations. Follow us on social media for the latest updates and announcements.

Our web page: www.northontap.ca

Twitter/Instagram/Facebook: [@northontapbeer](https://www.instagram.com/northontapbeer)

North On Tap – 2017

Project Report

Project Description

The 2017 North On Tap Craft Beer Festival was the inaugural event of the newly revitalized Leaders of Cheer (Celebrations Haileybury, Entertainment, Events and Recreation) organization. The event took place on Saturday July 15, 2017 at the Haileybury Waterfront Pavilion and showcased craft beer and food from local providers and across the province.

Key Project Metrics

Attendance - Goal: 1000 tickets sold **Actual:** 1000 tickets sold

The North On Tap festival had a goal to sell 1000 tickets to the event. The event sold out approximately 1 week prior to the event. Demand for the event exceeded our expectations and the committee was extremely pleased with the results, however feedback from the community expressed frustration in regard to the number of tickets made available and as such the number of tickets available for the 2nd annual event will be looked at closely and efforts will be made to increase the number of tickets available for the 2018 North On Tap Craft Beer Festival.

Vendor participation - Goal: 8 Craft Beer Vendors **Actual:** 9 Craft Beer Vendors

The North On Tap Festival met and surpassed its' objective to secure 8 craft beer vendors by securing 1 additional craft brewer for 9 craft brewers in total. The craft brewers selected for the festival were selected with geographical location of the brewer taken into consideration with a preference given to brewers located in North Eastern Ontario. Six of the nine brewers were based in North Eastern Ontario, with the other three representing North Western, Southern and South Eastern Ontario. The Festival was also very excited to help introduce Haileybury's own craft brewer Whiskey Jack Brewing Co.

Charitable Financial Objective Met - Goal: \$20,000 to Area Foodbanks **Actual:** \$30,000

The North On Tap Festival Committee was extremely pleased to announce to that we had surpassed our goal by over 30% and will be donating \$30,000 to our local foodbanks. With \$10,000 each going to the Haileybury, New Liskeard and Cobalt, Coleman, Latchford foodbanks.

Community Feedback – Goal: Positive Feedback on Vendors/Venue/Entertainment/Organization

Community feedback has been very positive, with most of the positive feedback being in regard to the venue location, organization of the event and selection of brewers and food vendors. The vast majority of negative feedback was related to the number of tickets available for the event. All feedback positive and negative will be carefully considered when planning the next North On Tap event.

Financial Notes:**Number of event tickets sold (in \$): \$13,090**

\$13,090 represents tickets sold online and in local outlets. This number does not include tickets included with sponsorship.

Other North On Tap Income: \$57,355

\$57,355.00 represents donations from sponsors and total revenue from the event itself (beer, food sales). 6,478 beer tickets were sold over the course of the one day event along with 6,628 food tickets.

Expenses

The most significant expenses were Advertising and Promotion at \$14,186.29 and contract services (brewers and food service) at a total of \$13,106.39.

See attached financial report for more information.

2:21 PM

2017-09-12

Accrual Basis

Leaders Of Cheer - Haileybury

Profit & Loss by Job

30 November 2016 through 12 September 2017

	North On Tap 2017	TOTAL
Ordinary Income/Expense		
Income		
North On Tap		
Ticket Sales	13,090.00	13,090.00
North On Tap - Other	57,355.00	57,355.00
Total North On Tap	70,445.00	70,445.00
Total Income	70,445.00	70,445.00
Gross Profit	70,445.00	70,445.00
Expense		
Advertising and Promotion	14,186.29	14,186.29
Contract Services		
North On Tap - Brewers	6,478.39	6,478.39
North On Tap - Food Contractor	6,628.00	6,628.00
Total Contract Services	13,106.39	13,106.39
Facilities and Equipment		
Equip Rental and Maintenance	2,238.42	2,238.42
Rent, Parking, Utilities	300.00	300.00
Total Facilities and Equipment	2,538.42	2,538.42
Licensing & Permits	75.00	75.00
Operations		
Float	3,000.00	3,000.00
Supplies	86.37	86.37
Total Operations	3,086.37	3,086.37
Other Types of Expenses		
Insurance - Liability, D and O	1,352.40	1,352.40
Total Other Types of Expenses	1,352.40	1,352.40
Total Expense	34,344.87	34,344.87
Net Ordinary Income	36,100.13	36,100.13
Net Income	36,100.13	36,100.13

The Timiskaming Health Unit Board of Directors, is pleased to announce the appointment of Dr. Glenn Corneil as our Acting Medical Officer of Health. Dr. Corneil will be taking over the position left vacant by Dr. Marlene Spruyt a year ago.

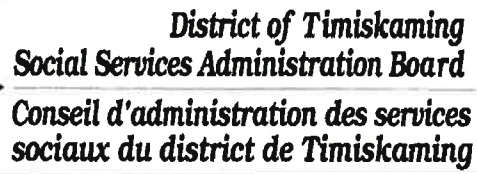
Many thanks goes out to Dr. Alex Hukowich, for stepping in on a temporary basis over the last year.

Dr. Corneil will continue with his medical practice, and provide his insight and service as needed in this role of Acting Medical Officer of Health, effective January 1st, 2018.


The Timiskaming Health Unit will continue to actively search, and recruit, a full time MOH/CEO in the coming year. In the meantime, Randy Winters will continue to fill the role of Acting CEO.

Please join us, in welcoming Dr. Corneil to this position, as we look forward to working with Glenn's extensive medical background and local perspective on public health matters.

For further information, please contact Board Chairman Carman Kidd, at ckidd@temiskamingshores.ca or at 705-672-3363



December 13, 2017

Moved by: 

Seconded by:

Carried:

1.0 CALL TO ORDER

The meeting was called to order at 11:00 a.m.

2.0 ROLL CALL

- | | |
|---|--|
| <input checked="" type="checkbox"/> Mayor Carman Kidd | <input checked="" type="checkbox"/> Chris Oslund, City Manager |
| <input checked="" type="checkbox"/> Councillor Doug Jelly | <input checked="" type="checkbox"/> Donald Bisson, Chair Library Board |
| <input checked="" type="checkbox"/> Councillor Danny Whalen | <input checked="" type="checkbox"/> Mitch Lafreniere, Manager of Physical Assets |
| <input checked="" type="checkbox"/> Rebecca Hunt, CEO Libraries | <input type="checkbox"/> Robert Dodge, Member, Library Board |
| <input checked="" type="checkbox"/> Airianna Misener, Executive Assistant | |

3.0 REVIEW OF REVISIONS OR DELETIONS TO AGENDA

None

4.0 ADOPTION OF AGENDA

Recommendation LB-2017-004

Moved by: Mayor Carman Kidd

Be it resolved that the November 28, 2017 Library Building Committee Meeting Agenda be adopted as printed.

Carried

5.0 REVIEW AND ADOPTION OF PREVIOUS MINUTES

Recommendation LB-2017-005

Moved by: Councillor Danny Whalen

Be it resolved that the Building Committee Meeting minutes of the June 6, 2017 be adopted as printed.

Carried

6.0 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

None

7.0 DELEGATIONS/PUBLIC PRESENTATIONS

None

8.0 EXISTING BUSINESS

8.1. New Liskeard Library Building

Discussion:

Mitch Lafreniere provided the Committee with an update on the New Liskeard Library Building. Work on the parapet wall has begun. It is anticipated that it will take 3 weeks to complete the work. Trees to the East of the building are currently being removed as they were deemed unsafe.

As per the Committee's recommendation LB-2016-015, staff looked at alternative buildings to be used as a Library. The City Manager advised the Committee that Council discussed the New Liskeard Medical Centre as a potential building at several Closed Session meetings over the past couple of months. The purchasers of the Medical Centre have agreed to terminate the purchase agreement; however the official termination has not been finalized. As part of the agreement to terminate, the City will need to cover the costs incurred to date for the Environmental Assessment and Record of Site Condition work. Additional work to change the use of the building from Commercial to Institutional will be required in order for the building to be used as a Library.

It is anticipated the cost to undertake the Environmental Assessment work and design work will total \$100,000. Approximately \$50,000 will be paid in 2017 as part of the agreement to terminate the purchase and the remaining \$50,000 allocated in the 2018 Budget.

This item will be discussed with the Library Board at their next Board meeting (December 13, 2017). The Committee suggested that the Board appoint another member to the New Liskeard Library Building Committee.

A Public Consultation and Service Review will be scheduled early in the New Year.

8.2 Haileybury Library – Update

Discussion:

The boiler project was deferred and will be presented for consideration as part of the 2019 budget.

9.0 CLOSED SESSION

None

10.0 NEXT MEETING

The Committee will meet quarterly or as required.

11.0 ADJOURNMENT

Recommendation LB-2017-006

Moved by: Councillor Doug Jelly

Be it resolved that the New Liskeard Library Building Maintenance Committee meeting be hereby adjourned at 11:25 a.m.

Carried

CHAIR

RECORDER

AGE FRIENDLY COMMUNITY COMMITTEE MEETING MINUTES

City of Temiskaming Shores

Monday November 13, 2017

CALL TO ORDER

1.0 The meeting was called to order at 2:03 p.m.

2.0 ROLL CALL

PRESENT:	Tammie Caldwell; Danielle Covello; Jean-Claude Carrière; Irene Chitaroni; Karli Hawken, Nadia Pelletier; Amanda Mongeon; Bertha Yandt; Judy Lee
REGRETS:	Patricia Hewitt; Josette Côté; Marg Hooey; Cheryl Bakhuis; Melissa Boivin; Lois Perry; Caroline Morin;

3.0 REVIEW OF REVISIONS OR DELETIONS TO AGENDA

Danielle Covello requested that under Item 9. New Business that the following be added: vi) Older Adult Community Guide Update and vii) Aging in Confidence

4.0 APPROVAL OF AGENDA

MOVED BY: Bertha Yandt

SECONDED BY: Tammie Caldwell

That the agenda for the November 13, 2017 Age Friendly Community Committee meeting be approved as amended.

CARRIED

5.0 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

There was no disclosure of pecuniary interest.

6.0 REVIEW AND ADOPTION OF PREVIOUS MINUTES

MOVED BY: Nadia Pelletier

SECONDED BY: Jean Claude Carriere

That the meeting minutes of the October 16th, 2017 Age Friendly Community Committee be approved as printed.

CARRIED

7.0 DELEGATIONS/PUBLIC PRESENTATIONS

None

8.0 UNFINISHED BUSINESS

None

9.0 NEW BUSINESS

i) **Sip and Learn Update**

There have been an average of 15-17 people/week at the New Liskeard program and 13-15/week in Haileybury. Feedback has been very positive from participants, however at this time there has not been interest in taking on leadership roles by any of the older adults who attend. Danielle will continue to express to the groups that the program will end when the New Horizons for Seniors funding ends in March unless the groups are looking to sustain the program independently. Danielle also noted the list of presenters has been shared with Diner's Club after they requested the list to change the format of Diner's Club to include the informative nature of SipNLeads. Danielle invited all committee members to visit at any time and share programs or information with attendees. Discussion had on where to advertise; currently making use of City Bulletin & Active Aging Series (in The Speaker); on the City Calendar on City website; Weekly Rec Report on CJTT; Posters around town as well as the further encouragement of Age Friendly committee members and other community partners.

ii) **Age Friendly/Get Active Programmer Update**

Indoor Walking:

First week of Age Friendly Indoor Walking is starting Nov 15 at TDSS & Nov 17 at Northern College. Indoor Walking will occur at the same time and place each week until the final week of March (exempting school breaks). Danielle will send posters (both EN & FR) to committee members to assist with distribution. It has been confirmed that attendees can make use of Nordic Walking poles indoor at both facilities, provided they have the rubber 'booties'.

Bi-weekly Article Temiskaming Speaker/Sponsorship Opportunities:

Research opportunity to translate and print one of the general articles in Le Reflet with potential sponsorship from Centre de Santé, also provide information on programs being offered to Jean Claude to mention in the live radio interviews weekly with CKVM. Temiskaming Health Unit- Stay on Your Feet program have sponsored the initial month of the Active Aging Series, it has coincided with Falls Prevention Month. Committee members invited to connect with Danielle regarding interest in sponsoring an article as well as letting Danielle know of upcoming events or topics that can be included in the articles ongoing. City Hall & Pool Fitness Centre are both drop off locations for

AGE FRIENDLY COMMUNITY COMMITTEE MEETING MINUTES

City of Temiskaming Shores

Monday November 13, 2017

incentive ballots. It was discussed to add a monthly bus pass to the list of potential prizes.

iii) Seniors' Affordable Housing Survey Update

215 surveys returned; working group continuing to meet to discuss next steps. Surveys indicated what the Age Friendly survey had also shown, ex. ¾ of respondents are looking for 2 bedroom units

iv) Northern Ontario Age Friendly Network Update:

Previous meeting focused on discussion regarding upcoming funding opportunities. All Northern Ontario communities (including the larger centres) are struggling with transportation, the Ministry has stated this is something they are looking to address with future funding.

v) Ontario Seniors Community Grant Program 2017-2019 funding Opportunities

Discussion took place in regard to applying for funding to assist in reducing the barrier of transportation for older adults i.e. pedestrian crossings, bus signage, travel training and ongoing awareness campaign for the 1-800 number. Tammie will contact Caroline to discuss this further. Tammie will also check if there are any statistics on ridership on the local transit system for older adults.

vi) Older Adult Community Guide Update

The hospital has received the Community Guides with inserts that they have requested. The additional 150 EN & 50 FR Community Guides with inserts are in the possession of Age Friendly. The updated Electronic version is also available online in both FR & EN on the City of Temiskaming Shores website under the Age Friendly page.

<http://www.temiskamingshores.ca/en/resident/community-guide.asp>

vii) Aging with Confidence: Ontario's Action Plan for Seniors

Ontario has released an action plan which can be found in full at the following link. Transportation is an area that has been addressed in the Action Plan, as well as an emphasis on Age Friendly communities and a provincial recognition program for AFC which has not yet been released.

<https://www.ontario.ca/page/aging-confidence-ontario-action-plan-seniors>

10.0 ROUNDTABLE

- Next meeting agenda to include a summary of 2017 activities and set 2018 priorities and action plan.

AGE FRIENDLY COMMUNITY COMMITTEE MEETING MINUTES

City of Temiskaming Shores

Monday November 13, 2017

11.0 NEXT MEETING DATE

December 11 – City Hall

January 8th

February 12

March 12

April 9

May 14

June 11

12.0 ADJOURNMENT

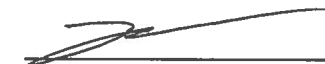
Meeting is adjourned at 3:54 pm.

Moved by: Danielle Covello

CARRIED



Committee Chair



Recorder

Minutes

BIA Committee Meeting – October 10, 2017

6:00pm at the Pool & Fitness Centre (Lakeview Room)

Present: Michele Lamoureux, Andy Ringuette, Bea Demarce, Kim Peters

Regrets: James Franks, Patricia Hewitt

1.0 Approval of agenda – approved

2.0 Approval of minutes from previous meeting - Approved by Michele and Andy

3.0 Business arising from previous minutes:

- **Snowflakes** – Won't be painted this year after all but will still be used as holiday décor. Paint will be purchased with 2017 budget funds for when the high school has time to do this job in 2018.
- **BIA membership** – Kim yet to follow up with Steve Alexander but will do so before next meeting. The cttee is hoping to recruit him as a new member. **Action:** Kim to follow up
- **Floral Tender** – revised version was approved by the cttee with a couple of additions. **Action:** Kim will finalize and send to Chris Oslund for review and ask to have it advertised in the Speaker under the City's regular advertising section. Kim will also confirm that current contractors mount/remove and store the hanging baskets as this info must be in the tender.
- **Billboards** – One of our billboards (on Hwy 65 east) was removed by private land owner. It is missing and we are waiting to hear from Phippen's as to what happened to it and what/if any rebate will be given. The cttee has decided to request quotes for new artwork. **Action:** Kim will contact a couple of local vendors for quotes.
- **Photo/social media opportunities for youth (Joline)** – no update
- **Village Noel** – Kim and Michele attended a meeting earlier today. There is still some coordination to be done in terms of figuring out the logistics for the opening ceremonies. **Action:** Kim will connect with community partners (Palliative Care, Chamber, VN) to confirm/clarify the BIA's responsibilities and coordinate as required.
- **Christmas Open House for local merchants** – As a result of Amber's and Armstrong on Whitewood hosting open house on the weekend of November 3rd, many other BIA merchants have decided to follow suit. Each will host their own event and some will be holiday themed. **Action:** Kim will follow up with other BIA members and extend to invitation to them as well. The open houses will be promoted via FB and the Chamber newsletter.
- **Newsletter** – The cttee has decided to cease producing a BIA newsletter. Information will be disseminated to BIA members via email and FB and to the broader public using FB, the Chamber newsletter paid advertising (as needed and when budget allows)
- **BIA plaques** – Kim has provided Joline with a whiteboard and map of the downtown and BIA boundaries. Joline's co-op student will locate/inventory all BIA owned property (bike racks,

benches, flower pots). The cttee would like to have plaques stating "Compliments of downtown New Liskeard BIA". No update from Joline yet

- **Splash Pad** – Kim and Michele discussed the proposed splash pad location to see if perhaps a location closer to downtown could be considered. Tammy Caldwell explained that it is part of a larger waterfront improvement project and no up for debate.
- **Thanksgiving Scavenger Hunt** – Michele, Bea and Joline shared positive feedback from this event: 14 teams participated this year, asking for a minimum 2 adults was key in terms of getting people with buying power into the stores, ¾ of the teams had lunch downtown, many reported having never been in to some of the store but were glad they did, and one participant sent over 500\$.
Action: Kim will share this feedback with all BIA members and document hours and resources that were needed to organize this event. This info will go into the coordinator's resource binder.
- **BIA Facebook page** – due to technical difficulties, a new FB page will be created and launched this week. The 2 existing pages will be shut down once current members are notified to join the new page titled "Downtown New Liskeard BIA" **Action** – Kim to coordinate with Joline.

4.0 Treasurer's Report: Michele has started working on the draft 2018 budget that needs to be submitted to Chris Oslund. The cttee has identified the need to review and approve all expenses on a monthly basis during meetings. This will help with tracking expenses and following our annual budget. Michele is also working on financial spreadsheets to track expenses for each BIA related event. A new report format will be available at the next meeting. **Action:** Michele to prepare and present a report at the next meeting and submit a draft to the city for our 2018 budget.

5.0 Standing items for discussion:

Village Noel / Lighting ceremony – as above

Summerfest – Kim has yet to spend much time on this event. The cttee requested that Rob Lott (antique car guy) be booked sooner than later as he will be a big draw. **Action:** Kim to contact and request he attend the event and organize the car show)

Downtown Events – The remaining events for this year will be Trick or Treat (more info below), November Open House, Village Noel and Moonlight Madness. **Action** - Kim will send out dates and info to BIA on these events and coordinate promotion.

6.0 New items for discussion:

- **BIA 2018 Budget** – discussed under 4.0
- **Infrastructure spending** - The BIA has approximately 20,000\$ in infrastructure money to spend before the end of the year. After some discussion, the cttee has decided to look into purchasing the following items that can be various BIA events: inflatable, Santa Claus costume, a chair for Santa, an Easter bunny costume, umbrellas for picnic tables. **Action:** Other ideas suggestions should be forwarded to Kim within the next week. Kim will research options and prices for these items. Request must be submitted to the city in 2 weeks.
- **BIA AGM** – BIA AGMs have been held in the past. The cttee feels that this would be a valuable exercise once again but to will hold off until the new year before organizing another. Topics to be discussed could include getting input from members to create an annual calendar of events, asking merchants for 4 gift certificate at the beginning of each year and use for ongoing events (minimize

number of request throughout the year). **Action:** Kim will check with James to see if this is a mandatory requirement for the BIA.

- **Membership/contact list:** Kim emphasized the need to update the existing contact list. The cttee passed a motion to allow for an extra 5 hours to accomplish this task (moved by Bea and seconded by Andy)
- **Strategic plan** – something to be discussed at AGM
- **Halloween/Trick or Treat** – Many merchants expressed an interest in holding this event once again. In the past up to 125 visited some of the stores. **Action:** Kim will send BIA merchants a small poster to display in their window to indicate that they will have candy to distribute. The event will be promoted on FB and via Chamber newsletter
- **Other**

Date of next meeting: **Tuesday November 7st 6pm at PFC**

Minutes

BIA Committee Meeting – November 7, 2017

6:00pm at the Pool & Fitness Centre

Present: Michele Lamoureux (Chair and Treasurer), Bea Demarce (BIA member), Andy Ringuette (BIA member), James Franks (municipal staff representative), Kim Peters (BIA Coordinator)

Regrets: Patricia Hewitt (municipal council representative)

1.0 Approval of agenda – Approved as amended by Bea and Andy

2.0 Approval of minutes from previous meeting - Approved by Michele and Bea

3.0 Business arising from previous minutes:

3.1 Infrastructure spending (purchases, vote on quotes, updates)

Purchases to date include 40 wreaths from Amber's (\$3595), Santa chair made by Randy Craig (\$650), Santa suit and Eater Bunny costume made by Mme Mongrain (\$1200). A vote was held to choose a quote for umbrellas for BIA picnic tables. Michele abstained from vote due to conflict of interest. Bea and Andy voted to purchase 12 umbrellas with stands from Active One Source for Sports at a cost of \$325 each plus tax. This still leaves approximately \$10,000 in infrastructure funds that are available until the year end. **Action:** Board members are to send suggestions for potential purchases to Kim before the end of the month.

3.2 BIA Membership/contact list – Current and up to date. Many changes were made to the existing list. Some challenges with BIA members who do not return phone calls or emails to confirm contact info. Ongoing changes will be made by Kim as information is provided.

3.3 BIA membership – the board is seeking new members. **Action:** Kim will contact Dave Treen to post a notice in the community bulletin in the Speaker.

3.4 Floral Tender – After review by municipal staff, it was decided that the BIA request for tender should follow the same format at those issued from the city. A template has been provided and the required changes will be made and shared with the board for another review. **Action:** Kim will make the changes and share with the board.

3.5 Billboards – the board reviewed the draft provided from A&B Printing and are very pleased with the new look. There are some concerns over the choice of font. **Action:** Kim will

forward the proposed image for the billboards to the city's accessibility cttee (via James) for their review and approval.

- 3.6 AGM – The board voted to not hold an AGM this year. In lieu of the AGM, a brief report for 2017 will be shared with BIA members in early 2018. **Action:** Kim will prepare a report to capture the BIA's events, activities, role, budget, etc. This will be shared via email to BIA members.
- 3.7 BIA plaques – Forty small plaques in a variety of sizes will be made and affixed to items (benches, picnic tables, planters, bike racks, etc.) purchased by the BIA. The goal is to indicate/communicate which items have been supplied using BIA funds. Plaques will read "Compliments of Downtown New Liskeard BIA". **Action:** Kim to coordinate purchase and will send them to municipal staff who can affix them when time allows.
- 3.8 November Open House event – Those at the table were pleased with how the event turned out. Some stores chose to have a holiday theme while other preferred to hold off until after Remembrance Day. The board supports coordinating/promoting this event next year in line with whichever date is selected by some of the participating BIA members.

4.0 Treasurer's Report: Michele

No report to share at this time but the 2018 budget is being worked on. Kim presented a number of invoices for review and approval and all were coded and authorized. In the future, Kim will collect and code invoices/expenses and have Michele sign for authorization. Kim will then submit to the city.

5.0 Standing items for discussion:

- 5.1 Festival of Lights / Village Noel (review schedule, music, etc.) The BIA will once again sponsor sleigh rides for Village Noel. The sleigh rides will take place on the Saturday and the route is dependent on site logistics with Village Noel. **Action:** Kim to coordinate sleigh ride route which will hopefully allow for a pick up/drop off location close to Watch Me Grow.

Planning for the Festival of Lights and opening ceremonies is almost finalized. Still a few details for to work out. Activities will start at 6:30pm on the Thursday evening.

Village Noel organizers have shared that the Haileybury BIA will be presenting a proposal for the event to be moved to Haileybury in 2018.

- 5.2 Summerfest (updates, vendor forms, opportunities)

Despite the late start, vendors need to be booked for Summerfest 2018. Only the date needs to be changed on the existing vendor policy and application forms. The board must approve vendors prior to extending an invitation. Approved at this meeting were Thornloe

Cheese, Beaver Tails, and Bear's Fish and Chips. **Action:** Kim to update forms and begin inviting approved food vendors for the event.

Local antique car clubs have confirmed their participation for next year's event.

There is a possible opportunity to partner with organizers from Temiskaming Bikers Meet which is being held on the same weekend as Summerfest but in North Temiskaming. The goal would be to cross promote our events. Kim is waiting for an information package with more details and will share with the board at that time.

5.3 Downtown Events (Moonlight Madness – December 8th)

This will be the final event of the year for the BIA. Merchants will be encouraged to extend their business hours. Sleigh rides will be offered downtown and kids can visit Santa Claus at LDG Supplies. The board has approved \$500 for radio advertising for the event. **Action:** Kim to communicate with BIA merchants and coordinate events and promotions.

In partnership with Lioness and LDG Office Supplies, the BIA will be hosting Santa Claus during the holiday season. During the first 3 weeks in December, kids can visit Santa and have their photo taken by going to LDG Office Supplies. The BIA will look after promotion, provide a new chair for Santa, and contribute \$500 which goes towards the photographer's fee. The board has approved 1500\$ for radio ads to promote this event. **Action:** Kim will share the news with BIA members, and coordinate advertising and promotion.

Further discussion was had around the BIA's overall advertising budget and how purchasing year-long ad packages would save money and assist with budgeting for special events.

Action: Michele will talk to her ad rep at CJTT and look into the cost for year-long packages and provide dates for our regular scheduled events. **Action:** James will ask Dave Treen if the BIA can contribute to the city's ad package to allow for additional spots specific for BIA advertising. The suggested contribution is \$2000.

6.0 New items for discussion:

6.1 BIA promotion and marketing (BIA vs Downtown) – The board agreed that the term "Downtown New Liskeard BIA" will be used in all communications and promotions.

6.2 OBIAA membership – The board approved the BIA's membership for 2018. The fee to join is \$400. **Action:** Kim will complete the form and submit for payment

6.3 Bottom of the bridge décor/landscaping BIA members have expressed that this area needs to be tidied up and suggested clearing the area and adding some evergreens and benches. It is unclear as to who owns the land and what the cost would be to move forward for this. A sign promoting skating on the river sponsored by the Lion's Club still hangs in one of these

areas. **Action:** Bea will approach a member of the Lion's Club to get more information on who owns the land.

6.4 FB page (update/stats and contest) – a Like and Share contest was launched on the new BIA FB page and the response has been positive. A draw will be held on November 20 and another on December 15. Each winner will receive a \$100 gift certificate from the BIA merchant of their choice.

6.5 Holiday advertising in the Reflet – James shared a flyer with some ad packages and wondered if this is something the BIA should consider for the holiday season. The Board decided to leave this to each BIA merchant coordinate their own promotions.

6.6 Regular meeting dates – Meetings will be changed from Tuesdays to a day that will accommodate everyone's schedule. This can be discussed further when all members are present.

6.7 Election of BIA Board Chair – In the absence of an existing Chair, the board voted and elected Michele as the new Chair.

6.8 BIA dissolution petition – The board acknowledged and discussed a petition currently being circulated within in BIA. Those hoping to dissolve the BIA anticipate having enough support to present their case to council in the near future. The main opposition stems from property owners who pay the levy but do not receive any benefit in doing so. The board discussed how this would play out disagree with this point of view. The comparison was made to everyone having to pay taxes to support a recreation center (such as the Pool and Fitness Center) yet not everyone uses it. There is still a benefit to the community as a whole.

6.9 Other –

Extra hours - Kim requested an additional 5 hours this week due to the extra time needed for meetings and event planning. The board approved the request and discussed how future requests should be processed. It was decided that the coordinator can either bring it up at a meeting, or send an email to board members. A minimum of 3 board members need to approve the request.

Hello Bonjour Kits – Kim shared a few samples of kits tha are available to help businesses promote and identify their bilingual staff and services. A few kits are available at her office or can be picked up from the Chamber of Commerce.

7.0 Date of next meeting – Monday, December 4, 6pm at the Pool and Fitness Center.



MINUTES

Timiskaming Health Unit Board of Health

Regular Meeting held on November 1, 2017 at 6:30 P.M.

Timiskaming Health Unit – New Liskeard Boardroom

1. The meeting was called to order at 6:35 p.m.

2. **ROLL CALL**

Board of Health Members

Carman Kidd	Chair, Municipal Appointee for Temiskaming Shores
Tony Antoniazzi	Vice-Chair, Municipal Appointee for Town of Kirkland Lake
Kathleen Bougie	Municipal Appointee for Township of Larder Lake, McGarry & Gauthier
Kimberly Gauthier	Municipal Appointee for Township of Armstrong, Hudson, James, Kerns & Matachewan
Merrill Bond	Municipal Appointee for Township of Chamberlain, Charlton, Evanturel, Hilliard, Dack & Town of Englehart
Sue Cote	Municipal Appointee for Town of Cobalt, Town of Latchford, Municipality of Temagami, and Township of Coleman
Mike McArthur	Municipal Appointee for Temiskaming Shores
Jean-Guy Chamaillard	Municipal Appointee for Town of Kirkland Lake
Jesse Foley	Municipal Appointee for Temiskaming Shores

Regrets

Rachelle Cote	Executive Assistant
Maria Overton	Provincial Appointee
Vacant	Provincial Appointee
Audrey Lacarte	Municipal Appointee for Township of Brethour, Harris, Harley & Casey, Village of Thornloe (<i>teleconference</i>)
Dr. Alex Hukowich	Medical Officer of Health (A) (<i>teleconference</i>)

Timiskaming Health Unit Staff Members

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

3. **APPROVAL OF AGENDA**

MOTION #61R-2017

Moved by: Tony Antoniazzi

Seconded by: Merrill Bond

Be it resolved that the Board of Health adopts the agenda for its regular meeting held on November 1, 2017, as presented.

CARRIED

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

None.

5. **APPROVAL OF MINUTES**

MOTION #62R-2017

Moved by: Jesse Foley

Seconded by: Sue Cote

Be it resolved that the Board of Health approves the minutes of October 4, 2017, as presented.

CARRIED

6. **BUSINESS ARISING**

7. **REPORT OF THE CHIEF EXECUTIVE OFFICER (A)**

The CEO report was reviewed by the Board for information.

Discussed the Expert Panel Meeting and oppositions to the panel's recommendations from a number of groups. The City of Temiskaming Shores submitted a letter on October 23, 2017, opposing the proposed changes.

Discussed the current Opioid Crisis. Dr. Hukowich briefed the Board on MOH calls, overdose and addiction concerns related to personal circumstances and the Naloxone clinics.

8. **NEW BUSINESS**

a. **Q3 Board Report & Staff List**

Distributed for information purposes.

9. **CORRESPONDENCE**

MOTION #63R-2017

Moved by: Kathleen Bougie

Seconded by: Mike McArthur

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

- London-Middlesex Health Unit
Letter to support the correspondence of alPha regarding the resolution A17-6, Fluoride Varnish Programs for Children at Risk for Dental Caries.
- City of Temiskaming Shores
Resolution #2017-392 to support the Timiskaming Board of Health and petition the Government of Ontario to fulfil its commitment to develop a comprehensive, province-wide, evidence-based strategy to minimize harm and support the safe consumption of alcohol.

10. **IN-CAMERA**

MOTION #64R-2017

Moved by: Kim Gauthier

Seconded by: Kathleen Bougie

Be it resolved that the Board of Health agrees to move in-camera at 7:00 p.m. to discuss the following matters under section 239 (2):

- a. In-Camera Minutes (October 4, 2017)
- b. MOH/CEO Applications-Interview Update

CARRIED

11. **RISE AND REPORT**

MOTION #65R-2017

Moved by: Merrill Bond

Seconded by: Jean-Guy Chamaillard

Be it resolved that the Board of Health agrees to rise with report at 7:03 p.m.

CARRIED

In-Camera Minutes

MOTION #66R-2017

Moved by: Merrill Bond

Seconded by: Jesse Foley

Be it resolved that the Board of Health approves the in-camera minutes of meeting held on October 4, 2017 as presented.

CARRIED

Provincial Appointee

MOTION #67R-2017

Moved by: Tony Antoniazzi

Seconded by: Kathleen Bougie

Be it resolved that the Board of Health agrees to advertise for a prospective applicant for Provincial Appointee.

CARRIED

12. **DATES OF NEXT MEETINGS**

The next Board of Health meeting will be held on December 6, 2017 at 6:30 p.m. in Kirkland Lake.

13. **ADJOURNMENT**

MOTION #68R-2017

Moved by: Kim Gauthier

Seconded by: Sue Cote

Be it resolved that the Board of Health agrees to adjourn the regular meeting at 7:08 p.m.

CARRIED

Carman Kidd, Board Chair

Randy Winters, Recorder

1. CALL TO ORDER

The meeting was called to order at 8:34 a.m.

2. ROLL CALL

- ☒ Mayor Carman Kidd ☐ Chris Oslund, City Manager
- ☒ Councillor Doug Jelly ☒ Councillor Patricia Hewitt
- ☒ Doug Walsh, Director of Public Works
- ☒ Mitch Lafreniere, Manager of Physical Assets
- ☒ Steve Burnett, Technical and Environmental Compliance Coordinator
- ☒ Jeremie Latour, Engineering Tech
- ☒ Airianna Misener, Executive Assistant

3. REVIEW OF REVISIONS OR DELETIONS TO AGENDA

- None

4. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

- None

5. APPROVAL OF AGENDA

Recommendation PW-2017-040

Moved by: Mayor Carman Kidd

Be it resolved that:

The Public Works Committee agenda for the November 9, 2017 meeting be approved as printed.

Carried

6. REVIEW AND ADOPTION OF PREVIOUS MINUTES

Recommendation PW-2017-041

Moved by: Councillor Patricia Hewitt

Be it resolved that:

The Public Works Committee minutes for the October 12, 2017 regular meeting be adopted as presented.

Carried

7. CORRESPONDENCE

- Hwy 65 W Sign request
Doug Walsh indicated that the Ministry of Transportation is responsible for the installation of the requested signage.
- Transport concerns – Radley's Hill
The committee deferred the correspondence to an upcoming traffic by-law review meeting.

8. PRESENTATIONS

- Streetscan demonstration
Streetscan data was reviewed by the Committee. Jeremy Latour demonstrated the functions of the program as well as reviewed the preliminary data indicating the lifespan of the pavement. The committee indicated that the summary would be good data to share with the community. Doug Walsh suggested hosting a Public Works public meeting.

9. UNFINISHED BUSINESS

9.1 AMEC – New Waste Management Capacity

Previous Discussion:

At the regular Council meeting on September 19, 2017, council approved a 2 year contract extension with AMEC for the monitoring at the New Liskeard and Haileybury Landfill sites.

Discussion:

EA close to completion; another round of comments are being reviewed. Staff has received a Contract Change Order request as a result of changeover in Ministry personnel. Staff continue to be in discussion with Wood (formerly Amec Foster Wheeler) surrounding the request.

9.2 Public Works Staff Training

Previous Discussion:

Training for 2017 is now complete, noted Doug Walsh.

Discussion:

Doug Walsh indicated that the 2018 training plan was outlined for consideration as part of the 2018 budget.

9.3 Public Works Department Update

Previous Discussion:

Doug Walsh provided the following Department Update:

- Winter Operations begins November 6, 2017.
- Staff will be attending an upcoming cemetery course.
- Flushing continues.

Discussion:

Doug Walsh provided the following Department Update:

- The Winter Operations plan begun Monday, November 6, 2017.
- Dave Treen and Jamie Sheppard attended a recent cemetery training session.
- Overall the department is prepared for the winter season.
- Staff are working to fill vacancies both in the Water Sewer Division and Equipment Operator as a result of a retirement and internal job posting.

9.4 Full Solid Waste Management Program

Previous Discussion:

On-going. Steve indicated that the timeliness associated with Stewardship Ontario submitting the final Amended Blue Box Plan to the Ministry by February, leaves Municipalities with little time for review and comment.

Discussion:

On-going.

9.5 Drainage issues – Peter's Road

Previous Discussion:

Steve indicated that the project will be completed by year end.

Discussion:

Work will begin next week.

9.6 Closed Roads / Old Roads

Previous Discussion:

No update.

Discussion:

No update.

9.7 Water Meters

Previous Discussion:

Upcoming training with Neptune on data collection.

Discussion:

Training on data collection is scheduled for the end of November.

9.8 STATO Trail

Previous Discussion:

Paving on the section behind the mall is outstanding. Request for traffic stops will be reviewed at an upcoming traffic by-law review.

Discussion:

Completed all projects that were outlined for 2017. Doug indicated that the trail is now closed for the season and notice was sent out.

9.9 North Cobalt Water Stabilization Project – Update

Previous Discussion:

Schedule C is pending completion. This project will be carried into 2018 to complete the remaining work.

Discussion:

Pending completion of Schedule C.

9.10 2017 Roads Surfacing Program

Previous Discussion:

Patching is on-going. 2017 Roads Surfacing Program is on budget, noted Doug Walsh.

Discussion:

2017 Roads Surfacing Program is complete and on budget.

9.11 Clean Water Wastewater Fund – Update

Previous Discussion:

Material for the filters have been ordered, anticipating an 8-week construction period. No updates have been received with regards to the funding.

Discussion:

Staff anticipate that this project will begin towards the end of January and is expected to take approximately 8 weeks to complete.

9.12 Temiskaming Shores Infrastructure Upgrades & Gray Road – Update

Previous Discussion:

On-going.

Discussion:

Doug Walsh provided an update on the progress.

9.13 Pronor Development

Previous Discussion:

Restoration of the encroachment is now complete as per drawings. Steve noted that there are still concerns in the event of a water break.

Discussion:

Steve Burnett indicated that the City sent a letter to the developer indicating that the City will accept the restoration providing a letter from the geotechnical consultant be sent outlining the acceptance of the material used in the restoration.

9.14 Roads Needs Study

Previous Discussion:

On-going. Asphalt roads have been scanned, waiting to receive the data from Streetscan.

Discussion:

Work is on-going. Jeremy Latour reviewed the data collection results from Streetscan, staff noted that it would have been nice to have been able to scan gravel roads as well.

9.15 Chamber of Commerce parking lot winter maintenance

Previous Discussion:

Due to capacity restrictions and other snow removal priorities the committee felt that the City would not be able to meet the expectations of the Chamber especially since the

Chamber is used as an ONR Bus Depot. As a result the committee directed Chris Oslund to look at alternative options and a cost sharing agreement.

Recommendation PW-2017-038

Moved by: Mayor Carman Kidd

Be it resolved that:

The Public Works committee hereby recommends that the City of Temiskaming Shores amend the current agreement and initiate discussions with the Chamber of Commerce to explore a cost sharing option for the Chamber property winter maintenance.

Carried

Discussion:

This item was discussed at a recent Council meeting. Staff reviewed the 3rd party quotes and determined it was less expensive to include the work within the City's winter maintenance plan.

9.16 Riverside Drive – Parking Request

Previous Discussion:

This item will be reviewed at an upcoming traffic by-law review.

Discussion:

No update.

10. NEW BUSINESS

- None

11. ADMINISTRATIVE REPORTS

- None

12. CLOSED SESSION

- None

13. NEXT MEETING

The next meeting of the Public Works Committee is scheduled for January 18, 2018 to commence at 8:30 a.m.

14. ADJOURNMENT

Recommendation PW-2017-042

Moved by: Councillor Patricia Hewitt

Be it resolved that:

The Public Works Committee meeting is adjourned at 9:55 a.m.

Carried

CHAIR

RECORDER

1.0 CALL TO ORDER

The meeting was called to order at 6:31 p.m.

2.0 ROLL CALL

PRESENT:	Mayor Carman Kidd;, Councillor Mike McArthur; Tammie Caldwell, Director of Recreation; Jeff Thompson, Superintendent of Community Programs; Paul Allair, Superintendent of Parks and Facilities; Chuck Durrant; Dan Lavigne; Simone Holzamer; Amber Sayer
REGRETS:	Chris Oslund, City Manager; Councillor Jesse Foley; Richard Beauchamp;

3.0 REVIEW OF REVISIONS OR DELETIONS TO AGENDA

Tammie Caldwell requested that the following be added under Item 9 New Business:

- vii) Skating to New York
- viii) NOHA 100th Anniversary

4.0 APPROVAL OF AGENDA

Recommendation RS-2017-031

Moved by: Amber Sayer

Seconded by: Chuck Durrant

Be it recommended that the Recreation Services Committee agenda for the November 13, 2017 meeting be approved as amended.

CARRIED

5.0 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

There was no disclosure of pecuniary interest.

6.0 REVIEW AND ADOPTION OF PREVIOUS MINUTES

Recommendation RS-2017-032

Moved by: Carman Kidd

Seconded by: Simone Holzamer

Be it recommended that the Recreation Services Committee minutes of October 16, 2017 be approved as printed.

CARRIED

7.0 DELEGATIONS / PUBLIC PRESENTATIONS

N/A

8.0 UNFINISHED BUSINESS

- None

9.0 NEW BUSINESS

i. Programming Update-Jeff Thompson

Jeff Thompson, Superintendent of Community Programming presented a report on operations.

The Committee received the Update

ii. Facilities Update-Paul Allair

Paul Allair, Superintendent of Parks and Facilities presented a report on operations.

The Committee received the Update

iii. Director's Update- Tammie Caldwell

Paul Allair presented a report on behalf of the Director of Recreation.

The Committee received the update.

iv) 2018 Operating Budget Review

Tammie Caldwell presented the submission of the proposed 2018 operating budget and highlighted the following:

- Anticipated 15% increase in hydro cost equalling approximately \$93,000

- Proposed arena ice rental rate increase of 2% each year for the next three years to all categories except the New Liskeard Cubs who currently pay \$16.00 more per hour than other minor sport organizations
- Proposing Non-Resident User Fee's remain the same
- Proposed Minor Ball Registration increase from \$35 to \$40
- Work hours dedicated to Community Events

The Committee received the presentation and supports the proposed operating budget.

v) **2018 Capital Budget (Projects, PF Upgrades)**

Tammie Caldwell presented the final draft of the proposed 2018 Capital Budget.

The Committee received the presentation and supports the proposed 2018 Capital Budget.

vi) **Haileybury Night of Lights – Request to waive ice rental fees**

The Haileybury Night of Lights have included a public skating session on Friday November 17th and have requested that the rental fees be waived for the community event.

Recommendation RS-2017-032

Moved by: Dan Lavigne

Seconded by: Simone Holzamer

Be it recommended that the Recreation Services Committee approves the request to waive the ice rental fee for the Public Skating Session for the Haileybury Night of Lights.

CARRIED

vii) **Skating to New York**

Helen Culhane has contacted the City in regard to having a screening of the movie "Skating to New York" on a big screen at the New Liskeard Arena where people could skate while they watch the movie or watch from the bleachers. Ice time is available on Saturday January 6th after 5:30 pm and she is requesting that the rental fee for the ice be waived for the community event

Recommendation RS-2017-033

Moved by: Carman Kidd
Seconded by: Simone Holzamer

Be it recommended that the Recreation Services Committee approves the request to have the ice rental fee waived for the Skating to New York screening.

CARRIED

viii) NOHA 100th Anniversary

Tammie Caldwell presented correspondence received from Mr. Dick Farrow informing the municipality that Temiskaming Shores has been granted the honour of hosting the 100th Anniversary and AGM of the Northern Ontario Hockey Association on May 3 and 4 2019. The event will include the 100th Annual General Meeting to be held at the Cobalt Classic Theatre and two Gala evenings – Friday and Saturday evening. It is anticipated that 500-600 visitors and locals may attend and Mr. Farrow is requesting that the municipality consider donating the use of the Don Shepherdson Memorial Arena and tables and chairs for the event.

Recommendation RS-2017-034

Moved by: Amber Sayer
Seconded by: Simone Holzamer

Be it recommended that the Recreation Services Committee has received the request from Mr. Dick Farrow on behalf of the Northern Ontario Hockey Association and approves the donation of the Don Shepherdson Memorial Arena/tables and chairs on May 3rd and 4th, 2019 and directs staff to inform the Festival de Franco Folie of the booking.

CARRIED

10.0 SCHEDULE OF MEETINGS

- Monday December 11th, 2017
- January 8th, 2018
- February 12th, 2018
- March 12th, 2018

- April 9th, 2018
- May 14th, 2018
- June 11th, 2018

11.0 CLOSED SESSION

- None

12.0 ADJOURNMENT

Recommendation RS-2017-035

Moved by: **Danny Lavigne**

Be it resolved that the Recreation Services Committee meeting be adjourned at 7:20 p.m.

CARRIED


Committee Chair



Recorder

SPECIAL PROTECTION TO PERSONS AND PROPERTY COMMITTEE MEETING MINUTES

November 27, 2017 – 12:00 PM
New Liskeard Boardroom, City Hall (325 Farr Dr.)

1. CALL TO ORDER

Meeting called to order at 12:37 P.M.

2. ROLL CALL

- | | |
|---|--|
| <input checked="" type="checkbox"/> Mayor Carman Kidd | <input checked="" type="checkbox"/> Jennifer Pye, Planner |
| <input checked="" type="checkbox"/> Councillor Mike McArthur | <input checked="" type="checkbox"/> Tim Uttley, Fire Chief |
| <input checked="" type="checkbox"/> Councillor Doug Jelly | <input checked="" type="checkbox"/> Kelly Conlin, Director of Corporate Services (A) |
| <input checked="" type="checkbox"/> Chris Oslund, City Manager | <input type="checkbox"/> Airianna Misener, Executive Assistant |
| <input type="checkbox"/> Clayton Seymour, Chief Building Official | |

OTHER:

Laura Lee MacLeod, Treasurer; Gaston Beaubien, District Chief; Steve Belanger, District Chief; Jamie Sheppard, District Chief.

3. REVIEW OF REVISIONS OR DELETIONS TO AGENDA

- None

4. APPROVAL OF AGENDA

Recommendation PPP-2017-052

Moved by: Mayor Carman Kidd

Be it resolved that:

The Protection to Persons and Property Committee agenda for the November 27, 2017 meeting be approved as printed.

CARRIED

5. REVIEW AND ADOPTION OF PREVIOUS MINUTES

Recommendation PPP-2017-053

Moved by: Councillor Mike McArthur

Be it resolved that:

The Protection to Persons and Property Committee minutes of the November 9, 2017 meeting be adopted as presented.

CARRIED

6. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

- None

7. PRESENTATIONS

- None

8. CORRESPONDENCE

- None

9. NEW BUSINESS

9.1 2018 Budget Review – Draft 2

In effort to reduce the 2018 Capital budget envelope, Council directed staff at a recent meeting to review each department budget with their respective committees. The Protection to Persons and Property Committee provided the following recommendations.

Recommendation PPP-2017-054

Moved by: Mayor Carman Kidd

Seconded by: Councillor Doug Jelly

Be it resolved that:

The Protection to Persons and Property Committee hereby recommends the full replace of the SCBA (breathing apparatus) as presented in the Fire Services budget.

CARRIED

Recommendation PPP-2017-055

Moved by: Mayor Carman Kidd

Seconded by: Councillor Mike McArthur

Be it resolved that:

The Protection to Persons and Property Committee hereby supports the recommendations of the Building Maintenance committee for the elimination of the \$100,000 from the 2018 budget for the Fire Station Building Reserve and further; recommends the creation of an Ad-Hoc Committee to review options for a new building for Station #1 (Haileybury) that includes representation from each fire station, Building Maintenance and the Fire Training Officer.

CARRIED

**SPECIAL PROTECTION TO PERSONS AND PROPERTY
COMMITTEE MEETING MINUTES**

November 27, 2017 – 12:00 PM
New Liskeard Boardroom, City Hall (325 Farr Dr.)

Recommendation PPP-2017-056

Moved by: Mayor Carman Kidd

Seconded by: Councillor Doug Jelly

Be it resolved that:

The Protection to Persons and Property Committee hereby recommends the Pumper/Tanker replacement for Station #1 as presented in the 2018 Fleet Replacement budget.

CARRIED

Recommendation PPP-2017-057

Moved by: Mayor Carman Kidd

Seconded by: Councillor Doug Jelly

Be it resolved that:

The Protection to Persons and Property Committee hereby recommends the deferral of the Archeological Master Plan for consideration in the 2019 budget.

CARRIED

10. ADJOURNMENT

Recommendation PPP-2017-058

Moved by: Councillor Mike McArthur

Be it resolved that:

The Protection to Persons and Property Committee meeting is adjourned at 2:22 P.M.

CARRIED

CHAIR

RECORDER

1.0 CALL TO ORDER

The meeting was called to order at 10:09 A.M.

2.0 ROLL CALL

- | | |
|---|--|
| <input checked="" type="checkbox"/> Mayor Carman Kidd | <input checked="" type="checkbox"/> Chris Oslund, City Manager |
| <input checked="" type="checkbox"/> Councillor Doug Jelly | <input checked="" type="checkbox"/> Councillor Danny Whalen |
| <input checked="" type="checkbox"/> Doug Walsh, Director of Public Works | |
| <input checked="" type="checkbox"/> Mitch Lafreniere, Manager of Physical Assets | |
| <input checked="" type="checkbox"/> Steve Burnett, Technical and Environmental Compliance Coordinator | |

OTHER

Kelly Conlin, Director of Corporate Services (A); Laura-Lee MacLeod, Treasurer; Paul Allair, Superintendent of Parks and Facilities; Jeff Thompson, Superintendent of Community Programs; Tammie Caldwell, Director of Recreation.

3.0 REVIEW OF REVISIONS OR DELETIONS TO AGENDA

- None

4.0 ADOPTION OF AGENDA

Recommendation BM-2017-036

Moved by: Mayor Carman Kidd

Be it resolved that:

The Building Maintenance Committee Meeting Agenda for the November 27, 2017 meeting be adopted as printed.

Carried

5.0 REVIEW AND ADOPTION OF PREVIOUS MINUTES

Recommendation BM-2017-037

Moved by: Councillor Doug Jelly

Be it resolved that:

The Building Committee Meeting minutes of November 9, 2017 be adopted as presented.

Carried

6.0 DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

- None

7.0 NEW BUSINESS

7.1 2018 Budget Review – Draft 2

In effort to reduce the 2018 Capital budget envelope, Council directed staff at a recent meeting to review each department budget with their respective committees. The Building Maintenance Committee proceeded with the following recommendations.

Recommendation BM-2017-038

Moved by: Mayor Carman Kidd

Seconded by: Councillor Doug Jelly

Be it resolved that:

The Building Maintenance Committee hereby recommends the deferral of the Pool Fitness Centre lobby floor and desk replacement for consideration in the 2019 budget, and further directs staff to investigate any possible funding options.

Carried

Recommendation BM-2017-039

Moved by: Mayor Carman Kidd

Seconded by: Councillor Doug Jelly

Be it resolved that:

The Building Maintenance Committee hereby recommends the shoreline rehabilitation at the Haileybury marina be reclassified to address the Main Street culvert at a budgetary amount of \$30,000; and directs staff to continue negotiations with DFO for the long term solution for the Haileybury Marina.

Carried

Recommendation BM-2017-040

Moved by: Mayor Carman Kidd

Seconded by: Councillor Doug Jelly

Be it resolved that:

The Building Maintenance Committee hereby recommends a reduction to the New Liskeard library relocation budget from \$100,000 to \$50,000 for engineering and environmental assessment costs.

Carried

Recommendation BM-2017-041

Moved by: Mayor Carman Kidd

Seconded by: Councillor Doug Jelly

Be it resolved that:

The Building Maintenance Committee hereby recommends to the Corporate Services Committee to consider a \$50,000 donation to the Care Close to Home Campaign in the 2018 budget.

Carried

Recommendation BM-2017-042

Moved by: Mayor Carman Kidd

Seconded by: Councillor Doug Jelly

Be it resolved that:

The Building Maintenance Committee hereby recommends to the PPP Committee, the elimination of the \$100,000 in the 2018 budget for the Fire Station Building Reserve.

Carried

8.0 ADJOURNMENT

Recommendation BM-2017-043

Moved by: Mayor Carman Kidd

Be it resolved that:

The Building Maintenance Committee, be hereby adjourned at 11:38 A.M.

Carried

CHAIR

RECORDER

1. CALL TO ORDER

Meeting called to order at 2:58 P.M.

2. ROLL CALL

☒ Mayor Carman Kidd

☒ Christopher W. Oslund, City Manager

☒ Councillor Jeff Laferriere

☒ Kelly Conlin, Director of Corporate Services (A)

☒ Councillor Danny Whalen

☒ Laura Lee MacLeod, Treasurer

3. REVIEW OF REVISIONS OR DELETIONS TO AGENDA

- Addition: Closed Session

4. APPROVAL OF AGENDA

Recommendation CS-2017-051

Moved by: Councillor Danny Whalen

Be it resolved that:

The Corporate Services Committee agenda for the November 27, 2017 meeting be approved as printed.

CARRIED

5. REVIEW AND ADOPTION OF PREVIOUS MINUTES

Recommendation CS-2017-052

Moved by: Mayor Carman Kidd

Be it resolved that:

The Corporate Services Committee minutes of the November 1, 2017 meeting be approved as presented.

CARRIED

6. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

- None

7. NEW BUSINESS

7.1 2018 Budget Review – Draft 2

In effort to reduce the 2018 Capital budget envelope, Council directed staff at a recent meeting to review each department's budget with their respective committees. The Corporate Services Committee proceeded with the following recommendations.

Recommendation CS-2017-053

Moved by: Mayor Carman Kidd

Seconded by: Councillor Danny Whalen

Be it resolved that:

The Corporate Services Committee hereby recommends to Council that the Highway 65/Grant Drive Extension and Dymond Linking Project – Phase II be placed above the line for consideration in the 2018 budget and further that the Corporate Services Committee recommends that Council support the submission of an application to Fed-Nor and NOHFC for the Highway 65/Grant Drive Extension and Dymond Linking Project - Phase II.

CARRIED

Recommendation CS-2017-054

Moved by: Mayor Carman Kidd

Seconded by: Councillor Danny Whalen

Be it resolved that:

The Corporate Services Committee hereby supports the presentation of Draft 2 of the 2018 budget to be presented to Council on December 5, 2017.

CARRIED

8. CLOSED SESSION

Recommendation CS-2017-055

Moved by: Mayor Carman Kidd

Be it resolved that:

The Corporate Services Committee convenes into Closed Session at 4:29 p.m. to discuss the following matters:

- a) Under Section 239 (2) (c) of the Municipal Act, 2001 – a proposed disposition of land by the municipality.
- b) Under Section 239 (2) (d) of the Municipal Act, 2001 – labour relations or employee negotiations.

CARRIED

Recommendation CS-2017-056

Moved by: Mayor Carman Kidd

Be it resolved that:

The Corporate Services Committee rise without report at 5:01 p.m.

CARRIED

9. ADJOURNMENT

Recommendation CS-2017-057

Moved by: Councillor Danny Whalen

Be it resolved that:

The Corporate Services Committee meeting is adjourned at 5:03 p.m.

CARRIED

CHAIR

RECORDER

1. CALL TO ORDER

The meeting was called to order at 9:00 a.m.

2. ROLL CALL

- ☒ Mayor Carman Kidd ☒ Chris Oslund, City Manager
- ☒ Councillor Doug Jelly ☒ Councillor Patricia Hewitt
- ☒ Doug Walsh, Director of Public Works
- ☒ Mitch Lafreniere, Manager of Physical Assets
- ☒ Steve Burnett, Technical and Environmental Compliance Coordinator

OTHER

Kelly Conlin, Director of Corporate Services (A); Laura Lee MacLeod, Treasurer.

3. REVIEW OF REVISIONS OR DELETIONS TO AGENDA

- Addition 6.2 – Loranger Tile Drainage

4. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

- None

5. APPROVAL OF AGENDA

Recommendation PW-2017-043

Moved by: Mayor Carman Kidd

Be it resolved that:

The Public Works Committee agenda for the November 27, 2017 meeting be approved as amended.

Carried

6. NEW BUSINESS

6.1 2018 Budget Review – Draft 2

In effort to reduce the 2018 Capital budget envelope, Council directed staff at a recent meeting to review each department budget with their respective committees. The Public Works Committee proceeded with the following recommendation.

Recommendation PW-2017-044

Moved by: Mayor Carman Kidd

Seconded by: Councillor Patricia Hewitt

The Public Works Committee hereby recommends deferring the Golf Course Road Bridge Rehabilitation project to 2019 budget and impose appropriate weight restrictions on Golf Course Road, after consultation with the Ministry of Transportation.

Carried

6.2 Loranger Tile Drainage

The Committee recommended that the clerk draft correspondence to Basil Loranger requesting a copy of the engineered drawings as well as provincial approvals (OMAFRA), for the drainage work on the Municipal parcel as described under the Cultivation Agreement.

7. ADJOURNMENT

Recommendation PW-2017-045

Moved by: Mayor Carman Kidd

Be it resolved that:

The Public Works Committee meeting is adjourned at 10:00 a.m.

Carried

CHAIR

RECORDER



**SPECIAL RECREATION SERVICES COMMITTEE MEETING
MONDAY, NOVEMBER 27, 2017 AT 11 AM
CITY HALL – HAILEYBURY BOARD ROOM**

1. CALL TO ORDER

- Meeting called to order at 11:42 a.m.

2. ROLL CALL

- ☒ Mayor Carman Kidd
- ☒ Councillor Mike McArthur
- ☒ Councillor Jesse Foley
- ☒ City Manager – Chris Oslund
- ☒ Director of Recreation, Tammie Caldwell
- ☒ Superintendent of Community Programs – Jeff Thompson
- ☒ Superintendent of Parks and Facilities – Paul Allair

OTHER

Kelly Conlin, Director of Corporate Services (A); Laura Lee MacLeod, Treasurer.

3. REVIEW OF REVISIONS OR DELETIONS TO AGENDA

- None

4. APPROVAL OF AGENDA

MOVED BY: Councillor Jesse Foley

SECONDED BY: Mayor Carman Kidd

That the agenda for the November 27th, 2017 Recreation Services Committee meeting be approved as printed.

CARRIED

5. DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE

- None

6. NEW BUSINESS

6.1 2018 Budget Review – Draft 2

In effort to reduce the 2018 Capital budget envelope, Council directed staff at a recent meeting to review each department budget with their respective committees. The Recreation Committee proceeded with the following recommendation.

Recommendation RS-2017-035

Moved by: Councillor Jesse Foley
Seconded by: Mayor Carman Kidd

Be it resolved that:

The Recreation Committee hereby recommends reducing the amount in the 2018 budget for the splash pad project from \$25,000 to \$15,000.

CARRIED

7. ADJOURNMENT

MOVED BY: Councillor Jesse Foley

Be it resolved that the Recreation Services Committee hereby adjourns at 12:10 pm.

CARRIED

CHAIR

RECORDER

THE CITY OF TEMISKAMING SHORES JANUARY - DECEMBER 2017 YEAR-TO-DATE CAPITAL FINANCIAL REPORT

Distribution List

Mayor and Council
Chris Oslund, City Manager
Tim Uttley, Fire Chief
Dave Treen, Municipal Clerk

Doug Walsh, Director of Public Works
Tammie Caldwell, Director of Leisure Services
Kelly Conlin, Director of Corporate Services (A)

Finance Department Contact:
Laura-Lee MacLeod, Treasurer

14-Dec-17

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 - 2.3 Waterfront Development Project
 - 2.5 Environmental Capital Revenues & Expenditures

SUMMARY - CAPITAL
Revenues and Expenditures
as at December 2017

	2017 YTD			% Change
	Actual	Total Budget	Variance B/(W)	
CAPITAL				
Revenues				
Capital - General	3,269.1	4,203.2	(934.1)	-22.2%
Capital - Environmental	7,156.2	8,721.0	(1,564.8)	-17.9%
Total Revenues	10,425.3	12,924.2	(2,498.9)	-19.3%
Expenditures				
Capital - General	3,837.3	4,203.2	365.9	8.7%
Capital - Environmental	7,203.1	8,721.0	1,517.9	17.4%
Total Expenditures	11,040.4	12,924.2	1,883.8	14.6%
Net Position Capital	(615.1)	0.0	615.1	

2.0 Capital Summary

2.1 Analysis

The City of Temiskaming Shores 2017 Capital projects for both general and environmental is \$12,924.2K. The capital program is comprised of \$4,203.2K of general capital and \$8,721.0K of environmental capital.

The 2017 Capital project budget consists of 44 projects, 36 in general and 8 in environmental.

General Capital Projects:

27 projects have been completed, 5 are currently in progress, 1 has not started, 1 has been deferred and 2 projects have been cancelled.

The Dymond Hall Accessibility Project was added to the Capital Projects.

The remaining funds in the Golf Course Road project which was cancelled have been reallocated to the Dymond Hall Accessibility Project.

The Snow Blower Upgrades project has been cancelled and the funds reallocated to the Dymond Hall Accessibility Project.

Environmental Capital Projects:

5 projects have been completed and 3 projects are in progress.

The Dixon Watermain Replacement Project was added to the Capital Projects.

GENERAL CAPITAL
Revenues & Expenditures
as at December 2017

Department	Project	2017			%	G	Y	R
		Actual	Budget	Variance B/(W)				
REVENUES:	Transfer from Operations	0.0	715.2	(715.2)				
	Transfer from Reserves	131.4	215.1	(83.7)				
	Financing - fleet	750.2	773.0	(22.8)				
	Financing - transit	617.0	712.0	(95.0)				
	Partnership - Keith Subdivision	47.8	57.2	(9.4)				
	Federal Gas Tax	713.1	713.1	0.0				
	Provincial Transit Funding	258.0	258.0	0.0				
	OMCIP Funding (STATO Trail)	162.5	162.5	0.0				
	STATO Partnership (STATO Trail)	83.0	63.0	20.0				
	Provincial Funding - STATO	7.5	0.0	7.5				
	Dymond Firemen's Park Funding	14.6	27.9	(13.3)				
	BIA Partnership - Downtown Infrastructure	6.9	12.0	(5.1)				
	ARTEM Partnership - Downtown Infrastructure	49.5	48.5	1.0				
	Provincial Funding - Downtown Infrastructure	33.7	59.5	(25.8)				
	Canada 150 Funding - NL Library	2.5	57.4	(54.9)				
	Enabling Accessibility	50.0	0.0	50.0				
	Waterfront Development Funding (P&F)	341.4	328.8	12.6				
Total Revenues		3,269.1	4,203.2	(934.1)				
EXPENDITURES:								
Corporate Services:	Computer Hardware - Plotter	12.0	12.0	0.0	100%	x		
	Municipal Drain - Peter's Road	0.0	26.0	26.0	100%	x		
	NL Medical Centre	47.3	0.0	-47.3	100%			
	Vadim ERP	99.3	100.0	0.7	90%	x		
Property Mtnce:	Dymond Hall Accessibility Project	44.9	50.0	5.1	75%	x		
	PFC Mechanical Room Engineering	25.9	40.0	14.1	100%	x		
	View Street Complex Upgrades	2.9	10.0	7.1	100%	x		
	NL Library Building Improvements	7.7	115.3	107.6	80%	x		
	Hlby Marina Breakwall Upgrades	21.3	25.0	3.7	100%	x		
	Downtown NL Infrastructure Upgrades	100.2	120.0	19.8	75%	x		
	NL Cemetery Vault Upgrades	0.0	6.5	6.5				
Public Works:	2017 Roads Program	811.7	854.6	42.9	100%	x		
	Golf Course Road Bridge Repairs	0.0	0.0	0.0				x
	MR Compliance Software	7.2	11.5	4.3	100%	x		
	Reflectometer	16.0	16.0	0.0	100%	x		
	Intersection Control Cameras (2)	50.8	50.0	-0.8	100%	x		
	NL Landfill Site Expansion	73.1	100.0	26.9	75%	x		
Transit:	Transit Buses (2)	869.7	970.0	100.3	100%	x		
Fleet:	Plow Trucks (2)	541.8	550.0	8.2	100%	x		
	3/4 Ton Regular Cab Pick-up	32.9	40.0	7.1	100%	x		
	1/2 Ton Regular Cab Pick-up	29.0	32.0	3.0	100%	x		
	1/2 Ton Crew Cab Pick-up with Cap	36.4	35.0	-1.4	100%	x		
	Pumper Tanker (2018 Delivery)	0.0	0.0	0.0			x	
	1/2 Ton Regular Cab Pick-up with Cap	39.6	45.0	5.4	100%	x		
	1/2 Ton Crew Cab Pick-up with Tonneau Cover	39.9	40.0	0.1	100%	x		
	SUV Lease Buyouts	30.6	31.0	0.4	100%	x		
	Snow Blower Upgrades	0.0	0.0	0.0				x
Recreation:	PFC Floor Replacement	14.0	20.0	6.0	100%	x		
	Squash Court #2 Floor	0.0	12.0	12.0	100%	x		
	STATO Trail	409.8	392.2	-17.6	100%	x		
	Dymond Firemen's Park	32.2	55.8	23.6	100%	x		
	NL Arena Compressor Room Electrical	29.9	33.0	3.1	100%	x		
	NL Arena Spectator Heating	8.9	10.0	1.1	100%	x		
	NL Arena Floor Machine	5.1	7.5	2.4	100%	x		
	Bucke Park Chalet Windows & Doors	19.3	20.0	0.7	100%	x		
	Bucke Park Playground Equipment	7.5	7.5	0.0	100%	x		
Total Expenditures		3,837.3	4,203.2	365.9				

2.3

WATERFRONT DEVELOPMENT PROJECT
as at December 2017

Project	Total Budget	2016 Actual	2017		Variance B/(W)	%	G	Y	R
			YTD Actual	Budget					
Waterfront Stabilization & Beautification	737.4	672.1	66.2	65.3	-0.9	90%	x		
Boardwalk Demolition, Replacement & Lighting	371.1	371.1		0.0	0.0				
Accessible Landscaping	254.3	254.3		0.0	0.0				
Farmer's Market	300.0	0.0	304.3	300.0	-4.3	75%	x		
Spurline Building Renovations	35.1	35.1		0.0	0.0				
Bucke Park Water and Septic Upgrades	90.6	90.6		0.0	0.0				
Professional Services (Engineering)	74.7	74.7		0.0	0.0				
Marina Refurbishment and Electrical Upgrades	358.8	358.8		0.0	0.0				
	2,222.0	1,856.7	370.5	365.3	-5.2				

ENVIRONMENTAL CAPITAL
Revenues & Expenditures
as at December 2017
(\$K)

	2017			%			
	Actual	Budget	Variance B/(W)				
REVENUES:							
Transfer from Operations	0.0	248.3	(248.3)				
Financing - North Cobalt Water Stabilization	274.3	266.7	7.6				
Financing - TS Infrastructure (Gray Rd)	3,637.3	3,642.1	(4.8)				
Financing - NL WTP Upgrades	0.0	549.0	(549.0)				
Financing - Hlby WTP MCC Replacement	0.0	300.0	(300.0)				
Funding - North Cobalt Water Stabilization	295.9	258.3	37.6				
Funding - TS Infrastructure (Gray Rd)	2,948.7	2,957.9	(9.2)				
Funding - NL WTP Upgrades	0.0	498.7	(498.7)				
Total Revenues	7,156.2	8,721.0	(1,316.5)				
EXPENDITURES:							
TS Infrastructure Upgrades (Gray Rd)	6,060.1	6,600.0	539.9	85.0%	x		
NL Lagoon Blower Upgrades	52.0	95.0	43.0	100.0%	x		
Hlby WTP MCC Replacement	249.6	300.0	50.4	100.0%	x		
NL WTP Upgrades	247.0	1,065.0	818.0	70.0%	x		
North Cobalt Water Stabilization	509.6	525.0	15.4	100.0%	x		
Albert Street Engineering	33.1	75.0	41.9	75.0%	x		
Plotter	6.0	6.0	0.0	100.0%	x		
Dixon Street Watermain Replacement	45.7	55.0	9.3	100.0%	x		
Total Expenditures	7,203.1	8,721.0	1,508.6				

Subject: Ontario Certified Site Program
Agreement Brazeau Blvd.

Report No.: CGP-020-2017
Agenda Date: December 19, 2017

Attachments

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CGP-020-2017;
2. That Council directs staff to prepare the necessary by-law and agreement with the Ontario Ministry of Economic Development, Trade and Employment for the completion of the Certified Site Program – Brazeau Boulevard project; and
3. That Council agrees to utilize funds within the Economic Development Programs 2018 Budget as the City's matching portion for the project completion.

Background

Staff prepared an application to the program in order to have the Dymond Industrial Park recognized by the Ministry of Economic Development, Trade and Employment (MEDTE) as a Certified Site for development under the program. This designation enables the site to be listed on the provincial investment site and the lands are then promoted when Ontario promotes foreign investment at trade shows abroad.

The City currently has two sites designated on the Provincial investment website, Hawn Drive East and Hawn Drive West.

Analysis

The City completed the Certification program for the Hawn Drive sites in late 2016. The sites are presently listed on the provincial investment website; www.InvestinOntario.com

This additional marketing exposure along with the recognition of completion of this program will assist the City to attract business investment into the community. Businesses will be aware that the land they are considering is ready to build on and that they will not have any additional hidden costs prior to development as this research has already been completed.

Unfortunately, the City is not able to market the properties as Dymond Industrial Park since not all of the land within the park was certified. If we now enter a new agreement with MEDEI to certify the remaining portion of the old section of the park, then they will allow us to market the entire Dymond Industrial Park as a Certified Site.

To complete this process, the City will need to contact all of the agencies who completed work on the certification process for the Hawk Drive sites and ask them for letters of addendum to include the remaining portion on Brazeau. The cost of the addendum letters will be minimal as little to no new studies will be required. In some cases, a site visit may be required.

Once the Brazeau Blvd. site is certified, then the City can market the entire site as certified. In addition, the new program allows for four years of marketing support whereas the previous program that the existing sites were certified was only two years of marketing support.

The Certified Site Program will provide 50% funding support for all of the new costs required to complete the certification process for Brazeau Blvd. In addition, they will cover some marketing 50% of the marketing costs for Dymond Industrial Park for the next 4 years.

This program is an excellent way for the City to be recognized at the Provincial level and puts us on a level playing field with much larger centres in southern Ontario with respect to investment attraction.

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 ☐

This project is to be completed within the existing Economic Development Programs budget. Other programs that were anticipated to be completed will be put on hold until this project is complete to understand if there are sufficient funds remaining within the budget to move forward. It is anticipated that if the existing reports can be used for the Brazeau Blvd. site and only addendum letters are required, the costs will be minimal.

Alternatives

There were no alternatives considered during the preparation of this report.

Submission

Prepared by:

“Original signed by”

James Franks
Economic Development
Officer

Reviewed and submitted for
Council’s consideration by:

“Original signed by”

Christopher W. Oslund
City Manager

Subject: Adopt City of Temiskaming Shores Zoning By-law

Agenda Date: December 19, 2017

Report No.: CGP-019-2017

Attachments

Appendix 01: Final draft of the City of Temiskaming Shores Zoning By-law

Appendix 02: Memorandum from Rick Hunter, Planscape: Summary of changes from Draft 2

Appendix 03: Summary of public comments received on draft 2 with staff responses

Appendix 04: Public comments received on draft 2 (November/December 2017)

Appendix 05: Public comments received on draft 1 (June, 2017)

Appendix 06: Draft by-law to approve City of Temiskaming Shores Zoning By-law

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CGP-019-2017;
2. That Council acknowledges that changes have been made to the proposed Comprehensive Zoning By-law that was released for public review prior to the statutory open house held on November 22, 2017 and the statutory public meeting that was held on December 5, 2017 and that as per Section 34 (17) of the Planning Act Council has given due consideration to the proposed Comprehensive Zoning By-law and amendments thereto and has determined that no further notice of these changes need be given;
3. That Council agrees to waive the two-year waiting period and accept applications to amend the Comprehensive Zoning By-law as per Section 34 (10.0.0.2) of the Planning Act;
4. That Council directs staff to prepare the necessary by-law to approve the City of Temiskaming Shores Zoning By-law at the December 19, 2017 Regular Council meeting; and
5. That Council directs staff to provide notice of passing of the City of Temiskaming Shores Zoning By-law on January 3, 2018.

Background

The City has been working with Rick Hunter of Planscape on the creation of a new Zoning By-law for the amalgamated area since fall of 2016.

Draft 1 of the City of Temiskaming Shores Zoning By-law was released for public review and comment on May 31, 2017. Two public open house information sessions were held on June 14, 2017, one in the afternoon and one in the evening to review the draft by-law

and gather comments from the public. A total of 19 people attended these sessions (based on the information provided on the sign-in sheets) with comments being made both in person as well as in writing. Comments were also received by email after the meeting. Staff and Mr. Hunter reviewed these comments for inclusion in the second draft of the by-law.

Draft 2 of the Zoning By-law was released for public review on November 8, 2017. The Planning Act requires that at least one open house and one public meeting are held before Council passes a new Zoning By-law. The statutory public open house was held on November 22, 2017, and eight people completed the sign-in sheet for this session. The statutory public meeting was held on December 5, 2017, and two members of the public made oral submissions to Council at that meeting.

Analysis

Comments received on Draft 1 of the Zoning By-law are attached to this report for Council's information (Appendix 05).

Comments received on Draft 2 of the Zoning By-law have been summarized in chart format along with staff's response and recommendations (Appendix 03). The comments have also been attached in their entirety for Council's information (Appendix 04).

Some changes have been made since Draft 2 was released for public review and these changes are summarized in a Memorandum prepared by Mr. Hunter and attached as Appendix 02. Section 34(17) of the Planning Act stipulates that where a change is made a proposed by-law after the public meeting is held, Council shall determine whether any further notice to be given in respect of the proposed by-law. If Council is satisfied that the proposed changes summarized in Appendix 02 are appropriate, then further notice is not required and Council can consider approving the Zoning By-law at the December 19, 2017 meeting. If Council decides to provide additional notice then the required public notice will be provided and approval of the by-law will be pushed into January 2018.

If Council decides to approve the Zoning By-law at the December 19, 2017 meeting, staff recommend that the by-law come into force and effect on January 1, 2018. In accordance with Section 34(18) of the Planning Act, notice of passing of a zoning by-law must be given no later than 15 days after the day the by-law is passed. Due to the upcoming holiday season, and to ensure the public has ample opportunity to review the approved by-law and consult with staff where necessary, it would be staff's preference to send out the legislated notice of passing on January 3, 2018, which is exactly 15 days from December 19.

Section 34(19) of the Planning Act provides that any appeals to the by-law must be submitted not later than 20 days from the date the notice indicated above is given. If the

notice is given on January 3, 2018 then the last day for filing a notice of appeal would be January 23, 2018.

Section 34(10.0.0.1) of the Planning Act states that where an existing Zoning By-law is repealed and replaced with a new Zoning By-law there shall be a two-year period where applications to amend the new by-law may not be accepted. Section 34(10.0.0.2) of the Planning Act allows Council to waive this restriction on either an application-specific basis, or by blanket resolution to permit all applications. Staff recommend Council waive the restriction on amendments to the new by-law to ensure applications for amendment to support development proposals can proceed where necessary.

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 ☒

Community Growth and Planning staffing implications are limited to normal administrative functions and duties.

Alternatives

No alternatives were considered.

Submission

Prepared by:

Reviewed and approved by:

Reviewed and submitted for
Council's consideration by:

"Original signed by"

"Original signed by"

"Original signed by"

Jennifer Pye
Planner

Kelly Conlin
Director of Corporate Services (A)

Christopher W. Oslund
City Manager



ZONING BY-LAW

By-Law No. 2017-154

Final with red line revisions from November 8, 2017 draft

For adoption December 19, 2017

Prepared by:



City of Temiskaming Shores

Comprehensive Zoning By-law

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City of Temiskaming Shores
Comprehensive Zoning By-law
By-law 2017-154

For approval, December 19, 2017

Section 1 - Administration and Interpretation

1.1 Title and Application

- 1.1.1 This by-law shall be known as the “City of Temiskaming Shores Zoning By-Law”.
- 1.1.2 The provisions of this By-law apply to all lands, including islands and lands under water, within the boundaries of the City of Temiskaming Shores.

1.2 Conformity and Compliance with By-law

- 1.2.1 No land, *building* or *structure* may be used, erected or altered except in accordance with the provisions of this By-law.
- 1.2.2 In the event of an inconsistency or conflict between two or more provisions in this By-law, the more restrictive provision applies.
- 1.2.3 Any *existing use* or *structure* established in compliance with the provisions of a predecessor of this By-law or in accordance with a variance granted by the Committee of Adjustment continues to be permitted by this By-law. Any new *use* or *structure*, or addition to an *existing structure* shall meet the provisions of this By-law.
- 1.2.4 Any *use* established in contravention or violation of a predecessor of this By-law is deemed to have been established unlawfully and shall not be considered in compliance with this By-law.

1.3 Interpretation

- 1.3.1 The provisions of this By-law are the minimum requirements except where the word “maximum” is used, in which case the maximum requirement applies.
- 1.3.2 Nothing in this By-law shall serve to relieve any person from any obligation to comply with the requirements of any other By-law of the City or any requirement of the Province of Ontario or Government of Canada that may affect the use of lands, *buildings* or *structures* in the City.

- 1.3.3 All measurements in this By-law appear in metric. Appendix “A” has been included for information purposes only and the imperial figures are not exact conversions of the metric figures. Reference shall always be made to the metric figures in determining conformity with the By-law.
- 1.3.4 Illustrations have been included in Appendix “B” to assist in providing a visual interpretation of various provisions in the By-law. (NOTE: Illustrations to be provided in a subsequent draft.)

1.4 Administration, Enforcement and Penalties for Contravention

- 1.4.1 This By-law shall be administered and enforced by municipal staff as appointed by the Council of the City.
- 1.4.2 Any designated employee of the City acting under their direction may, at any reasonable hour and upon producing proper identification, enter and inspect any property but shall not enter any *building or structure* used as a *dwelling unit* without the consent of the occupier, or the authority of a Search Warrant issued pursuant to the provisions of the *Provincial Offences Act, R.S.O. 1990, c. P33*, as amended.
- 1.4.3 Any person who contravenes any provision of this By-law is guilty of an offense and upon conviction is liable to the fine(s) as provided for under the *Planning Act, R.S.O. 1990, c. P. 13*, as amended.

1.5 Severability

- 1.5.1 A decision of a court that one or more of the provisions of this By-law are invalid in whole or in part does not affect the validity, effectiveness or enforceability of the other provisions or parts of the provisions of this By-law.

1.6 Technical Revisions to the By-law

- 1.6.1 Revisions may be made to this By-law without the need for a zoning by-law amendment in the following cases:
- a) Correction of grammar or typographical errors or revisions to format in a manner that does not change the intent of a provision.
 - b) Adding or revising technical information on maps or schedules that does not affect the zoning of lands including, but not limited to, matters such as updating and correcting infrastructure information, keys, legends or title blocks.
 - c) Changes to appendices, footnotes, headings, indices, marginal notes, table of contents, illustrations, historical or reference information, page numbering, footers and headers, which do not form a part of this By-law and are editorially inserted for convenience of reference only.

- d) Minor adjustments to the boundary of the Hazard (HZ) Zone overlay on a property may be made without amendment to the Zoning By-law, where the Official for the City is satisfied that the mapping of the Hazard (HZ) Zone overlay on a schedule is in obvious error.

1.7 Transition Provisions

- 1.7.1 This By-law does not prevent the erection or use of a *building* or *structure* for which a *building* permit was issued prior to the date of passage of this by-law, so long as the *building* or *structure* when erected is used and continues to be used for the purpose for which it was erected and provided the *building* permit has not been revoked.
- 1.7.2 Where the Committee of Adjustment has issued a decision on a variance to any prior zoning by-law in the City, the decision of the Committee of Adjustment shall continue to apply.
- 1.7.3 Where a Site Plan Agreement has been entered into prior to the effective date of this by-law, and the timeframes specified in the Agreement have not yet lapsed, the provisions of this By-law, as they apply to such land, *building* or *structure*, shall be deemed to be modified to the extent necessary to give effect to such Site Plan Agreement.

Section 2: Establishment of Zones

2.1 Zones & Zone Symbols

2.1.1 For the purposes of this By-law, the City is divided into the following Zones:

ZONE	SYMBOL
Residential Zones	
Rural Residential	R1
Low Density Residential	R2
Medium Density Residential	R3
High Density Residential	R4
Mobile Home Residential	MH
Commercial Zones	
General Commercial	C1
General Commercial	C1A
Highway Commercial	C2
Neighbourhood Commercial	C3
Tourist Commercial	C4
Industrial Zones	
General Industrial	M1
Manufacturing Industrial	M2
Mineral Aggregate Resource	M3
Waste Management	M4
Agricultural and Rural Zones	
Prime Agricultural	A1
Rural	RU
Other Zones	
Community Facilities	CF
Open Space Recreation	OS
Environmental Protection	EP
Development	D
Mixed Use – Agricultural Research Station	MU-A
Overlay Zones	
Mining Constraint	MC
Flood Hazard Constraint	F

2.2 Zone Schedules

- 2.2.1 The zones set out in Section 2.1 and the boundaries of such zones are shown on the schedules attached to this By-law, being Schedules A1 to L6. The schedules form part of this By-law.

2.3 Zoning of Water and Islands

- 2.3.1 Where a zone boundary abuts a waterbody, such zone shall be deemed to extend into the waterbody and to apply to any patented water *lots*, Crown lake bed or any land created by changing lake levels, and to extend over all docks, *boathouses*, *boat ports* and any other *structures* appertaining to the *lot*.
- 2.3.2 All islands not identified as being within a Zone on the Zone Schedules shall be zoned Open Space (OS).

2.4 Site Specific Zones

- 2.4.1 Where a Zone symbol on the attached Schedule(s) is followed by a dash “-” and a number, such as “R1-17”, the number refers to a site-specific exception that applies to the lands noted.

2.5 Overlay Zones

- 2.5.1 Where a property is identified within an Overlay zone on the schedules to this by-law, the property shall be subject to the provisions in Section 11.

2.6 Holding Zones

- 2.6.1 Notwithstanding any other provision in this By-law, where a Zone symbol is followed by the letter “H” and a number, no person shall use the land to which the letter “H” applies for any *use* other than the *use* which existed on the date this By-law was passed, until the “H” is removed in accordance with the policies of the Official Plan and the provisions of Section 12 of this By-law and/or the requirements of any amending By-law, and the requirements of the *Planning Act*, as amended.

2.7 Determining Zone Boundaries

- 2.7.1 When determining the location of zone boundaries as shown on any Schedule to this By-law, the following provisions apply:
- a) a boundary indicated as following *lot lines* shown on a registered plan of subdivision, or reference plan, or the municipal boundaries of the City shall follow such *lot lines*;

- b) a boundary indicated as following a highway, street, lane, railway right-of-way, utility corridor or watercourse shall be the centerline of such highway, street, lane, railway right-of-way, utility corridor or watercourse;
- c) where a boundary passes through a *lot* and the distance is not indicated, the Zone boundary shall be measured using the scale of the Schedules;
- d) where none of the above provisions apply, the Zone boundary shall be scaled from the approved Schedules.

Section 3: Definitions

- 3.1 ABATTOIR:** a slaughter house designed for the purpose of killing animals, skinning, dressing and cutting up of carcass, wrapping for sale for human consumption with cooler and freezer storage, smoking, curing or manufacture of meat by-products and includes indoor confinement of animals while awaiting slaughter but shall not include any process related to rendering plants such as the manufacture of tallow, grease, glue, fertilizer or any other inedible product.
- 3.2 ACCESSORY:** a *use, building or structure* that is commonly incidental, subordinate and exclusively devoted to the *principal use, building or structure* and is located on the same *lot*.
- 3.3 ADULT ENTERTAINMENT PARLOUR:** an establishment in which is provided, in pursuance of a trade, calling, business or occupation, goods or services appealing to or designed to appeal to erotic or sexual appetites or inclinations.
- 3.4 AGRICULTURAL PROCESSING ESTABLISHMENT:** the *use of land, buildings and structures* for the processing and storage of agricultural produce, including the initial cleaning, culling, storing or packing of products produced on the farm or in conjunction with farms in the vicinity which produce the same agricultural products, and in preparation for shipment to food processing establishments or market. Without limiting the generality of the foregoing, an *agricultural processing establishment* shall include a feed and grain mill or a seed mill.
- 3.5 AGRICULTURAL PRODUCE WAREHOUSE:** a *building* or part of a *building* used for the storage of agricultural produce and may include facilities for wholesale distribution or an *accessory retail use* for the sale of such agricultural produce to the general public, but does not include an *agricultural processing establishment*.
- 3.6 AGRICULTURAL USE:** general farming and without limiting the generality of the foregoing includes the raising and harvesting of field, bush, tree or vine crops, truck gardening, nurseries, *greenhouses*, dairying, animal husbandry, raising of poultry, apiaries, and the sale of produce grown on the farm from which the sale is made. A *farm residence* for the owner of the farm and accommodation for employees engaged in the operation of the farm is permitted.
- 3.7 AGRICULTURAL PRODUCT SALES OUTLET:** a *building, part of a building, or a stand* in which farm products produced on the farm are offered for sale at retail, but shall not include an *abattoir*.
- 3.8 AGRICULTURAL SERVICES:** the *use of land, building or structure* for the purposes of buying and selling commodities and services that are necessary to support agricultural operations but does not include any manufacturing, assembling, processing, warehousing, or construction *uses*.
- 3.9 AGRICULTURAL SUPPLY/IMPLEMENT DEALERSHIP:** a *building, structure or area* where farm implements, equipment and farm supplies are kept for rental and/or sale at retail and may include

facilities for the servicing of such implements or equipment but shall not include any other establishment otherwise defined or classified herein.

3.10 ALTER:

a) When used in reference to a *building, structure* or part thereof:

- i. to change any one or more of the external dimensions of such *building or structure*; or
- ii. to change the *use* of such *building or structure*; or
- iii. to change the number of *uses* or *dwelling units* contained therein.

b) When used in reference to a *lot*:

- i. to change the boundary of such *lot* with respect to a street or lane; or
- ii. to change any dimension or area, relating to such *lot*, which is covered herein by a zone provision; or
- iii. to change the *use* of such *lot*; or
- iv. to change the number of *uses* located thereon.

3.11 BED AND BREAKFAST ESTABLISHMENT: a *dwelling*, or part of a *dwelling*, in which not more than 4 bedrooms are used or maintained for the accommodation of the travelling or vacationing public, in which the proprietor resides and supplies lodgings with or without meals for the persons so accommodated, but does not include a *boarding house, group home, or tourist establishment*.

3.12 BOARDING HOUSE: premises in which accommodation is supplied for remuneration to more than four (4) persons with or without meals, in which the lodging rooms do not have both bathrooms and kitchen facilities for the exclusive use of individual occupants, and shall not include a *hotel/motel, hospital, long term care home or retirement home*.

3.13 BOATHOUSE: a detached *accessory building or structure*, that is located over the lake/river bed or adjacent thereto, which is designed or used for the sheltering of a boat or other form of water transportation and may include storage of household equipment incidental to the residential *use* permitted on the *lot*.

3.14 BOAT PORT: a detached *accessory structure* used for the berthing, sheltering or storing of boats and related equipment that is roofed, but not enclosed by more than one wall and is built, founded or anchored near, at or over the *shoreline* of a navigable waterway or on land.

3.15 BUFFER AREA: a landscaped or naturally vegetated strip of land devoted exclusively to the provision of visual amenity and a physical barrier between adjacent *uses*.

3.16 BUILDING: any *structure* used or designed to be used for shelter, accommodation or enclosure of persons, animals or chattels other than a lawful boundary wall or *fence*.

3.17 BUILDING LINE: a line within a *lot* drawn parallel to a *lot line* which establishes the minimum distance between that *lot line* and any *building or structure*, which may be erected.

- 3.18 BUILDING, MAIN:** The *building* which contains the *principal use* of the *lot* on which the *building* is located.
- 3.19 BUILDING OR STRUCTURE, ACCESSORY:** a detached *building* or *structure* the *use* of which is customarily incidental and subordinate to a *principal use, building* or *structure* and located on the same *lot*.
- 3.20 BUILDING SUPPLY ESTABLISHMENT:** a *building* or *structure* in which *building* or construction and home improvement materials are offered or kept for sale and may include the fabrication of certain materials related to home improvements, and may include *outdoor storage*.
- 3.21 BULK SALES ESTABLISHMENT:** the *use* of land, *building* or *structure* for the purposes of buying and selling fuels, ice and allied commodities, but does not include any manufacturing, assembling or processing *uses*.
- 3.22 BUSINESS, PROFESSIONAL OR ADMINISTRATIVE OFFICE:** a *building* or part of a *building* in which one or more persons are employed in the management, direction or conducting of a business or where professionally qualified persons and their staff service clients or patients who seek advice, consultation or treatment.
- 3.23 CABIN:** a separate *building* designed to provide only sleeping accommodation for the travelling or vacationing public.
- 3.24 CABIN, HOUSEKEEPING:** a separate *building* designed to provide sleeping accommodations and facilities for the preparation and cooking of food for the travelling or vacationing public.
- 3.25 CARPORT:** a partially enclosed *structure* attached to a *dwelling*, with a roof, which is designed or used for the storage of one or more private vehicles.
- 3.26 CEMETERY:** land that is set apart or used as a place for interment of human remains, or for the scattering of cremated human remains in accordance with The Funeral, Burial and Cremation Services Act, 2002, and amendments thereto. A *cemetery* may include such *accessory uses* as a mausoleum and columbarium.
- 3.27 CHILD CARE CENTRE:** premises operated by a child care provider licensed under the Child Care Modernization Act, SO 2014, C. 11, to operate a child care centre at the premises.
- 3.28 COMMERCIAL USE:** the *use* of land, *building* or *structure* for the purposes of buying or selling commodities and supplying services, as distinguished from such *uses* as manufacturing or assembling of goods, *bulk sales establishments, warehouses* and *contractors' establishments*.
- 3.29 CONSERVATION USE:** land used solely for the preservation and enhancement of the natural environment and may include a conservation area, and fish and wildlife management.

- 3.30 CONTRACTOR'S ESTABLISHMENT:** the premises of a building contractor or company used as a depot for the storage and maintenance of equipment used by the contractor or company, and includes facilities for the administration or management of the business and the stockpiling or storage of supplies used in the business, but does not include the wholesale or retail sale of *building* supplies or home improvement supplies.
- 3.31 CONVENIENCE STORE:** a *retail store* serving the daily or occasional needs of the residents of the immediate area with a variety of goods such as groceries, meats, beverages, dairy products, patent medicines, sundries, tobacco, stationery, hardware, magazines and/or newspapers.
- 3.32 CREMATORIUM:** a *building* that is fitted with appliances for cremating human remains and that has been approved as a *crematorium* or established as a *crematorium* in accordance with the requirements of The Funeral, Burial and Cremation Services Act, 2002, or a predecessor of it and includes everything necessarily incidental and ancillary to that purpose.
- 3.33 DOCK:** a *structure* built at or anchored to the shore at which boats or other floating vessels are berthed or secured to and which may provide a foundation for a *boathouse*.
- 3.34 DRIVING RANGE:** a public or private area operated for the purpose of developing golfing techniques, but excluding *golf courses*.
- 3.35 DRY CLEANING ESTABLISHMENT:** a *building* or part of a *building* in which the business of dry cleaning, dry dyeing, cleaning, spotting, stain removal or pressing of articles and/or goods of fabric is carried on, using chemicals which emit no odours or fumes outside the *building*.
- 3.36 DWELLING:** a residential *building* designed for the occupancy by one or more persons, containing one or more *dwelling units* as a *principal use* thereof, but shall not include a commercial accommodation in a *tourist establishment*, *boarding house*, mobile home with or without a foundation, or institutional uses.
- 3.37 DWELLING, APARTMENT:** a *building* containing five or more *dwelling units*, each unit has an independent entrance either directly or through a common vestibule, but excludes a street townhouse.
- 3.38 DWELLING, DUPLEX:** a *building* that is divided horizontally into two *dwelling units*, each of which has an independent entrance either directly or through a common vestibule and which has one set of municipal services and is located on a single *lot*.
- 3.39 DWELLING, MOBILE HOME:** any *dwelling* that is designed to be mobile, whether or not the running gear has been removed, or constructed or manufactured to provide a permanent residence for one or more persons in accordance with C.S.A. Standard Z240, but does not include a travel *trailer* or tent *trailer* or *trailer* otherwise designed to a C.S.A. Standard Z241 or A277.

- 3.40 DWELLING, MODULAR:** a factory built home which is a designed and built to be transported to a site. It may contain parts that can be folded, collapsed, or telescoped when being towed and expanded later to provide additional floor space, and will sit on a permanent foundation. The shortest side of a *modular dwelling* shall not be less than 6.1 metres in width. The *modular dwelling* is designed for long term year round occupancy. It has facilities for cooking, eating, living, sleeping and sanitation. A *modular dwelling* does not include a park model *trailer*, travel trailer, tent trailer or *trailer* otherwise designed to a C.S.A. Standard Z241. For the purposes of this definition, a modular home certified in accordance with an A277 Standard is required, while those having either a Z240, Z241 Standard or a combination of either of these with the A277 Standard are not permitted.
- 3.41 DWELLING, MULTIPLE:** a *building* containing three or four *dwelling units*, each unit has an independent entrance either directly or through a common vestibule, but excludes a street townhouse.
- 3.42 DWELLING, STREET TOWNHOUSE:** a *building* that is divided vertically by common walls into three or more *dwelling units*, each of which has independent entrances to a *front yard* and *rear yard* immediately abutting the front and rear walls of each *dwelling unit*, which may have separate sets of municipal services and which may be located on separate *lots*.
- 3.43 DWELLING, SEMI-DETACHED:** a *building* that is divided vertically by a common wall into two *dwelling units*, each of which has an independent entrance either directly or through a common vestibule, which may have separate set of municipal services and which may be located on two separate *lots*.
- 3.44 DWELLING, SINGLE DETACHED:** a completely detached *dwelling unit*.
- 3.45 DWELLING UNIT:** A suite of *habitable rooms* which is located in a *building*, is used or intended to be used in common by the occupants as a single, independent and separate housekeeping establishment; and contains food preparation and sanitary facilities provided for the exclusive common *use* of the occupants thereof.
- 3.46 DWELLING UNIT, SECOND:** A *dwelling unit* permitted under Section 4.16.2, *accessory* to the main *use* of the property and contained within or attached to the *main building* or in the second storey of, or attached to, an attached *private garage*.
- 3.47 DWELLING UNIT IN A NON-RESIDENTIAL BUILDING:** A *dwelling unit* located within a non-residential *building*, to which entrance is gained either directly or through a common vestibule.
- 3.48 EDUCATIONAL ESTABLISHMENT:** the *use* of lands, *buildings* or *structures* as a training centre, an elementary or secondary school, private school, university or community college authorized by the Province of Ontario.

- 3.49 EQUESTRIAN FACILITY:** a commercial establishment where horses are housed or boarded and are available for riding, riding instruction, agility training or jumping.
- 3.50 EQUIPMENT SALES, SERVICE AND RENTAL ESTABLISHMENT:** premises in which machinery and equipment are offered or kept for sale, rent, lease or hire under agreement for compensation, and which are also serviced, but shall not include any other establishment defined or classified in this By-law.
- 3.51 ERECT:** to build, construct, reconstruct, *alter* or relocate and without limiting the generality of the foregoing is taken to include any preliminary physical operation such as excavating, grading, piling, cribbing, filling or draining, structurally altering any *existing building* or *structure* by an addition, deletion, enlargement or extension.
- 3.52 ESTABLISHED BUILDING LINE:** the average *setback* of *existing buildings*. A *building line* is considered to be established when a minimum of 3 *buildings* have been erected on any one side of a continuous 100 metres of land with street frontage.
- 3.53 EXISTING:** a *lot*, *use*, *building* or *structure* lawfully *existing* on the day of the passing of this by-law.
- 3.54 EXTERIOR LIGHTING:** any form of artificial illumination located outside of a *building* or *structure*.
- 3.55 FARM RESIDENCE:** a *single detached dwelling* located on the same *lot* as an *agricultural use* operation and occupied by the owner of the farm or by some person engaged in the operation of the farm.
- 3.56 FENCE:** a barrier for enclosing, bounding, delineating or protecting land.
- 3.57 FINANCIAL ESTABLISHMENT:** a *building*, or part thereof, which is used to provide for financial services in which money is deposited, kept, lent, or exchanged, including *accessory* clerical functions and shall include a bank, trust company, credit union, or other similar banking service.
- 3.58 FLOOD HAZARD CONSTRAINT AREA:** the horizontal area bordering a lake, swamp, river, stream, or water course which is subject to flooding.
- 3.59 FLOODPROOFING:** structural changes and /or adjustments incorporated into the basic design and/or construction or alterations of individual *buildings*, *structures* or properties to protect them from flood damage.
- 3.60 FLOOR AREA:** the total horizontal *floor area* within a *building* which is measured between the exterior faces of the exterior walls or from the centre line of a common wall, but excluding any *private garage*, breezeway, porch, verandah, balcony, sunroom, attic, cellar, and any *floor area* with a ceiling height less than 2 metres (6.6 feet).
- 3.61 FLOOR AREA, GROSS:** the total *floor area* of all *storeys* exclusive of any part of the *building* or *structure* below finished grade which is used for heating equipment, or for the storage or parking

of *motor vehicles*, breezeways, porches, verandahs, decks, locker storage and laundry facilities, and other non-habitable *accessory uses*.

- 3.62 FORESTRY USE:** the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection of water supplies, and preservation of the recreation resource.
- 3.63 FUNERAL HOME:** a commercial establishment providing funeral supplies and services to the public.
- 3.64 GARAGE, PRIVATE:** an *accessory building* or a portion of the main *dwelling unit* which is designed or used for the storage of one or more private vehicles and the storage of household equipment incidental to *residential occupancy*.
- 3.65 GOLF COURSE:** a public or private area operated for the purpose of playing golf including a par three *golf course* and including such ancillary *uses* as a *driving range*, a miniature *golf course*, or a clubhouse.
- 3.66 GRADE, ESTABLISHED:** the average elevation of the surface of the ground at the base of a *structure*, exclusive of any embankment in lieu of steps.
- 3.67 GREENHOUSE, NURSERY, GARDEN CENTRE:** the *use* of land, *buildings* or *structures* for the growing, display and wholesale or retail sale of trees, shrubs, flowers, plants and similar vegetation. May also include the display and sale of *landscaping*, lawn and garden equipment, furnishings and supplies. This definition shall not include any premises used for the growing of mushrooms.
- 3.68 GROCERY STORE:** a retail establishment engaged in the business of selling primarily groceries, meat, fruit and vegetables as well as other personal, convenience, and household items to the general public.
- 3.69 GROUP HOME:** a single housekeeping unit in a *dwelling* in which three to ten residents, excluding staff or receiving family, live under responsible supervision consistent with the requirements of its residents. The home is licensed or approved under Federal or Provincial statutes.
- 3.70 HABITABLE ROOM:** a room designed for human occupancy with living, dining, sleeping, kitchen, or washroom facilities, and includes an enclosed sunroom or screened room. This definition does not include any private garage, carport, porch, verandah, unfinished attic, or unfinished basement.
- 3.71 HEALTH SERVICES ESTABLISHMENT:** premises which provide health or medical services such as a chiropractor, dental, optometrist, medical clinic, associations or organizations formed to provide medical or health services, but which does not include a *hospital*.

- 3.72 HEAVY EQUIPMENT SALES, SERVICE AND RENTAL ESTABLISHMENT:** the use of land for either the sales, service and rental of motorized construction equipment (e.g. bulldozers, loaders, backhoes, forklifts, etc.) or the contracting out of truck or transports including the outside storage of this equipment.
- 3.73 HEIGHT OF BUILDING:** the vertical distance of a *building* measured between the average *established grade* at the exterior walls and:
- i) the highest point of the roof surface of a flat roof;
 - ii) the roof deck of a mansard roof;
 - iii) the mid-point between the eaves and the ridge of a gable, hip, gambrel or other type of pitched roof;
- 3.74 HOME FOR SPECIAL CARE:** a home for the care of persons requiring nursing, residential or sheltered care, and that is licensed and/or inspected as a *home for special care* under the Homes for Special Care Act, RSO 1990, C H12.
- 3.75 HOME INDUSTRY:** a small-scale *light industrial use*, such as a carpentry shop, metal working shop, a welding shop, an electrical shop, small engine repair or similar *use*, that provides services or wares to the community, including on-line sales and which is an *accessory use* to a *single detached dwelling*. For the purposes of this By-law, the repairing of *motor vehicles*, mobile homes and *trailers* is not a *home industry*.
- 3.76 HOME OCCUPATION:** a gainful occupation conducted in a *dwelling* which is secondary to the *use* of the *dwelling* as a private residence and the nature and scope of which is compatible with the residential character of the *dwelling*.
- 3.77 HOSPITAL:** any institution, *building* or other premises that is established for the purposes of the treatment of patients and that is approved under the Public Hospitals Act, R.S.O. 1990, Ch. P.40, as amended, as a public *hospital*.
- 3.78 HOTEL/MOTEL:** a commercial establishment that consists of one *building* or two or more connected or adjacent *buildings* consisting of at least four individual rental units which cater to the needs of the travelling public by furnishing sleeping accommodations for remuneration which may or may not supply food, but does not include a *boarding house*, a *group home*, or similar facility.
- 3.79 INDUSTRIAL USE:** the *use* of land, *building* or *structure* designed for the purpose of fabricating, manufacturing, assembling, making, printing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale any goods, substance, article or thing, or any part thereof, including the storage of building and construction equipment and materials, and such *accessory uses* as transportation, wholesaling, storage or shipping, but excluding any obnoxious industry.

- 3.80 KENNEL:** a *building* or *structure* which is municipally licensed where animals are boarded or trained, given medical treatment or housed for similar purposes, for which compensation is paid and shall include a Humane Society shelter or pound.
- 3.81 LANDSCAPING:** any combination of vegetation including trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property, to regulate drainage, and to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.
- 3.82 LAUNDROMAT:** a *building* or *structure* where the services of coin-operated laundry machines, using only water, detergents and additives, are made available to the public for the purpose of laundry cleaning.
- 3.83 LIGHT INDUSTRIAL USE:** the manufacturing, assembly or processing of component parts or finished products suitable for retail trade and does not include industries whose operations involve the emission of any air, water or noise pollution that creates a nuisance outside of the *building*.
- 3.84 LOADING SPACE:** an area of land which is provided and maintained upon the same *lot* or *lots* upon which the main *use* is located, for the temporary parking of one or more *commercial motor vehicles* while merchandise or materials are being loaded or unloaded from such vehicle(s).
- 3.85 LONG TERM CARE HOME:** residential premises for persons requiring nursing care and that is licensed as a *Long Term Care Home* under the *Long Term Care Homes Act*, SO 2007, C.8.
- 3.86 LOT:** any parcel of land which can be legally conveyed under the Planning Act, R.S.O. 1990, c P.13, as amended.
- 3.87 LOT AREA:** the total horizontal area within the *lot* and, in the case of a *corner lot* having *street line* rounding at the corner with a radius of six (6) metres or less, the *lot area* of such *lot* is to be calculated as if the *lot lines* were projected to this point of intersection.
- 3.88 LOT, CORNER:** a *lot* bounded on two or more sides by one or more *public roads*.
- 3.89 LOT COVERAGE:** the percentage of the *lot area* covered by all *buildings* and *structures*,
- a) including *accessory buildings*, open decks greater than 2 metres in width, porches and verandahs;
 - b) excluding accessible ramps and lifts, *parking areas*, driveways, open decks less than 0.6 metres above the *established grade*, walkways, stairways, docks and *swimming pools*;
 - c) excluding underground structures.

- 3.90 LOT FRONTAGE:** in the case of a *corner lot*, an *interior lot* or a *through lot*, the horizontal distance between the 2 *lot lines* which intersect the *front lot line* of a *lot*, such distance being measured along a line which is parallel to the *front lot line* and distant from the *front lot line* a distance equal to the minimum front *building setback* required herein for the specified *use* in the zone where such *lot* is located.
- 3.91 LOT, INTERIOR:** a *lot* other than a *corner lot* or a *through lot*.
- 3.92 LOT LINE:** any boundary of a *lot*.
- 3.93 LOT LINE, EXTERIOR SIDE:** a *side lot line* that abuts a *public road* or an unopened municipal road allowance.
- 3.94 LOT LINE, FRONT:** the *lot line* that divides the *lot* from the *public road*, provided that,
- i) in the case of a *corner lot*, the shorter *lot line* that abuts the *public road* shall be the *front lot line*;
 - b) in the case of a *lot* that abuts a *navigable watercourse*, the *lot line* at the *shoreline* shall be the *front lot line*;
 - c) in the case of a *lot* that does not abut a *public road*, the *lot line* where the principal access to the *lot* occurs shall be considered the *front lot line*;
 - d) in the case of a *through lot*,
 - i) where it abuts two streets, the *lot line* abutting the street from which access is primarily gained to the *lot*;
 - ii) where it abuts a street and a *navigable watercourse*, the *lot line* along the navigable waterway.
- 3.95 LOT LINE, INTERIOR SIDE:** a *side lot line* which is not an *exterior side lot line*.
- 3.96 LOT LINE, REAR:** the *lot line* furthest from or opposite to the *front lot line*.
- 3.97 LOT LINE, SIDE:** a *lot line* other than a *front* or *rear lot line*.
- 3.98 LOT, THROUGH:** a *lot* other than a *corner lot*, having separate frontages on two *public roads*; or a *lot* other than a *corner lot* having separate frontages on a *public road* and a waterbody.
- 3.99 MARINA:** a commercial establishment or premises, usually containing docking facilities or mooring facilities where boats or boat accessories are berthed, stored inside or outside, serviced, repaired, constructed or kept for sale or rent and where facilities for the sale of marine fuels or lubricants, accessory retail sales and a taxi and/or barging service are provided and where waste water pumping facilities may be provided. A *marina* may include a *Marine sales and service establishment*.
- 3.100 MARINE SALES AND SERVICE ESTABLISHMENT:** a *building* or part of a *building* and associated lands where new and used boats, boat accessories, snowmobiles, and all-terrain vehicles are

displayed and offered for sale at retail or for rental, and/or where marine, snowmobile and all-terrain vehicle equipment is serviced or repaired and may include boat storage facilities.

- 3.101 MARKET:** an area of land consisting of *buildings*, stalls, or an open area used primarily for the display and retailing of farm produce, and without limiting the generality of the foregoing, meat, poultry, foodstuffs, wares, or commodities.
- 3.102 MARIJUANA PRODUCTION FACILITY:** The *use* of land, or a *building* or *structure* or part thereof that is used for growing, producing, processing, testing, destroying, storing, packaging or shipping of marijuana or cannabis authorized by a license issued by the Federal Minister of Health under the *Controlled Drugs and Substances Act SC 1996, c 19*, as amended, but shall not include any other establishment or *use* as may be defined or classified in this By-law.
- 3.103 MICRO BREWERY/WINERY/DISTILLERY:** a building used for the making of beer or wine or spirits on a small scale, and includes tank and barrel storage, bottling facilities. It may include tasting and dining facilities and the retail sale of related items, which comprise a maximum of thirty-five per cent (35%) of the total floor area of the facility.
- 3.104 MINERAL MINING OPERATION:** Mining operations and associated facilities, or, past producing mines with remaining mineral development potential that have not been permanently rehabilitated to another use.
- 3.105 MINIMUM DISTANCE SEPARATION (MDS):** the mathematical tool to determine the required distance between livestock and manure storage facilities and non-agricultural *uses*, as required by the Ministry of Agriculture, Food and Rural Affairs.
- 3.106 MOBILE HOME PARK:** a parcel of land used for the *use* and occupancy of *mobile home dwellings* and includes all *accessory buildings* necessary to the operation of said park.
- 3.107 MOBILE HOME SITE:** an area of land within a *mobile home park* which is used as the site of, and pertains to, not more than one (1) *mobile home dwelling*.
- 3.108 MOTOR VEHICLE:** a vehicle within the meaning of the *Highway Traffic Act, R.S.O. 1990, c H.8*, as amended.
- 3.109 MOTOR VEHICLE BODY REPAIR SHOP:** an establishment used for making repairs or alterations to the body or paint work of any vehicle. *Accessory uses* may include a towing service and the rental of *motor vehicles* to customers whose *motor vehicles* are being repaired. This definition shall not include a *salvage yard*.
- 3.110 MOTOR VEHICLE, COMMERCIAL:** a *commercial motor vehicle* within the meaning of the *Highway Traffic Act, R.S.O. 1990, c H.8*, as amended.

- 3.111 MOTOR VEHICLE DEALERSHIP:** an establishment for the storage, sale, rental and servicing of new or used vehicles and may include *outdoor storage* of vehicles but all other facilities must be within a *building*.
- 3.112 MOTOR VEHICLE RENTAL ESTABLISHMENT:** a retail establishment for the rental of *motor vehicles* to the general public.
- 3.113 MOTOR VEHICLE SERVICE STATION:** a *building* or a clearly defined space on a *lot* where gasoline, oil, tires, batteries and other similar products for the maintenance of *motor vehicles* may be sold or where vehicles may be oiled, greased and subjected to repairs essential to the actual operation of *motor vehicles*, and includes a fuel bar.
- 3.114 MOTOR VEHICLE TOWING ESTABLISHMENT:** an establishment operating a tow-truck service for compensation, including storage facilities for towed vehicles. For the purposes of this definition, a tow truck is a *motor vehicle* equipped with a boom or booms, winches, slings, tilt beds or similar equipment designed for the towing or recovery of vehicles and other objects, and includes a transporter designed to transport more than one vehicle on a non-emergency basis.
- 3.115 MOTOR VEHICLE WASHING ESTABLISHMENT:** an establishment for washing, cleaning and polishing *motor vehicles* by means of either production line cleaning methods and/or mechanical devices and includes a coin-operated self-service operation but does not include a *motor vehicle service station*, a *motor vehicle body repair shop* or a *motor vehicle dealership* where car washing operations are incidental to the principal activity of business.
- 3.116 NAVIGABLE WATERCOURSE:** any body of water that is capable of affording reasonable passage of watercraft of any description for the purpose of transportation, recreation or commerce, and includes any river, stream or lake considered navigable by law.
- 3.117 NON-COMPLYING:** the *use* of land, *building* or *structure* which does not comply with the provisions and/or standards of this By-law for the zone in which such land, *building* or *structure* is situated
- 3.118 NON-CONFORMING:** a *use*, *building* or *structure* which is not a *use* permitted in the zone in which the said *use* is situated.
- 3.119 OBNOXIOUS USE:** any *use* which shall be a nuisance to the occupants or owners of any neighbouring land or *buildings* by reason of the emission from the said land or any part thereof, or the creation thereon, of odours, gases, dirt, smoke, noise, vibration, fumes, cinders, soot, waste or depositing or leaving unsightly objects or chattels thereon or otherwise.
- 3.120 OUTDOOR RECREATION, ACTIVE:** a public or private area operated for the purpose of playing golf, *driving ranges*, miniature golf courses, tennis courts, outdoor skating rinks, recreational trails, *public park*, private *park*, ski-lifts and similar *uses*, together with necessary and *accessory buildings* and *structures*, but shall not include a theme park.

- 3.121 OUTDOOR RECREATION, PASSIVE:** the *use* of land which is typically unobtrusive and not disturbing to the surrounding natural landscape and may include walking trails, natural interpretive facilities, bird and wildlife observation areas and similar *uses* involved in the enjoyment of the natural environment.
- 3.122 OUTDOOR STORAGE:** the storage of goods in the open air or in unroofed areas or portions of *buildings* which may be open on the sides, but shall not include a limited display of goods and products for advertising and demonstration purposes.
- 3.123 PARK:** an area permanently devoted to recreational *uses* and generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation.
- 3.124 PARK, PUBLIC:** a *park* owned or controlled by a Public Authority or by any Board, Commission or other Authority established under any statute of the Province of Ontario, or the Government of Canada.
- 3.125 PARKING AREA:** An area or *structure accessory* to a *principal use* for the parking of *motor vehicles* and includes any related driveways and *parking spaces*, but shall not include any part of a *public road* or lane, or a *parking lot*. This definition may include a *carport* or *private garage*.
- 3.126 PARKING LOT:** Premises used for the parking of *motor vehicles* as accommodation for visitors, clients, customers, residents or employees whether free or for profit or gain.
- 3.127 PARKING SPACE:** a portion of a *parking area*, exclusive of any driveways, which may be used for the temporary parking or storage of a *motor vehicle*.
- 3.128 PERSONAL SERVICE ESTABLISHMENT:** a business which furnishes a service to meet some general need or to benefit the personal needs of individuals, such as a barber shop, beauty salon, massage therapist or spa, but excludes *funeral homes* and any manufacturing or fabrication of goods for sale.
- 3.129 PIT:** a place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an excavation to supply materials for construction, industrial or manufacturing purposes, but does not include a *wayside pit*.
- 3.130 PLACE OF ASSEMBLY:** a place designed and used to accommodate gatherings of people such as clubs, reception halls, conference centres, legion halls, community halls and lodges, and for events such as trade shows, banquets, and political or other conventions.
- 3.131 PLACE OF ENTERTAINMENT:** the *use* of a *building*, or part thereof, for a fee for the provision of entertainment or amusement without the necessity of active participation by the user and includes, without limiting the generality of the foregoing, such *uses* as a movie theatre, auditorium, public hall, billiard or pool room, amusement arcade, dance hall, or music hall, but

does not include any *place of entertainment* or amusement otherwise defined or classified in this By-law.

- 3.132 PLACE OF RECREATION:** the *use* of a *building*, or part thereof, for a fee, for the provision of athletic and amusement facilities involving the active participation of the user in a sports-related activity and includes without limiting the generality of the foregoing, such facilities as racquet courts, fitness clubs, billiard parlours, bowling alleys, arenas, riding stables, or water sports, but shall not include a theme *park*.
- 3.133 PLACE OF WORSHIP:** a *building* dedicated to religious worship and may include such *accessory uses* as a nursery school, an assembly hall, a school of religious education, convent, monastery or parish hall.
- 3.134 PRINCIPAL USE:** the predominant purpose for which any land, *building*, *structure* or premises, or part thereof, is used, designed, arranged, occupied or maintained.
- 3.135 PRIVATE HOME CHILD CARE:** The provision of temporary care or supervision of children by a child care provider for unlicensed child care or in-home child care, as defined and regulated under the Child Care Modernization Act, SO 2014, C.11.
- 3.136 PRINTING AND PUBLISHING ESTABLISHMENT:** a *building* or part of a *building* in which the business of producing books, newspapers or periodicals, by mechanical means, and reproducing techniques, such as photocopying, is carried on, and may include the sale of newspapers, books, magazines, periodicals, or like, to the general public.
- 3.137 PUBLIC USE:** the *use* of land, *building* or *structure* by a public authority, for the purpose of providing its services to the public, or carrying out its public mandate.
- 3.138 QUARRY:** an area where consolidated rock has been or is being removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes, but does not include a *wayside quarry* or open *pit* or mine.
- 3.139 RECREATIONAL VEHICLE:** a vehicle which provides living, shelter and sleeping accommodation for short periods of time, while travelling or vacationing, designed to be towed behind a *motor vehicle*, or self-propelled, and includes such vehicles commonly known as travel *trailers*, tent trailers, pickup coaches, motorized campers, motorized homes or other similar vehicles but shall not include a mobile home.
- 3.140 RECREATIONAL VEHICLE SALES AND SERVICE ESTABLISHMENT:** a *building*, or part of a *building*, where new or used *recreational vehicles* and related equipment and accessories are displayed for sale or rent in conjunction with which there may be facilities for the servicing of such vehicles.
- 3.141 RECONSTRUCTION OR RENOVATION:** the repair and restoration of a *building* to good condition, but shall not include its replacement.

- 3.142 RECYCLING FACILITY:** a place where second-hand goods, including waste paper, bottles, automobile tires, clothing, are collected to be sorted, and a place where used lumber and used *building* materials are stored for sale or resale.
- 3.143 RESIDENTIAL OCCUPANCY:** the occupancy or *use* of a *building* or part of a *building* by persons for whom sleeping accommodation is provided but who are not harboured or detained there to receive medical care or treatment or who are not involuntarily detained there.
- 3.144 RETIREMENT HOME:** a residential complex that is occupied primarily by persons who are 65 years of age or older, where the operator of the home makes at least two care services available, directly or indirectly, to the residents, and that is licensed as a *retirement home* under the *Retirement Homes Act*, SO 2010, C.11. A residential complex means a building or related group of buildings in which one or more rental units of living accommodation are located, and includes all common areas and services and facilities available for the use of the residents of the complex.
- 3.145 RESTAURANT:** premises where food is offered for sale or sold to the public for immediate consumption and includes such uses as a *restaurant*, dining room, cafe, cafeteria, ice cream parlour, tea or lunch room, dairy bar, coffee shop, snack bar or refreshment room or stand.
- 3.146 RESTAURANT, DRIVE-THROUGH:** a *restaurant* which serves or is intended to serve patrons seated in a *motor vehicle* parked on a *parking lot* or driveway.
- 3.147 RETAIL STORE:** a *building* or part thereof where goods, services, wares, merchandise, substances, articles or things are offered or kept for sale or rent by retail directly to the public, but does not include any manufacturing process or construction *uses*. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.
- 3.148 ROAD, PUBLIC:** an improved public highway which affords the principal means of access to an abutting *lot* and, which is dedicated, assumed and/or maintained by and under the jurisdiction of a public authority.
- 3.149 SALVAGE YARD:** a place where *motor vehicles* and other scrap materials and salvage are wrecked or disassembled and resold, and includes the storage of *motor vehicle* tires.
- 3.150 SAWMILL:** a *building* or *structure* used to process wood from raw lumber to another *use* and may include land used for *outdoor storage* of raw timber or finished lumber or products.
- 3.151 SELF STORAGE FACILITY:** a commercial establishment consisting of a *building* or group of *buildings* used for the storage of household goods, wares, substances, or articles but shall not include a cartage depot, *transportation depot*, or *warehouse*. A truck body, bus coach, streetcar body or railway car, whether on wheels or not, shall not be used as part of a self-storage facility. A *storage container* may be used as part of a self-storage facility.

- 3.152 SENSITIVE LAND USE:** means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges generated by a nearby major facility. Sensitive land uses may be a part of the natural or built environment. Examples may include, but are not limited to: residences, child care centres and educational and health facilities.
- 3.153 SERVICE ESTABLISHMENT:** any *building* or part thereof where household appliances, machinery, and home entertainment equipment are sold, serviced or repaired, but excludes any manufacturing or processing.
- 3.154 SETBACK:** the distance between any *lot line* abutting a *public road* or body of water and the nearest part of any main wall of any *building* or *structure*.
- 3.155 SEWER AND WATER SERVICES (Full Municipal):** both water and sewage disposal infrastructure that is owned and operated by the City and is designed to adequately service the water and sewage disposal needs of a *use, building* or *lot*.
- 3.156 SEWER AND WATER SERVICES (Partial Municipal):** infrastructure where one of the water or sewage disposal facilities is owned and operated by the City and the other is privately owned and operated, and is designed to adequately service the water or sewage disposal needs of a *use, building* or *lot*.
- 3.157 SEWER AND WATER SERVICES (Private):** infrastructure on a *lot* which is privately owned and operated, which is designed to service the water and sewage disposal needs of that *lot*, and without limiting the generality of the foregoing, shall include a private septic system and a private well.
- 3.158 SHORELINE:** the line where the normal or controlled high water mark of a *navigable watercourse* meets the land.
- 3.159 SHORELINE BUFFER:** a natural area, adjacent to a *shoreline*, maintained or re-established in its natural predevelopment state (with the exception of minimal pruning of vegetation and the removal of trees for safety reasons) for the purpose of protecting natural habitat and water quality and minimizing visual impact of *buildings* or *structures* on a *lot*. Where the natural *shoreline* of a property is a natural beach or is a rock outcropping with little or no soil, such shall be deemed to comply. A *shoreline buffer* shall not include a grassed or lawn area.
- 3.160 STORAGE CONTAINER:** a rail or seaway container which is traditionally used for the shipping and transportation of goods and materials.
- 3.161 STOREY:** that portion of a *building* or *structure* between any floor level of such *building* or *structure* and the floor, ceiling or roof next above such floor level.
- 3.162 STREET LINE:** any boundary line of a *public road* or highway.

- 3.163 STRUCTURE:** anything that is erected, built or constructed of parts joined together or requiring a foundation to hold it *erect* and located under, on or above ground level, including anything prefabricated on or off the site. For the purposes of this By-law, a *structure* includes any shelter, canopy, enclosure or similar *structure* covered with fabric, polyester or similar covering material that is secured to the ground or another *structure*.
- 3.164 SWIMMING POOL:** a *structure* constructed either in-ground or above ground, that is filled with water and used for swimming or recreation.
- 3.165 TOURIST CAMPING ESTABLISHMENT:** the *use* of land, *buildings* or *structures* for commercial camping on a short-term basis where campsites are rented to and used by the travelling public. A *tourist camping establishment* may include *accessory buildings, structures* or facilities incidental to the *principal use*, such as common washrooms, recreational facilities, a *convenience store*, or an *accessory dwelling unit* for the owner or operator. A *tourist camping establishment* does not include the use of a campsite as a *dwelling*, or a *use* otherwise defined by this By-law.
- 3.166 TOURIST ESTABLISHMENT:** the *use* of land, *buildings* or *structures* for the provision of commercial roofed accommodation where commercial accommodation units are offered for rent on a short term or transient basis to the public who is travelling, vacationing, engaged in leisure or recreation, or participating in conventions or meetings. A *tourist establishment* may include *accessory uses, amenities, services, equipment* or facilities, including a *restaurant*, normally incidental to such accommodation. A *tourist establishment* does not include a *dwelling unit* except for a *dwelling unit* for the owner or operator, or staff quarters that are *accessory* to the *principal use*.
- 3.167 TRAILER:** a vehicle that is at any time drawn upon a highway by a *motor vehicle*, another *motor vehicle* or any device or apparatus not designed to transport persons or property, temporarily drawn, propelled or moved upon such highway, except a side car attached to a motorcycle, and shall be considered a separate vehicle and not part of the *motor vehicle* by which it is drawn.
- 3.168 TRANSPORTATION DEPOT:** an establishment where buses, trucks, or tractor *trailers* are rented, leased, kept for hire, stored or parked for commercial purposes only.
- 3.169 USE:** the purpose for which a *lot, building* or *structure* or any combination thereof is designed, constructed, arranged, occupied or maintained.
- 3.170 VETERINARY ESTABLISHMENT:** premises in which facilities are provided for the prevention, cure and alleviation of disease and injury to animals and in conjunction with which there may be facilities provided for the sheltering of animals during the treatment period, but does not include a *kennel* or a research facility
- 3.171 WAREHOUSE:** A *building* or *structure* used for the storage and/or distribution of goods, wares, merchandise, articles and/or things, but does not include any storage and/or distribution of goods connected with any salvage operation.

- 3.172 WASTE DISPOSAL SITE:** premises where garbage, refuse or domestic or industrial waste is disposed of or dumped and which is approved by The Ministry of Environment pursuant to the provisions of *The Environmental Protection Act, R.S.O. 1990, c E.19*, as amended.
- 3.173 WAYSIDE PIT OR WAYSIDE QUARRY:** a temporary *pit* or *quarry* opened and used by or on behalf of a *public road* authority solely for the purpose of a particular project or contract of road construction and not located on the road right-of-way.
- 3.174 WIND FACILITY:** a renewable energy generation facility at which wind is used to generate electricity through the use of one or more wind turbines, as defined in Ontario Regulation 359/09 under *The Environmental Protection Act, R.S.O. 1990, c E.19*, as amended.
- 3.175 WHOLESALE ESTABLISHMENT:** the *use* of land, *building* or *structure* for the purpose of selling and/or offering for sale, goods, wares and/or merchandise on a wholesale basis, and includes the storage or warehousing of those goods, wares and/or merchandise.
- 3.176 YARD:** that part ~~of~~ of a *lot* which is open, uncovered and unoccupied between a *lot line* or the *shoreline* and a *building* or *structure*, other than *accessory buildings, structures* or *uses* which are specially permitted by this By-law within a *yard*.
- 3.177 YARD, EXTERIOR SIDE:** a *yard* extending from the *front yard* to the *rear yard* of a *lot*, between the exterior *side lot line* and the nearest part of the main *building, structure* or nearest *outdoor storage* on a *lot*.
- 3.178 YARD, FRONT:** a *yard* extending across the full width of the *lot* between the *front lot line* and the nearest wall of any *main building* or *structure* on the *lot*.
- 3.179 YARD, INTERIOR SIDE:** a *yard* extending from the *front yard* to the *rear yard* of a *lot*, between a *side lot line* and the nearest part of the main *building, structure* or nearest *outdoor storage* on the *lot*.
- 3.180 YARD, REAR:** a *yard* extending across the full width of the *lot* between the *rear lot line* and the nearest wall of the *main building* on such *lot*.
- 3.181 YARD, REQUIRED:** the minimum required *setback* between a *lot line* and the nearest main wall of the *main building* on such *lot*.
- 3.182 YARD, WATER:** a *yard* extending from the high-water mark on any body of water to the nearest wall of any *building* or *structure* on the *lot*.

Section 4: General Provisions

4.1 Accessory Uses, Buildings and Structures

4.1.1 Permitted *accessory uses*: Where this By-law permits the *use* of land, *buildings* or *structures* for a specific *use*, such *use* shall include any *buildings*, *structures* or *uses* *accessory* to the permitted *use*, subject to the provisions of this by-law for the particular zone in which the *building*, *use* or *structure* is located.

4.1.2 Prohibited *accessory uses*: None of the following *accessory uses* are permitted in any zone unless such *accessory use* is specifically listed as a permitted *use* in such zone:

- A *building* or portion thereof used for human habitation;
- A livestock *building*;
- An *outdoor storage* area.

4.1.3 Location on a *lot*: *Accessory buildings, uses* or *structures* are permitted in any *interior side* or *rear yard* subject to the provisions of this By-law for the particular Zone in which said *building, use, or structure* is located, and provided that an *accessory building, use* or *structure*:

- is not located in the minimum required *front yard* or *required exterior side yard*;
- is not located closer than 1.2 metres to any *lot line* except that common semi-detached *private garages* may be located on the mutual *lot line*;
- shall not be located closer than 1.2 metres from another *accessory building or structure*, or from the main *building* on the *lot*.

4.1.4 Main Building to be erected first: No *accessory building or structure* shall be erected on any *lot* until the *main building* has been erected, with the exception of:

- Temporary construction uses during the term of an active building permit for the *principal use*;
- *Private garage* provided a building permit has been issued for the main residential *use*;
- A dock;
- A *lot* zoned Agricultural One (A1) or Rural (RU), in which case a detached *private garage* or storage shed may be erected prior to the erection of the main *building*.

4.1.5 Maximum Coverage: The maximum *lot coverage* of *accessory buildings* is included as part of the total permitted *coverage* on a *lot*.

4.1.6 Accessory Structure encroachments: Notwithstanding the *yard* and *setback* provisions of this By-law to the contrary, drop awnings, clothes poles, flag poles, garden trellises, retaining walls, or similar *uses* which comply with this By-law are permitted in any *required yard*.

4.1.7 Shoreline Structures:

4.1.7.1 Identification: *Shoreline structures* refer to *accessory buildings* and *structures* erected at or near the *shoreline* in the *required yard* located between the *shoreline* and the *dwelling* on any *lot* that abuts a watercourse. They include *buildings* and *structures* that are on the *lot* and/or attached to the land that forms the bed of a navigable waterway adjacent to the *lot*.

4.1.7.2 Permitted Uses: *Shoreline structures* include a *boathouse*, *boat port*, dock, boatlift, launch ramp, marine railway, pumphouse, deck, gazebo, sauna or hot tub.

4.1.7.3 Boathouses and Boat ports: A *boathouse* or *boat port* may be erected and used in the *required yard* of a *lot* abutting a *navigable watercourse* provided:

- a) a maximum of one *boathouse* or one *boat port* shall be permitted per *lot* provided the *lot* meets the minimum *lot frontage* requirement of the zone in which it is located;
- b) only single *storey boathouses* shall be permitted;
- c) a minimum *setback* of 2.0 metres is maintained from the *side lot lines* and/or the straight-line projection of the *lot line* into the water from the *shoreline*; and
- d) a *boathouse* shall not be used for human habitation.

4.1.7.4 Docking Facilities: A dock, boatlift, launch ramp or marine railway may be erected and used in the *required yard* of a *lot* abutting a *navigable watercourse* provided all applicable Provincial and Federal statutes and regulations are adhered to and provided a minimum *setback* of 2.0 metres is maintained from the *side lot lines* and/or the straight-line projection of the *lot line* into the water from the *shoreline*.

4.1.7.5 Pumphouse: A pumphouse may be erected and used in the *required yard* of a *lot* abutting a *shoreline* provided it complies with the minimum required *side yard*. A free standing pumphouse shall not exceed a height of 2.0 metres or an area of 9.0 square metres.

4.1.7.6 Unenclosed Deck: A freestanding, unenclosed deck may be permitted within the *required yard* abutting a *shoreline*, provided that the *structure*:

- a) does not exceed 30.0 square metres in *floor area*;
- b) is located no closer than 5.0 metres to the *shoreline*, except where such deck is attached to a dock; and,

- c) the deck floor is no more than 1.0 metre from the grade below it.

4.1.8 Swimming pools: A *swimming pool* is permitted in any Zone subject to the following:

- a) In the *side yard* or *rear yard* provided:
 - (i) No interior wall surface of any such *swimming pool* shall be located closer than 1.5 metres to any *rear lot line* or *side lot line*, nor closer than 3 metres to that portion of a *rear lot line* which adjoins a *side lot line* of the adjoining lot;
 - (ii) No water circulating or treatment equipment such as pumps or filters shall be located closer than 3 metres to any *side lot line* or *rear lot line*.
- b) No part of any pool shall be located within 10 metres of the high-water mark of a property abutting a *navigable watercourse*.
- c) *Fences* around all *swimming pools* shall be provided in compliance with the By-laws of the City of Temiskaming Shores.

4.1.9 Antennae, Towers, Satellite Dishes: Radio and television antenna towers, satellite dishes greater than 1.0 metres in diameter, dish antennas and other similar *structures* are permitted in any zone provided they meet the minimum requirements of the zone in which they exist and are not located in any *front yard* or *exterior side yard*. Satellite dishes 1.0 metres or less in diameter are permitted in any *yard*. This provision does not apply to any federally licensed facilities.

4.1.10 Solar Panels: No ground mounted solar panels are permitted in the Low Density Residential (R2), Medium Density Residential (R3) or High Density Residential (R4) Zones.

4.1.11 Wind Facilities:

- a) Wind facilities are limited to Class 1 wind facilities as defined in Ontario Regulation 359/09, of *The Environmental Protection Act RSO 1990, Ch. E.19*, as amended, and are permitted as an *accessory use* for personal use only in the Agriculture One (A1), Rural (RU) and Residential One (R1) Zones;
- b) Wind facilities are only permitted in the *rear yard*, and shall meet all *yard* requirements.

4.1.12 Portable Garage Shelters

- a) The placement or use of a shelter, canopy, enclosure or similar *structure* covered with fabric, polyester or similar covering material designed for the storage of *motor vehicles* shall be in accordance with the following:
 - i) A garage shelter shall comply with all applicable *yard* requirements for an *accessory structure*.

- b) Notwithstanding the provisions of clause (a) (i), above, a temporary garage shelter may be permitted on a driveway in the required *front yard* or *exterior side yard* between November 1 of one year and April 30 of the next following year, provided a minimum 1 metre *front yard setback* is maintained, and the *structure* is removed between May 1 and October 31.

4.2 *Bed and breakfast establishment:*

- 4.2.1 The *Bed and breakfast establishment* shall be permitted only in the zones indicated in this By-law and shall be clearly *accessory* to the main residential *use* and shall not change the residential character of the *lot* and *dwelling*;
- 4.2.2 No person other than a person residing in the *dwelling* containing the *bed and breakfast establishment* shall be employed except as is necessary for housekeeping purposes;
- 4.2.3 The *bed and breakfast establishment* shall not have more than four (4) bedrooms for overnight guest purposes;
- 4.2.4 The guest rooms shall not contain kitchen or cooking facilities; and
- 4.2.5 A minimum of one *parking space* for each guest room shall be provided in addition to the parking required for the *dwelling*.

4.3 *Established building line:*

- 4.3.1 Where a permitted *building* or *structure* or addition is to be erected on a *lot* in a Residential or Commercial zone where there is an *established building line* extending on both sides of the *lot*, 50.0 metres in either direction, such permitted *building*, *structure* or addition may be erected closer to the *front lot line* than required by this By-law, provided such permitted *building* or *structure* is not erected closer to the *front lot line* than the average *setback*, being a line drawn from the corner of each *building* abutting the subject *lot*. This provision does not apply to lands abutting a watercourse or a Provincial Highway.

4.4 *Group home:*

- 4.4.1 Where a *Group home* is a permitted *use*, the following provisions shall apply:
 - a) A *group home* shall only be permitted within a *single detached dwelling*; and
 - b) All the provisions of the respective zone in which a *group home* is located shall be complied with.

4.5 Height Exceptions:

4.5.1 Nothing in this By-law shall prevent the erection, alteration or *use* of the following *accessory structures*, provided the main *use* is a permitted *use* within the zone in which it is located, and all other applicable provisions of this By-law are complied with:

- Air conditioner duct;
- Barn, silo, conveyor or grain elevator used for farm purposes;
- Belfry;
- Bulk storage tank;
- Chimney;
- Church spire;
- Clock tower;
- Drive-in theatre screen;
- Electric power facility (excluding a *building*);
- Elevator enclosure;
- Flag pole;
- Forestry tower;
- Telecommunication tower or antenna;
- *Structure* for crushing, washing, screening or processing relating to an asphalt, aggregate, concrete or cement plant;
- *Structure* containing heating, cooling or other mechanized equipment pertaining to a *building*;
- Water tank;
- Wind turbine.

4.6 Home industry:

4.6.1 Where a *Home industry* is a permitted *accessory use*, the following provisions shall apply:

- a) There shall be no emission of noise, vibration, odour or dust that is not normally attributable to the *use* of the land for other *uses* permitted in the Zone;
- b) Such *home industry* shall not be a nuisance to, nor interfere with, television or radio reception of others in neighbouring *buildings* or *structures*;
- c) The *home industry* shall meet the same *yard* provisions as required for the principal residential *use* for the Zone in which it is located;
- d) The *use* shall not occupy more than 25% of the *gross floor area* of a *dwelling*, or where located in an *accessory building*, shall not occupy more than 140.0 square metres of *gross floor area*;
- e) A maximum of three (3) employees, one of whom must reside in the *dwelling*, may be employed on site in the *home industry* and additional employees may be employed off-site;

- f) Any permitted *outdoor storage* shall be screened from view;
- g) A landscaped buffer shall be provided on the *lot* in accordance with the provisions of this By-law;
- h) There shall be no goods, wares or merchandise offered for sale or rent from the *dwelling* which are not manufactured or processed on the property;
- i) One (1) off-street *parking space* shall be provided for each 28 square metres of *floor area* devoted to said *use* in addition to that required for the *dwelling* and,
- j) The *home industry* shall be subject to site plan control to regulate storage and *accessory buildings*.

4.7 Home occupation:

4.7.1 Where a *Home occupation* is a permitted *accessory use*, the following provisions shall apply:

- a) The *home occupation* shall clearly be secondary to the main residential *use* of the property and shall not change the residential character of the *dwelling*;
- b) There shall be no emission of noise, vibration, odour or dust that is not normally attributable to the *use* of the land for other *uses* permitted in the Zone;
- c) Such *home occupation* shall not be a nuisance to, nor interfere with, television or radio reception of others in neighbouring *buildings* or *structures*;
- d) Such *home occupation* shall not include a *long term care home*, a *boarding house*, a *restaurant* or a veterinary clinic, but may include a business, professional or administrative office and a *health services establishment* that complies with the provisions of this subsection;
- e) The *home occupation use* shall be conducted entirely within the *dwelling*, or within a detached *accessory building*;
- f) The *home occupation use* shall not occupy more than 25% of the *gross floor area* of a *dwelling*;
- g) Such *use* is conducted by a person or persons residing in the *dwelling* and a maximum of one employee employed on site who does not live in the *dwelling*;
- h) There shall be no *outdoor storage* of equipment, goods or materials associated with the *home occupation use*;
- i) There shall be no goods, wares or merchandise offered for sale or rent from the *dwelling* which are not manufactured or processed on the *lot* with the exception of a limited number of complementary associated products; and,
- j) A minimum of one (1) off-street *parking space* shall be provided in addition to the parking required for the *dwelling*.

4.8 Landscaping and Buffers:

- 4.8.1 A minimum 1.5 metre landscaped buffer shall be provided along a side or *rear lot line* of a Commercial, Industrial or High Density Residential (R4) Zone where it abuts a Residential zone.
- 4.8.2 *Landscaping* shall be provided, planted or located, and maintained in a healthy condition by the owner of the land on which the *landscaping* is located. Every landscaped buffer shall consist of a solid and unbroken planting of shrubs or trees the ultimate height of which is not less than 1.8 metres or a privacy *fence*. Such plant material shall not be less than 1.0 metre in height when planted. For the purposes of this Section, a privacy *fence* means any barrier or *structure* constructed of wood, stone, metal, brick or other similar materials of combinations of such material, which is erected for the purpose of screening, safeguarding, retaining or enclosing property.
- 4.8.3 Where a *lot* abuts a watercourse, a *shoreline buffer* shall be restored and maintained across a minimum of 50% of the *lot*, and shall maintain a minimum width of 7.5 metres.
- 4.8.4 In all Commercial, Community Facility (CF) or High Density Residential (R4) Zones, a minimum 1.5 metre wide *buffer area* shall be provided along the full outer perimeter of any *parking lot* containing more than 10 *parking spaces*. A driveway may cross the landscaped buffer.

4.9 Lighting:

- 4.9.1 Lighting fixtures designed to provide exterior illumination on any *lot* shall be installed with the light directed or deflected away from adjacent *lots* and streets and in such a manner as to not confuse or distract persons driving vehicles on such streets, and shall be directed downward.

4.10 Minimum distance separation (MDS) for Farms:

- 4.10.1 Notwithstanding any other *yard* or *setback* provisions of this By-law to the contrary, the following provisions apply to those lands located outside of the settlement area boundaries as identified on the Schedules to this By-law:
 - a) New non-agricultural development in proximity to *existing* livestock operations must comply with provincial MDS regulations regarding *minimum distance separation* (Formula I)
 - b) The development of new livestock facilities or the expansion of *existing* livestock facilities must comply with provincial MDS regulations regarding *minimum distance separation* (Formula II)
 - c) Development is permitted for one detached *dwelling* on a vacant *lot* in existence as of the date of adoption of this by-law, provided that the *dwelling* is located the

furthest distance possible from the livestock operation and that the applicable zone *setback* provisions are complied with.

- d) *Existing* non-farm residential *uses* may be replaced where destroyed by a catastrophic event and are exempt from the MDS Separation formulae calculations, provided the replacement meets the exemptions of the *Minimum Distance Separation (MDS)* implementation guidelines.
- e) Reference should be made to the *Minimum distance separation* Formulae as developed by the Ontario Ministry of Agriculture and Rural Affairs, as amended from time to time, in completing the required calculations.

4.11 Motor vehicle service stations and Fuel Pump Islands:

4.11.1 No portion of any fuel pump island, fuel pump island canopy or kiosk, shall be located closer than 3.0 metres to any *lot line*.

4.11.2 All repair and mechanical servicing of *motor vehicles* shall be conducted within a wholly enclosed *building*.

4.12 Multiple Uses on One Lot

4.12.1 Where any land, *building* or *structure* is used for more than one purpose, the applicable provisions of this By-law which serve to regulate each such *use* shall be complied with.

4.13 Multiple Zones on One Lot

4.13.1 Where a *lot* is divided into more than one Zone under the provisions of this By-law, each such portion of the *lot* shall be used in accordance with the provisions of this By-law for the zone where such portion of the *lot* is located. Each such portion of the *lot* shall be considered as a separate *lot* for the purpose of determining zone provisions. However, not more than one *dwelling unit* shall be permitted on the entire *lot*, except where specifically permitted in this By-law.

4.14 Non-complying Lots, Buildings and Structures

4.14.1 Existing undersized lots:

- a) Where a *lot*, having a lesser *lot area* or *lot frontage* than that required:
 - (i) is held under distinct and separate ownership from abutting *lots* or was legally created prior to the passing of this By-law; or,
 - (ii) is created as a result of an expropriation; or
 - (iii) is created as a result of a natural severance such as the presence of a *public road*, a navigable waterway or a railway;

then the *lot* shall be deemed to conform to the requirements of this By-law with respect to the *lot area* or *lot frontage*, and the provisions respecting *lot area* and *lot frontage* shall not apply to prevent a permitted *use, building or structure*, provided that all other applicable provisions of this By-law are complied with and provided that a sewage disposal system (where required) can be installed on the lands.

- b) Where lands are added to an *existing* undersized *lot* that complies with (a) above, the resulting *lot* shall be deemed to comply with (a) above.

4.14.2 Reconstruction and Repair of Existing Non-complying Buildings and Structures:

- a) Where in any Zone, a *non-complying building or structure* is destroyed by fire or natural disaster, such *non-complying building or structure* may be reconstructed provided the situation of non-compliance is not increased.
- b) Nothing in this By-law shall prevent the strengthening or restoration to a safe condition of any *non-complying building or structure* lawfully used on the date of passing of this By-law, provided the situation of non-compliance is not increased.

4.14.3 Addition, Extension or Enlargement of Existing Non-complying Buildings and Structures:

- a) The enlargement, extension or addition to a legal *non-complying building or structure* may be permitted, provided:
 - (i) the situation of non-compliance is not further increased;
 - (ii) the amount of *floor area* in a *required yard* is not increased by more than 25% from the date of passing of this By-law; and,
 - (iii) all other applicable provisions of this By-law are complied with.

4.14.4 Interior Alterations: Nothing in this By-law shall prevent the interior alteration of a legal *non-complying building or structure*.

4.15 Non-conforming Uses

4.15.1 Continuation of Use: The provisions of this By-law shall not apply to prevent the *use* of any *lot, building or structure* for any purpose prohibited by the By-law if such *lot, building or structure* was lawfully used and legally established for such purposes on the date of the passing of this By-law so long as it continues to be used for that purpose and the *use* has not been discontinued.

4.15.2 Change of Use: No change in the *use* of any land, *building or structure* shall be permitted, unless such change in *use* complies with the permitted *uses* within the zone in which such land, *building or structure* is located or unless such change has been approved through the provisions of the *Planning Act, R.S.O 1990, Ch. P. 13*, as amended.

- 4.15.3 **Exterior Extensions:** No *building* or *structure*, which at the date of passing of this By-law was used for a purpose not permitted within the zone in which it is located, shall be enlarged or extended unless such *building* is thereafter to be used for a purpose permitted within such Zone and complies with all requirements of the By-law or unless approved through the provisions of the *Planning Act, R.S.O. 1990, Ch. P. 13*, as amended.
- 4.15.4 **Reconstruction or Repair of Existing Non-conforming Buildings and Structures:** Where a *building* or *structure* containing a legal *non-conforming use* is damaged or destroyed, the reconstruction or repair of the *building* or *structure* is permitted provided the reconstruction or repair does not increase the original footprint, *building* size or height or change the location.
- 4.15.5 **Permitted accessory buildings:** Nothing in this Section prevents the construction of *accessory buildings* or *structures* provided they meet the applicable *yard* requirements of the zone in which they are located.
- 4.15.6 **Interior Alterations:** Nothing in this By-law shall prevent the interior alteration of a legal *non-conforming building* or *structure*.

4.16 Number of Dwelling Units Per Lot:

- 4.16.1 Not more than one *dwelling unit* may be built on any *lot* except where specifically permitted in a particular zone.
- 4.16.2 **Second dwelling unit:** Where a *second dwelling unit* is permitted as an accessory use the following provisions shall apply:
- a) The *second dwelling unit* is located within a permitted *single detached dwelling* or a *semi-detached dwelling*, or in the second *storey* of or attached to a detached *private garage*;
 - b) Only one (1) *second dwelling unit* may be created on the *lot*;
 - c) The maximum *floor area* of a *second dwelling unit* shall not exceed the *gross floor area* of the main *dwelling unit*;
 - d) The *second dwelling unit* and main *dwelling* shall meet all other applicable provisions of this By-law and any other servicing, fire, health, safety, or occupancy regulations or by-laws;
 - e) A minimum of one *parking space* is provided for the *second dwelling unit* and does not result in a separate driveway being required; and
 - f) Where a *dwelling* is already located on a lot within an assessment area and zoned H1, H2 or H3, a second dwelling unit is permitted.

4.17 Outdoor Boiler or Wood Furnace

4.17.1 An outdoor boiler or wood furnace may be permitted on a *lot* located in the Rural (RU), Agriculture One (A1) or Rural Residential (R1) zones, subject to the following requirements:

- a) located behind the front wall of the *dwelling*;
- b) located a minimum 15 metres from any property line; and
- c) the minimum height of a chimney/stack shall be 3.25 metres.

4.18 Outdoor Storage, Display of Goods and Material

4.18.1 **Outdoor Storage:** Where *outdoor storage* is permitted, the following provisions shall apply:

- a) *Outdoor storage* complies with all *yard* requirements except in the General Industrial (M1) and Manufacturing Industrial (M2) zones;
- b) Any portion of a *lot* used for *outdoor storage* is screened from adjacent *uses* and streets adjoining the *lot* by a *building*, planting strip, and/or *fence* erected in accordance with the Fence By-law; and a minimum 1.8 metres in height from the ground; and,
- c) The area used for *outdoor storage* shall be in addition to the areas required for parking, loading and *landscaping*.

4.18.2 **Outdoor Display of Goods and Materials:** Where outdoor display and sale of goods and materials is permitted, the following provisions shall apply:

- a) Such outdoor display and sale shall be *accessory* to a *commercial use* carried on in an enclosed *building*, or portion thereof, on the same *lot*;
- b) The area used for outdoor display and sale shall be in addition to the areas required for parking, loading and *landscaping*; and,
- c) The area used for outdoor display of goods and materials shall comply with the *yard* requirements for the zone in which the land is situated.

4.19 Permitted Encroachments in Yards:

4.19.1 Every part of any *yard* required by this By-law shall be open and unobstructed by any *structure* from the ground to the sky except that those *structures* listed in Table 4.1 shall be permitted to project from the main *building* or *accessory building* into the minimum *yards* required by this By-law for the following specified distances:

TABLE 4.1 - PERMITTED ENCROACHMENTS IN YARDS

<i>Structure</i>	<i>Yards in which projection is permitted</i>	<i>Maximum projection from main wall permitted</i>	<i>Minimum Distance from Lot line</i>
Sills, belt courses, cornices, eaves or canopies, gutters, chimneys or pilasters	<i>Any yard</i>	1.0 metre	0.5 metre
Exterior staircases	<i>Any yard</i>	No maximum	No minimum
Window bays	<i>Any yard</i>	2.0 metres over a maximum width of 4.0 metres	1.0 metre
Balconies	<i>Any yard for apartment dwellings or multiple dwellings;</i> <i>Front, rear and exterior side yards only for all other dwellings</i>	2.0 metres	2.0 metres
Roofed or unroofed porches not exceeding one storey in height;	<i>Any yard</i>	3.0 metres including eaves and cornices	1.2 metres side yard 4 metres front, exterior side or rear yard
Raised Decks	<i>Rear and side yards</i>	6.0 metres	1.2 metres; 12 metres from any <i>shoreline</i>
Barrier Free access ramps and/or lifting devices	<i>Any yard</i>	No maximum	No minimum

4.20 Permitted Uses in All Zones:

4.20.1 The following *uses* are permitted in any zone:

- a) a temporary sales office in a plan of subdivision or condominium description incidental to construction and sale of *lots*, units or *buildings* in such development until construction has been finished or discontinued for sixty (60) days, but no such sales offices shall be established within 30 metres of any occupied *dwelling*;

- b) a *trailer*, a temporary construction *structure* incidental to construction and used temporarily for office or storage purposes, provided that the *trailer* or camp is located on the same *lot* as the construction and in compliance with the *yard* requirements for the zone in which it is located and provided the *trailer* or *structure* shall not be located on the premises until a *building* permit for said construction has been issued and the *trailer* or *structure* shall be removed upon the completion or discontinuance of construction;
- c) a ticket office to serve a vehicle *parking lot*;
- d) a receiving/transmitting tower or any steel tower used for signaling purposes and associated *buildings*, provided all Federal regulations are complied with;
- e) decorative walls, *fences*, planting strips, walkways and other *landscaping structures* subject to the regulations contained herein;
- f) recreational trails and minor associated *structures* including outdoor sports courts/fields;
- g) a *conservation use*;
- h) a *public park*;
- i) flood or erosion control facilities.

4.21 Pits and Quarries:

4.21.1 The making, establishment or operation of *pits* or quarries is prohibited within the area covered by this By-law, except in the locations specifically permitted by this by-law, and in accordance with the provisions of this By-law. No person shall use land or *erect* any *building* or *structure* for processing, blasting, washing, screening, sorting or crushing rock, sand or gravel, except as expressly provided for in this By-law.

4.22 Prohibited Uses/Activities:

4.22.1 Except as otherwise specifically permitted in this By-law, the following *uses* are prohibited in any zone:

- a) The *use* of any *motor vehicle*, truck, bus, coach, railway car or street car body for human habitation.
- b) The *use* of school portables for human habitation;
- c) The *use* of any cargo or *storage container* for human habitation;
- d) The parking or storage of boats, *trailers* or commercial and non-commercial *motor vehicles* on a vacant *lot*;
- e) Tracks or other areas developed for the racing or running of motorcycles, all-terrain vehicles, snowmobiles, or other motorized *recreational vehicles*. This is not intended

to interfere with any lawful *use* of a *public road* or highway, or enjoyment of private property by the owners or tenants of such property or the *use* of an organized trail approved by the City;

- f) The manufacturing, refining, rendering, storage or distillation of fertilizers, oil, glue from organic sources, acids, ammonia, chlorine, coal, creosote, explosives, petroleum, tar, fireworks, ammunition, petroleum, tar, radioactive, hazardous waste, hazardous biological waste, or liquid industrial waste, combustible, explosive, inflammable, or dangerous liquids, gases, or other hazardous materials unless specifically permitted as a *use* in this By-law or stored for sale in direct association with a permitted *use* in the Zone and on the property on which the permitted *use* occurs;
- g) *Adult entertainment parlours*.

4.23 Public road Frontage

- 4.23.1 **Frontage on a Public road:** No person shall *erect* any *building* or *structure* in any zone unless the *lot* fronts upon and is directly accessible from a municipally maintained *public road*.
- 4.23.2 **Unassumed Road:** The provisions of this By-law shall not apply to prevent the erection of a permitted *building* or *structure* on a *lot* in a Registered Plan of Subdivision where a properly executed subdivision agreement has been entered into with the City where the street or streets will not be assumed by the City until specified in the agreement.
- 4.23.3 **Condominium Access:** Notwithstanding Section 4.23.1 where a *lot* is developed by condominium description, the *lot frontage* and access may be on a private road for individual units within the condominium description.
- 4.23.4 **Existing Lots not on a Public Road:** For a *lot* which does not front on a municipally maintained *public road*, but contains a legally *existing building* or *structure*, the *rebuilding*, repair or replacement of such *building* or *structure* is permitted provided it is in accordance with the provisions of Sections 4.14 and 4.15.
- 4.23.5 **Water Access only lots:** This Section does not apply to development on a lot on an island or on a navigable waterway, where there is no public road access.

4.24 Public uses:

- 4.24.1 The provisions of this By-law shall not apply to the *use* of any land or to the erection or *use* of any *building* or *structure* for public service by the City or by any local Board, any department of the Government of Ontario or Canada, including any electrical distribution company, telephone, telegraph or gas company, or any railway provided that:

- a) The *lot coverage, setback* and *yard* regulations prescribed for the Zone in which such land, *building*, or *structure* is located are complied with;
 - b) No goods, materials, or equipment are stored in the open in a Residential Zone or in a *lot* adjacent to a Residential Zone.
- 4.24.2 Nothing in this By-law prevents the *use* of land for a *public road* or prevents the installation of a water main, sanitary sewer main, storm sewer main, gas main, pipeline, lighting fixture, transit shelter, or overhead or underground hydro or telephone lines.

4.25 Special *Setback* Requirements

4.25.1 Provincial Highways:

- a) Notwithstanding any other provision in this By-law, properties located adjacent to a provincial highway will be subject to the *setback* requirements of the Ministry of Transportation.
- b) In addition to all applicable municipal requirements, all proposed development located in proximity of a provincial highway, within Ministry of Transportation permit control area, will be subject to the approval of the Ministry of Transportation. A Ministry of Transportation permit shall be obtained prior to any construction being undertaken.

4.25.2 **Pipelines:** No *main building* or *structure* shall be located within 7.0 metres of a Pipeline right-of-way. No *accessory building* or *structure* shall be located within 3.0 metres of a Pipeline right-of-way.

4.25.3 **Watercourses:** Unless otherwise specifically established in this By-law, *buildings* and *structures* shall be *setback* a minimum of 15.0 metres from any *navigable watercourse* and 10.0 metres from any other identifiable watercourse (excluding a municipal drain), with the *setback* to be measured from the high-water mark.

4.25.4 *Setback* from Top of Bank and EP zone boundaries:

- a) Notwithstanding any other provision of this By-law, the minimum *setback* from the top of bank is 10 metres, or the edge of the Environmental Protection Zone, whichever is greater. For the purposes of this Section, top of bank means the line which defines the transition between tableland and sloping ground at the crest of a slope associated with a watercourse, and may be determined by an approved geotechnical study.
- b) Where a geotechnical study stamped by a Professional Engineer and approved by the City indicates that development can occur within the *setback* without any impact on the bank stability or an Environmental Impact Study indicates that development can occur adjacent to the lands zoned Environmental Protection without negative impact

on the natural feature, the *setback* shall be as recommended in the study, provided the development meets all other requirements of this By-law.

4.26 Storage Container Regulations

4.26.1 No person shall place or use a modified or unmodified *storage container* in any zone except in accordance with the following:

- a) The use of a *storage container* is only permitted in a R1, C1, C1A, C2, M1, M2, M3, M4, A1 or RU Zone as an *accessory use* to a permitted *use* on a *lot* where a main *building* exists;
- b) A *storage container* shall not be used as work areas or for office *uses* or retail sales;
- c) A *storage container* shall not exceed a height of 3 metres and a total length of 17 metres;
- d) The maximum lot coverage for *storage containers* shall not exceed the lesser of 15% or the maximum permitted coverage for accessory buildings in the zone in which the containers are located;
- e) A *storage container* shall not be stacked on top of another *storage container*;
- f) A *storage container* shall not be located in a required *parking area* or encroach into a required landscaped area;
- g) A *storage container* shall not be located in a *front yard* or an *exterior side yard*, and shall meet the minimum *yard* requirements of the zone in which it is located;
- h) No separation distance is required between storage containers.

4.26.2 Notwithstanding the provisions of this Section, a *storage container* having a maximum height of 3 metres and a maximum length of 17 metres is permitted in the driveway on a residential zoned *lot* and only for the purpose of loading or unloading of household items during the process of moving or renovation. In no case shall a *storage container* encroach onto a public sidewalk, be located closer than 0.3 metres from the back of curb in situations where no sidewalks exist, or create a site line obstruction.

4.26.3 Notwithstanding the provisions of this Section, a *storage container* is permitted on a construction site in any zone for the purpose of storing equipment and materials incidental to construction, subject to the following:

- a) The container shall have a maximum height of 3 metres and a maximum length of 17 metres;
- b) No more than two *storage containers* are permitted on a *lot*; and
- c) The *storage containers* must be removed within the lesser of two years from installation or 30 days of completion of the work.

4.27 Temporary Uses

4.27.1 Construction:

- a) A temporary *building, structure or trailer* incidental to the construction of a *main building* on a *lot* is permitted in all Zones provided that a valid *building* permit has been issued, but only for as long as it is necessary for the work in progress and until the work is completed or abandoned.
- b) The continued *use* of an *existing dwelling or building* on a *lot* during the construction of a *dwelling or building* intended to replace such *dwelling or building* is permitted provided that:
 - (i) In no case may such *existing building* remain un-demolished on the *lot* for longer than 120 days after the *building* intended to replace such *existing building* is ready in whole or in part for occupancy;
 - (ii) Safety and emergency access are provided and maintained to the satisfaction of the Chief Building Official and the Fire Chief; and,
 - (iii) The Owner enters into an agreement with the City acknowledging the City will demolish the *existing building* in the event it is not demolished within the timeframe stipulated above and the cost of such demolition will be charged back to the property owner;
 - (iv) The demolition permit for the *dwelling or building* has been issued.

4.27.2 Sales office/model home: One temporary sales office and one model home may be located on lands which are the subject of a draft approved plan of subdivision or condominium in any Residential, Commercial or Industrial Zone provided that:

- a) The temporary sales office and model home are located in accordance with the zone provisions of the zone in which it is located; and,
- b) An Agreement has been executed with the City addressing the temporary sales office and model homes.

4.28 Travel Trailers and Recreational vehicles:

4.28.1 No person shall use any *lot* in any Residential zone for the purpose of parking or storing more than three boats and/or recreational vehicles;

4.28.2 In a Residential zone, the parking or storage of a recreational vehicle shall only be permitted in an *interior side yard or rear yard*, but no closer than 1.5 metres to any *lot line*. Such vehicles shall only be permitted as an *accessory use* to a *dwelling unit* provided the boat or recreational vehicle is licensed, in good repair and in serviceable condition and is owned by an occupant of the *dwelling unit*.

- 4.28.3 Notwithstanding 4.29.1 above, there is no maximum to the number of personal *use* boats or recreational vehicles stored on a *lot* in the Rural Residential (R1), Rural (RU) or Agricultural One (A1) Zones.

4.29 Water Supply and Sewage Disposal Systems:

- 4.29.1 **Connection to Services - Full or Partial Municipal Sewer and Water Service:** No land may be used, and no *building* or *structures* may be erected unless:

- a) connected to a municipal sanitary sewer and/or water supply within the settlement areas identified on the schedules to this by-law; or
- b) where municipal services are not available, alternative servicing arrangements are provided to the satisfaction of the City.

- 4.29.2 **Commercial or Industrial uses in Areas without Full Municipal Services:**

Notwithstanding any other provisions of this By-law with regard to servicing requirements for an industrial or *commercial use*, where full municipal services are not available, and privately serviced development is permitted, only dry industrial or *commercial uses* shall be permitted unless it is demonstrated to the satisfaction of the City, Ministry of the Environment, and/or other responsible authorities, in studies submitted by the applicant, that appropriate treatment can be provided with no detrimental impact to surface, groundwater resources, and the surrounding environment.

4.30 Wayside pits and Quarries and Portable Asphalt Plants

- 4.30.1 Where specifically permitted in the By-law, a *wayside pit* or *quarry* or a portable asphalt plant shall be subject to the following provisions:

- a) the *wayside pit* or *quarry* or the portable asphalt plant shall be used by or on behalf of a Public Authority;
- b) the *wayside pit* or *quarry* or the portable asphalt plant shall have a Certificate of Approval from the Ministry of Environment and Energy or its designate;
- c) the *wayside pit* or *quarry* or portable asphalt plant shall not be located closer than 300 metres from an *existing* residence;
- d) no excavation is permitted within 15 metres from the edge of any watercourse, *public road* allowance, or any adjoining property boundary; and
- e) upon completion of the public project, the site shall be rehabilitated to its former *use*.

Section 5: Parking and Loading Requirements

5.1 General

- 5.1.1 The parking and *loading space* requirements apply:
- a) when any new development is constructed;
 - b) when any *existing* development is enlarged; or
 - c) when any *use* is changed.
- 5.1.2 No person shall use any land, *building* or *structure* in any Zone for any purpose permitted by this By-law, unless parking and *loading spaces* are provided in accordance with the requirements of this Section.
- 5.1.3 Parking and *loading spaces* required by this By-law and all driveways and aisles leading to those spaces must be set aside for and used exclusively for that purpose.
- 5.1.4 When a *building* has insufficient parking at the date of passing of this By-law to comply with the requirements herein, this By-law shall not be construed to require that deficiency be made up prior to the construction of any addition. No addition may be built and no change in *use* may occur, the effect of which would be an increase in that deficiency.

5.2 Parking space Requirements

- 5.2.1 **Number of Parking spaces:** Off-street *motor vehicle* parking shall be provided for any land *use* at the rate set out in Table 5.1.

TABLE 5.1- PARKING REQUIREMENTS

Type of <i>Building/Use</i>	Minimum Off-Street Parking Requirements
Any <i>commercial use</i> , except those uses specifically listed elsewhere in this Section	1 space for each 50 square metres of commercial or office floor space
Any <i>industrial use</i> , except those uses specifically listed elsewhere in this Section	A minimum of 5 spaces or 1 space for each 100 square metres of <i>building</i> floor space on the <i>lot</i> , whichever is greater.
Any other non-residential <i>use</i> , except those <i>uses</i> specifically listed elsewhere in this Section	1 space for each 50 square metres of <i>gross floor area</i>

Type of Building/Use	Minimum Off-Street Parking Requirements
	a minimum of 10 spaces for open air activity areas
<i>Bed and breakfast establishment</i>	1 space for each rental room in addition to the required parking for the <i>dwelling</i> .
<i>Convenience store, Grocery store, Health services establishment Kennel Personal service establishment Retail store Veterinary clinic</i>	1 space per 20.0 square metres of <i>gross floor area</i> of commercial space accessible to the public.
<i>Laundromat</i>	1 space for every 4 washing machines or 1 space per 20 square metres of <i>gross floor area</i> , whichever is greater
<i>Building supply establishment</i>	1 space per 50 sq. metres of <i>gross floor area</i> of commercial space accessible to the public
<i>Dwelling unit</i>	1 space per <i>dwelling unit</i> For a water access only property, no minimum parking is required
<i>Educational establishment</i>	For an elementary school, 1.5 spaces for each teaching classroom. For a high school, 4 spaces for each teaching classroom. For a post-secondary establishment, 15 spaces for each teaching classroom. For a post-secondary residence, 1 space for every 4 beds.

Type of Building/Use	Minimum Off-Street Parking Requirements
<i>Agricultural uses, Greenhouse/nursery/garden centre</i>	2 spaces per farm, plus 1 space for every 30 square metres of <i>gross floor area</i> devoted to retail sales and 1 space for every 100 square metres of <i>gross floor area</i> devoted to processing or manufacturing uses.
<i>Funeral home</i>	1 space for each 5 seats capacity with a minimum of 10 <i>parking spaces</i> .
<i>Golf course</i>	18 spaces per 9 holes of golf, plus 1 space per 30 square metres of club house.
<i>Group home</i>	2 spaces, plus 1 space for every five residents.
<i>Hospital, Long term care home, Home for special care</i>	1 space for each 2 beds plus 1 additional space for each resident doctor or resident employee.
<i>Hotel/Motel Tourist establishment Camping Establishment</i>	1 space for each guest room, plus 1 <i>parking space</i> per 10.0 square metres of <i>gross floor area</i> devoted to meeting, dining and banquet facilities
<i>Marina</i>	1 space for each boat slip plus 1 space for each 30 square metres of commercial <i>floor area</i>
<i>Mobile home park</i>	1 space per unit
<i>Motor vehicle body repair shop Motor vehicle repair facility Motor vehicle service station Motor vehicle towing establishment Motor vehicle washing establishment</i>	3 spaces per service bay plus 1 space per 20.0 square metres of <i>gross floor area</i> for the office and any retail use

Type of Building/Use	Minimum Off-Street Parking Requirements
<i>Motor vehicle Gas Bar</i>	1 space per 50 square metres <i>gross floor area</i> exclusive of fuel dispensing spaces.
<i>Motor vehicle dealership</i>	1 space per 20.0 square metres <i>gross floor area</i> exclusive of display and storage parking.
<i>Restaurant</i> <i>Place of assembly</i> <i>Place of recreation</i> <i>Place of worship</i>	Where there are fixed seats, one space for every 5 seats or 3.0 metres of bench space of its maximum seating capacity Where there are no fixed seats, 1 space for each 10 square metres of <i>floor area</i> devoted to <i>public use</i>
<i>Retirement Home</i>	4 spaces plus .5 spaces for each of the first 30 guest rooms plus .25 spaces for each additional guest room
<i>Self storage facility</i>	1 space per 30.0 square metres of <i>gross floor area</i> within the office; plus 1 space per 100.0 square metres of <i>gross floor area</i> of the <i>building</i>

5.2.2 *Parking space Calculation:* Where the minimum number of *parking spaces* is calculated based on a rate, the required number of spaces shall be rounded to the next higher whole number.

5.2.3 *More than One Use on a Lot:* When a *lot, building or structure* accommodates more than one type of *use*, the *parking space* requirement for the whole *building* or site shall be the sum of the requirement for the separate parts of the *building* or site occupied by the separate types of *use*.

5.2.4 *Parking space Size:* A *motor vehicle parking space* shall have:

- a) A minimum width of 3.0 metres; and,
- b) A minimum length of 6.0 metres, except for parallel parking, where a minimum length of 6.5 metres is required.

5.2.5 Width of Aisles: The minimum width of an aisle providing access to a *parking space* within a *parking area* shall be 6.0 metres, except in the case of angled off-street parking accessed by a one-way aisle, which shall be a minimum width of 4.5 metres.

5.2.6 Width of Access Ramps and Driveways

- a) Access ramps and driveways accessing a *parking area* or *parking lot* shall be a minimum of 3.0 metres in width for one-way traffic and a minimum of 6.0 metres in width for two-way traffic.
- b) For a Commercial, Industrial, Institutional or Municipal *Parking lot*, a minimum of 7.5 metres in width shall be provided.

5.2.7 Parking Area Surface Treatment: All required *parking spaces* and *parking areas* and all driveways to any *parking area* or *parking lot* shall be maintained with a stable surface such as asphalt, concrete, concrete pavers, gravel or similar material which is treated so as to prevent the raising of dust or loose particles.

5.2.8 Location of Required Parking spaces:

- a) *Parking spaces* and all driveways and aisles leading to those spaces shall be:
 - i) located on the same *lot* as the *use* or *building* for which they are provided; or
 - ii) located on a *lot* located within 150.0 metres of the site in the C1 or C1A zone, provided the parking facilities are legally secured for that *use*, to the satisfaction of the City.

5.2.9 Parking area Location on a Lot: *Parking areas* will be permitted in any *required yard* in accordance with Table 5.2.

TABLE 5.2 – PARKING AREA ON LOT

Zone	Yard in Which Required Parking Permitted
Residential Zones	All <i>yards</i> . No <i>parking space</i> shall be permitted within 1.5 metres of a <i>street line</i> .
Commercial, Community Facility, Industrial, Open Space Zones	All <i>yards</i> provided that no part of any <i>parking area</i> , other than the ingress or egress points, is located closer than 1.0 metre to any <i>street line</i> and no closer than 1.5 metres to any <i>lot line</i> and provided that no part of any <i>parking area</i> is located in a minimum planting strip adjacent to a <i>street line</i> as required by this By-law.
Agricultural and Rural Zones	All <i>yards</i> provided that no part of any <i>parking area</i> , other than the ingress and egress points used for access from the street, is located closer than 5.0 metres to any <i>street line</i> or any other <i>lot line</i> .

5.2.10 Restrictions in Residential Zones

- a) Not more than one vehicle per *dwelling unit* shall be a *commercial motor vehicles* as defined in the Highway Traffic Act. The manufacturer's rated capacity of any such *commercial motor vehicle* shall not exceed 1,000 kilograms.

5.2.11 Exemptions for parking in the C1 and C1A Zones:

- a) Where *parking spaces* are required for any *use* in the C1A Zone and in that portion of the C1 Zone shown on the schedules to this By-law and located within the Business Improvement Area, and where public on-street and/or off-street parking is available, then no parking is required for any *commercial use*. This exemption does not apply to any residential *use* within the defined area.

5.3 Queuing Lane Requirements (Drive through service):

- 5.3.1 Where drive-through service facilities are permitted, queuing lanes are required and shall be exclusive of any other *parking space* and aisle requirements contained within this By-law and shall be provided in accordance with the provisions of this Section. The minimum queuing space requirements within a designated queuing lane shall be as set out in Table 5.3. In addition, one space shall be provided for each point of service delivery.

TABLE 5.3 – QUEUING LANE REQUIREMENTS

Use Associated with Drive-Through Service Facility	Minimum Required Ingress Spaces	Minimum Required Egress Spaces
Financial Institution	3	1
<i>Restaurant</i>	8	2
<i>Motor vehicle service station or Gas Bar</i>	3	1
<i>Motor vehicle washing establishment</i>	3 per bay	2
All Other Uses	3	1

- 5.3.2 **Location of Ingress and Egress Spaces:** Required ingress spaces shall be located before the first point of contact and required egress spaces shall be located after the final point of contact.

5.3.3 Length of Queuing Lane: The length of the queuing lane associated with the drive-through service facility shall be the total number of required ingress spaces and egress spaces, plus one space for each point of service delivery and shall not form part of the required *parking spaces* or aisles.

5.3.4 Size of Queuing Space: All queuing spaces shall be rectangular in shape, with a minimum length of 6.0 m and a minimum width of 2.75 m.

5.4 Loading space Requirements

5.4.1 Location of Loading spaces

- a) Required *Loading spaces* shall be provided on the same *lot* for the *use* or *building* for which it is required, and the *loading space(s)* shall be located within 20.0 metres of the *use* or *building* for which it is required.
- b) Such *loading space* shall not be located in a *required yard*.
- c) *Loading spaces* shall not obstruct any required *parking spaces* or vehicular movement on the *lot*.
- d) In all Zones, with the exception of any Industrial Zone, *loading spaces* are not permitted in the *front yard* or *exterior side yard* and loading bay doors are not permitted on any wall facing a street unless the *loading space* and loading bay door are located no closer than 10.0 metres from any *street line*.

5.4.2 Access to Loading spaces: Where a *loading space(s)* is required, the access to the *loading space(s)* shall be provided by means of a driveway that is a minimum of 6.0 metres wide in an Industrial Zone and a minimum of 3.5 metres wide in a Commercial Zone.

Section 6: Residential Zones

6.1 Establishment of Residential Zones

The Residential Zones established by this By-law are:

ZONE	SYMBOL	DESCRIPTION
Rural Residential Zone	R1	Rural Residential
Low Density Residential Zone	R2	Low Density Residential (1 and 2 units) within Settlement Areas; may be on full, partial or private services
Medium Density Residential Zone	R3	Medium Density Residential (up to 4 units)
High Density Residential Zone	R4	High Density Residential Zone (5 units and over)
Mobile Home Residential	MH	Mobile Home Park

6.2 General Prohibition

No person shall within any Residential Zone, use any land, or erect, alter, or use any *building* or *structure* except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

6.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted use in the Permitted Uses Table. A number(s) following the symbol '●', zone heading or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Principal Uses Table, Table 6.1, and Permitted Accessory Uses Table, Table 6.2.

TABLE 6.1 – PERMITTED PRINCIPAL USES

Permitted Uses		Zones				
		R1	R2	R3	R4	MH
		Rural Residential	Low Density Residential	Medium Density Residential	High Density Residential	Mobile Home Residential
Dwelling, Single Detached		●	●	●		
Dwelling, Semi-detached			●	●		
Dwelling, Duplex			●	●		
Dwelling, Multiple, up to 4 units				●		
Dwelling, Multiple, 5 or more units					●	
Dwelling, Street Townhouse				● (*1)	●	
Dwelling, Mobile Home						●
Other Uses						
Boarding House			●	●		
Cemetery		●	●	●	●	
Group Home		●	●	●	●	
Home for Special Care				●	●	
Retirement Home					●	

TABLE 6.2 – PERMITTED ACCESSORY USES

Accessory Use		Zones				
		R1	R2	R3	R4	MH
		Rural Residential	Low Density Residential	Medium Density Residential	High Density Residential	Mobile Home Residential
Second Dwelling Unit		●	●	●		
Bed and Breakfast Establishment		●	●	●	●	
Home Occupation		●	●	●	●	
Home Industry		●	●	●	●	
Private Home Child Care		●	●	●	●	

6.3.1 Notes to Permitted Uses:

(*1) To a maximum of four dwellings.

6.4 Lot Requirements

TABLE 6.3 – RESIDENTIAL ZONE REQUIREMENTS

Regulation		Zone				
		R1	R2	R3	R4	MH
		Rural Residential	Low Density Residential	Medium Density Residential	High Density Residential	Mobile Home Residential (*1)
Minimum Lot Area (m2)	Full Municipal Services	n/a	450 (*2)	450 (*2, *3)	1100 (*3)	450
	Partial Municipal Services	n/a	550 (*4)	n/a	n/a	n/a
	Private Services	4000	4000	n/a	n/a	n/a
Minimum Lot Frontage (m)	Full Municipal Services	n/a	(*5)	(*5, *6, *7)	30	15 (*8)
	Partial Municipal Services	n/a	20	n/a	n/a	n/a
	Private Services	40	40	n/a	n/a	n/a
Maximum Lot Coverage (%)	Full Municipal Services	n/a	40	40	40	40
	Partial Municipal Services	n/a	40	n/a	n/a	n/a
	Private Services	20	20	n/a	n/a	n/a
Maximum Lot Coverage for accessory buildings (%)		15	15	15	15	15
Minimum Front Yard (m)	Full Municipal Services	n/a	6	6	6	n/a
	Partial Municipal Services	n/a	6	n/a	n/a	n/a
	Private Services	7.5	7.5	n/a	n/a	6
Minimum Interior Side Yard (m)	Full Municipal Services	n/a	1.2 on one side and 3 on the other (*9)	1.2 on one side and 3 on the other (*10)(*9)	6 (*10)	1.2 on one side and 3 on the other
	Partial Municipal Services	n/a	1.2 on one side and 3 on the other (*9)	n/a	n/a	n/a
	Private Services	6	6	n/a	n/a	n/a
Minimum Exterior Side Yard		7.5	5	5	7.5	6
Minimum Rear Yard		7.5	6	6	7.5	6
Minimum setback from watercourse		15	15	15	15	15
Maximum Building Height		11	11	11	12	5
Maximum Accessory Building Height (*11)		5	5	5	5	5
Maximum Number of Dwelling Units (excluding second dwelling)		1	(*12)	1 for each 150 sq m of lot area to a maximum of 4	1 for each 120 sq m of lot area	1 per mobile home site (*13)
Minimum Landscaped Open Space (%)		50	30	30	35	30
Other Provisions			(*15)	(*15)	(*15)	(*14)

6.4.1 Additional Residential Zone Requirements

(*1) Standards for individual units/sites within a mobile home park.

(*2) For a semi-detached dwelling, the minimum lot area shall be 250 square metres per dwelling unit.

(*3) For a Street Townhouse, the minimum lot area shall be 200 square metres per dwelling unit.

(*4) A duplex or semi-detached dwelling is not permitted on partial services.

- (*5) 15 metres for a single detached or duplex dwelling; 9 metres per unit for a semi-detached dwelling.
- (*6) A minimum of 7 metres per unit for an interior unit and 10 metres for an end/exterior unit for a Street Townhouse.
- (*7) Minimum 18 metres for a multiple dwelling.
- (*8) Frontage on an internal public or private roadway.
- (*9) Where there is an attached garage, the minimum interior side yard shall be 1.2 metres on both sides.
- (*10) For a Street Townhouse, the minimum interior side yard shall be 3.5 metres on the external units, and 0 (nil) metres for common walls.
- (*11) Where a second dwelling is proposed above a garage, the maximum heights of the garage shall be 8 metres.
- (*12) 1 dwelling only on partial or private services; 1 dwelling for each 225 square metres of lot area to a maximum of two dwellings.
- (*13) The maximum number of mobile home sites within a mobile home park is as exists on the date of passing of this By-law.
- (*14) The outer boundary of a mobile home park shall maintain minimum yards of 5 metres, all of which shall be a landscaped strip (with the exception of ingress and egress).
- (*15) Where a legal non-complying single detached dwelling is converted to a duplex dwelling, semi-detached dwelling or multiple dwelling, the existing yards, lot coverage and landscaped open space are deemed to comply with this by-law.

6.5 Residential Exceptions

The Provisions of this Section are modified for those properties and to the extent identified in Sections 6.5.1 to 6.5.5 below.

6.5.1 Exceptions to Rural Residential (R1) Zone

Exception	By-law	Location	Schedule	Special Provisions
R1-1	2009-138	998199 Highway 11 North	C3	<p>In addition to the permitted uses in an R1 zone, a graphics and sign business is permitted in an accessory building.</p> <p>Retail sales are not permitted.</p> <p>All installations related to vehicles must take place off-site.</p> <p>For the purposes of this Section, a Graphics and Sign business means the design, production, assembly and installation of indoor and outdoor decals; signs and</p>

Exception	By-law	Location	Schedule	Special Provisions
				<p>banners; vehicle lettering and graphics, awnings; billboards; exhibits and displays; large format digital imaging; window tinting and frosting; and similar products and services, provided vehicle lettering and graphics; vehicle window tinting and frosting, and any other product designed for vehicles is not a permitted use on site.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Maximum number of parking spaces shall be four in addition to the requirements of the R1 zone; • No outdoor storage shall be permitted; • Signage visible from Highway 11 must not be greater than 3 sq m for one sign or two signs not exceeding a combined area of 6 sq m.
R1-2	91-32 H	Roll # 5418 030 011 07200	G3	The Minimum <i>Interior Side Yard</i> shall be 1.2 metres on one side and 2.0 metres on the other side.
R1-3				
R1-4				
R1-5				

6.5.2 Exceptions to Low Density Residential (R2) Zone

Exception	By-law	Location	Schedule	Special Provisions
R2-1	91-39 H	8 Lowry Street	I4	The minimum <i>interior side yard</i> shall be 0.0 m on one side.
R2-2		697 Main Street	I4	In addition to the permitted uses in the R2 zone, a towing, plowing and yard maintenance establishment shall be permitted.
R2-3				
R2-4				
R2-5				

6.5.3 Exceptions to Medium Density Residential (R3) Zone

Exception	By-law	Location	Schedule	Special Provisions
R3-1	2246 NL 2397 NL	51 Murray Street 12 Elm Street 61 Paget Street 95 Meridian	E3 and J4	In addition to the permitted uses in the R3 zone, a <i>health services establishment</i> shall be permitted.
R3-2	2306 NL	128 Pine Street	E3	<p>The permitted principal uses are limited to the following:</p> <ul style="list-style-type: none"> • A <i>single detached dwelling</i>; • a <i>duplex dwelling</i>; • a <i>multiple dwelling</i> with a maximum of three units. <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum <i>lot frontage</i> shall be 12.27 m; • Minimum <i>lot area</i> shall be 523 sq m
R3-3				
R3-4	2881 NL	329 Whitewood	E3	<p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot area shall be 600 sq m; • Minimum lot frontage shall be 12 m; • Minimum front yard setback shall be 0.9 m;

Exception	By-law	Location	Schedule	Special Provisions
				<ul style="list-style-type: none"> Minimum rear yard setback shall be 0.5 m for the accessory building;
R3-5	2014-104	242 Robert St	E3	The minimum lot frontage for a triplex dwelling shall be 15 m.
R3-6	2017-105	258 Farah	F3	<p>In addition to the permitted uses in an R3 Zone, a <i>street townhouse</i> containing a maximum of 4 units is permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum <i>lot frontage</i> shall be 20 m; Minimum <i>rear yard</i> shall be 2 m;
R3-7	89-10 H	59 King Street	K4	The minimum <i>interior side yard</i> shall be 1.125 metres on one side and 3.0 metres on the other side.
R3-8		228 Heard	E3	The minimum <i>exterior side yard</i> shall be 3.8 m.
R3-9	91-39 H	130 Queen Street	K4	The minimum <i>interior side yard</i> shall be 1.0 m on one side and 1.4 m on the other side.
R3-10	1987-003	121 Station Street	K4	The minimum interior side yard shall be 1.1 m on one side and 3 m on the other side.
R3-11	91-47 H	250 Meridian Ave	J4	The minimum <i>interior side yard</i> shall be 1.2 m on one side and 1.0 m on the other side.
R3-12		486 Broadway	I4	<p>In addition to the permitted uses in an R3 Zone, a funeral home and accessory dwelling unit are permitted.</p> <p>The existing building is deemed to comply with the lot and yard requirements in an R3 Zone.</p>
R3-13		544 Rorke	I4	The permitted uses are limited to a parking area accessory to the funeral home located at 486 Broadway.

Exception	By-law	Location	Schedule	Special Provisions
R3-14	93-78 H	401 Ferguson Ave	I4	The minimum interior side yard shall be 1.8 m on the north side and 1.7 m on the south side.
R3-15		Lakeview and Birch 541803000932820	K4	In addition to the permitted uses in an R3 Zone an educational establishment is a permitted use.
R3-16		452 View Street	J4	In addition to the permitted uses in an R3 Zone, a restaurant is permitted.

6.5.4 Exceptions to High Density Residential (R4) Zone

Exception	By-law	Location	Schedule	Special Provisions
R4-1	2010-026	228 Raymond Street	D3	The maximum number of dwelling units on the property shall be 6.
R4-2	2010-026	230 Raymond Street	D3	<p>The permitted uses are limited to the following:</p> <ul style="list-style-type: none"> • Apartment residential with a maximum of 6 units; • Appliance sales and service shop; • Business, professional or administrative office; • Child care centre; • Convenience store; • Educational establishment; • Financial establishment; • Health services establishment; • Personal service establishment; • Private club; • Retail store; <p>In addition to the above, other similar commercial and institutional uses that are compatible with the residential character of the neighbourhood are permitted.</p> <p>The following zone provisions apply to commercial uses:</p>

Exception	By-law	Location	Schedule	Special Provisions
				<ul style="list-style-type: none"> Commercial uses shall be contained within the existing building; Commercial uses are limited to a maximum of 40% of the gross floor areas of the existing building; Commercial uses are limited to the floor at grade level.
R4-3	2416 NL	67 Lakeshore Road	F3	<p>The maximum number of dwelling units on the property shall be 5.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum lot area shall be 485 sq m; Minimum lot frontage shall be 12 m; Minimum interior side yard shall be 2 m; Minimum building separation shall be 2.5 m;
R4-4	2010-051 NL	157 Whitewood Avenue	E3	<p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum lot frontage shall be 24.5 m; Minimum exterior side yard shall be 6.66 m; Minimum side yard shall be 5.56 m.
R4-5	2012-097 NL	97 Whitewood Avenue	E3	<p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum front yard shall be 5 m; Minimum side yard for an apartment dwelling shall be 1.46 m; Minimum landscaped area shall be 8%;
R4-6 (H4)	2013-101 & 2014-206	415 Lakeshore Road	F3	<p>The maximum number of dwelling units on the property shall be 82.</p> <p>A single detached dwelling is a permitted use.</p> <p>The following lot requirements apply:</p>

Exception	By-law	Location	Schedule	Special Provisions
				<ul style="list-style-type: none"> Minimum side yard (north side) shall be 3.7 m; Maximum building height shall be 17 m; All development below the 181.7 metre CGD elevation shall be flood proofed to the 181.7 CGD elevation; Minimum parking space width shall be 2.75 m.
R4-7	2016-117	100 Lakeshore Road N	F3	<p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum front yard shall be 4.5 m for one accessory gazebo only; Minimum side yard for an apartment dwelling shall be 2.9 m on the south side; Minimum landscaped open space shall be 30%; Minimum number of parking spaces shall be 1.25 for each dwelling unit, recognizing that a minimum of 6 spaces shall be dedicated as accessible parking spaces;
R4-8	89-50 H	428 Lakeview	K4	<p>The Maximum number of <i>dwelling units</i> on the property shall be 5;</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum lot frontage shall be 19.95 m; Minimum <i>front yard</i> shall be 0.56 m; Minimum <i>interior side yard</i> shall be 0.07 m; Minimum <i>exterior side yard</i> shall be 0.17 m;
R4-9	90-42 H	431-439 Rorke Avenue	I4	<p>The maximum number of <i>dwelling units</i> on the property shall be 5;</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum <i>front yard</i> shall be 4.18 m;

Exception	By-law	Location	Schedule	Special Provisions
				<ul style="list-style-type: none"> Minimum <i>rear yard</i> shall be 4.0 m;
R4-10	2003-16 H	420-456 Farr Drive	I4	<p>The maximum number of <i>street townhouse dwellings</i> on lands zoned R4-10 shall be 25;</p> <p>The following lot requirements apply to each <i>street townhouse dwelling</i> unit:</p> <ul style="list-style-type: none"> Minimum <i>lot area</i> shall be 185 sq m Minimum <i>lot frontage</i> shall be 7.5 m; Minimum <i>front yard</i> shall be 6.0 m; Minimum <i>interior side yard</i> shall be 0.0 m; Minimum <i>exterior side yard</i> shall be 0.5 m; Minimum <i>rear yard</i> shall be 5.5 m; Minimum <i>floor area</i> shall be 80 sq. m; Maximum <i>height of building</i> shall be 11.5 m; Maximum <i>lot coverage</i> for a <i>dwelling</i> shall be 65%.
R4-11	2010-012	347 Sutherland Way and Blackwall Street.	I4, J4	<p>The permitted uses are limited to a 48 unit <i>apartment dwelling</i>, and the following non-residential uses:</p> <ul style="list-style-type: none"> Financial establishment; Convenience store; Business, professional or administrative office; Personal service establishment; Retail store; Educational establishment; Place of assembly; Place of recreation; Place of worship; Commercial use; Child care centre; Health services establishment; Restaurant; Public use;

Exception	By-law	Location	Schedule	Special Provisions
				<ul style="list-style-type: none"> • Museum. <p>In addition, other similar commercial and community facility uses that are compatible with the residential character of the neighbourhood are permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Non-residential uses shall be contained within the existing building; • Non-residential uses are limited to a maximum gross floor area of 929 sq m <p>A parking lot with a maximum of 30 parking spaces is permitted to be located on a separate parcel of land.</p> <p>A site plan control agreement will be required to ensure that the parking lot is designed and landscaped to ensure compatibility with adjacent residential properties and to ensure that the residential character of the neighbourhood is maintained.</p> <p>The site plan control agreement will require that an easement be registered on the property in favour of the property at 367 Sutherland Way to dedicate the 30 parking spaces to the residential and commercial uses on the property at 367 Sutherland Way.</p>
R4-12	2010-038	554 Lakeshore Road S	I4	<p>The maximum number of units in a <i>multiple dwelling</i> shall be 6;</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum <i>interior side yard</i> (with attached garage) shall be 2.4 m;
R4-13	2012-071 H	522 Georgina Avenue	I4	<p>The maximum number of units in a <i>multiple dwelling</i> shall be 11.</p> <p>The following lot requirements apply:</p>

Exception	By-law	Location	Schedule	Special Provisions
				<ul style="list-style-type: none"> Minimum <i>rear yard</i> shall be 6.21 m; Minimum <i>floor area</i> shall be 49.2 sq m
R4-14	2012-111 H 2014-142 H	495 & 497 Ferguson	I4	<p>The maximum number of units in a <i>multiple dwelling</i> shall be 22.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Maximum height shall be 14.23 m.
R4-15	2014-028	20 Groom Street	K4	<p>The maximum number of units in a <i>multiple dwelling</i> shall be 11;</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum <i>interior side yard</i> (without attached garage) shall be 0.127 m;
R4-16		105 Market Street	F3	<p>In addition to the permitted uses in an R4 Zone, a senior citizen apartment is permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum number of parking spaces shall be .6 spaces for each dwelling unit.

6.5.5 Exceptions to Mobile Home Residential (MH) Zone

Exception	By-law	Location	Schedule	Special Provisions
MH-1				
MH-2				

Section 7: Commercial Zones

7.1 Establishment of Commercial Zones

The Commercial Zones established by this By-law are:

ZONE	SYMBOL	DESCRIPTION
General Commercial Zone	C1	Traditional downtown and general commercial areas (New Liskeard)
General Commercial Zone	C1A	Traditional downtown and general commercial areas (Haileybury)
Highway Commercial Zone	C2	Highway commercial areas
Neighbourhood Commercial Zone	C3	Neighbourhood commercial uses that provide services to the local neighbourhood
Tourist Commercial Zone	C4	Commercial properties providing primarily tourist accommodation and camps.

7.2 General Prohibition

No person shall within any Commercial Zone, use any land, or erect, alter, or use any building or structure except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

7.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted use in the Permitted Uses Table. A number(s) following the symbol '●', zone heading or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Principal Uses Table, Table 7.1, and Permitted Accessory Uses Table, Table 7.2.

TABLE 7.1 – PERMITTED PRINCIPAL USES

Permitted Uses	Zones				
	C1	C1A	C2	C3	C4
	General Commercial (New Liskeard)	General Commercial (Haileybury)	Highway Commercial	Neighbourhood Commercial	Tourist Commercial
Agricultural Processing Establishment			●		
Agricultural Produce Warehouse			●		
Agricultural Product Sales Outlet			●		
Agricultural Services			●		
Agricultural Supply/Implement Dealership			●		
Boarding House	●	●			
Building Supply Establishment			●		
Bulk Sales Establishment			●		
Business, Professional or Administrative Office	●	●	●		
Contractor's Establishment			●		
Convenience Store	●	●	●	●	
Child Care Centre	●	●	●	●	
Driving Range			●		
Dry Cleaning Establishment	●	●	●	●	
Dwelling, Apartment		●(*1)			
Dwelling, Multiple		●(*1)			
Dwelling, Semi-Detached	● (*1)	●(*1)			
Dwelling, Single Detached	● (*1)	●(*1)			●(*1)
Dwelling, Street Townhouse		●(*1)			
Educational Establishment	●	●	●		
Equipment Sales, Service & Rental Establishment			●		
Financial Establishment	●	●	●		
Funeral Home	●	●	●		
Greenhouse, Nursery, Garden Centre	●	●	●		
Grocery Store	●	●	●		
Group Home	●	●	●		
Health Services Establishment	●	●	●		
Home for Special Care	●	●			●
Hospital			●		
Hotel/Motel	●	●	●		●
Kennel			●		
Laundromat	●	●	●	●	
Long Term Care Home	●	●			

TABLE 7.1 – cont'd

Permitted Uses	Zones					
	C1	C1A	C2	C3	C4	
	General Commercial (New Liskeard)	General Commercial (Haileybury)	Highway Commercial	Neighbourhood Commercial	Tourist Commercial	
Marina	●	●	●			
Marine Sales & Service Establishment	●	●	●			
Market	●	●	●	●		
Motor Vehicle Body Repair Shop	●	●	●			
Motor Vehicle Dealership	●	●	●			
Motor Vehicle Service Station	●	●	●			
Motor Vehicle Washing Establishment	●	●	●			
Outdoor Recreation, Active	●	●	●		●	
Outdoor Recreation, Passive	●	●	●		●	
Parking Lot	●	●	●			
Personal Service Establishment	●	●	●	●		
Place of Assembly	●	●	●			
Place of Entertainment	●	●	●			
Place of Recreation	●	●	●			
Place of Worship	●	●	●			
Printing Establishment	●	●	●			
Recreational Vehicle Sales and Service Establishment			●			
Restaurant	●	●	●	● (*2)	●(*1)	
Restaurant, Drive-Through or Take-Out	●	●	●			
Retail Store	●	●	●	● (*2)		
Self Storage Facility			●			
Service Establishment	●	●	●			
Tourist Camping Establishment					●	
Tourist Establishment	●	●	●		●	
Transportation Depot			●			
Veterinary Establishment	●	●	●			
Wayside Pit or Quarry			●			
Wholesale Establishment			●			

TABLE 7.2 – PERMITTED ACCESSORY USES

Accessory Uses	Zones				
	C1	C1A	C2	C3	C4
Principal Use	General Commercial	General Commercial	Highway Commercial	Neighbourhood Commercial	Tourist Commercial
Bed and Breakfast Establishment	●(*3)	●(*3)			
Dwelling Unit in a non-residential building	●	●	●	●	
Home Occupation	●(*3)	●(*3)	●(*3)		
Outdoor Storage			●		
Private Home Child Care	●(*3)	●(*3)	●(*3)	●	
Second Dwelling Unit	●(*3)	●(*3)			

7.3.1 Notes to Permitted Uses

(*1) Legally Existing only;

(*2) To a maximum 150 square metres per establishment;

(*3) Located in a legally existing single detached or semi-detached dwelling only.

7.4 Lot Requirements

No person shall, within any Commercial Zone, use any lot or erect, alter or use any building or structure except in accordance with the standards in the Lot Requirements Table. A number(s) following a Lot Requirement, zone heading or description of the requirement, indicates that one or more conditions apply to the requirement noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Lot Requirements Table, Table 7.3.

TABLE 7.3 – COMMERCIAL ZONE REQUIREMENTS

Regulation		Zone				
		C1	C1A	C2	C3	C4
		General Commercial	General Commercial	Highway Commercial	Neighbourhood Commercial	Tourist Commercial
Minimum Lot Area (m2)	Full Municipal Services	nil	nil	550	550	1000
	Partial Municipal Services	n/a	n/a	550	n/a	4000
	Private Services	n/a	n/a	1 ha	n/a	4000
Minimum Lot Frontage (m)	Full Municipal Services	nil	nil	15	18	30
	Partial Municipal Services	n/a	n/a	18	n/a	60
	Private Services	n/a	n/a	45	n/a	60
Maximum Lot Coverage (%)	Full Municipal Services	80	80	40	50	40
	Partial Municipal Services	n/a	n/a	25	n/a	30
	Private Services	n/a	n/a	25	n/a	30
Maximum Lot Coverage for accessory buildings (%)		5	5	10	5	10
Minimum Front Yard (m)	Full Municipal Services	7.5 (*1)	nil	15	7.5	7.5
	Partial Municipal Services	n/a	n/a	15	n/a	7.5
	Private Services	n/a	n/a	15	n/a	7.5
Minimum Interior Side Yard (m)	Full Municipal Services	nil	nil	4.5	4.5	6
	Partial Municipal Services	n/a	n/a	15	n/a	6
	Private Services	n/a	n/a	15	n/a	6
Minimum Interior Side Yard abutting a Residential Zone (m)		3	3	5	5	10
Minimum Exterior Side Yard		7.5 (*1)	nil	15	7.5	7.5
Minimum Rear Yard		7.5 (*1)	3	7.5	7.5	7.5
Minimum Rear Yard abutting a Residential Zone		7.5	3	10	7.5	10
Minimum setback from watercourse		15	15	15	15	15
Maximum Building Height		15	15	15	11	11
Maximum Accessory Building Height		5	5	5	5	6
Maximum Number of Dwelling Units (excluding second dwelling)		5 (*2)(*3)	5 (*4)	1	1	1 (*5)
Minimum Landscaped Open Space (%)		0	0	10	30	30
Other Provisions			(*9)	(*6)(*9)	(*7)(*8)	

7.4.1 Additional Commercial Zone Requirements

(*1) In the area bounded by [to apply to Business Improvement Area], the minimum yard shall be 0 (nil).

(*2) A maximum of 5 dwellings per establishment, provided a minimum of 1 parking space per dwelling is available on the site.

(*3) A dwelling unit is only permitted above the first storey.

(*4) A minimum lot area of 110 square metres per dwelling, up to a maximum of 5 dwelling units on a lot, and provided a minimum of 1 parking space per dwelling is available on the site.

(*5) Staff quarters are permitted in addition to the number of dwelling units.

(*6) Planting Strip location - a planting strip shall be required along any portion of a rear or side lot line which abuts a Residential zone.

(*7) Maximum number of commercial establishments per lot – 3.

(*8) Maximum net floor area for each commercial establishment - 150 square metres.

(*9) A dwelling unit is only permitted above the first storey or in the rear ½ of the first storey.

7.5 Commercial Exceptions

The provisions of this Section are modified for those properties and to the extent identified in Sections 7.5.1 to 7.5.5 below.

7.5.1 Exceptions to General Commercial (C1) Zone

Exception	By-law	Location	Schedule	Special Provisions
C1-1	2510 NL	66 Lakeshore Road	F3	<p>Residential uses are not permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot area shall be 1200 sq m; • Minimum lot frontage shall be 30 m; • Maximum lot coverage shall be 60%; • Minimum front yard shall be 6 m; • Minimum rear yard shall be 2.8 m; • Minimum interior side yard shall be 3 m; • Minimum building separation shall be 4 m’ • Maximum building height shall be 6 m; • The minimum number of parking spaces shall be 6; • No part of any parking space shall be located closer than: 0.15 m to any street line or 1.5 m to any other lot line; • Notwithstanding the requirements of Section 5.2.1, a minimum of 1 parking space for each 90 sq m of gross floor area or portion thereof is required;
C1-2				
C1-3				
C1-4				

7.5.2 Exceptions to General Commercial (C1A) Zone

Exception	By-law	Location	Schedule	Special Provisions
C1A-1				
C1A-2				
C1A-3				
C1A-4				

7.5.3 Exceptions to Highway Commercial (C2) Zone

Exception	By-law	Location	Schedule	Special Provisions
C2-1	2005-039 D	997498 Highway 11	D3	The maximum number of dwelling units per lot is 2.
C2-2	2541 NL	3 Pine Avenue	E3	<p>In addition to the permitted uses in a C2 zone, a sign painting shop is permitted.</p> <p>The following uses are not permitted:</p> <ul style="list-style-type: none"> • Residential uses; • Fuel pump island; • Outdoor storage. <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Maximum lot coverage shall be 62%; • Minimum exterior side yard shall be 0 m; • Minimum rear yard shall be 3.6 m; • Minimum side yard shall be 0.3 m; • Minimum building separation shall be 2.5 m; • Maximum building height shall be 12 m; • A planting strip shall not be required along any portion of a rear lot line or any portion of a side lot line which abuts a residential zone; • Minimum landscaped open space shall be 0%; • Minimum number of parking spaces per lot shall be 5; • No part of any parking space shall be located closer than: 0 m to any street or rear lot line; 0.3 m to a residential lot line; 3 m to a sight triangle; • Two parking spaces 3.5 m x 5.3 m shall be located in the rear (north) yard.

Exception	By-law	Location	Schedule	Special Provisions
				<p>These spaces will require only one entrance on to Armstrong Street;</p> <ul style="list-style-type: none"> Three parking spaces shall be located in the front (south) yard, with access to Pine Avenue.
C2-3	2803 NL	211 Armstrong Street	E3	<p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Maximum lot coverage shall be 55%; Minimum exterior side yard, interior side yard and rear yard shall be 0 m; Minimum building separation shall be 2.5 m; Maximum building height shall be 12 m.
C2-4	93-5 H	326 Rorke	I4, J4	<p>The following lot requirements apply:</p> <ul style="list-style-type: none"> Minimum <i>interior side yard</i> shall be 1.2 m; Minimum <i>rear yard</i> shall be 1.2 m; Minimum landscaped <i>buffer area</i> between the property and adjacent residential properties shall be 1.2 m.

7.5.4 Exceptions to Neighbourhood Commercial (C3) Zone

Exception	By-law	Location	Schedule	Special Provisions
C3-1	2017-063	419 Whitewood	E3	Minimum number of parking spaces for a personal service establishment shall be 5.
C3-2				
C3-3				
C3-4				

7.5.5 Exceptions to Tourist Commercial (C4) Zone

Exception	By-law	Location	Schedule	Special Provisions
C4-1		743022 Dawson Point Road	E4	<p>The permitted uses are limited to the following:</p> <ul style="list-style-type: none"> • An accessory dwelling unit; • Rental cabins. <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot area shall be 1,400 sq m; • Minimum lot frontage shall be 28 m; • Maximum number of dwelling units per lot shall be one (1); • Maximum lot coverage shall be 30%; • Minimum front yard, exterior side yard and rear yard shall be 10 m; • Minimum interior side yard shall be 1 m on the west side and 10 m on the east side of the retained property; and 6 m on the east side and 10 m on the west side of the severed property; • Maximum building height shall be 10 m; • Minimum landscape open space shall be 20%; • A planting strip shall be required along any portion of a rear lot line or any portion of a side lot line which abuts a residential zone.
C4-2				
C4-3				
C4-4				

Section 8: Industrial Zones

8.1 Establishment of Industrial Zones

The Industrial Zones established by this By-law are:

ZONE	SYMBOL	DESCRIPTION
General Industrial Zone	M1	Industrial uses primarily within a building that do not create significant compatibility issues
Manufacturing Industrial Zone	M2	Industrial uses more intensive in nature which may include portions of the operation outdoors
Mineral Aggregate Resource Zone	M3	Licensed pit and/or quarry operations
Waste Management Zone	M4	Public and private waste management uses

8.2 General Prohibition

No person shall within any Industrial Zone, use any land, or erect, alter, or use any building or structure except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

8.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted use in the Permitted Uses Table. A number(s) following the symbol '●', zone heading or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Principal Uses Table, Table 8.1, and Permitted Accessory Uses Table, Table 8.2.

TABLE 8.1 – PERMITTED PRINCIPAL USES

Permitted Uses	Zones			
	M1	M2	M3	M4
	General Industrial	Manufacturing Industrial	Mineral Aggregate Resource	Waste Management
Agricultural Processing Establishment	●	●		
Agricultural Produce Warehouse	●	●		
Agricultural Services	●	●		
Agricultural Supply/Implement Dealership	●	●		
Business, Professional or Administrative Office	●			
Contractor's Establishment	●	●		
Crematorium	●	●		
Dry Cleaning Establishment	●	●		
Educational Establishment	●			
Equipment Sales, Service & Rental Establishment	●	●		
Forestry Use			●	●
Funeral Home	●			
Greenhouse, Nursey, Garden Centre	●			
Heavy Equipment Sales and Service Establishment	●	●		
Industrial Use	●	●		
Kennel	●			
Light Industrial Use	●	●		
Marine Sales & Service Establihsment	●	●		
Micro Brewery/Winery	● (*2)			
Motor Vehicle Body Repair Shop	●	●		
Motor Vehicle Service Station	●			
Motor Vehicle Washing Establishment	●			
Pit			●	
Place of Entertainment	●			
Place of Recreation	●			
Place of Worship	●			
Printing Establishment	●	●		
Quarry			●	
Recreational Vehicle Sales and Service Establishment	●	●		
Recycling Facility	●	●		
Sawmill	●	●		
Self Storage Facility	●			
Transportation Depot	●	●		
Veterinary Establishment	●			
Warehouse	●	●		
Waste Disposal Facility				●
Wayside Pit or Quarry	●	●	●	●
Wholesale Establishment	●	●		

TABLE 8.2 – PERMITTED ACCESSORY USES

Accessory Uses	Zones			
	M1	M2	M3	M4
	General Industrial	Manufacturing Industrial	Mineral Aggregate Resource	Waste Management
Outdoor Storage	●	●	●	
Retail Store	●(*1)	●(*1)		

8.3.1 Notes to Permitted Uses

(*1) The maximum floor area devoted to retail use shall not exceed 35% of the gross floor area of the permitted principal use.

(*2) The maximum floor area devoted to retail sales, tasting area and public space, shall not exceed 35% of the gross floor area of the facility.

8.4 Lot Requirements

No person shall, within any Industrial Zone, use any lot or erect, alter or use any building or structure except in accordance with the standards in the Lot Requirements Table. A number(s) following a Lot Requirement, zone heading or description of the requirement, indicates that one or more conditions apply to the requirement noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Lot Requirements Table, Table 8.3.

TABLE 8.3 – INDUSTRIAL ZONE REQUIREMENTS

Regulation		Zone			
		M1	M2	M3	M4
		General Industrial	Manufacturing Industrial	Mineral Aggregate Resource	Waste Management
Minimum Lot Area (m2)	Full Municipal Services	450	4000	n/a	n/a
	Partial Municipal Services	600	4000	n/a	n/a
	Private Services	4000	4000	10 ha	nil
Minimum Lot Frontage (m)	Full Municipal Services	20	20	n/a	n/a
	Partial Municipal Services	20	20	n/a	n/a
	Private Services	45	45	100	nil
Maximum Lot Coverage (%)	Full Municipal Services	60	60	n/a	n/a
	Partial Municipal Services	30	30	n/a	n/a
	Private Services	30	30	20	20
Maximum Lot Coverage for accessory buildings (%)		20	20	10	10
Minimum Front Yard (m)	Full Municipal Services	8	8	n/a	n/a
	Partial Municipal Services	8	8	n/a	n/a
	Private Services	15	15	30	30
Minimum Interior Side Yard (m)	Full Municipal Services	5	5(*1)	n/a	n/a
	Partial Municipal Services	8	8	n/a	n/a
	Private Services	8	8	30	30
Minimum Interior Side Yard abutting a Residential Zone (or Community Facilities (CF) Zone)(m)		7.5	10	60	60
Minimum Exterior Side Yard		8	8(*1)	30	30
Minimum Rear Yard		8(*1)	8(*1)	30	30
Minimum Rear Yard abutting a Residential Zone (or CF Zone)		7.5	10	60	60
Minimum setback from watercourse		15	15	30	60
Maximum Building Height		12	12	12	12
Maximum Accessory Building Height		5	5	5	5
Minimum Landscaped Open Space (%)		10	0	0	0
Other Provisions		(*2, *3)	(*2)(*3)	(*2, *4)	(*2)

8.4.1 Additional Industrial Zone Requirements

(*1) No building setback shall be required from any portion of a lot line which abuts a railroad right-of-way.

(*2) A planting strip shall be required along any portion of a rear lot line or an interior side lot line which abuts a residential zone.

(*3) Minimum planting strip width – 5 metres.

(*4) No building, structure or outside storage of materials, equipment, finished or unfinished products, or parking or staging of trucks or cranes or any other mechanical equipment is permitted:

- i) Within 60 m of a public street or road;
- ii) Within 30 m of a zone boundary.

8.5 Industrial Exceptions

The provisions of this Section are modified for those properties and to the extent identified in Sections 8.5.1 to 8.5.4 below.

8.5.1 Exceptions to General Industrial (M1) Zone

Exception	By-law	Location	Schedule	Special Provisions
M1-1	2000-04	500 Marcella	I4	In addition to the permitted uses in an M1 Zone, 1 <i>dwelling unit in a non-residential building</i> is permitted as an accessory use to the primary industrial operation, provided such dwelling is restricted to the upper level of the building.
M1-2		998189 Highway 11	C3	<p>The permitted uses are limited to:</p> <ul style="list-style-type: none"> • An accessory single detached dwelling; • A motor vehicle body shop. <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot area shall be 460 sq m; • Minimum lot frontage shall be 15 m; • Minimum front yard shall be 9 m; • Minimum interior side yard shall be 6 m; • Maximum lot coverage shall be 10%; • Minimum landscaped area shall be 50%; • A planting strip shall be required along any portion of a rear lot line or any portion of a side lot line which abuts a Residential Zone.
M1-3		1430 Lakeshore Road 1444 Lakeshore Road	G3	<p>The permitted uses are limited to:</p> <ul style="list-style-type: none"> • Agricultural Processing Establishment • Agricultural Produce Warehouse • Agricultural Services

Exception	By-law	Location	Schedule	Special Provisions
				<ul style="list-style-type: none"> • Contractor's Establishment • Equipment Sales, Service & Rental Establishment • Greenhouse, Nursery, Garden Centre • Industrial Use • Light Industrial Use • Marine Sales & Service Establishment • Micro-brewery/Winery • Recycling • Self Storage Facility • Warehouse
M1-4				
M1-5				

8.5.2 Exceptions to Manufacturing Industrial (M2) Zone

Exception	By-law	Location	Schedule	Special Provisions
M2-1	2004-098	744087 Brazeau Blvd	F2	<p>In addition to the permitted uses in an M2 Zone, a training institution and accessory uses associated with a training institution shall be permitted.</p> <p>For the purposes of this Section, a Training institution means a facility at which groups or individuals can be trained in classroom settings and provided with hands on training in respect to heavy equipment associated with the construction industry. A training institute shall also include transport training.</p>
M2-2	2015-152	437099 Hawn Drive	F2	<p>In addition to the permitted uses in an M2 zone, a retail store is permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • a maximum of 235 sq m within the existing building may be dedicated to the retail establishment; • outdoor storage of goods associated with the retail store is not permitted.
M2-3				
M2-4				

8.5.3 Exceptions to Mineral Aggregate Resource (M3) Zone

Exception	By-law	Location	Schedule	Special Provisions
M3-1				
M3-2				
M3-3				
M3-4				
M3-5				

8.5.4 Exceptions to Waste Management (M4) Zone

Exception	By-law	Location	Schedule	Special Provisions
M4-1				
M4-2				
M4-3				
M4-4				
M4-5				

Section 9: Agricultural and Rural Zones

9.1 Establishment of Agricultural and Rural Zones

The Agricultural and Rural Zones established by this By-law are:

ZONE	SYMBOL	DESCRIPTION
Agricultural One Zone	A1	Prime Agricultural Area
Rural Zone	RU	Rural Area with varied agricultural potential

9.2 General Prohibition

No person shall within any Agricultural or Rural Zone, use any land, or erect, alter, enlarge, use or maintain any building or structure except as specified hereunder, and with all other applicable provisions of this By-law.

9.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted *use* in the Permitted *Uses* Table. A number(s) following the symbol '●', zone heading or identified permitted *use*, indicates that one or more conditions apply to the *use* noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Principal *Uses* Table, Table 9.1, and Permitted *Accessory Uses* Table, Table 9.2.

TABLE 9.1 – PERMITTED PRINCIPAL USES

Permitted Uses	Zones	
	A1	RU
	Prime Agricultural	Rural
Agricultural Processing Establishment	●	●
Agricultural Produce Warehouse	●	●
Agricultural Use	●	●
Agricultural Product Sales Outlet	●	●
Agricultural Services	●	●
Cemetery		●
Contractor's Establishment		●
Dwelling, Single Detached		● (*1)
Equestrian Facility	●	●
Forestry Use		●
Greenhouse, Nursery, Garden Centre	●	●
Group Home	●	●
Market	●	●
Wayside Pit or Quarry	●	●

TABLE 9.2 – PERMITTED ACCESSORY USES

Accessory Uses	Zones	
	A1	RU
	Prime Agricultural	Rural
Bed and Breakfast Establishment	●	●
Dwelling, Single detached	●	●
Home Industry	●	●
Home Occupation	●	●
Kennel		● (*2)
Outdoor Storage	●	●
Private Home Child Care	●	●
Second Dwelling Unit	●	●

9.3.1 Notes to Permitted Uses:

(*1) One single detached dwelling permitted on a lot existing at the time of passing of this by-law.

(*2) Only permitted on a lot greater than 2 hectares and accessory to a permitted residential or agricultural use.

9.4 Lot Requirements

No person shall, within any Agricultural or Rural Zone, use any lot or erect, alter or use any building or structure except in accordance with the standards in the Lot Requirements Table. A number(s) following a Lot Requirement, zone heading or description of the requirement, indicates that one or more conditions apply to the requirement noted or, in some cases, to the entire Zone. Conditions are listed in the Notes below the Lot Requirements Table, Table 9.3.

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)

9.4.1 Additional Rural and Agricultural Zone Requirements

(*1) Provided that such dwelling units are occupied by persons involved with the operation of the farm.

(*2) Outdoor storage area is permitted only in accordance with the following provisions:

- (i) no outdoor storage area shall be permitted in a rear yard adjacent to a rear lot line of such lot which abuts a Residential zone;
- (ii) no outdoor storage area shall be permitted in a side yard adjacent to a side lot line of such lot which abuts a Residential zone; and
- (iii) no portion of any outdoor storage area for combustible materials shall be located closer than 6.0 metres to any lot line.

9.5 Agricultural and Rural Exceptions

The provisions of this Section are modified for those properties and to the extent identified in Sections 9.5.1 and 9.5.2 below.

9.5.1 Exceptions to Agricultural One (A1) Zone

Exception	By-law	Location	Schedule	Special Provisions
A1-1				
A1-2				
A1-3	984 & 1147 D	883006 Highway 65 East	E4	<p>The permitted uses are limited to the following:</p> <ul style="list-style-type: none"> • An equipment storage building; • An agricultural use; • A flea market; • A livestock building; • A livestock sales business; • An open storage area; • A produce building; • a vehicle agency. <p>Residential uses are not permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot area shall be 8000 sq m; • Minimum lot frontage shall be 100 m; • Maximum lot coverage shall be 20%; • Minimum front yard and exterior side yard shall be 15 m; • Minimum rear yard shall be 10 m; • Minimum interior side yard shall be 7.5 m; • Maximum building height shall be 10 m; • Minimum landscaped area shall be 40%.
A1-4	1040 D	823241 A Tobler's Road	D4 & E4	<p>The permitted uses are limited to the following:</p> <ul style="list-style-type: none"> • A repair shop for vehicles and light equipment; • Sale of parts accessory to a repair shop;

Exception	By-law	Location	Schedule	Special Provisions
				<ul style="list-style-type: none"> • An accessory business office; • An open storage area; and • An accessory dwelling house. <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot area shall be 4500 sq m; • Minimum lot frontage shall be 45 m; • Maximum lot coverage shall be 20%; • Minimum front yard and shall be 15 m; • Minimum rear yard shall be 10 m • Minimum side yard shall be 3 m • Minimum landscaped area shall be 40%.
A1-5	1064 D	863126 Uno Park Road	A4	<p>In addition to the permitted uses in an A1 zone, the following uses are permitted:</p> <ul style="list-style-type: none"> • A stone quarry; • A building or processing plant; accessory to a stone quarry; <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Maximum lot coverage shall be 2%.
A1-6	1236 D	117332 Sales Barn Road		<p>In addition to the permitted uses in an A1 zone, the following uses are permitted:</p> <ul style="list-style-type: none"> • Single detached dwelling; • Kennel. <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Maximum lot coverage shall be 1%; • A planting strip shall be required on the south side of the property so as to sufficiently screen the view of the kennel operation from residential dwellings located on the south side of Highway No. 65; • A berm shall be required on the south side of the property so as to reduce the noise of the kennel operation from residential dwellings located on the south side of Highway No. 65. The planting strip may be located on the berm. A second berm shall be required on the east side of the property so as to reduce the noise of the traffic on the Concession Road between the existing house and the barn located north of the house. Berms shall be a minimum of 1.0

Exception	By-law	Location	Schedule	Special Provisions
				<p>metre in height and be sloped to a 1:2 ratio.</p> <ul style="list-style-type: none"> • 1 parking space shall be provided for each 50 sq m of gross floor area or portion thereof; • The kennel area which includes all sheds, sleep areas, storage buildings and exercise run area, covered or uncovered, whether fenced or unfenced which are associated with the operation of a kennel, shall be limited to 850 sq m maximum lot coverage. These buildings, structures and areas associated with the operation of the kennel shall be separate from and not considered part of the building areas as provided by the 1% lot coverage provision above.
A1-7	2011-107 D	138289 Peters Road	B4	The minimum side yard shall be 6 m.
A1-8	2013-203 D	5418-020-001-03750 & 03775	E1	<p>In addition to the permitted uses in the A1 zone, solar energy generation is permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none"> • Minimum lot area shall be 5.5 ha; • Minimum lot frontage shall be 249 m.
A1-9	2015-074 D	118420 Sales Barn Road	A4	<p>In addition to the permitted uses in the A1 zone, an accessory triplex dwelling is permitted as an accessory use to an agricultural use.</p> <p>For the purposes of this Section, an accessory triplex dwelling is a dwelling containing three dwelling units which is accessory to a permitted non-residential use and in which the dwelling units are occupied either by the family of the owner of such non-residential use or by the family of a person employed on the lot where such dwelling house is located.</p>

9.5.2 Exceptions to Rural (RU) Zone

Exception	By-law	Location	Schedule	Special Provisions
RU-1	2006-91	644040 Wilson Road	G2	The minimum front yard shall be 15.24 m for an accessory building.
RU-2	95-64 H	583250 West Road	I4	<p>In addition to the permitted uses in the RU zone, a 2-unit residential dwelling and a golf ball driving range shall be permitted uses;</p> <p>For the purposes of this Section,</p> <ul style="list-style-type: none"> Planting Strip means an area which shall be used for no purpose other than planting a row of coniferous trees to be grown to a height of at least 6 m, for the purpose of a privacy screen, each tree being planted no greater than 3 m from the next tree along the planning strip. <p>A planting strip is required along the common lot line with the adjacent property to the east, extending along the lot line 92 m in a southerly direction from the northeast corner of the property.</p>
RU-3	96-50 H	75770 Cemetery Road	L3	One existing mobile home shall be permitted.
RU-4	99-28 H	583361-583367 West Road	I3	In addition to the permitted uses in the RU zone, a <i>contactor's establishment</i> and a <i>greenhouse, nursery, garden centre</i> are permitted.
RU-5	2000-20 H	175623 Fleming Road	H2	<p>In addition to the permitted uses in the RU zone, the temporary storage of no more than 150 logs used in the erection of temporary lot structures is permitted, provided the total number of temporary log structures erected in any calendar year does not exceed 4;</p> <p>For the purposes of this Section, a temporary log structure means the processing of raw logs by peeling, sizing, marking, shaping and fitting together on temporary footings based on drawing specifications into one unit, but excludes the addition of windows, doors, wiring, drywall,</p>

Exception	By-law	Location	Schedule	Special Provisions
				<p>etc., associated with the finishing of a structure;</p> <p>The following zone provisions apply:</p> <ul style="list-style-type: none"> • Access and parking for the work area shall be located adjacent to the existing house; • No work in conjunction with the temporary log structures shall be conducted between the hours of 8:00 p.m. and 8:00 a.m.; • Peeled bark is to be stockpiled in a manner preventing decomposition and filtration into the subsurface; • Peeled bark is to be removed from site and disposed of in accordance with Federal, Provincial and Municipal regulations prior to it decomposing; • Approval from the City shall be obtained for each temporary log structure prior to the commencement or erecting of any temporary log structure.
RU-6	2006-042	584104 Mowat Landing Road	I1, I2	In addition to the permitted uses in the RU zone, the importation of raw wood material for the purpose of processing into a finished wood product or by-product is permitted.
RU-7	2012-021	1106 Lakeshore Road S	H4	<p>The permitted uses are limited to the following:</p> <ul style="list-style-type: none"> • All existing uses which include general office, indoor storage and outdoor storage; • Agriculture services; • Bulk sales establishment; • Bulk storage yard; • Forestry; • Marina; • All uses accessory to a main use. <p>Due to odour issues that could be associated with the possible future industrial sewage treatment plant on the adjacent property, the following sensitive land uses are strictly prohibited:</p> <ul style="list-style-type: none"> • Residences or buildings where people sleep, i.e. single and multi-unit dwellings, nursing homes,

Exception	By-law	Location	Schedule	Special Provisions
				<p>hospitals, trailer parks and camping grounds, etc.;</p> <ul style="list-style-type: none"> • Institutional uses, i.e. schools, churches, community centres, day care centres, etc.; • Outdoor recreational uses, i.e. trailer parks, picnic areas, etc.
RU-8	2017-147	1191 Lakeshore Road South	G3	The minimum front yard and minimum setback from a watercourse for a single detached dwelling shall be 0 m.

Section 10: Other Zones

10.1 Establishment of Other Zones

The Other Zones established by this By-law are:

ZONE	SYMBOL	DESCRIPTION
Community Facilities Zone	CF	Institutional uses
Open Space Zone	OS	Public and private open space uses
Environmental Protection Zone	EP	
Development Zone	D	Lands reserved for future development
Mixed Use-A Zone	MU-A	Agricultural Research Station

10.2 General Prohibition

No person shall within any of the Other Zones, use any land, or erect, alter, or use any building or structure except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

10.3 Permitted Uses

Uses permitted in a Zone are noted by the symbol '●' in the column applicable to that Zone and corresponding with the row for a specific permitted use in the Permitted Uses Table. A number(s) following the symbol '●', zone heading or identified permitted use, indicates that one or more conditions apply to the use noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Permitted Principal *Uses* Table, Table 10.1. and Permitted *Accessory Uses* Table 10.2.

TABLE 10.1 - PERMITTED PRINCIPAL USES

Permitted Uses	Zones				
	CF	OS	EP	D	MU-A
	Community Facilities	Open Space	Environmental Protection	Development	Mixed Use-A Agricultural Research Station
Agricultural Processing Establishment					●
Agricultural Produce Warehouse					●
Agricultural Product Sales Outlet					●
Agricultural Services					●
Agricultural Use			● (*1)	● (*2)	●
Business, Professional or Administrative Office					●
Cemetery	●	●			
Child Care Centre	●				
Driving Range		●			
Dwelling, Single Detached				● (*2)	
Educational Establishment	●				●
Golf Course		●			
Greenhouse, Nursey, Garden Centre					●
Health Services Establishment	●				
Home for Special Care	●				
Hospital	●				
Long Term Care Home	●				
Outdoor Recreation, Active		●			●
Outdoor Recreation, Passive		●	●		●
Place of Assembly	●				●
Place of Recreation	●	●			
Place of Worship	●				
Retirement Home	●				
Tourist Establishment					
Wayside Pit or Quarry				●	

TABLE 10.2 - PERMITTED ACCESSORY USES

Accessory Uses	Zones				
	CF	OS	EP	D	MU-A
Marine Facility			●		
Residential Unit in a non-residential building	●				

10.3.1 Notes to Permitted Uses:

(*1) Excluding any building or structure.

(*2) Existing uses only.

(*3) Limited to Corporate accommodation and dining facilities.

10.4 Lot Requirements

No person shall, within any Industrial Zone, use any lot or erect, alter or use any building or structure except in accordance with the standards in the Lot Requirements Table. A number(s) following a Lot Requirement, zone heading or description of the requirement, indicates that one or more conditions apply to the requirement noted or, in some cases, to the entire Zone. Conditions are listed in the Footnotes below the Lot Requirements Table, Table 10.3.

TABLE 10.3 - ZONE REQUIREMENTS FOR OTHER ZONES

Regulation		Zone				
		CF	OS	EP	D	MU-A
		Community Facilities	Open Space Recreation	Environmental Protection	Development	Mixed Use-A
Minimum Lot Area (m ²)	Full Municipal Services	1000	nil	nil	(*1)	(*1)
	Partial Municipal Services	1500	nil	nil	(*1)	(*1)
	Private Services	1500	4 ha	nil	(*1)	n/a
Minimum Lot Frontage (m)	Full Municipal Services	20	10	nil	(*1)	(*1)
	Partial Municipal Services	25	25	nil	(*1)	(*1)
	Private Services	25	60	nil	(*1)	n/a
Maximum Lot Coverage (%)	Full Municipal Services	40	10	10	30	30
	Partial Municipal Services	20	10	10	15	10
	Private Services	20	10	10	5	n/a
Maximum Lot Coverage for accessory buildings (%)		5	5	5	5	5
Minimum Front Yard (m)	Full Municipal Services	6	10	15	6	6
	Partial Municipal Services	6	10	15	6	6
	Private Services	7.5	15	15	6	n/a
Minimum Interior Side Yard (m)	Full Municipal Services	6	6	7.5	3	3
	Partial Municipal Services	12	15	15	3	3
	Private Services	12	15	15	3	n/a
Minimum Interior Side Yard abutting a Residential Zone		7.5	10	15	3	3
Minimum Exterior Side Yard		6	10	15	5	6
Minimum Rear Yard		6	6	7.5	6	10
Minimum Rear Yard abutting a Residential Zone		6	6	7.5	6	10
Minimum setback from watercourse		15	15	15	15	15
Maximum Building Height		12	12	10	10	10
Maximum Accessory Building Height		5	5	5	5	5
Maximum Number of Dwelling Units (excluding second dwelling)		1	0	0	(*2)	(*2)
Minimum Landscaped Open Space (%)		20	50	50	30	
Other Provisions						

10.4.1 Additional Other Zone Requirements

(*1) The minimum lot area and lot frontage requirements of a lot are the dimensions of that lot existing on the date of passing of this by-law.

(*2) The maximum number of dwelling units are as existing at the date of passing of this by-law.

10.5 Other Zone Exceptions

The provisions of this Section are modified for those properties and to the extent identified in Sections 10.5.1 to 10.5.5 below.

10.5.1 Exceptions to Community Facilities (CF) Zone

Exception	By-law	Location	Schedule	Special Provisions
CF-1	2409 NL	260 Whitewood Avenue	F3	<p>In addition to the uses permitted in the CF zone, a dwelling unit accessory to a place of worship and a thrift store are permitted.</p> <p>The following lot requirements apply:</p> <ul style="list-style-type: none">• Maximum lot coverage shall be 65%;• Minimum front yard shall be 0 m;• Minimum side yard shall be 2 m;• Minimum building separation shall be 3 m;• Minimum landscaped area shall be 15%;• Minimum parking space requirements shall be 1 space for a dwelling unit and 1 space for each 55 sq m of net floor area;• No parts of any parking space shall be located closer than 1.5 m to any street line; 1.5 m to any laneway line; or 6 m to any other lot line.
CF-2				
CF-3				

10.5.2 Exceptions to Open Space Recreational (OS) Zone

Exception	By-law	Location	Schedule	Special Provisions
OS-1				
OS-2				

10.5.3 Exceptions to Environmental Protection (EP) Zone

Exception	By-law	Location	Schedule	Special Provisions
EP-1	2013-151	Pt Lot 10, Con 2, Dymond	E4	The permitted uses are limited to the following: <ul style="list-style-type: none"> • Conservation use; • Flood control and erosion use; • Fish management use.
EP-2		Sasaginaga Lake and Graham Lake, Lots 6 & 7, Con I	L2 & L3	Notwithstanding any other provisions of this By-law to the contrary, in the area zoned EP-2 on the shores of Sasaginaga Lake and Graham Lake, no buildings or structures are permitted except: <ul style="list-style-type: none"> • For purposes of erosion and flood control; and • For protection of the water supply or the Town of Cobalt and Township of Coleman. For greater clarity, the Sasaginaga Lake and Graham Lake EP-2 Zone is deemed to extend inland 60 metres from the shoreline.

10.5.4 Exceptions to Development (D) Zone

Exception	By-law	Location	Schedule	Special Provisions
D-1				
D-2				

10.5.5 Exceptions to Mixed Use-Area A (MU-A) Zone

Exception	By-law	Location	Schedule	Special Provisions
MU-A-1				
MU-A-2				

Section 11: Overlay Zones

11.1 Establishment of Overlay Zones

11.1.1 The Overlay Zones established by this By-law are:

- Flood Hazard Constraint Overlay (F);
- Mining Constraint Overlay (MC);

11.1.2 The Overlay zone identifies a specific constraint that must be addressed before any development that would otherwise be permitted by the underlying zone can occur.

11.2 General Prohibition

11.2.1 No person shall within the Flood Hazard Constraint Overlay or the Mining Constraint Overlay use any land, or erect, alter, or use any building or structure except as specified hereunder, and in accordance with all other applicable provisions of this By-law.

11.2.2 The following provisions take precedence over the provisions of the underlying zone. Any development permitted shall be subject to the corresponding lot requirements for the zone in which the property is located.

11.3 Flood Hazard Constraint Overlay (F):

11.3.1 Identification and Interpretation:

- i) Lands located in the Flood Hazard Constraint Overlay are identified on the schedules to this By-law and identify lands that are susceptible to flooding, erosion or other natural hazards. Lands not identified on the schedules to this By-law but that are located below the 181.7 CGD elevation are considered to be within the Flood Hazard Constraint Overlay. The delineation of Flood Hazard Constraint Area Overlay is based on the most current information available and may not be accurate or up to date in some areas.
- ii) Development is restricted in these areas in an effort to minimize the threat of injury or loss of life and prohibit land uses where flooding may compromise the ability to deliver essential services, or where flooding may cause unacceptable risk of property damage.
- iii) The Flood Hazard Constraint Overlay reflects the location of the Lake Temiskaming regulatory flood elevation. Where the lands are shown on the schedules to this By-law, the flood elevation as shown on the schedules shall be confirmed by an Ontario Land Surveyor prior to development occurring.

- iv) Where lands along the Lake Temiskaming shoreline are not shown on the schedules to this By-law but are below the 181.7 CGD elevation, the elevation line shall be provided by an Ontario Land Surveyor prior to development occurring.

11.3.2 Floodproofing:

- a) All new development and expansions to existing buildings and structures below the 181.7 CGD elevation shall be floodproofed to the 181.7 CGD elevation.
- b) Where an applicant proposes to provide, or add any additional dwelling units, the entire building shall be floodproofed to the 181.7 CGD elevation.

11.3.3 Requirements: Despite the provisions of the underlying zone, development is subject to the following:

- a) Development of an existing vacant lot is subject to applicable flood proofing of buildings.
- b) Minor alterations and repairs to buildings which existed on the date of the passing of this By-law, not exceeding an increase of 35.0 square metres in gross floor area to the existing building, shall be permitted without flood proofing.
- c) Alterations, replacements, repair, reconstruction or enlargements of existing buildings in excess of that permitted in b) above, is permitted provided such building is flood proofed above the regulatory flood level.
- d) New accessory buildings are permitted provided such buildings, other than shoreline structures, are flood proofed above the regulatory flood level.

11.3.4 Prohibited Uses:

- a) Community Facilities (including child care centres, community centres, government facilities, homes for special care, hospitals, long term care homes, retirement homes, educational establishments), essential emergency services and any uses associated with the disposal, manufacture, treatment or storage of hazardous substances, are prohibited in the regulatory flood plain.

11.4 Mining Constraint Overlay (MC):

- 11.4.1 Lands identified with a Mining Constraint Area (MC) symbol are shown on the Schedules to this By-law, shall be used for no other purpose than those uses which legally existed prior to the passing of this By-law.

Section 12: Holding Zones

12.1 Establishment of Holding (H) Zones

Notwithstanding any other provision in this By-law, where a Zone symbol is followed by the letter “H” and a number (for example R1 (H1)) no person shall use the land to which the letter “H” applies for any use other than the use which existed on the date the By-law applying the “H” was passed, until the “H” is removed in accordance with the policies of the Official Plan and the *Planning Act, R.S.O. 1990, c.P.13*, as amended.

Council may pass a By-law in accordance with the *Planning Act, R.S.O. 1990, c.P.13*, as amended, to remove the Holding “H” symbol, when all of the applicable requirements have been met, thereby placing the lands in the zone indicated by the Zone symbol.

Properties with Holding “H” Provisions are identified on the Zoning Schedules and in Table 12.1 below, together with the conditions for the “H” removal.

When the Holding symbol has been removed, the lands shall be developed according to the requirements of the zone used in conjunction with the Holding Symbol.

12.2 Requirements for development on lands with the Holding provision, and requirements for removal of the Holding provision

Table 12.1 identifies properties that are subject to a Holding “H” Provision and stipulates what specific provision is required to be satisfied in order for consideration to be given to the removal of the “H” provision.

TABLE 12.1 – HOLDING PROVISIONS

Zone Symbol	Holding Provision	Property/Legal Description	Schedule No.	By-law No.	Provisions	By-law Removing “H”
	H1	Various sites with mine hazards			<p>On lands subject to the H1 Holding provision, the permitted uses are limited to existing uses and non-sensitive accessory uses.</p> <p>Where the Ministry of Northern Development and Mines has been circulated an application for development and has no concerns, or a study has been completed to the satisfaction of the City indicating that development is safe to proceed, the permitted uses shall be limited to those permitted in the zone and authorized by such</p>	

Zone Symbol	Holding Provision	Property/Legal Description	Schedule No.	By-law No.	Provisions	By-law Removing "H"
					<p>study, without having to remove the holding provision.</p> <p>Where concerns have been identified, the uses permitted within the underlying zone shall not be permitted until a report stamped by a Professional Engineer and approved by the City indicates that development can occur without any adverse public health and safety risks from the prior mining activity and that the owner enters into an agreement with the City to implement the recommendations of the study, and all other lot requirements from the underlying zone are complied with.</p> <p>Notwithstanding the above, such studies shall not be required for the following:</p> <ul style="list-style-type: none"> interior alterations to existing structures; exterior alterations that do not expand the footprint of an existing structure. 	
	H2	Various sites within aggregate resource influence area			<p>On lands subject to the (H2) Holding provision, the permitted uses are limited to existing uses and non-sensitive accessory uses.</p> <p>The (H2) Holding provision will only be removed by By-law upon the completion to the satisfaction of the City of an Impact Assessment that demonstrates that development can occur without negative influence on the aggregate resource operation, in accordance with the Ministry of Environment and Climate Change D-6 Guideline.</p>	
	H3	Various sites within waste management			On lands subject to the (H3) Holding provision, the permitted	

Zone Symbol	Holding Provision	Property/Legal Description	Schedule No.	By-law No.	Provisions	By-law Removing "H"
		facility potential influence area			<p>uses are limited to existing uses and non-sensitive accessory uses.</p> <p>Where the Ministry of Environment and Climate Change has been circulated an application for development and has no concerns, the permitted uses shall be limited to those permitted in the zone without having to remove the holding provision.</p> <p>The (H3) Holding provision will only be removed by By-law upon the completion to the satisfaction of the City of a study showing no contamination from the adjacent waste management facility and no negative impact on the proposed use from the waste management facility, in accordance with the Ministry of Environment and Climate Change D-2 or D-4 Guideline.</p>	
R4-6	H4		F3	2013-101 & 2014-206	The Holding symbol shall be removed by council upon the approval of a site plan and development agreement including all of the requirements set out in the conditions in any draft plan of condominium approval by the Ministry of Municipal Affairs and Housing under file no. 54-CD-13001	
R3	H5			2013-151	The Holding symbol shall be removed by council upon the approval of a draft plan of subdivision for the property or portion thereof to which the holding symbol applies.	

Section 13: Temporary Use

(sections to be added through amendment to the by-law when adopted).

Section 14: Enactment

14.1 Repeal of former By-laws

- a) By-law No. 85-27, as amended, of the former Town of Haileybury, and all amendments thereto, is hereby repealed upon the coming into force of this By-law;
- b) By-law No. 2233, as amended, of the former Town of New Liskeard, and all amendments thereto, is hereby repealed upon the coming into force of this By-law;
- c) By-law No. 984, as amended, of the former Township of Dymond, and all amendments thereto, is hereby repealed upon the coming into force of this By-law

14.2 Effective Date

This By-law shall come into force and effect on January 1, 2018, subject to the applicable provisions of *the Planning Act, R.S.O. 1990, c.P. 13*, as amended.

14.3 Enactment (Readings)

By-law enacted this **19th** day of **December, 2017**.

City of Temiskaming Shores

Mayor

Clerk

MEMORANDUM

TO: Mayor Carman Kidd and
Members of Council

FROM: Rick Hunter

DATE: December 14, 2017

SUBJECT: Final revisions to the proposed comprehensive zoning by-law

The following changes have been made to the November 8, 2017 draft zoning by-law as a result of final review of the document and submissions received from agencies and members of the public. The final Comprehensive Zoning By-law 2017-154 reflects these changes. In addition, some re-numbering of the document occurred through the addition/deletion of specific sections. The section references in this memo reflect the new numbering on the final version of the zoning by-law.

1. Revised definition 3.56 **FENCE:** ~~a structure which forms~~ a barrier for enclosing, bounding, delineating or protecting land. (strikeout removed)
2. New definition 3.72 **HEAVY EQUIPMENT SALES, SERVICE AND RENTAL ESTABLISHMENT:** the use of land for either the sales, service and rental of motorized construction equipment (e.g. bulldozers, loaders, backhoes, forklifts, etc.) or the contracting out of truck or transports including the outside storage of this equipment.
3. New definition 3.103 **MICRO BREWERY/WINERY/DISTILLERY:** a building used for the making of beer or wine or spirits on a small scale, and includes tank and barrel storage, bottling facilities. It may include tasting and dining facilities and the retail sale of related items, which comprise a maximum of thirty-five per cent (35%) of the total floor area of the facility.
4. Revised definition 3.149 **SALVAGE YARD:** a place where *motor vehicles* and other scrap materials and salvage are wrecked or disassembled and resold, and includes the storage of motor vehicle tires. (underlined added)
5. Revised definition 3.160 **STORAGE CONTAINER:** ~~a the unmodified~~ rail or seaway container which is traditionally used for the shipping and transportation of goods and materials. (strikeout removed)
6. Revised definition 3.163 **STRUCTURE:** the definition has been modified to remove reference to a fence.

7. Section 4.1.5 (maximum coverage for accessory buildings): ~~Accessory buildings and structures shall not occupy a total area greater than 15% of the area of the lot upon which such buildings or structures are located.~~ The maximum *lot coverage* of *accessory buildings* is included as part of the total permitted *coverage* on a *lot*. (strikeout removed) The provision is already dealt with in each of the lot requirements tables in Sections 6 to 10.
8. Section 4.2 (adult entertainment parlours) relocated to Section 4.22 (prohibited uses).
9. Section 4.6.1 (home Industry): Minimum lot area of 1 hectare for a home industry and minimum side yard setback of 10 metres have been removed.
10. Section 4.7.1 (home occupation): the parking space requirement has been modified to only require one additional parking space for the home occupation, and no longer require that parking be provided at the rate of one space for each 28 square metres of home occupation space.
11. Section 4.16.2 (Second Dwelling Units): we have added clause (f), which reads: “Where a residential use is already located on a lot within an assessment area and zoned H1, H2 or H3, a second dwelling unit is permitted.” This will permit accessory dwellings within the assessment areas if there is already a principal dwelling on the lot.
12. Section 4.25.2 (setback from railway right-of-way): this section has been deleted, as it conflicts with existing setback requirements and would create a large number of non-complying uses all along the railway corridor.
13. Section 4.25.4 (setback from top of Bank and EP zone boundaries): delete the words “10 metres from” the edge of the EP zone – as originally written, this provides a double setback from the shoreline or the stream, being the width of the EP zone and an additional 10 metres.
14. Section 5.2.1, Table 5.1 (Parking Requirements) – for a laundromat, add “washing” machine to the clause, so that 1 parking space is required for every 4 washing machines, rather than all machines.
15. Table 6.1 (Residential Principal Uses) – “public park” has been removed from the table, as public parks are permitted in all zones in the City;
16. Table 6.2 (Residential Accessory Uses) – “home industry” has been added as a permitted accessory use in the R3 and R4 zones.
17. Table 6.3 (Residential Zone Requirements)
 - a) “maximum lot coverage for accessory buildings %” has been added to the table, and has been established at 15% for each of the residential zones.
 - b) A new clause (*15) has been added to the R2, R3 and R4 zones, which reads: “Where a legal non-complying single detached dwelling is converted to a duplex dwelling, semi-detached dwelling or multiple dwelling, the existing yards, lot coverage and landscaped open space are deemed to comply with this by-law.”



18. Section 6.5.2 (R2 Exceptions): R2-2 has been added to 697 Main Street, to recognize an existing towing, plowing and yard maintenance business on the property.
19. Section 6.5.3 (R3 Exceptions):
 - a) R3-1 has been modified by adding 95 Meridian to the list of residential properties allowing a health services establishment.
 - b) R3-12 has been modified to add an accessory dwelling unit as a permitted use in addition to the funeral homes at 486 Broadway.
 - c) R3-16 has been added to 452 View Street, to recognize an existing restaurant on the property.
20. Table 7.1 (Commercial Principal Uses) – Home for Special Care has been added as a permitted use in the Tourist Commercial (C4) Zone.
21. Table 7.3 (Commercial Zone Requirements) – a new clause (*9) has been added to the C1A and C2 zones, which reads: “A dwelling unit is only permitted above the first storey or in the rear ½ of the first storey.”
22. Section 7.5.1 (C1 Exceptions): the C1-1 provisions have been modified by changing the final bullet in the final bullet to read: “Notwithstanding the requirements of Section 5.2.1, a minimum of 1 parking space for each 90 sq. m of gross floor area or portion thereof is required;” (underlined added)
23. Section 8.5.1 (M1 Exceptions): M1-3 has been added to 1430 and 1444 Lakeshore Road, to permit a limited number of industrial uses on the two properties, reflecting the existing storage use at 1444 Lakeshore and the sheet metal facility at 1430 Lakeshore.
24. Section 9.4.1 (additional rural and agricultural zone requirements) has been modified by removing clause (*2) (iii), which proposed to regulate fencing around outdoor storage facilities (already covered in Section 4.19).
25. Section 9.5.1 (A1 Exceptions): Special provisions A1-1 has been removed at the request of the owner.
26. Section 9.5.2 (RU Exceptions): RU-8 has been added to carry forward the provisions of By-law 2017-147 (1191 Lakeshore Road South) to recognize a 0 m front yard and setback from the watercourse.
27. Table 10.3 (Zone Requirements for other zones) – the following provisions have been added to the Development Zone for any permitted development on private services:
 - Minimum lot area and lot frontage as they exist on the date of passing of the by-law;
 - Maximum lot coverage – 5%;
 - Minimum front yard – 6 metres
 - Minimum interior side yard – 3 metres



28. Section 10.5.3 (EP Exceptions): Special provisions EP-2 has been added to the by-law to carry forward the Haileybury Zoning By-law restrictions to development on Sasaginaga and Graham Lakes. The section reads as follows: “Notwithstanding any other provisions of this By-law to the contrary, in the area zoned EP-2 on the shores of Sasaginaga Lake and Graham Lake, no buildings or structures are permitted except:

- For purposes of erosion and flood control; and
- For protection of the water supply or the Town of Cobalt and Township of Coleman.

For greater clarity, the Sasaginaga Lake and Graham Lake EP-2 Zone is deemed to extend inland 60 metres from the shoreline.”

29. Table 12.1 (Holding Provisions) – the H3 Holding zone applies to the assessment area around existing waste management facilities. A clause has been added to provide some flexibility when dealing with development applications within the H3 area: “Where the Ministry of Environment and Climate Change has been circulated an application for development and has no concerns, the permitted uses shall be limited to those permitted in the zone without having to remove the holding provision.”

30. Section 14.2 (Effective Date) – January 1, 2018 has been noted as the effective date of the by-law.

31. Map Schedule Changes: Revisions and/or corrections to the following Schedules have been made to include specific Holding provisions, to adjust Environmental Protection boundaries and to correct zones on specific properties:

- Schedules A1, A2
- Schedules B1, B2
- Schedules C2
- Schedules D3
- Schedules E2, E3, E4
- Schedules F3, F4
- Schedules G1, G3
- Schedules H1, H3
- Schedules I1, I3, I4
- Schedules J1, J2, J4, J5
- Schedules K2, K3, K4, K5
- Schedules L1, L2, L3, L4, L5

With these changes as outlined, it is recommended that Council adopt the zoning by-law as presented.

Respectfully submitted,



Rick Hunter, MCIP, RPP
Planning Consultant



City of Temiskaming Shores

Submissions received on review of Draft Two of the Comprehensive Zoning By-law

December 14, 2017

Date	From	Summary of Comments Received	Response and suggested by-law revisions
Nov 23, 2017	George Kemp on behalf of Buffam Leveille Funeral Home Ltd.	R3-12 Zone; 486 Broadway – concerned that an accessory dwelling unit would not be permitted in addition to the funeral home.	Add “and an accessory dwelling unit” to the funeral home permitted use.
Nov 14, 2017	Carla Riche MTO	No issues raised	No changes required to the By-law.
Nov 21, 2017	Shelley Lendt	Mowat Landing Road Questions raised regarding permitted uses.	No changes required to the By-law.
Nov 22, 2017	(staff review)	452 View Street Recognize existing restaurant on the property.	Add R3-16 zone to allow special provision to permit a restaurant on the property.
Nov 22, 2017	Nicole Guertin	Request a hospice as a permitted use on the Tourist Commercial property.	Note: a hospice use would be considered a Home for Special Care. Home for Special Care has been added as a permitted use in the C4 Tourist Commercial zone. A Home for Special Care is permitted in the R3, R4, C1 and C1A zones.

Date	From	Summary of Comments Received	Response and suggested by-law revisions
Nov 23, 2017	Robin Pascoe	1395 Lakeshore Road South; 9 Riverside Drive; 743191 Dawson Point Road General inquiry about zoning for the properties and permitted uses.	No changes required in the by-law.
Nov 28, 2017 letter and attendance at Open House on Nov 22, 2017	M. Fila	477 Lakeview and Railway Street Proposed Zoning RU and RU(HI) (Schedule K4)	Note: the existing dwelling on the property does not currently comply with the Haileybury Zoning By-law.
		Existing dwelling on the property will not comply with the minimum by-law requirements and will become non-complying. Section 4.20 - Permitted encroachment in Yards: the existing dwelling does not meet the setback provisions in Table 4.1 and Section 4.20. Section 9.4 – Lot Requirements, Rural Zone: the existing lot does not meet the minimum frontage, front yard and exterior side yard.	The existing buildings are non-complying under the existing zoning by-law. Section 4.15.1 recognizes lots with deficient frontage; Sections 4.15.2 to 4 deal with building changes that can occur where buildings are legal non-complying. No change recommended to the by-law.
		Section 4.26.2 – Railway right-of-way setback: the existing use is closer than 100 m from the railway.	This section has been removed from the by-law.

Date	From	Summary of Comments Received	Response and suggested by-law revisions
		Section 4.1.6 – Accessory Structure encroachments: the provision of steps and a walkway at the front entrance to the residence is not shown as allowed encroachments.	Walkways are landscape features that are permitted within yards; steps are permitted encroachment in yards under Section 4.20 of the by-law.
		Section 4.23 (f) – Prohibited Uses/Activities: should be a small quantity exemption for hazardous materials;	This would be difficult to enforce; the principle is that hazardous materials are not permitted. No change recommended to the by-law.
		Sections in the by-law are inconsistent as they relate to fences.	Fence provisions in the by-law have been modified. Fencing for the most part is to be regulated through the City's Fence By-law. The definition of Fence (3.55) and Structure (3.163) have been modified to remove reference to it being a structure; other specific references in the by-law to fences remain.
		Section 4.16.4 – Non-conforming uses – reconstruction and repair: how is footprint and size measured? Is it the foundation, or coverage (with eaves, etc.).	Measurement is to the footprint (foundation).
		Definitions are missing for “encroachment” and “established”.	These are common terms that do not require specific definition in the by-law.
		Revisions requested to the following sections of the by-law:	These provisions provide guidance to the municipality and property owners dealing with inspections, applicability

Date	From	Summary of Comments Received	Response and suggested by-law revisions
		<p>Section 1.4.2 – property inspection: shows disrespect to property occupants; a landlord has to give a tenant a minimum of 24 hours notice of an inspection. The by-law have a requirement that the corporation contact the property occupant by either written or verbal notice and set an appointment time and ate. In addition, the corporation should indicate the by-law to be checked.</p> <p>Section 1.2.2 – conflict between sections: inconsistencies should be governed by the least restrictive provisions to avoid unnecessarily large number of offences being generated by taking a more restrictive interpretation.</p> <p>Section 1.2.4 – previous unlawful uses: A use established through unenforced previous by-laws should be “grandfathered”. The new by-laws should be only applied to new work going forward.</p>	<p>of standards where more than one standard would apply, and confirmation that prior unlawful uses are not given approval through the new zoning by-law.</p> <p>No changes recommended to the by-law.</p>
		Change definition of “alter” to cover situation where adding siding to a building enlarges the exterior dimensions of the property.	This type of activity would not be considered an alteration as contemplated in the zoning by-law.
Nov 30, 2017	Simone Holzamer 24309 Heroux Road	By-law proposes to carry forward special provision A1-1, which allowed a commercial greenhouse. Ms. Holzamer agrees to remove the special provisions from her property.	Special provisions A1-1 to be deleted.
Dec 1, 2017	Infrastructure Ontario One Dundas St. West, Suite 2000 Toronto, On M5G 2L5 Tate Kelly Planning Co-ordinator	<p>From Infrastructure Ontario and Hydro One Networks Inc:</p> <p>Section 4.25.1 currently reads: “the provisions of the B-law shall not apply to the use of any land or to the erection or use of any building or structure for public service by the City or by any local Board, any department of the</p>	While the province and its agencies are not generally subject to municipal zoning by-laws, inclusion of the clauses provide guidance for any such use to be consistent with the zone

Date	From	Summary of Comments Received	Response and suggested by-law revisions
		<p>Government of Ontario or Canada, including any electrical distribution company, telephone, telegraph or gas company, or any railway, provided that: (a) the lot coverage, setback and yard regulations prescribed for the Zone in which such land, building, or structure is located are complied with; (b) no goods, materials, or equipment are stored in the open in a Residential Zone or in a lot adjacent to a Residential Zone.”</p> <p>While IO and HONI intend to work with the City on any future infrastructure development, they are not subject to municipal land use regulations. As such, we request that Section 4.25.1 be replaced in its entirety with the following:</p> <p>“The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for public service by any board, department or agency of the City, Provincial or Federal governments, including electricity generation facilities, electricity transmission and distribution systems, telecommunications infrastructure, transportation corridors or facilities, or natural resource transmission.”</p> <p>Zoning Exception R4-11 lists “public use” as a permitted use, although it was removed from other zones. It should be removed from the R4-11 list of uses to ensure consistency.</p>	<p>standards. The provisions reflect municipal requirements.</p> <p>No changes recommended to the by-law.</p>
Dec 4, 2017	Bryan Smith	1430 Lakeshore Road	Rezone the property to M1-3 to permit a range of industrial uses

Date	From	Summary of Comments Received	Response and suggested by-law revisions
		Built a large storage building under the existing Rural zone (with use similar to a commercial/industrial use). The by-law proposes to zone the property Residential, which will make the building non-conforming. Will the permitted use be continued under the new by-law?	compatible with the property and the immediate area.
Dec 5, 2017	Murray Walton	1444 Lakeshore Road New Liskeard Sheet Metal The existing use should be recognized in the zoning by-law.	Rezone the property to M1-3 to permit a range of industrial uses compatible with the property and the immediate area.
Dec 5, 2017	Kemp Pirie Crombeen and behalf of Deftac Systems, Darcy Griffiths and Clean Scene Inc.	391 Farah Avenue – zoned R3 - request exception to Section 6.5 of by-law approving current building location and providing that “accessory apartment” is a legal use despite inability to comply with setback requirements, lot coverage, etc. 374 Albert Street – zoned R3 – request exception as per 391 Farah; 445 Main Street – zoned R3 – request exception as per 391 Farah;	New provision added to the by-law to address this issue – (*15) in Table 6.3, which reads: “Where a legal non-complying single detached dwelling is converted to a duplex dwelling, semi-detached dwelling or multiple dwelling, the existing yards, lot coverage and landscaped open space are deemed to comply with this by-law.” A “second dwelling unit” under Section 4.17.2 is already permitted within an existing structure.
		70-72 Lakeshore Road North – zoned R3 - request exception to Section 6.5 to recognize existing duplex on the property, including current location. 33 Jaffray Street – zoned R3 - request exception to Section 6.5 approving current building location and providing that	R3 zone permits a duplex; existing encroachments into yards would be legal non-complying; See above regarding (*15) provision and “second dwelling unit”.

Date	From	Summary of Comments Received	Response and suggested by-law revisions
		duplex is a legal use despite inability to comply with set-back requirements, lot coverage, etc. 196 May Street – zoned R3 – request exception as per 33 Jaffray St.;	
		364 Elliot Street – zoned R3 – request exception as per 33 Jaffray St.;	
		272 Broadwood Avenue – concern that property is proposed to be zoned Residential; current zoning is M2; Section 5.2.1 prohibits residential construction within 100 m or the railway.	Property is proposed to be zoned M1.
		64, 66, 68 Lakeshore – proposed to be zoned C1-1; clarification of definition of Machines in Section 5.2.1	The C1-1 parking requirements will apply, and not the requirements under Section 5.2.1
		53 Paget Street – zoned R3 – request exception to Section 6.5 to recognize a fourplex on the property, including current location. 359 Elliot Street – zoned R3 – request exception to Section 6.5 to recognize a triplex on the property, including current location.	See (*15) above;
		217 Haynes Cres – proposed to be zoned R2; existing pool does not meet 1.5m minimum setback; request approval of current location of the pool by exception in Section 6.5.	The pool would be legal non-complying if it was installed in accordance with applicable zoning regulations. Current Town of New Liskeard Zoning By-law requires a

Date	From	Summary of Comments Received	Response and suggested by-law revisions
			minimum 1.5m setback for swimming pools. No change proposed to the by-law.
Dec 5, 2017	Sue Cote Wabi Iron & Steel Corp	Clarification request regarding permitted uses in the M1 and M2 Zones.	No changes required to the by-law.
Dec 7, 2017 and Dec 6, 2017	Eveline Gauvreau and Peter Ramsay on behalf of Eveline Gauvreau	Definition of modular homes would preclude what she is considering for the North Cobalt subdivision. The minimum width should not be 6.1 metres, to allow for single wide homes.	No changes recommended to the by-law. The proposed minimum width for modular homes would preclude single wide units, and would provide for units that are more compatible with traditional residential building forms.
Dec 5, 2017	Kay Grant MMAH	Suggestions provided regarding second residential units and transition provisions for applications in process.	No changes required to the by-law.
Dec 11, 2017	Sean Mackey	Northern Shores Cottages and Motel – appears to be zoned residential?	This site will be zoned C2 Highway Commercial.
		144 Farah is zoned R2 but has an existing 3 units, and should be zoned R3.	This area to be zoned R3.
		With respect to B&B establishments, there should be an occupancy limit rather than number of rooms Serenity Suites operates as a B&B	The zoning by-law does not regulate occupancy but rather the use and the scale of the use (e.g. number of rooms in a B&B).

Date	From	Summary of Comments Received	Response and suggested by-law revisions
			Serenity Suites is proposed to be zoned C1.
		Nothing in the by-law regarding signs.	Signs are regulated through the Sign By-law and not the Zoning By-law.
		Questions about regulation of parking for tourist commercial uses and b& b's	Parking is regulated in Section 5.2.1 of the by-law, and is based on specific uses.
		Concerns about President's Suites zoning and use	Two of the facilities that have separate meeting rooms are proposed to be zoned C4 Tourist Commercial. The other units are Residential and used for short term rentals. The Zoning By-law does not propose to regulate short term rentals (such as Airbnb)
		If a tourist commercial property is sold for residential purposes, will it be permitted in the by-law.	All applicable by-law requirements would have to be met. At this time, an existing single detached dwelling is permitted in the C4 zone; any conversion would have to meet by-law requirements and may require a zoning amendment.
		Commercial operations are assessed by MPAC as residential.	The zoning by-law regulates use; MPAC has various commercial and residential categories, and would be

Date	From	Summary of Comments Received	Response and suggested by-law revisions
			responsible for determining the use and the assessment categories.
		Zoning of Farr Island	The island is proposed to be zoned C4 Tourist Commercial.
		Zoning and use of 367 Sutherland Way (Place Ste-Marie, zoned R-4-11. Short term rentals are occurring.	The R4-11 permits residential accommodation and a variety of commercial uses. At the present time, the City is not regulating the short term rental of residential properties.
Nov 22, 2017	Peter Ramsay	Inquiry regarding the definition of business office, and clarification on other by-law provisions.	No changes required to the by-law.
Dec 4, 2017	Steve Langford	Concern about dimensions of modular homes in the City.	By-law includes a minimum dimension of 6.1m for modular homes. No changes required to the by-law.
Dec 2, 2017	Judy Tinney	Concerns expressed about: Section 4.30.1 Connection to Services – alternatives to sewage systems are available (e.g. composting toilets) and should be permitted. Properties should not be required to connect to sewers. Section 4.27 Storage Containers – should not be regulated. Parking regulations – will stifle new business; B&B requirements are too restrictive.	No changes are required to the by-law. With respect to “tiny homes”, the zoning by-law does not set a minimum unit size; this would be regulated through the Ontario Building Code. Such homes would not be permitted on wheels or on trailers where the wheels have been removed.

Date	From	Summary of Comments Received	Response and suggested by-law revisions
		<p>There should be no minimum size restrictions for buildings (housing) (e.g. Tiny Homes).</p> <p>People should be allowed to live in their trailers while building.</p>	<p>Occupancy of trailers during construction is not currently permitted in the City.</p>
Dec 13, 2017	Florent Heroux	<p>Clarification requested regarding the interpretation of Established Building Line (Section 4.4.1, page 30)</p>	<p>The section will permit additions/new builds closer to the front lot line that the setback provision. It would not apply to restrict the front setback to be greater than that required by the by-law.</p> <p>No changes are required to the By-law.</p>

From: [Riche, Carla \(MTO\)](#)
To: [Jennifer Pye](#)
Subject: RE: City of Temiskaming Shores Draft Comprehensive Zoning By-law
Date: Tuesday, November 14, 2017 2:11:29 PM

Hi Jennifer,

I took a quick look at the zoning bylaws documents. It looks good from an MTO point of view.

Thanks for allowing for MTO's comments on this matter and I look forward to seeing the final version of the zoning by-law.

Carla Riche

Corridor Management Planner
Northeast Region
Ministry of Transportation
447 McKeown Ave, Suite 301
North Bay, ON, P1B 9S9
Phone: 705-497-5456
E-mail: carla.riche@ontario.ca



A Proud Member / Un membre fier

From: Jennifer Pye [mailto:jpye@temiskamingshores.ca]
Sent: November-13-17 4:05 PM
To: Riche, Carla (MTO)
Subject: City of Temiskaming Shores Draft Comprehensive Zoning By-law

Hi Carla,

Last time we spoke I believe I mentioned the City's comprehensive Zoning By-law and asked if you would like to be notified of our next round of consultation. The notice has now been posted and I have attached it to this email for your information. The draft of the by-law and the mapping are too large to send via email, but you can access them through the project website at www.temiskamingshores.ca/zoningproject. Note that the public open house is scheduled for November 22 and the statutory public meeting is December 5.

Please let me know if you have any questions/comments/concerns.

Thanks,

Jennifer Pye

Planner

Corporation of the City of Temiskaming Shores

325 Farr Drive | PO Box 2050 | Haileybury, ON | P0J 1K0

T. (705) 672 - 3363 ext. 4105

F. (705) 672 - 2911



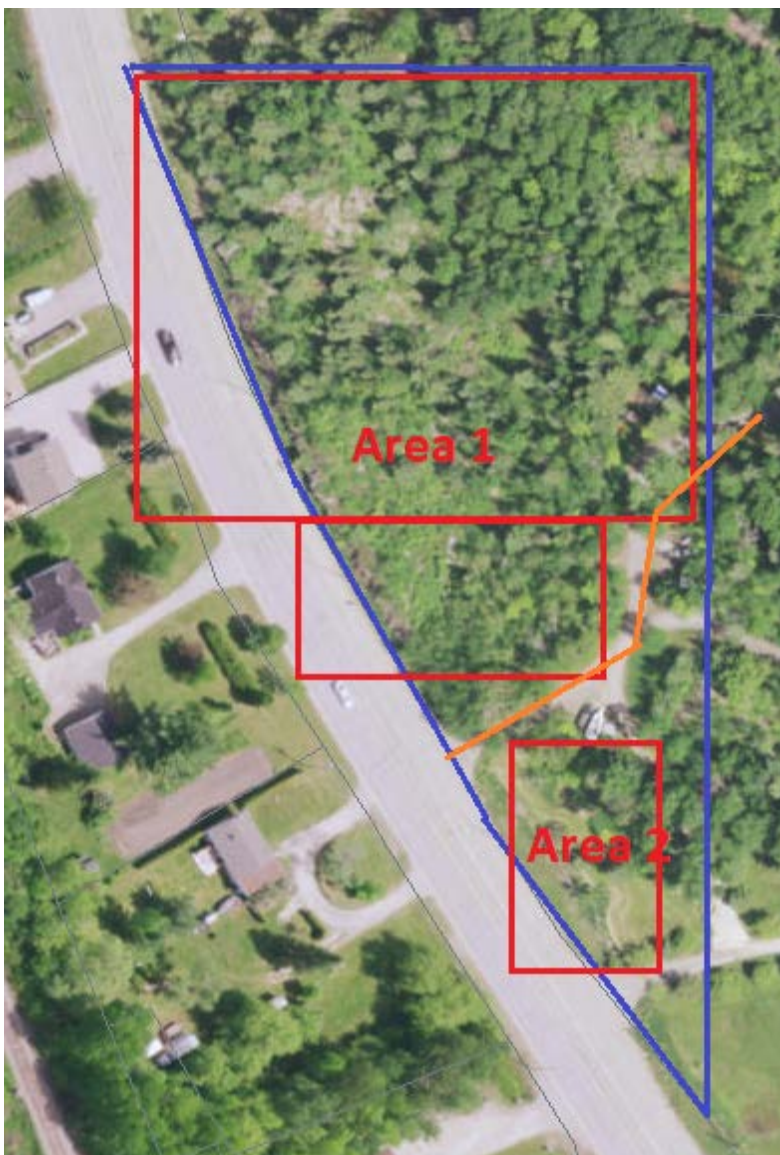
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From: [Robin Pascoe](#)
To: [Jennifer Pye](#)
Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting
Date: Wednesday, November 15, 2017 8:13:16 AM
Attachments: [image002.png](#)
[image003.png](#)

It doesn't seem like it would be very developable.

Area 1 is a significant bedrock outcropping that would require a lot of blasting to make it close to useable. Can blasting even be done in city limits? You can see the bedrock cliff 50ft above lakeshore. Area 2 is a spring fed swamp but I suppose there might be some way to build on that. The orange line is a right of way access road.



From: Jennifer Pye [mailto:jpye@temiskamingshores.ca]
Sent: November 14, 2017 4:12 PM

To: Robin Pascoe <rpascoe@mikrolink.com>

Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

These changes would not fit within the intent of these zones and I would not be able to recommend these changes be made.

Jennifer Pye
Planner

From: Robin Pascoe [<mailto:rpascoe@mikrolink.com>]

Sent: Tuesday, November 14, 2017 4:00 PM

To: Jennifer Pye <jpye@temiskamingshores.ca>

Subject: Re: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Thank you for the info.

So it's not possible to have the section that's being shown r2 changed to r1 or having the entire property changed to r1?

Sent via the [BlackBerry Hub for Android](#)

From: jpye@temiskamingshores.ca

Sent: November 14, 2017 3:31 PM

To: rpascoe@mikrolink.com

Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Hi Robin,

The thick burgundy coloured line on the map is the Settlement Area Boundary, which was established in the City's Official Plan. Areas within the Settlement Area Boundary are those which the City intends to see intensified over time. Areas outside of the Settlement Area Boundary are considered more rural, which is why a portion of your property is being shown as R2 and the remainder is RU and R1.

The purpose of the R1 zone is to recognize smaller properties outside of the Settlement Area Boundary that may only be appropriate for residential uses (these properties are generally 2.5 acres or less). The RU zone would permit residential uses on existing lots of record, which is different from the Town of Haileybury Zoning By-law which does not permit standalone residential uses on properties in the Rural zone. I believe the purpose of the RU-E16 zone was to permit a residential dwelling and this exception was not carried forward because the residential use would be permitted as-of-right in the new by-law.

I will reply to your other inquiry directly from that email.

Let me know if you have any questions.

Thanks,

Jennifer Pye
Planner

From: Robin Pascoe [<mailto:rpascoe@mikrolink.com>]

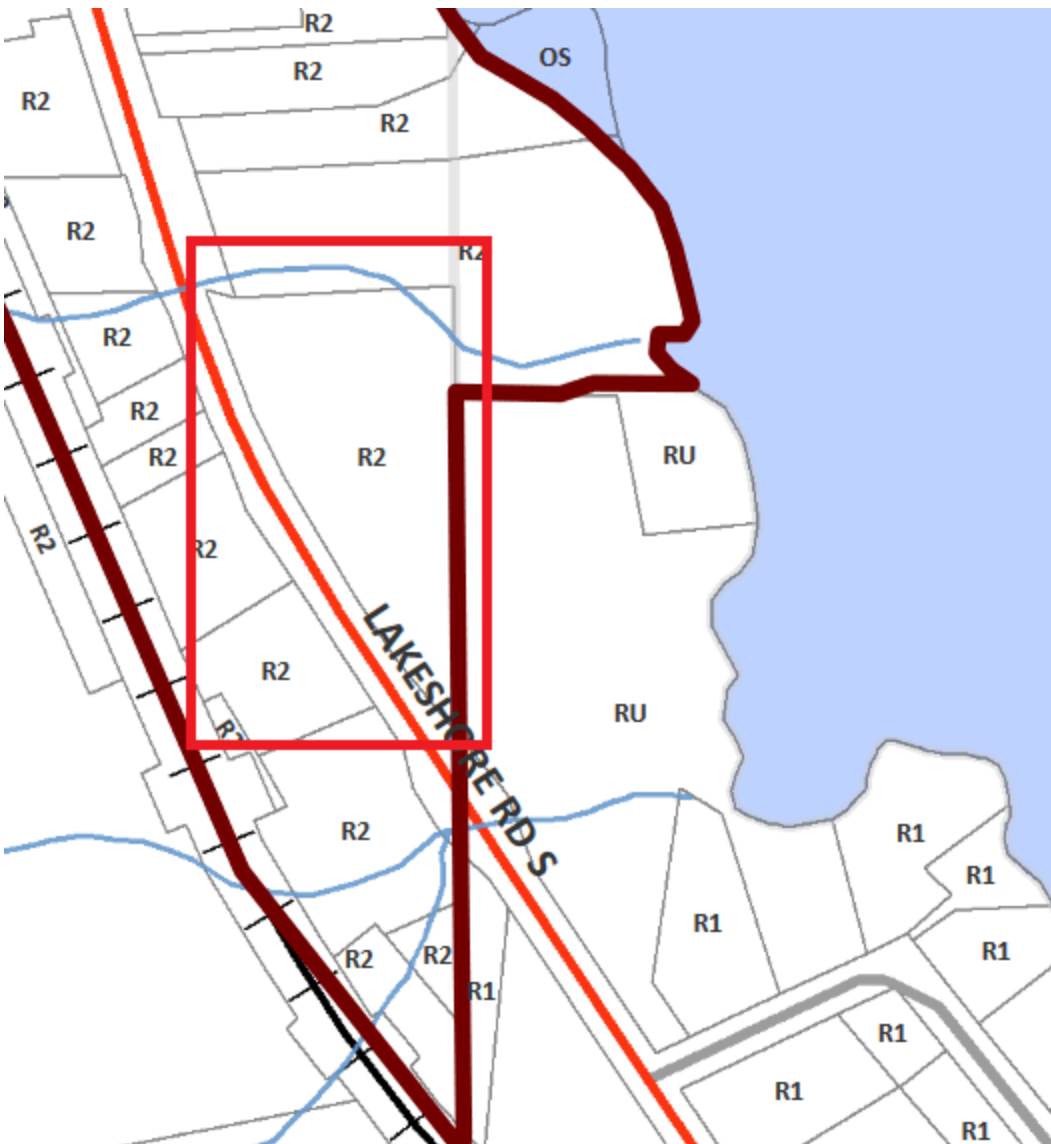
Sent: Monday, November 13, 2017 3:15 PM

To: Jennifer Pye <jpye@temiskamingshores.ca>

Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

For our property on Lakeshore (1392, 1395, 1397), why is a piece of it being re-zoned R2 Low Density residential while the majority of the property is Rural and Rural Residential? The entire property is currently zoned Rural Residential / HAZ / RU-E16.

The houses on the property don't fall into the R2 area and the R2 area isn't serviced with water or sewer?



Thanks,
Robin

-----Original Message-----

From: Jennifer Pye [<mailto:jpye@temiskamingshores.ca>]

Sent: November 10, 2017 9:25 AM

To: Jennifer Pye <jpye@temiskamingshores.ca>

Subject: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Good morning,

Please see attached notice of upcoming public open house and statutory public meeting for the draft comprehensive Zoning By-law for the City of Temiskaming Shores.

Note that the mapping will be posted to the project website later today.

Regards,

Jennifer Pye

Planner

Corporation of the City of Temiskaming Shores

325 Farr Drive | PO Box 2050 | Haileybury, ON | P0J 1K0 T. (705) 672 - 3363 ext. 4105 F. (705) 672 - 2911

[cid:image003.jpg@01D18372.D250B4F0]<<http://www.temiskamingshores.ca/>>

Visit our website: www.temiskamingshores.ca<<http://temiskamingshores.ca/en/index.asp>>

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From: George Kemp
To: Jennifer Pye: jpye@planscape.ca
Cc: Buffam Leveille Funeral Home Ltd.
Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting
Date: Wednesday, November 15, 2017 5:16:29 PM

Hi Jennifer;

I found the 2 exceptions on page 62 identified as R3-12 & R3-13. The upstairs of the funeral home consists of a residential dwelling unit that the owner currently resides in. That too is a permitted use right? I won't be attending the open house tonight. Thanks for your help.

George W. Kemp
Kemp Pirie Crombeen
Barristers & Solicitors
22 Armstrong Street
P.O. Box 1540
New Liskeard, ON
P0J 1P0
Tel: (705) 647-7353 ext. 224
Fax: (705) 647-6473
gkemp@kempirie.com
[https://linkprotect.cudasvc.com/url?
a=https://www.kempirie.com&c=E.I.GzU6fv39psGnZeRwPGNXpmmJfalrochCDT28r5b5aO0kI8SbNHyzp_rm0C9ukqBZ4mps2QTOjC6uqidWYIG2h2I9ixQ29KleZmAA57zxNP6aJEfzwQ...&typo=1](https://linkprotect.cudasvc.com/url?https://www.kempirie.com&c=E.I.GzU6fv39psGnZeRwPGNXpmmJfalrochCDT28r5b5aO0kI8SbNHyzp_rm0C9ukqBZ4mps2QTOjC6uqidWYIG2h2I9ixQ29KleZmAA57zxNP6aJEfzwQ...&typo=1)

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-----Original Message-----

From: Jennifer Pye [<mailto:jpye@temiskamingshores.ca>]
Sent: November-10-17 1:58 PM
To: George Kemp <gkemp@kempirie.com>
Cc: Buffam Leveille Funeral Home Ltd. <buffamfh@ntl.sympatico.ca>
Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Hi George,

There has been a small glitch with the mapping and it won't be posted until Monday.

We have included Buffam Leveille Funeral Home in the R3 zone with an exception to permit the funeral home use and to recognize the existing building setbacks, lot coverage, etc. as legal confirming. If you open the text document and go to the exception tables after the residential zoning information you will find it there. We have included the parking lot area as a separate exception to tie the properties together. I am out of the office today and am not able to recall the specific exception numbers, but they are listed by address as an exception to the R3 zone.

Please keep an eye out for the mapping on Monday and let me know if you have any questions.

Thanks,
Jennifer

From: George Kemp <gkemp@kempirie.com>
Sent: November 10, 2017 12:23:59 PM
To: Jennifer Pye
Cc: Buffam Leveille Funeral Home Ltd.
Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Hi Jennifer;

Are you able to tell me where to look for the changes to the bylaw to accommodate the Buffam Leveille home property and the vacant lot across the street used for funeral home parking? Thanks for your help Jennifer.

George W. Kemp
Kemp Pirie Crombeen
Barristers & Solicitors
22 Armstrong Street
P.O. Box 1540
New Liskeard, ON
P0J 1P0
Tel: (705) 647-7353 ext. 224
Fax: (705) 647-6473
gkemp@kempirie.com
https://linkprotect.cudasvc.com/url?a=https://www.kempirie.com&c=E.I.H8T8Q8wLjn9GFnTzg6Y0LqG52PSm-mK_h3FLT63qI3Z6qcYIqw-3xY3sipS3XkbyxcH5nwKHNVikNdBY4w_zOSmjQeJmxMw_MyAH8v807ys.&typo=1

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-----Original Message-----

From: Jennifer Pye [<mailto:jpye@temiskamingshores.ca>]
Sent: November-10-17 9:25 AM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Subject: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Good morning,

Please see attached notice of upcoming public open house and statutory public meeting for the draft comprehensive Zoning By-law for the City of Temiskaming Shores.

Note that the mapping will be posted to the project website later today.

Regards,

Jennifer Pye
Planner
Corporation of the City of Temiskaming Shores
325 Farr Drive | PO Box 2050 | Haileybury, ON | P0J 1K0 T. (705) 672 - 3363 ext. 4105 F. (705) 672 - 2911

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Visit our website: https://linkprotect.cudasvc.com/url?a=https://www.temiskamingshores.ca&c=E.I.JFwK_cYPxnQzayk4t2SMbagXddHusb3juOiA10I83nt8RZZX-kxPflt6mAI3PPkDRJ9lHPm9d5UCpYYNOSjWspUAcRlXbLhaXrO8SYY.&typo=l<https://linkprotect.cudasvc.com/url?a=http://temiskamingshores.ca/en/index.asp&c=E.I.VWBpIdvwwLG5aHOBMpRDS19ZspDdENUqS6U-yxQ6pP9_iOL_6K0HLlww_25_8v87eoYDir0EGWpkDCUHxWW_ToAC0dz5qfESkOyIOgigHiCm6gtLqyw...&typo=l>

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From: [Lendt, Shelly](#)
To: [Jennifer Pye](#)
Subject: FW: New Zoning By-Law - Public Meeting, Wednesday, November 22, 2017
Date: Tuesday, November 21, 2017 10:33:34 AM

Hi Jennifer,

Hope all is well and you are enjoying the snow ☺

Can you give a quick recap on how this would affect my property? It is zoned rural, I can't make the open house and I'm gone the first week of Dec.

Regards,

Shelly Lendt | Financial Advisor, Business | Imperial Service | District of Timiskaming
CIBC | 6 Armstrong Street, New Liskeard P0J 1P0 | Tel: 705-647-6877 x400 | Fax: 705-647-5539 |
shelly.lendt@cibc.com



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From: Temiskaming Shores & Area Chamber of Commerce
[mailto:info=tsacc.ca@mail186.atl61.mcsv.net] **On Behalf Of** Temiskaming Shores & Area Chamber of Commerce
Sent: November-21-17 9:36 AM
To: Lendt, Shelly
Subject: New Zoning By-Law - Public Meeting, Wednesday, November 22, 2017



Members,

Please see the attached public notice for the new Zoning By-law. The public open house is this **Wednesday, November 22** from 7:00 pm - 9:00 pm at Riverside Place. The statutory public meeting is Tuesday, December 5 at 6:00

pm at the Council meeting.

Please review the by-law to ensure that you have a chance to review the new zoning bylaw before it has an impact on your business or personal property. The open house on Wednesday evening at Riverside Place is the best option to ask questions in an informal setting.

For more information: www.temiskamingshores.ca/en/resident/zoning-by-law-project.asp





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Temiskaming Shores & Area Chamber of Commerce.

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Temiskaming Shores & Area Chamber of Commerce
P.O. Box 811, 883365 Hwy 65

New Liskeard, ON P0J 1P0

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From: noreply@esolutionsgroup.ca on behalf of scote@wabicorp.com
To: [Jennifer Pye](#)
Subject: Zoning M1 vs. M2
Date: Tuesday, November 21, 2017 9:54:39 AM

Please advise the difference between M1 & M2, within zone F3

Origin: https://linkprotect.cudasvc.com/url?a=http://www.temiskamingshores.ca/en/resident/zoning-by-law-project.asp&c=E.1.MM8Pp0-bCe_VlFKvR0rw0WAZophzI4fXTMoCb0It8VlDK7-u2ldlBW70wmEt_RWaUD0U6MORq2_gzZZAcLQX__soEa3nWQblzSoasGqIgQMANxsKvw..&typo=1

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CITY OF TEMISKAMING SHORES

ZONING BY-LAW REVIEW

Statutory Open House

November 22nd, 2017

Comment Sheet

Thank you for attending the Statutory Public Open House to participate in the City of Temiskaming Shores Zoning By-law Review. We would appreciate your input on any aspects of the proposed revisions to the Zoning By-law-DRAFT TWO. These issues can be site specific or general in nature.

Property Location (address): 604 Brewster / driveway - 605 Rorke

Existing Zoning: Tourist Enterprise (New zoning)

Comments: This is a large 5 lot property which could have the potential of becoming a hospice. There is people in the community that have shown interest in developing a hospice for the region. The Govt of Ontario presently has funding to encourage hospices. We see that this home could be appropriate because of these different

Your comments are appreciated!
Thank you for taking the time to respond.

If we have any questions about your comments, would it be okay for us to contact you? If so, please provide your contact information.

Name: Nicole Guertin
Address: 489 Ferguson
Box 1380

Email: nicole.e.president@suiter.com
Telephone: 705-628-0275
Postal Code: P0J-1K0

Please send any additional comments to:

Jennifer Pye, Planner
City of Temiskaming Shores
325 Farr Drive, Box 2050
Haileybury, ON P0J 1K0
TEL: (705) 672-3363
FAX: (705) 672-2911
E-mail: jpye@temiskamingshores.ca

PLEASE SUBMIT ALL COMMENTS TO THE CITY OF TEMISKAMING SHORES BY DECEMBER 5TH, 2017.
THANK YOU.

characteristics

- * Large home atmosphere with beautiful view of Lake Teniskarning.
- * 3 rooms on main floor which would be a good site to service the area of North & South Teniskarning.
(1 bed per 10,000 residents).
- * Large parking lot
- * Extra space if addition is required.
- * Rooms upstairs for family members.
- * Large bedroom that could be used for volunteers, which is a large requirement of a community hospice.

Thank you

1-705-~~677-4082~~

Nick Smith
705-622-0279

P.S. It might take a few years to get the project going. Would it be possible to have it tourist and get word of hospice.

MEMORANDUM

TO: New Zoning Bylaw
FROM: Peter R Ramsay
RE: Zoning Bylaw particulars

November 22, 2017

1. I cannot find a map that shows the area of New Liskeard to the north of Whitewood Avenue.
2. In C1 commercial, the definition of Business, Professional or Administrative Office has struck out of it "administrative offices of a non profit or charitable organization" 3.22 which would include the new The Temiskaming Foundation office on Whitewood Ave.

C1 also does not seem to permit storage, for which we rent space on Lane Street.
3. Maps E4 and F3 appear to correctly show the boundaries of the waterfront park lands. The definition of Outdoor Recreation, Active, 3.118 may not seem to be broad enough to include the skateboard park, baseball, and the proposed new water park.
4. I am not clear on the zoning maps the distinction between the bright red lines that appear to separate different zones, and the dark red lines.

From: [Robin Pascoe](#)
To: [Jennifer Pye](#)
Cc: [Jeff Laferriere](#)
Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting
Date: Wednesday, November 22, 2017 9:42:31 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

1 last question I hope.

You explained that zoning doesn't really impact MPAC's assessments but does zoning not affect the 'Tax Class/Code/Rate' that's used by the city?

Thanks,
Robin

From: Jennifer Pye [mailto:jpye@temiskamingshores.ca]
Sent: November 20, 2017 3:32 PM
To: Robin Pascoe <rpascoe@mikrolink.com>
Cc: Jeff Laferriere <jeffery.laferriere@rbc.com>
Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Hi Robin,

Never a waste of time! I believe that line was drawn there as it was a "straight shot" north from the end of the line on the other side of Lakeshore Road, and you're right that it does follow the original lot and concession lines in that area. There also appears to be a property line there on our GIS mapping so I think that may also have contributed to that line being located where it is. I can't confirm, however, that they are separate properties for the purpose of the Planning Act, and the establishment of that line would not have create a new parcel if they weren't separate to begin with.

I will need to do a housekeeping amendment to the Official Plan at some point in the near future to correct a few errors/issues so I will add this to my list of items to be reviewed and will contact you when I begin that process so we can discuss the best way to proceed.

Thank you for the time you've spent to review the maps and the draft of the by-law.

Jennifer Pye
Planner

From: Robin Pascoe [mailto:rpascoe@mikrolink.com]
Sent: Monday, November 20, 2017 3:17 PM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Cc: Jeff Laferriere <jeffery.laferriere@rbc.com>
Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Thank you very much Jeff and Jennifer for getting back to me.

My main concern was with the area on the other side of the brown line :-). I didn't follow the 'Official Plan' when it was occurring, it never occurred to me that they'd decide to draw a line through the property.

The geometry and placement of the lot doesn't lend itself to development, more an artifact of the original lot and concession lines before they were divided up into parcel's.

And it doesn't make sense to me that it was carved out when the surrounding parcel's are all aligned properly to the highway for development.

If there isn't anything that can be done about the section on the other side of the brown line than I guess that's all for me. It's disappointing but I'll stop bothering people.

I'll try to attend the open house on Wednesday but I have no issues with the text of the zoning by-law and if there's nothing that can be done about the assignments within the settlement area than it seems like I would just be wasting people's time.

Thanks,
Robin

From: Jennifer Pye [mailto:jpye@temiskamingshores.ca]
Sent: November 20, 2017 3:01 PM
To: Robin Pascoe <rpascoe@mikrolink.com>
Cc: Jeff Laferriere <jeffery.laferriere@rbc.com>
Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Hi Robin,

If you are available on Wednesday night between 7pm and 9pm it would be great if you could attend the public open house and we can discuss this further with our planning consultant. The meeting is being held at Riverside Place.

With regard to some of your questions and comments below I offer the following:

The brown line on the map which I indicated is the Settlement Area Boundary was established when the City approved the Official Plan in 2015. The line is not being created through the Zoning By-law and cannot be changed in the Zoning By-law. Policies for development within and outside of the Settlement Area Boundary have been established in the Official Plan and the regulations in the Zoning By-law follow the Official Plan. This is why the section of land within the boundary is being zoned as R2 and the portions of property outside of the boundary are being zoned RU and R1.

My experience with MPAC is that they don't pay much attention to the zoning of a property unless there is a request for reconsideration filed. I cannot say for sure that they won't start taking zoning into consideration sometime in the future, but I don't have much contact with MPAC on specific properties.

I also wanted to let you know that the RU zone in the proposed by-law is, in general, less restrictive than in the current Haileybury by-law. The Haileybury by-law does not permit residential development in the RU zone unless it is accessory to an agricultural use. Conversely in the new by-law we are proposing to permit residential development on existing lots of record in the RU zone. Additionally, there are provisions in the Official Plan that would permit the severance of properties along Lakeshore Road for the purpose of infill development in the RU area.

Please let me know if you have any questions. I hope you can make it on Wednesday night as I think it may be helpful to discuss some of these questions in person.

Thank you,

Jennifer Pye
Planner

From: Laferriere, Jeffery [<mailto:jeffery.laferriere@rbc.com>]
Sent: Monday, November 20, 2017 1:35 PM
To: 'Robin Pascoe' <rpascoe@mikrolink.com>; Jennifer Pye <jpye@temiskamingshores.ca>
Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Hi Jennifer,

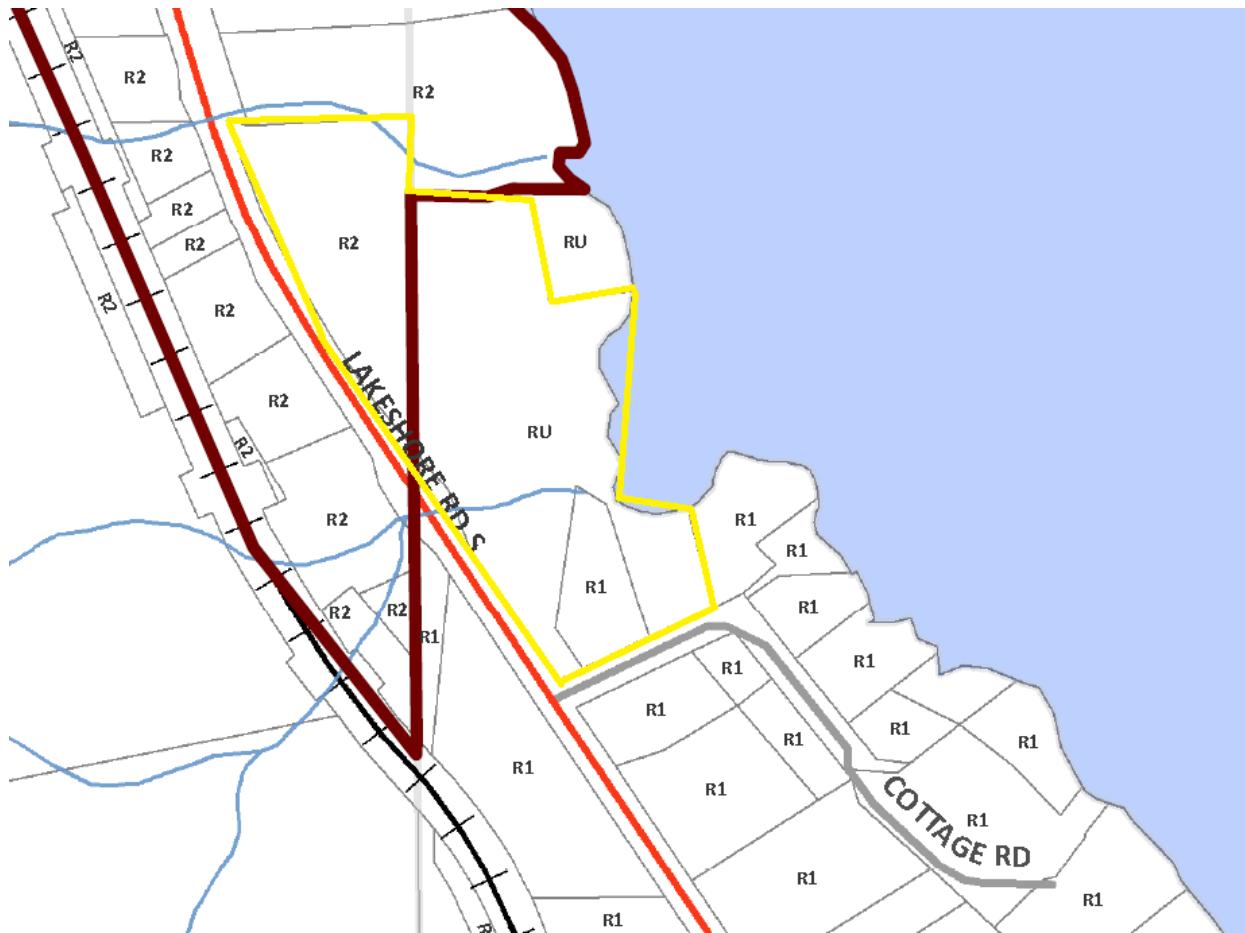
Could you respond to Robin's questions below.

Thanks Jeff

From: Robin Pascoe [<mailto:rpascoe@mikrolink.com>]
Sent: 2017, November, 17 4:09 PM
To: Laferriere, Jeffery
Subject: FW: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Hi Jeff, I have some concerns about the re-zoning bylaw and Peter suggested I ask you for your opinion.

We own a property on Lakeshore Rd just on the New Liskeard side of Cottage Road. (1392, 1395, 1397 Lakeshore Rd. S.)



The property was zoned entirely Rural as part of the Haileybury Zoning.

With the new zoning it's being proposed that a chunk of the property be split and zoned Low Density Residential.

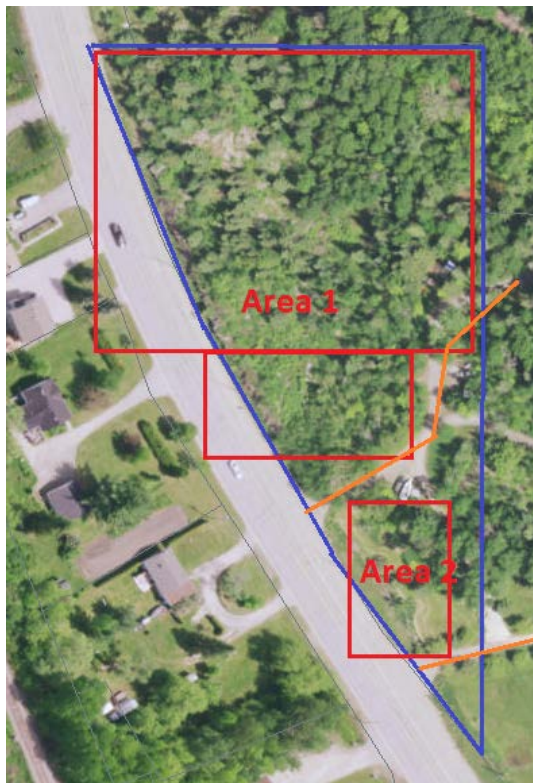
The explanation from the planning department is that that chunk of land will now fall into the 'settlement area' (brown line on the map). I realize that the line needs to be arbitrarily drawn somewhere but it doesn't make sense to me to go straight across the property.

I would have expected it to follow the lot line straight west out to Lakeshore Rd and then continue down the road.

The section of land that's being re-zoned low density residential is not particularly useable for development. It has 2 laneway easements across it (orange lines on my diagram) splitting it up.

The majority of the land in Area 1 is Bedrock outcroppings, you can see the cliffs from the road and the bare rock in the satellite image, making it very difficult to try and build on or clear. I imagine it would take some serious blasting and can't imagine that being allowed within city limits.

In Area 2 it is very swampy because of a spring fed well that was removed when they 4-laned Highway 11B. We're barely able to cut the grass without sinking into it, even with drainage tile in it.



It just doesn't make sense to me to split up the property into 2 different zones, 1 of which is much more restrictive on land which would be very difficult to build on and even harder to try and separate and potentially sell.

I also have concerns about taxes increasing by the increase in zoning density on that piece of land.

Thanks,
Robin

Robin Pascoe
IT Technician
Mikrolink Computers
rpascoe@mikrolink.com
Tel: 705-647-4679
Fax: 705-647-5338

From: Jennifer Pye [<mailto:jpye@temiskamingshores.ca>]
Sent: November 14, 2017 4:12 PM
To: Robin Pascoe <rpascoe@mikrolink.com>
Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

These changes would not fit within the intent of these zones and I would not be able to recommend these changes be made.

Jennifer Pye
Planner

From: Robin Pascoe [<mailto:rpascoe@mikrolink.com>]
Sent: Tuesday, November 14, 2017 4:00 PM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Subject: Re: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Thank you for the info.

So it's not possible to have the section that's being shown r2 changed to r1 or having the entire property changed to r1?

Sent via the [BlackBerry Hub for Android](#)

From: jpye@temiskamingshores.ca

Sent: November 14, 2017 3:31 PM

To: rpascoe@mikrolink.com

Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Hi Robin,

The thick burgundy coloured line on the map is the Settlement Area Boundary, which was established in the City's Official Plan. Areas within the Settlement Area Boundary are those which the City intends to see intensified over time. Areas outside of the Settlement Area Boundary are considered more rural, which is why a portion of your property is being shown as R2 and the remainder is RU and R1.

The purpose of the R1 zone is to recognize smaller properties outside of the Settlement Area Boundary that may only be appropriate for residential uses (these properties are generally 2.5 acres or less). The RU zone would permit residential uses on existing lots of record, which is different from the Town of Haileybury Zoning By-law which does not permit standalone residential uses on properties in the Rural zone. I believe the purpose of the RU-E16 zone was to permit a residential dwelling and this exception was not carried forward because the residential use would be permitted as-of-right in the new by-law.

I will reply to your other inquiry directly from that email.

Let me know if you have any questions.

Thanks,

Jennifer Pye
Planner

From: Robin Pascoe [<mailto:rpascoe@mikrolink.com>]

Sent: Monday, November 13, 2017 3:15 PM

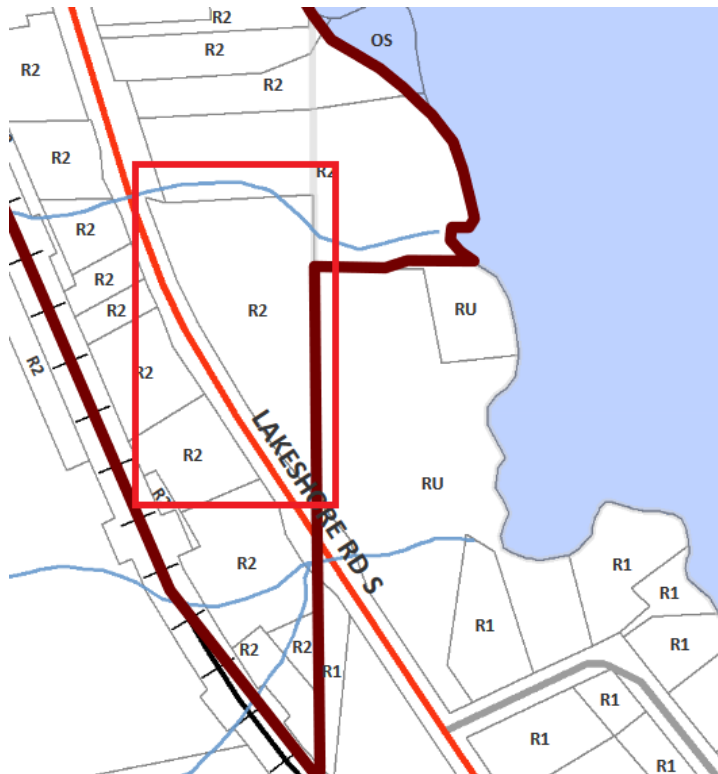
To: Jennifer Pye <jpye@temiskamingshores.ca>

Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

For our property on Lakeshore (1392, 1395, 1397), why is a piece of it being re-zoned R2 Low Density residential while the majority of the property is Rural and Rural Residential?

The entire property is currently zoned Rural Residential / HAZ / RU-E16.

The houses on the property don't fall into the R2 area and the R2 area isn't serviced with water or sewer?



Thanks,

Robin

-----Original Message-----

From: Jennifer Pye [<mailto:jppe@temiskamingshores.ca>]

Sent: November 10, 2017 9:25 AM

To: Jennifer Pye <jppe@temiskamingshores.ca>

Subject: City of Temiskaming Shores Comprehensive Zoning By-law Project - Notice of Public Open House and Statutory Public Meeting

Good morning,

Please see attached notice of upcoming public open house and statutory public meeting for the draft comprehensive Zoning By-law for the City of Temiskaming Shores.

Note that the mapping will be posted to the project website later today.

Regards,

Jennifer Pye

Planner

Corporation of the City of Temiskaming Shores

325 Farr Drive | PO Box 2050 | Haileybury, ON | P0J 1K0 T. (705) 672 - 3363 ext. 4105 F. (705) 672 - 2911

[[cid:image003.jpg@01D18372.D250B4F0](#)]<<http://www.temiskamingshores.ca/>>

Visit our website: www.temiskamingshores.ca<<http://temiskamingshores.ca/en/index.asp>>

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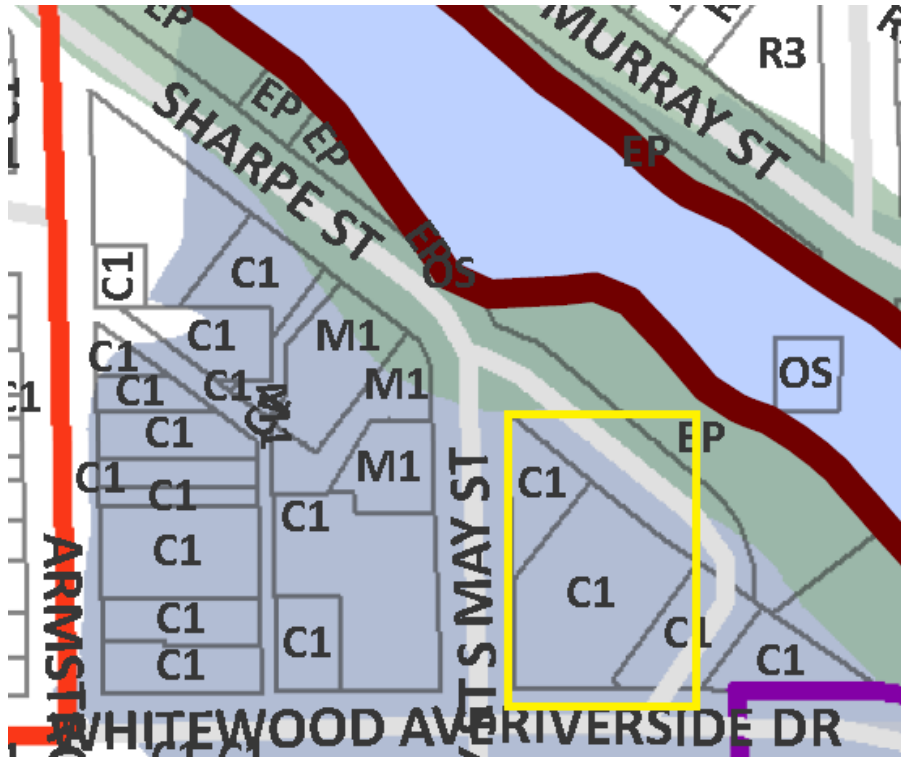
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From: [Robin Pascoe](#)
To: [Jennifer Pye](#)
Date: Thursday, November 23, 2017 9:01:19 AM
Attachments: [image001.png](#)
[image002.png](#)

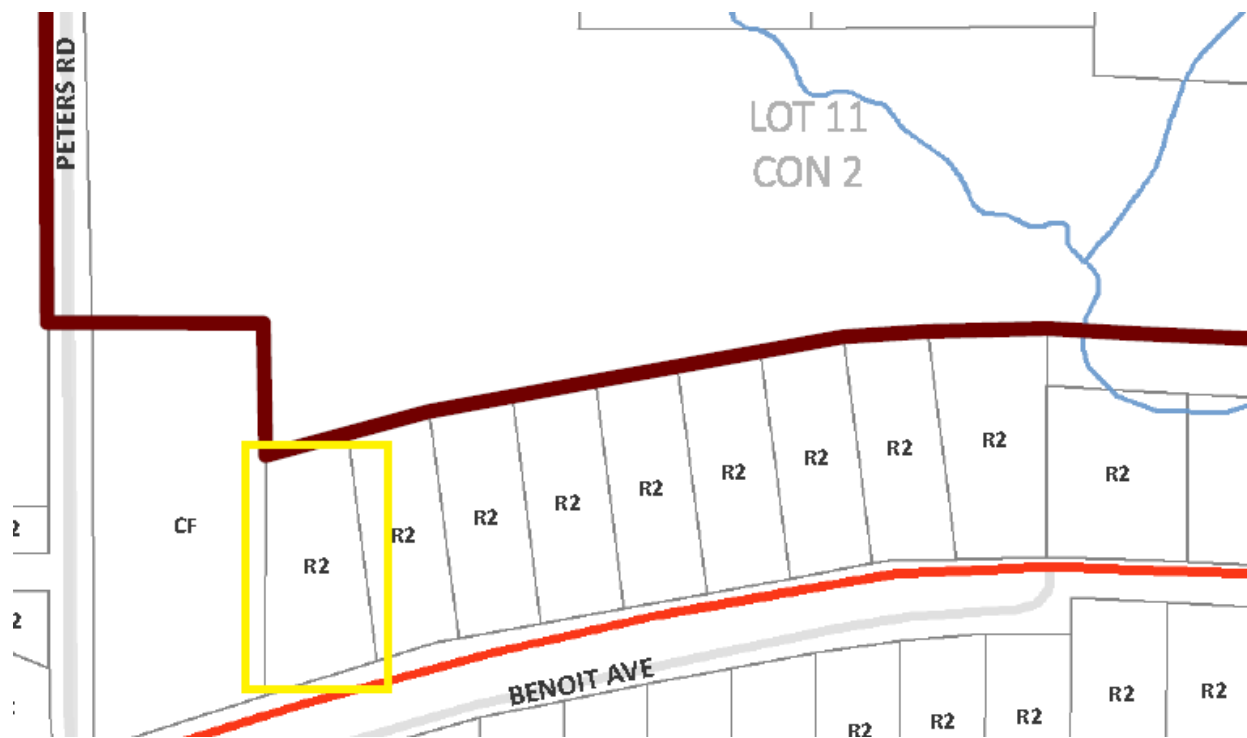
Not my questions this time, my coworkers are wondering what the current zoning is for our office:

9 Riverside Drive: (E3)



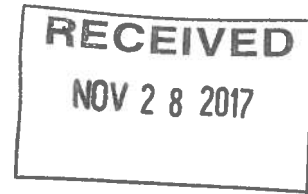
And Peter's property

743191 Dawson Point Road: (E4)



Robin Pascoe
IT Technician
Mikrolink Computers
rpascoe@mikrolink.com
Tel: 705-647-4679
Fax: 705-647-5338

M. Fila,
P.O. Box 236,
North Cobalt, ON P0J 1R0



Nov. 28, 2017

Jennifer Pye,
City of Temiskaming Shores,
325 Farr Drive, Box 2050,
Haileybury, ON P0J 1K0

Please modify the corporate bylaws as indicated below. These are needed to avoid creating bylaw offences.

Please advise me of your decisions before the the bylaws are passed.

PROPERTY SPECIFIC BYLAW EXEMPTIONS

Property description:

Roll# 5418 030 009 15800 0000 and 5418 030 009 20000 0000

Property zoning: RU H1

Subject: Exemptions from corporate bylaws

Corporate bylaw 4.20 exemption.

Table 4.1 specifies the minimum distance of eaves from the lot line as 0.5m which conflicts with the actual distance on the residence.

Table 4.1 specifies the minimum distance of the window bays from the lot line as 1m which conflicts with the actual distance on the residence.

Table 4.1 specifies the minimum distance of an unroofed porch from the lot line as 4m which conflicts with the actual distance on the residence.

Provision of exterior stairs at the front of the house conflicts with the encroachments in Table 4.1.

Corporate bylaw 9.4 exemption.

Table 9.3 specifies the minimum lot frontage for a residential lot as 60m. The property has less than the required frontage.

Table 9.3 specifies the minimum front yard and exterior side yard requirement as 9m. The property has less than the required yard size.

Corporate bylaw 4.26.2 exemption.

The property is closer than 100m from the railway.

Corporate bylaw 4.1.6 exemption.

Provision of steps and a walkway at the front entrance to the residence is not shown as allowed encroachments.

GENERAL COMMENTS ON THE CORPORATE BYLAWS

Subject: Deficiencies and lack of clear definitions in the corporate bylaws.

Bylaw 4.23.1(f) A small quantity exemption should be specified for hazardous materials.

Bylaws 3.56 and 3.161 make an unnecessary and arbitrary specification of a fence as a structure / not a structure.

Bylaw 4.16.4 Specification of building size and building footprint are not clear (is it the foundation size?)

Definitions are missing for 'encroachment' and 'established'.

Subject: Disrespect to property occupants implicit in bylaw 1.4.2

A landlord has to give a tenant a minimum of 24 hours notice of an inspection. The bylaw should have a requirement that the corporation contact the property occupant by either written or verbal notice and set an appointment time and date. In addition the corporation should indicate the bylaw to be checked.

Subject: Treatment of inconsistency corporate bylaw 1.2.2

Corporate bylaw inconsistencies should be governed by the least restrictive provisions to avoid unnecessarily large number of offences being generated by taking a more restrictive interpretation.

Subject: Bylaw 1.2.4 regarding established use

A use established through unenforced previous bylaws should be 'grandfathered'. The new bylaws should be only applied to new work going forward.

copy to
John Vanthof,
247 Whitewood Ave., Box 398,
Pinewood Ctr., Unit 5
New Liskeard, ON P0J 1P0

From: [Peter Ramsay](#)
To: [Jennifer Pye](#)
Subject: RE: SPAM - RE: SPAM - RE: SPAM - RE: zoning bylaw
Date: Thursday, November 30, 2017 2:11:39 PM

Hi, thanks for thinking of this. The storage is not related to the business carried on in that building - it is related to our business, half a block away.

The definition is a little odd and restrictive, but since the Foundation is a non conforming use for the new bylaw there isn't likely a problem. It was just odd that charities etc was deleted from the definition..

Hope your discussions are going well with Eveline G.

Peter Ramsay

From: Jennifer Pye [mailto:jpye@temiskamingshores.ca]
Sent: November-30-17 10:36 AM
To: 'Peter Ramsay' <pramsay@ramsaylaw.ca>
Subject: SPAM - RE: SPAM - RE: SPAM - RE: zoning bylaw

Hi Peter,

I would consider the storage in this building to be accessory to the business office use if they are storing items related to the business. If they start storing equipment or sporting goods or things like that then we would need to take a look at it.

As far as the definition of Business Professional or Administrative Office is concerned, I would consider the Foundation as the business that is being managed.

Let me know if you would like to discuss.

Thanks,

Jennifer Pye
Planner

From: Peter Ramsay [<mailto:pramsay@ramsaylaw.ca>]
Sent: Thursday, November 23, 2017 9:49 AM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Subject: RE: SPAM - RE: SPAM - RE: zoning bylaw

Thanks Jennifer.

The storage building I was talking about is the building on the left as you go up the one way street from Armstrong to Wellington, owned by Mike Walton. We use it for storage of our files, as well as

a garage. The rest of the down stairs is rented out to the Bankruptcy people from North Bay. Storage does not seem to be a permitted use unless you think of it as part of Business Professional or Administrative office.

Business Professional or Administrative Office would seem to cover the Foundation office, until you read the definition which seems a little restrictive. The Foundation does not manage direct or conduct a business, and does not service clients seeking advice, consultation or treatment.

Regards

Peter

From: Jennifer Pye [<mailto:jpye@temiskamingshores.ca>]

Sent: November-23-17 9:05 AM

To: 'Peter Ramsay' <pramsay@ramsaylaw.ca>

Cc: 'Rick Hunter' <rhunter@planscape.ca>

Subject: SPAM - RE: SPAM - RE: zoning bylaw

Hi Peter,

Yes I was looking forward to speaking with you, sorry I missed you. See below responses to your questions/comments:

1. The map that shows the area north of Whitewood in New Liskeard is E3 in the mapping package.
2. The reason we struck out that particular part of the definition is that administrative offices of a non-profit or charitable organization would just be considered as a business, professional or administrative office generally and I didn't see the need to include it specifically in the definition. Lane Street is a residential neighbourhood located on the north side of the Wabi River and is zoned R3, not C1
3. I interpret this definition to include such installations as the skateboard park, baseball and the proposed new waterpark. I would also include these uses under the definition of Park, Public.
4. The bright red lines indicate the roads and the dark red lines show the settlement area boundary as established in the City's Official Plan. There is also a purple line that shows the boundaries of the Official Plan Town Centres designation in New Liskeard.

I hope this helps. Please let me know if you have any further questions or would like to discuss any of these items.

Take care Peter,

Jennifer Pye
Planner

From: Peter Ramsay [<mailto:pramsay@ramsaylaw.ca>]
Sent: Thursday, November 23, 2017 8:42 AM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Subject: RE: SPAM - RE: zoning bylaw

sorry I missed you. I had a pleasant visit with Mayor Carmen and the planner, but nobody promised any changes!

Peter R Ramsay

From: Jennifer Pye [<mailto:jpye@temiskamingshores.ca>]
Sent: November-22-17 4:23 PM
To: 'Peter Ramsay' <pramsay@ramsaylaw.ca>
Subject: SPAM - RE: zoning bylaw

Thanks for your comments Peter. Let's chat tonight.

Jennifer Pye
Planner

From: Peter Ramsay [<mailto:pramsay@ramsaylaw.ca>]
Sent: Wednesday, November 22, 2017 11:15 AM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Subject: zoning bylaw

Jennifer, attached are some comments I noted when reviewing the bylaw and mapping. I plan to attend tonight, so if the occasion arises there you can show me where the map is for north of Whitewood Ave.

Peter R Ramsay

!DSPAM:12,5a2025fa7926700119744!

From: holzamer@parolink.net
To: [Jennifer Pye](#)
Subject: Re:
Date: Thursday, November 30, 2017 10:59:03 AM

Jennifer,
Ditto.

Please remove the amendment and acceptance of my property. Please send future info in regards to Zoning By-Law. Thanks simone

-----Original Message-----

From: Jennifer Pye
Sent: Wednesday, November 29, 2017 4:28 PM
To: 'holzamer@parolink.net'
Subject: RE:

Hi Simone,

Your property is listed specifically as we have an amendment on file to permit a commercial greenhouse, so we have included it as a special exception to ensure that it is permitted going forward and does not become legal non-conforming. We have only included the area you are currently using for the greenhouse business as part of this exception, so just the southwest corner of the property. If you look at the mapping, Schedule C2 shows that area of your property and the area we have included in the special exception to permit the commercial greenhouse. In addition, in that area of the property, an accessory dwelling and outdoor storage are also permitted (shown on Page 89 of the By-law). Other than that area, all agricultural uses as listed on page 86 are permitted.

Would you like to be added to list to be notified of any future meetings/decisions with regard to the Zoning By-law project?

Let me know if you have any questions.

Thanks,

Jennifer Pye
Planner

-----Original Message-----

From: holzamer@parolink.net [<mailto:holzamer@parolink.net>]
Sent: Monday, November 27, 2017 11:26 AM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Cc: Dave Treen <dtreen@temiskamingshores.ca>
Subject: Re:

Jennifer,

I was reading the revisions being made and was curious on what was in the bylaw concerning my property which was stated in the changes, Simone Holzamer, 824309 Heroux Rd.. I only happened on this on last Friday night. Basically, wanting to know why my property is being listed, what and if there are changes, in regards to agricultural status, residential, etc. Overall, if there is information I need to know.

Regards, Simone

-----Original Message-----

From: Jennifer Pye
Sent: Monday, November 27, 2017 8:35 AM
To: 'holzamer@parolink.net'
Subject: RE:

What info would you like? The by-law and schedules are available on the project website at

https://linkprotect.cudasvc.com/url?a=https://www.temiskamingshores.ca/zoningproject.&c=E.1.jaRfieUmcmY20_q-WqSCKH0RvJT5s7a9_Vxraia_nxc95YGnJKKXHDjarhbtyMONQd0AD2V9iROG5hc1n3IFbHgsGxaai-oDUd4oON32iFeerDVacddPNwI.&typo=1

If you would like to be added to the list to be notified of further drafts or the decision of Council, I will need your name.

Thank you,

Jennifer Pye
Planner

-----Original Message-----

From: noreply@esolutionsgroup.ca [<mailto:noreply@esolutionsgroup.ca>] On Behalf Of holzamer@parolink.net

Sent: Friday, November 24, 2017 8:51 PM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Subject:

please email further info on bylaw

Origin:

<https://linkprotect.cudasvc.com/url?a=http://www.temiskamingshores.ca/en/resident/zoning-by-law-project.asp&c=E.1.suGgAok6hyKSvUKsdhgCkFRkZl9v3SXxmQViPHH7Lqkh4lmWeBW5psfJULMOrEBMTrlwrz3CsDGNkgEOY-UkNJMm05bnNeZEz0epaEri5s94b-5KcqZs5Q5Flg...&typo=1>

This email was sent to you by simone<holzamer@parolink.net> through

https://linkprotect.cudasvc.com/url?a=http://www.temiskamingshores.ca/&c=E.1.sOCOK6pd51WgGfIK27yUC8H9HSOPFWj_rvuI99Z0rEXA0wcDsguxYPVZN2_eUD5Y1gqrDOCOHNRN0iFij-FuH10zACTWIp8IFFr-jt4eS9koPhTXvQEJCw...&typo=1

December 1, 2017

Ms. Jennifer Pye
Planner
City of Temiskaming Shores
325 Farr Drive
P.O. Box 2050
Haileybury, ON P0J 1K0

Via email: jpye@temiskamingshores.ca

**RE: City of Temiskaming Shores Zoning By-law Review – November 2017 Draft
Implications for Electricity Generation Facilities and Transmission and Distribution
Systems**

Fotenn Planning + Design, on behalf of Infrastructure Ontario (IO) and Hydro One Networks Inc. (HONI), has reviewed the City of Temiskaming Shores Draft Zoning By-law, dated November 8, 2017. Infrastructure Ontario is the strategic manager of the provincial government's real property, which includes hydro corridor lands, and has a mandate of maintaining and optimizing value of the portfolio.

This review stems from the Province's direction established in the Provincial Policy Statement (PPS) as it relates to electricity transmission and distribution facilities. In particular, PPS Section 1.6 provides specific direction for municipalities to maintain the primacy of hydro corridor lands for the transmission and distribution of electricity throughout the province.

Concerns

1. Section 4.25.1 of the Draft Zoning By-law states:

"The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for public service by the City or by any local Board, any department of the Government of Ontario or Canada, including any electrical distribution company, telephone, telegraph or gas company, or any railway, provided that:

- a) The lot coverage, setback and yard regulations prescribed for the Zone in which such land, building, or structure is located are complied with;
- b) no goods, materials, or equipment are stored in the open in a Residential Zone or in a lot adjacent to a Residential Zone.”

Requested Change

While IO and HONI intend to work with the City of Temiskaming Shores on any future infrastructure development, they are not subject to municipal land use regulations. As such, we request that Sections 4.25.1 be replaced in its entirety with the following:

“The provisions of this By-law shall not apply to the use of any land or to the erection or use of any building or structure for public service by any board, department or agency of the City, Provincial or Federal governments, including electricity generation facilities, electricity transmission and distribution systems, telecommunications infrastructure, transportation corridors or facilities, or natural resource transmission.”

2. Section 6.5.4

Zoning Exception R4-11 lists “public use” as a permitted use.

Requested Change

As “public use” was removed from the list of permitted uses in other zones, presumably in recognition that such uses are permitted in all zones, the use should also be removed from the R4-11 Exception Zone to ensure consistency and clarity.

We would request that this letter be included as part of the record of submissions for the Zoning By-law Review and that we be notified of any decisions regarding these matters.

Contact information is as follows:

Tate Kelly, MCIP RPP
Planning Coordinator
Infrastructure Ontario
1 Dundas St. W., Suite 2000
Toronto, ON M5G 2L5
Tel: 416.327.1925
tate.kelly@infrastructureontario.ca

Jaime Posen, MCIP RPP
Planner
Fotenn Planning + Design
223 McLeod Street
Ottawa, ON K2P 0Z8
Tel: 613.730.5709 x236
posen@fotenn.com

We thank Staff for considering our comments and recommendations. Please contact us if you have any questions.

Sincerely,



Tate Kelly, MCIP RPP
Planning Coordinator

cc. Patrick Grace, IO
Enza Cancilla, HONI
Jaime Posen, Fotenn

From: [Steve Langford](#)
To: [Jennifer Pye](#)
Subject: Draft Zoning
Date: Monday, December 4, 2017 4:04:28 PM

Jennifer,

Had a brief look at the "Draft Zoning By-Law" definitions.

Will there be a definition for mobile homes,,,,, or modular homes,,,,,

It's my understanding that most if not all municipalities around us have provisions in their by-laws outlining minimum widths for dwellings.

My concern is we will have properties being developed where the expectation was to see have house like structures, end up with structures looking like for a loss of better words, trailers.

I guess I am hoping a very close look is taken a permitted property uses and impacts on existing properties.

Thanks Jen.

Steve Langford
Fire Prevention Officer

City of Temiskaming Shores
(705) 672-3363 Work
(705) 647-8297 Fax
P.O. Box 2050,
325 Farr Drive,
Haileybury, ON
P0J 1P0



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KayBee Rentals & Storage

Comments re: Proposed New Zoning Bylaws

Attn: Jennifer Pye, Planner

City of Temiskaming Shores

P O Box 2050

325 Farr Drive, Haileybury, ON, P0J 1K0

This letter is our submission with regards to the above proposed Zoning Bylaw and it's implication on our current and future use of our Storage Property, located at:

1430 Lakeshore Road, Con6, NPT Lot 8, Bucke Twp, PCL: 3104NND Roll No: 54 18
030 011 03400 0000

Background:

2005:

This property was advertised and purchased in 2005, for the purpose of building an Indoor / Outdoor Storage facility. It was advertised as / Res / Comm and we proceeded on that information. (Appendix # 1)

2006:

Meeting with the Chief Building Official, Mr. John Brown and Mr. Norm Desjardins it was indicated that the actual zoning at the time was: Rural, and among the many permitted Industrial and Commercial uses of the property, a storage yard was allowed (Appendix # 2). On this information, we proceeded to have drawings prepared, which were submitted, and we were subsequently awarded a Building Permit # 2005-190 to construct our 2400 sq. ft. Storage Warehouse. (Appendix # 3)

2006 to 2013:

Due to other business interests as well as family commitments, no further work was done toward the completion of Storage Building structure. At the time, we were in contact with the Chief Building Official, to be certain that we were not compromising our existing Building Permit, and we were assured that it did not have an expiry date, and we could proceed at our leisure as time and finances allowed. We were able to generate some income with outside space rental in the storage yard.

KayBee Rentals & Storage

Comments re: Proposed New Zoning Bylaws

2014:

With the impending future passage and implementation of the New Official Plan, scheduled for late 2014 / early 2015, we met with the Chief Building Official and well as the City Planner, together, on Feb 28, 2014. As we had outlined in our request for this meeting in an email dated Feb 14, 2014 (Appendix # 4), we were asking:

Firstly, if our building permit was still in force and that we were able to go ahead and construct our Storage Warehouse as planned?

Secondly, were the permitted usage rules still in effect as they were in 2005, with regards to using the property (permitted Industrial use in a Rural Zone Appendix # 2) for a Storage Yard.

At this meeting, it was indicated: that firstly, the building permit was still valid, and secondly, the City Planner indicated that the implementation of the Official Plan was likely 6 to 10 months in the future and that we would be working under the original usage plan as in use in 2005.

At the conclusion of this meeting, both the Chief Building Official and City Planner, suggested that proceed with our building as soon as was convenient, to ensure we would be able to use the property as originally purchased and planned for.

2014 to 2017:

Ground was broken for the construction of this facility late Aug, after having a site inspection (re: building location on the lot, survey compliance etc.) completed by Mr. Norm Desjardins, Chief Building Official (Appendix # 5). Construction of the Storage Warehouse proceeded as time and funds allowed, and the building was weather tight by late November 2015. In 2016 we decided to add a second floor to the structure, so applied for and received a construction Permit # 2016-050 (appendix # 6) to complete the second story addition. The building has been in use since late 2016.

November/ Dec 2017:

Having read the Notice of Public Meeting, concerning the implementation of the Proposed Zoning Bylaws, and looking over the maps and documentation provided on the associated website: www.temiskamingshores.ca/zoningproject, it became clear that we might have concerns with the fact that our Storage Yard location was to become zoned Residential. In an email to the City Planner, Dec 3, 2017 we asked for clarification of our permitted usage under the proposed Residential zoning changes. (Appendix #7)

KayBee Rentals & Storage

Comments re: Proposed New Zoning Bylaws

It came as quite a shock to learn that contrary to our long held belief that we had a fully discussed and permitted Storage Yard and Warehouse, operating as an industrial/ commercial concern, located in a permitted Rural zone area, that in the future we would be restricted:

- 1) To expand our operation size with additional buildings or structures, or add additional sea containers for storage as demand might dictate.
- 2) To not charging for rental space commercially, when that is all a storage Yard and Warehouse has to sell to the public.
- 3) Other uses as outlined in the original Official Plan which we built under, are no longer allowed

In closing:

We wish to make it clear that we, the undersigned:

Bryan R Smith

Kathleen A Smith

Joint owners of the above noted property, are in OPPOSITION to the proposed changes to our zoning where our Storage Yard and Warehouse are located.

Signed: December 5, 2017



Bryan R Smith



Kathleen A Smith

KayBee Rentals & Storage

See us on the Web: KayBeerentals.com

Facebook: KayBee Rentals

Bryan Smith Cell / Text 705 647-2662 Email: smittyb@ntl.sympatico.ca

Kathy Smith Cell / Text 705-648-0536

Documents	MapView	Amort Schedule		eMail Agent	Flyer	Add to Cart
	Buyer Qualifier	Filelogix Forms	View Log	REALTOR'S View	Client View	

VACANT LAND

Price: \$13,500	MLS#: 041671
Original Price: \$14,000	Type: DOM: 185
Status: Expired- No Contact	
Sale or Lease: Sale	
Address: LAKE SHORE RD.	
City: TEMISKAMING SHORES, POJ1K0	
Board District: Haileybury	Zoning: RES/COM
MPAC: 2.5 %	Lockbox:
List Date: 28-JUL-2004	Exp. Date: 28-JAN-2005

[Quick Map](#)

Overview HWY. 11B FRONTAGE 210'. CULVERT AND ACCESS FROM HWY. HYDRO, GAS, CABLE TELEPHONE, WATER & SEWER AT ROAD.

Legal Descr. PCL 3104 NND CON 6 LOT 8

Directions NEAR WALTON'S SHEET METAL

Fronting On:	Waterfront: No	Waterfront Name: NO
--------------	-----------------------	----------------------------

Water/Well:	Well Cert: 0	Lot Size: 210' X IRREG
Other:	Taxes: 182.00 / 2003	Acres: 0.78
Sewer: Sewer, Septic	Lot Rental: /	VL Services: Cable, Gas, Water, Hydro
Details: N/A-TOWN SERVICE	Water Cost: /	Sign:
Survey: No ()	Rec/Sewer Cost: /	

Remarks HWY. 11B FRONTAGE 210'. CULVERT AND ACCESS FROM HWY. HYDRO, GAS, CABLE TELEPHONE, WATER & SEWER AT ROAD.

Seller Name: **ESTATE OF ROWAN T. HUTCHINSON**

Listing Office: **CENTURY 21 EVELINE R. GAUVREAU LTD.,**
BROKERAGE 705 647-8148
Website: http://www.temrealestate.com

Listing Agent: **ROGER BRAZEAU 705-647-8148**
brazeau_roger@hotmail.com
Website: WWW.TEMREALESTATE.COM

Legacy Data Fenced: N, Other Cost: 0.00, Pasture: N, Bush: N, Developed: Y,

TOWN OF HAILEYBURY
ZONING BY-LAW 85-27 "SCHEDULE C"
PERMITTED USES IN ZONES

1	Permitted Uses	HAZ	BH	HC	RU	OS	AG	MC
2	ALL USES ACCESSORY TO MAIN USE	X	X	X	X	X	X	X
3	ALL EXISTING USES	X	X	X	X	X	X	X
4	Residential Uses	HAZ	BH	HC	RU	OS	AG	MC
4	SINGLE DETACHED DWELLING							
5	SEMI DETACHED DWELLING							
6	TRIPLEX DWELLING							
7	FOURPLEX DWELLING							
8	CONVERTED DWELLING			X	X			
9	MOBILE HOME		X		X			
10	GROUP HOME				X			
11	RECREATIONAL DWELLING				X			
12	HOME BASED BUSINESS		X	X	X		X	
13	Commercial Uses	HAZ	BH	HC	RU	OS	AG	MC
13	AGRICULTURE	X			X		X	
14	AGRICULTURE SERVICES			X	X		X	
15	AUTOMOBILE SERVICE STATION			X				
16	AUTOMOBILE SALES ESTABLISHMENT			X				
17	BANK			X				
18	COMMERCIAL USE							
19	CONVENIENCE STORE			X				
20	DAY NURSERY - private							
21	FUNERAL HOME							
22	GENERAL OFFICE			X				
23	GOVERNMENT OFFICE			X				
24	HIGHWAY COMMERCIAL USE			X				
25	HOTEL			X				
26	MEDICAL/DENTAL CLINIC			X				
27	MOTEL			X				
28	PERSONAL SERVICE							
29	PLACE OF ASSEMBLY							
30	PRIVATE CLUB							
31	RESTAURANT			X				
32	RETAIL STORE			X				
33	PLAZA			X				
34	TOURIST COMMERCIAL USE			X	X			
35	Industrial Uses	HAZ	BH	HC	RU	OS	AG	MC
35	BULK SALES ESTABLISHMENT			X				
36	BULK STORAGE YARD			X	X			
37	FORESTRY	X			X		X	
38	INDUSTRIAL SERVICE			X				
39	INDUSTRIAL USE							
40	WAREHOUSE			X				
41	EXISTING READY MIX PLANT				X			
42	EXISTING PIT OR QUARRY				X			
43	WAYSIDE PIT OR QUARRY				X		X	
44	Institutional Uses	HAZ	BH	HC	RU	OS	AG	MC
44	CHURCH				X			
45	COMMUNITY CENTRE				X	X		
46	FIRE HALL				X			
47	LIBRARY					X		
48	PUBLIC UTILITY	X	X	X	X	X	X	
49	SCHOOL				X			
50	Recreational Uses	HAZ	BH	HC	RU	OS	AG	MC
50	ARENA					X		
51	CAMPING ESTABLISHMENT				X	X		
52	CONSERVATION USES	X			X	X	X	
53	RECREATION CENTRE					X		
54	MUSEUM				X			
55	PARK	X	X	X	X	X	X	
56	PLAYGROUND		X			X		
57	RECREATIONAL FACILITIES				X	X		
58	TOURIST COMMERCIAL					X		

APPENDIX 3

CONSTRUCTION PERMIT

Building Code Act, 1992 c.23, s.8(2)

Planning and Protective Services
90 Whitewood Avenue, New Liskeard, ON
P.O. Box 2050, Haileybury, ON P0J 1K0
(705) 647-4368 BCIN 20466

CSEYUWUR @
TEMISKAMING SHORES
.CA

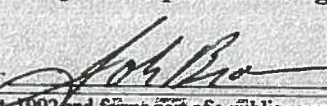
Permit No. **2005-190**

Roll No. **541803001103400**

Date Issued **2005 / 10 / 21**
yy / mm / dd

Issued by: **CITY OF TEMISKAMING SHORES**

Phone No. 705-647-4368

Issued to (owner's name) Bryan Smith		Address 818 Dawson Point Road - New Liskeard	
Contractor's Name By Owner		Address	
Area of building to be constructed 40 ft x 60 ft - 2400 Square ft			
Main permitted use of building Storage		Zone Rural	
Street & No. 1430 Lakeshore Road			
Lot No. Pcd 3104 NND		on the west side, between	
Plan No. Block 61347-Property 0058		Lot Size Con 6 Lot 8 Bucke	
Bldg. Width 40 ft		Bldg. Length 60 ft	
Set Backs Side Yard: North 20 ft		Side Yard: South 100 ft	
Front Yard: East 100 ft		Rear Yard: West 50 ft	
Remarks: As per plans and specifications submitted in support of application that bear CBO review stamp. Note: Owner is responsible to provide notification of "Readiness for Inspection" as per schedule below. Surveyor's Real Property Report to be prepared and submitted to CBO upon completion of foundation. Copies of reports resulting from the General Review by engineer as required by OBC 2.3.2 to be provided to CBO.			
Issued by: 			
The personal information on this permit was collected pursuant to the Building Code Act, 1992 and forms part of a public record open to inspection by any person upon request at the office of the clerk during normal office hours. See the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, s. 14(1)(c).			

Notices of Inspections prescribed under OBC Article 2.4.5.1. and 2.4.5.2

- ☒ Readiness to construct footings.
- ☒ Substantial completion of footings and foundations prior to commencement of backfill.
- ☒ Substantial completion of structural framing and ductwork and piping for heating and air conditioning systems - if the building is within the scope of Part 9.
- ☐ Substantial completion of structural framing and rough-in of heating, ventilation and air condition extraction equipment, if the building is not a building within the scope of Part 9.
- ☐ Substantial completion of insulation, vapour barriers and air barriers
- ☐ Substantial completion of all required fire separations and closures and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems
- ☐ Substantial completion of fire access routes
- ☐ Readiness for inspection and testing of:
 - ☐ building sewers and building drains
 - ☐ water service pipes
 - ☐ fire service mains
 - ☐ drainage systems and venting systems
 - ☐ the water distribution systems
 - ☐ plumbing fixtures and plumbing appliances
- ☐ substantial completion of plumbing not located in a structure, before the commencement of backfilling, and
- ☐ Commencement of construction of:
 - ☐ Masonry fireplaces and masonry chimneys
 - ☐ Factory built fireplaces and allied chimneys,
 - ☐ Stoves, ranges, space heaters and add-on furnaces using solid fuels and allied chimneys
- ☒ Substantial completion and availability of drawings of the building as constructed
- ☐ Completion of construction and installation of components required to permit the issue of an occupancy permit under Sentence 2.4.3.1.(2) or to permit occupancy of under Sentence 2.4.3.2.(1), if the building or part of the building to be occupied is not fully completed.

Value of Construction **\$20,000.00**
Permit Fee **\$75.00**

lu

APPENDIX 4**Bryan Smith**

From: "Bryan Smith" <smittyb@ntl.sympatico.ca>
Date: Tuesday, February 18, 2014 8:08 AM
To: <jsandham@temiskamingshores.ca>; "Norm Desjardins" <ndesjardins@temiskamingshores.ca>
Subject: Implementation of Official Plan

Good Morning Jennifer !

Congratulations of getting this plan just about finalized, signed sealed and delivered. It has been a long time coming and a lot of work, but definitely required for orderly development .

We spoke some time ago, (Sept 2012) about a vacant property which I own at 1430 lakeshore Rd, parcel 3104NND, Block 61347-Property 0058. I have an open building permit (2005-190) for this property, which was taken out in 2005, to erect a storage building on this property, in accordance with the existing zoning of Agricultural / Rural. At the time we spoke, my immediate neighbor to the north, Mr. Murray Walton, was interested in purchasing the property from me, and we had discussed his anticipated use with you.

Mr. Walton has decided not to proceed with the purchase, so I am planning to go ahead and build my storage building on the property this spring. I had the property fully surveyed last fall, which is the initial step in the requirements of my building permit.

The purpose of this note today is to ask for clarification of the effect , if any , on my plan to build my building this spring, under the conditions of the aforementioned Building Permit, 2005-190.

If the plan is implemented on the proposed schedule, I would like assurance that I can complete my Building under the existing building permit and current zoning conditions.

I would appreciate knowing if there will be any problems or concerns with my use of the current permit, and any help or suggestions you might have to overcome any glitches, so I will be able to go ahead with my construction in April / May, as planned.

Thank you for clarification on this matter Jennifer,

Sincerely,

Bryan Smith

Cell: 705-647-2662

MET w J + Norm Feb 25/14 - B. Permit is OK to go ahead,
 & zoning / Planning will not likely change for 6-10 months
 So current is in place. GO AHEAD AS PLANNED

2/18/2014

APPENDIX 5**Bryan Smith**

From: "Bryan Smith" <smittyb@ntl.sympatico.ca>
Date: Thursday, August 28, 2014 7:29 PM
To: "Normand Desjardins" <ndesjardins@temiskamingshores.ca>
Subject: Re: Long awaited Building Start!!

Good Morning Norm,

The Permit number is: 2005-190

I will bring the stamped drawings with me, as well as the lot plan..

Building is 40 x 60 pole frame foundation, with an arch truss style upper structure.

regards, B

From: [Normand Desjardins](#)
Sent: Thursday, August 28, 2014 2:40 PM
To: 'Bryan Smith'
Subject: RE: Long awaited Building Start!!

We can meet tomorrow. Can you give me the building permit No. so that I can refresh my mind on the construction or will you have a copy of the approved drawings on site?

I have another inspection tomorrow so I will call to advise time once their time is set.

Norm

From: Bryan Smith [mailto:smittyb@ntl.sympatico.ca]
Sent: August-28-14 2:23 PM
To: Normand Desjardins
Subject: Long awaited Building Start!!

Hi Norm,,

I have finally arranged the time to build my storage building at 1430 Lakeshore, as we had discussed earlier this spring.

I was able to get the lot properly surveyed by EXP Services Inc, and the lot lines are now marked with fluorescent posts, at the iron bars. EXP were also able to run a set of posts along the north side lot line and Murray Waltons lot.

I have located the building on the lot, as outlined in the Building permit, and you can now readily see all of the side and rear lot clearances as required. I have outlined the building proper with yellow rope and Pickets designating the location of the 8x8 timber foundation posts.

Would it be convenient for you or someone in your department to meet with me sometime tomorrow to look this layout over? I can meet at any time that is convenient. I can be reached on my cell, preferably by text, at 705-647-2662.

12/5/2017

I would like to get started on my foundation next week if possible, to ensure I can get closed in before the snow flies!

Thanks Norm,

regards, Bryan Smith

Bryan Smith

From: "Jennifer Pye" <jpye@temiskamingshores.ca>
Date: Monday, December 04, 2017 1:51 PM
To: "Bryan Smith" <smittyb@ntl.sympatico.ca>
Cc: "Rick Hunter" <rhunter@planscape.ca>
Subject: RE: Clarification re: new zoning

Hi Bryan,

To clarify, the Official Plan was approved in 2015. We are now working on the Zoning By-law, which implements the policies of the Official Plan.

Your property is located within the Settlement Area Boundary as established in the Official Plan and is designated Residential Neighbourhood in the Official Plan, which is why it has been zoned as Residential in the draft Zoning By-law. The current use of your property will be "grandfathered" (or what we call legal non-conforming), but any changes to the use, such as the construction of additional buildings and/or structures or renting out the storage space commercially, will require approval from the City either through approval of an extension request through the Committee of Adjustment, or a Zoning By-law amendment through Council. The placement/use of shipping containers would be subject to the provisions for the residential zone. Any existing shipping containers would be grandfathered, but any new containers would not.

The "grandfathering" clause does not allow the property to be used for any of the uses that were permitted under the previous Rural (RU) zone, it only applies to the current use of the property.

Let me know if you have any further questions.

Thank you,

Jennifer Pye
Planner

From: Bryan Smith [mailto:smittyb@ntl.sympatico.ca]
Sent: Sunday, December 3, 2017 1:14 PM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Subject: Fw: Clarification re: new zoning

Good Morning Jennifer!

Good work with the new Official Plan,, nice to see it finally coming to completion after all the work involved by so many hands.

We have a couple of questions that you may likely be able to answer by email, rather than at the public meeting tomorrow evening, Dec 5th.

We own the property at 1430 Lakeshore Road (Roll # 030.011.03400.0000), near New Liskeard Sheet Metal, where we have recently built a large storage building. This was a permitted use under the old zoning plan for Haileybury, as the area was zoned Rural / Agriculture. As such, the property usage was similar to Commercial and industrial, as opposed to Residential.

12/5/2017

However, under the new Official Plan, this section of land along Highway 11B, south of Radley Hill Rd, is zoned residential, and will then have the corresponding residential constrictions.. including measures under the new proposed Sign bylaw, as well as whether we will be permitted to use storage sea containers, portable shelters etc., as is allowed in" agricultural / industrial and some commercial use".

Upon close inspection of the maps provided on the website for the Official Plan, we can not actually see any areas designated: commercial / industrial / agricultural.

Our first question is, will our permitted use be continued under the new official plan, by the "Grandfather clause" ? Will we be able to continue with our use of the property for indoor / outdoor storage as we are doing presently?

Secondly, the new " sign Bylaw" part 2, # 16, states that signage can not be placed on a property that is not zoned appropriately, as will be our case , unless we are grandfathered as " agricultural / industrial / commercial". Could you please clarify these points for us?

Thank you for your help with this Jennifer,

regards,

Bryan & Kathy Smith

KayBee Rentals & Storage

smittyb@ntl.sympatico.ca

Cell 705-647-2662



CONSTRUCTION PERMIT

APPENDIX 6

Form D-03

Appendix "D" of Schedule "A" to By-law 2013-052

Building Code Act, 1992 c.23, s.8(2)


Planning and Protective Services
325 Farr Drive P.O. Box 2050
Haileybury, ON P0J 1K0
BCIN 20466 (705) 672-3363

Permit No. 2016-050

Roll No. 541803001103400

Date Issued 2016/06/10
yyyy / mm / dd

Issued By: CITY OF TEMISKAMING SHORES

Issued to (owner's name) BRYAN SMITH		Address 742326 DAWSON POINT ROAD, RR #3 NEW LISKEARD ON P0J 1P0	
Contractor's Name SELF		Address	
Area of building to be constructed 2,400 sq.ft.			
Main permitted use of building Storage Warehouse		Zone: RU	
Street & No. 1430 LAKESHORE RD.			
Lot No. 8		Plan No.	Lot Size 0.78 Acres / Sq. Feet
Bldg. Width 40 ft.		Bldg. Length 60 ft.	
Set Backs Side Yard: Side Yard: Front Yard: Rear Yard:			
Remarks: Construct a 2nd floor addition. mezzanine as per the plans and specifications submitted in support of application bearing Building Department review stamp. NOTE: The owner/contractor shall submit new drawings for approval, to the Chief Building Official (CBO), of any proposed changes to the approved drawings. Failure of Owner and/or contractor to provide "notification of readiness for inspection" at stages of construction noted below may result in an "Order to Uncover" and will prohibit the issuance of Occupancy or Notice of Completion documentation. NOTE: CONTRACTOR TO PROVIDE DETAILED SPECIFICATIONS AND DRAWINGS FOR ALL INTERIOR AND EXTERIOR GUARDS PRIOR TO THEIR BEING INSTALLED.			
Issued by: 			
The personal information on this permit was collected pursuant to the Building Code Act, 1992 and forms part of a public record open to inspection by any person upon request at the office of the clerk during normal office hours. See the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56, s. 14(1)(c).			

Notices of Inspections prescribed under OBC Division "C", Sentence 1.3.5.1.(2) and Sentence 1.3.5.2.(1);

- ☐ readiness to construct footings,
- ☒ substantial completion of footings and foundations prior to commencement of backfill,
- ☒ substantial completion of structural framing and ductwork and piping for heating and air conditioning systems – if the building is within the scope of Part 9,
- ☐ substantial completion of structural framing and rough-in of heating, ventilation and air conditioning and air-contaminant extraction equipment, if the building is not a building within the scope of Part 9,
- ☐ substantial completion of insulation, and vapour barriers,
- ☐ substantial completion of air barrier systems,
- ☐ substantial completion of all required fire separations and closures and all fire protection systems including standpipe, sprinkler, fire alarm and emergency lighting systems,
- ☐ substantial completion of fire access routes,
- ☐ readiness for inspection and testing of:
 - ☐ building sewers and building drains,
 - ☐ water service pipes,
 - ☐ fire service mains,
 - ☐ drainage systems and venting systems

To : The City of Temiskaming Shores

From: Mrs. Judy Tinney, taxpayer

Date: December 2, 2017

Re: Zoning By-law Draft 2

Please Note:

I take exception to

'4.30 Water Supply and Sewage Disposal Systems:

4.30.1 Connection to Services - Full or Partial Municipal Sewer and Water Service: No land may be used and no building or structures may be erected unless: a) connected to a municipal sanitary sewer and/or water supply within the settlement areas identified on the schedules to this by-law; or..'

Right now, many people are looking at composting toilets and there are many on the market that work great. This by-law would not allow their use in the city, unless there was already water and sewer to the site. I see this as slowing down progress, and 'Lording it over' people. Rules for no good reason.

I hope you will make an exception to allow them, or strike this law down.

This type of sewer saves water and makes compost - which are things some people want to do to become more ecologically sustainable.

Please Note:

I take exception to:

4.27 Storage Container Regulations -

If my neighbour wants to use a storage container for ANY USE AT ALL - it is NOT my land, NOT your land - it is THEIR LAND - and, I was always taught - that this is A FREE COUNTRY.

I see these regulations as 'trying to take away our freedom'!!

Less laws would cut down on bureaucracy, costs, and create more 'good-will' for the city.

If I don't like the look of my neighbours yard I can grow some trees, some vines and - hide it from my sight. Or, I could ask them if they could use some help to clean it up. I could be 'friendly', and show some love.

PLEASE NOTE

I take exception to:

Parking and buildings reg: Bed and breakfast establishment

I feel that all the regulations about parking spaces will stifle new business if it should come to our area.

Do you not LOVE freedom? Common sense? Why make us read a huge rule book for the city? Would you like to do that? To feel like you are walking on egg shells as you are trying to build or have a new little business?

We all want our place to look nice, or decent, and just because I (theoretically) have 3 bedrooms to rent I should not be forced to have 3 parking spaces besides my own. People do also travel on buses or in groups.

I was under the impression that WE NEED NEW BUSINESS, and that WE NEED MORE PEOPLE to move to our city. By-laws like these, do not promote this.

I would be happy if we took the example of Houston Texas, and stayed mostly building by-law FREE.

At the very least, I would like to see NO MINIMUM SIZE restrictions on buildings for dwellings within the city of Temiskaming Shores.

We do not have enough low-income housing. This could be remedied more easily if 'transition' or 'tiny' housing were allowed, and, were affordable.

Low income housing can be beautiful. Having 'a little place of your own' makes you feel good! It also gives you the power to save, and buy something bigger.

REFERRING TO: 4.21 Permitted Uses in All Zones:

4.21.1 The following uses are permitted in any zone:b - trailers

I TAKE EXCEPTION TO the writing (page 37 or so) that there is a specific use for the trailer and this includes not living in the trailer while you are building the main structure. I believe we need to make it easy, affordable, comfortable for people to build. This should include letting them live in a trailer on the site while building. This is just good sense and good cents too.

I believe we should not make it hard for people with less (or people who just want to be wise with their money) to get ahead.

Goodwill is very important to any city.

I hope we are becoming a more open and progressive city.

From: [Grant, Kay \(MMA/MHO\)](#)
To: [Jennifer Pye](#)
Subject: RE: City of Temiskaming Shores Comprehensive Zoning By-law
Date: Tuesday, December 5, 2017 4:02:38 PM

Hello Jennifer,

Thank you for the opportunity to review the City of Temiskaming Shores draft Zoning By-Law. As you said in your email, MMA staff do not typically review draft zoning by-laws, so please bear in mind that this is not an endorsement of the zoning by-law.

With that being said, I just have a couple of quick comments:

1. The Planning Act now requires that second units be authorized as of right in detached, semi-detached and row houses if an ancillary building or structure does not contain a second unit and in a building or structure ancillary to these types provided that the primary dwelling does not contain a second unit and that zoning by-law gives effect to this requirement.
2. Please consider whether it may be useful to include provisions in the review the transition clause to address those applications that were deemed complete prior to adoption date and whether you want to add a sunset clause to the transition provisions.

On another matter, I understand that you are looking at another parcel for the affordable housing project. Can you please let me know whether Planning Act approvals, if any, will be required?

Thanks, Jennifer. Good luck at your public meeting tonight.

Kay

Kay Grant, MCIP, RPP
Planner, Municipal Service Office (North)
Ministry of Municipal Affairs
Ministry of Housing
159 Cedar St. Suite 401, Sudbury, Ontario, Canada P3E 6A5
Email: kay.grant@ontario.ca
Telephone: 705-564-7128; Toll Free: 1 800 461-1193 Ext. 47128
Facsimile: 705-564-6863

From: Jennifer Pye [<mailto:jpye@temiskamingshores.ca>]
Sent: November 13, 2017 4:13 PM
To: Grant, Kay (MMA/MHO)
Subject: City of Temiskaming Shores Comprehensive Zoning By-law

Hi Kay,

I know that MH and partner ministries are not a statutory agencies for commenting on Zoning By-laws, but I thought I would send the notice to you anyway. The notice of the most recent draft has been posted and I have attached it to this email for your information. The draft of the by-law and the mapping are too large to send via email, but you can access them through the project website at

www.temiskamingshores.ca/zoningproject. Note that the public open house is scheduled for November 22 and the statutory public meeting is December 5. We are anticipating Council will approve the by-law on December 19.

Please let me know if you have any questions/comments/concerns.

Thanks,

Jennifer Pye

Planner

Corporation of the City of Temiskaming Shores

325 Farr Drive | PO Box 2050 | Haileybury, ON | P0J 1K0

T. (705) 672 - 3363 ext. 4105

F. (705) 672 - 2911



Visit our website: www.temiskamingshores.ca

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From: [Murray Walton](#)
To: [Jennifer Pye](#)
Subject: Zoning change
Date: Tuesday, December 5, 2017 4:19:46 PM

Good afternoon Jennifer

It has been brought to my attention that my property on 1444 lakeshore road Haileybury might have the zoning changed.

I would like to go on record opposing any changes to the current zoning.

Is there a time in the near future we could meet to discuss a possible solution?

Regards

Murray Walton

New Liskeard Sheet Metal Works Ltd.
1444 Hwy 11B South P O Box 640
New Liskeard ON P0J 1P0
Phone 705 647 4461
Fax 705 647 4545
E-mail nlsmltd@ntl.sympatico.ca
Web Site www.newliskeardsheetmetal.ca

Check out our ramp video ! <http://www.youtube.com/watch?v=DZjOvFsUziE>



Please consider the environment before printing this e-mail.

From: [Bryan Smith](#)
To: [Jennifer Pye](#)
Subject: Re: Clarification re: new zoning
Date: Wednesday, December 6, 2017 5:39:27 PM

Hi Jennifer,

Thanks for the consideration, and I understand your reasoning. No problems dropping the motorcycle repair from our usage list.

I have no concerns with what you have recommended for us with the M1-3 Exception, and would like to thank both yourself and Rick for helping set this up for us. Our agreed upon list of permitted uses will be very beneficial for us now and moving forward.

I look forward to seeing our address and M1-3 exemption typed into the draft of the Proposed Bylaw.

Permitted uses:

- [Agricultural Processing Establishment](#)
- [Agricultural Produce Warehouse](#)
- [Agricultural Services](#)
- [Contractor's Establishment](#)
- [Equipment Sales, Service & Rental Establishment](#)
- [Greenhouse, Nursery, Garden Centre](#)
- [Industrial Use](#)
- [Light Industrial Use](#)
- [Marine Sales & Service Establishment](#)
- - [Micro Brewery/Winery](#)
 - [Recycling](#)
- [Self Storage Facility](#)
- [Warehouse](#)

Thanks again for your time and consideration,

regards, Bryan & Kathy

From: Jennifer Pye
Sent: Wednesday, December 06, 2017 4:31 PM
To: 'Bryan Smith'
Cc: 'Rick Hunter'
Subject: RE: Clarification re: new zoning

Hi Bryan,

I am not in favour of adding motorcycles into that definition as the use of motorcycles is more comparable to automobiles than the other vehicles listed under the marine sales and service establishment definition.

Work N Play at 1106 Lakeshore Road includes an exception that was based on their previous Zoning By-law amendment. They are proposed to be zoned Rural Exception 7 (RU-7) and the permitted uses are detailed on page 93 of the draft by-law.

Jennifer Pye
Planner

From: Bryan Smith [mailto:smittyb@ntl.sympatico.ca]

Sent: Wednesday, December 6, 2017 1:15 PM

To: Jennifer Pye <jpye@temiskamingshores.ca>

Subject: Re: Clarification re: new zoning

Hi There!!

I certainly appreciate your line of reasoning, and have no problem with this decision to not add: "motor vehicle service station" to our list.

As an alternative, could you modify section 3.99, " Marine Sales & Service Establishment " with the addition of " motorcycles" after snowmobiles on line 2 and line 3 ?

This would also serve to make Work N Play at 1106 Lakeshore Rd compliant for their motorcycle sales and service work, without adding motor vehicle service station to their list of permitted uses. It also put both properties on even ground, which is another benefit of this rezoning project I'm sure.

Thanks Jennifer, sorry to occupy so much of your time.

regards, B

From: Jennifer Pye

Sent: Wednesday, December 06, 2017 11:50 AM

To: 'Bryan Smith'

Cc: 'Rick Hunter'

Subject: RE: Clarification re: new zoning

Hi Bryan,

I have given this some thought, and Rick and I discussed it yesterday, and I am not in favour of adding motor vehicle service station to the list of permitted uses for your property. I don't believe that a motor vehicle service station would be compatible in this area and the type and amount of

traffic that could be generated by this use may not be suitable for this stretch of Lakeshore Road. Your intention may not be to operate it as a traditional motor vehicle service station, but we have to consider what the impact of the use would be if it were to develop to the extent permitted. Additionally, a similar use would not be permitted under the current RU zoning.

Let me know if you would like to discuss.

Thank you,

Jennifer Pye
Planner

From: Bryan Smith [mailto:smittyb@ntl.sympatico.ca]
Sent: Wednesday, December 6, 2017 10:04 AM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Subject: Re: Clarification re: new zoning

Thanks Jennifer, I can appreciate trying to keep your definitions as general as possible for sure!

Thanks for adding the “ Recycling”

In light of your explanation, could you please add “ Motor Vehicle Service Station” to our list. I hold a current Class A, Interprovincial Motor Vehicle Technician License, which allows me to service Cars, light trucks and motorcycles.

Renting motorcycles is not a requirement, so “ Motor Vehicle Dealership” is not required.

Thanks for working with us!

regards, B

From: Jennifer Pye
Sent: Wednesday, December 06, 2017 9:19 AM
To: 'Bryan Smith'
Cc: 'Rick Hunter'
Subject: RE: Clarification re: new zoning

Hi Bryan,

Rick and I have reviewed the request you originally sent last night and have included recycling facility as a permitted use for your property. For your information, we revised the definition of recycling facility to remove “automobile tires” from the list of permitted recycling items. Regarding your addition of motorcycle sales, service and rental establishment, we have not been considering motorcycles as separate items in the by-law and do not want to go into that much specific detail. We would consider the storage of motorcycles to be permitted, but would consider servicing of

motorcycles as being under the umbrella of “motor vehicle service station, and the renting of motorcycles to be under the umbrella of “motor vehicle dealership.”

Thank you,

Jennifer Pye
Planner

From: Bryan Smith [mailto:smittyb@ntl.sympatico.ca]
Sent: Wednesday, December 6, 2017 9:14 AM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Cc: Rick Hunter <rhunter@planscape.ca>
Subject: Re: Clarification re: new zoning

Hello again!!

Kathy and I were chatting this morning, and realized that we missed another line to add to the permitted usage list. Because we store motorcycles, it would be beneficial to add:

“ Motorcycle, Sales, Service & rental Establishment”

I have included our 2 additions to your list below, to read as follows:

- Agricultural Processing Establishment
- Agricultural Produce Warehouse
- Agricultural Services
- Contractor’s Establishment
- Equipment Sales, Service & Rental Establishment
- Greenhouse, Nursery, Garden Centre
- Industrial Use
- Light Industrial Use
- Marine Sales & Service Establishment
- - Motorcycle Sales, Service, & Rental Establishment
- Micro Brewery/Winery
- - Recycling
- Self Storage Facility
- Warehouse
-

Thanks, and have a great day!

regards, B

From: Jennifer Pye
Sent: Tuesday, December 05, 2017 5:31 PM

To: 'Bryan Smith'
Cc: 'Rick Hunter'
Subject: RE: Clarification re: new zoning

Hi Bryan,

Rick and I went through the list of permitted uses after our meeting this afternoon and we are proposing that your property (and New Liskeard Sheet Metal property, but not the house in between) be zoned General Industrial Exception 3 (M1-3) with the following permitted uses being carried forward:

- Agricultural Processing Establishment
- Agricultural Produce Warehouse
- Agricultural Services
- Contractor's Establishment
- Equipment Sales, Service & Rental Establishment
- Greenhouse, Nursery, Garden Centre
- Industrial Use
- Light Industrial Use
- Marine Sales & Service Establishment
- - Motorcycle Sales, Service, & Rental Establishment
- Micro Brewery/Winery
- - Recycling
- Self Storage Facility
- Warehouse

Please review this list and let me know if there is anything you would like added/removed and we can discuss further.

Thank you,

Jennifer Pye
Planner

From: Bryan Smith [mailto:smittyb@ntl.sympatico.ca]
Sent: Tuesday, December 5, 2017 8:32 AM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Subject: Re: Clarification re: new zoning

Good morning Jennifer,

Thank you for your quick reply to my questions concerning the new Proposed Zoning Bylaw.

Upon reading your notes and explanations, I now have several more questions and concerns that I would like to discuss.

I will be in Haileybury most of the day, and would appreciate if we could get together for a short meeting, preferably after lunch, but any time at your convenience.

I will monitor my email for your reply, or please feel free to call or text me at 705-647-2662, with a time that will be appropriate for you.

Thanks Jennifer, I look forward to meeting with you.

regards, Bryan

From: Jennifer Pye
Sent: Monday, December 04, 2017 1:51 PM
To: 'Bryan Smith'
Cc: 'Rick Hunter'
Subject: RE: Clarification re: new zoning

Hi Bryan,

To clarify, the Official Plan was approved in 2015. We are now working on the Zoning By-law, which implements the policies of the Official Plan.

Your property is located within the Settlement Area Boundary as established in the Official Plan and is designated Residential Neighbourhood in the Official Plan, which is why it has been zoned as Residential in the draft Zoning By-law. The current use of your property will be “grandfathered” (or what we call legal non-conforming), but any changes to the use, such as the construction of additional buildings and/or structures or renting out the storage space commercially, will require approval from the City either through approval of an extension request through the Committee of Adjustment, or a Zoning By-law amendment through Council. The placement/use of shipping containers would be subject to the provisions for the residential zone. Any existing shipping containers would be grandfathered, but any new containers would not.

The “grandfathering” clause does not allow the property to be used for any of the uses that were permitted under the previous Rural (RU) zone, it only applies to the current use of the property.

Let me know if you have any further questions.

Thank you,

Jennifer Pye
Planner

From: Bryan Smith [mailto:smittyb@ntl.sympatico.ca]
Sent: Sunday, December 3, 2017 1:14 PM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Subject: Fw: Clarification re: new zoning

Good Morning Jennifer!

Good work with the new Official Plan,, nice to see it finally coming to completion after all the work involved by so many hands.

We have a couple of questions that you may likely be able to answer by email, rather than at the public meeting tomorrow evening, Dec 5th.

We own the property at 1430 Lakeshore Road (Roll # 030.011.03400.0000), near New Liskeard Sheet Metal, where we have recently built a large storage building. This was a permitted use under the old zoning plan for Haileybury, as the area was zoned Rural / Agriculture. As such, the property usage was similar to Commercial and industrial, as opposed to Residential.

However, under the new Official Plan, this section of land along Highway 11B, south of Radley Hill Rd, is zoned residential, and will then have the corresponding residential constrictions.. including measures under the new proposed Sign bylaw, as well as whether we will be permitted to use storage sea containers, portable shelters etc., as is allowed in" agricultural / industrial and some commercial use".

Upon close inspection of the maps provided on the website for the Official Plan, we can not actually see any areas designated: commercial / industrial / agricultural.

Our first question is, will our permitted use be continued under the new official plan, by the "Grandfather clause" ? Will we be able to continue with our use of the property for indoor / outdoor storage as we are doing presently?

Secondly, the new " sign Bylaw" part 2, # 16, states that signage can not be placed on a property that is not zoned appropriately, as will be our case , unless we are grandfathered as " agricultural / industrial / commercial". Could you please clarify these points for us?

Thank you for your help with this Jennifer,

regards,

Bryan & Kathy Smith

KayBee Rentals & Storage

smittyb@ntl.sympatico.ca

Cell 705-647-2662

Paul Crombeen o/a
KEMP PIRIE CROMBEEN

Barristers, Solicitors and Notaries*

Paul Crombeen, B.A., J.D.
George W. Kemp, B.Comm., LL.B.
Kathryn J. Pirie, B.A., LL.B.

Phone: (705) 647-7353
Fax: (705) 647-6473
Email: nllaw@kemppirie.com
Website: www.kemppirie.com

*George W. Kemp and Kathryn J. Pirie are employees of Kemp Pirie Crombeen

December 5, 2017

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

Dear Sir/Madam

Re: Temiskaming Shores Zoning By-law Project

I am contacting you on behalf of Mr. Darcy Griffith with respect to the above matter. Mr Griffith, personally, and through his corporations, Deftac Systems Inc. and Clean Scene Inc. owns several properties in Temiskaming Shores which stand to be impacted by the proposed re-zoning. For ease of reference, I have summarized Mr. Griffith's concerns below:

Deftac Systems Inc.

<u>Municipal Address</u>	<u>Legal Description</u>	<u>Proposed Zoning</u>	<u>Issue/Question</u>	<u>Action Sought</u>
391 Farah Avenue, New Liskeard	PIN 61338-0301 (LT) PCL 8004 SEC SST; PT E 1/2 LT 4 PL M33NB DYMOND AS IN LT83741; TEMISKAMING SHORES; DISTRICT OF TIMISKAMING	R3	<ul style="list-style-type: none">• Possible setback issue• Want to ensure that "accessory apartment" is legal use in ZBL	<ul style="list-style-type: none">• Exception in section 6.5 of ZBL approving current building location and providing that "accessory apartment" is a legal use despite inability to comply with set-back requirements, lot coverage, etc.
70-72 Lakeshore Road North,	PIN 61339-0316 (LT) PCL 2587 SEC NND; LT 166	R3	<ul style="list-style-type: none">• 70 Lakeshore encroaches 1 foot onto	<ul style="list-style-type: none">• Exception in section 6.5 of ZBL approving current building location

New Liskeard	NW/S LAKE SHORE RD PL M29NB DYMOND; TEMISKAMING SHORES ; DISTRICT OF TIMISKAMING		adjacent property (owned by Clean Scene Inc.) <ul style="list-style-type: none"> Want to ensure that duplex is legal use in ZBL 	and providing that duplex is a legal use despite inability to comply with set-back requirements, lot coverage, etc.
272 Broadwood Avenue, New Liskeard	PIN 61339-0601 (LT) PCL 9688 SEC SST; FIRSTLY: PT LT 141 PL M34NB DYMOND; SECONDLY: PT LT 142 PL M34NB DYMOND SRO AS IN LT94360; TEMISKAMING SHORES ; DISTRICT OF TIMISKAMING	R	<ul style="list-style-type: none"> Present zoning is M2 "Mixed Industrial". Proposed rezoning to residential Adjacent property is contaminated s 5.2.1 of ZBL prohibits residential construction within 100m of railway lot size insufficient for residential use Property will have no value if zoned residential 	<ul style="list-style-type: none"> Change to Official Plan and ZBL to have the property remain M2 zone

Clean Scene Inc.

<u>Municipal Address</u>	<u>Legal Description</u>	<u>Proposed Zoning</u>	<u>Issue/Question</u>	<u>Action Sought</u>
64, 66, 68 Lakeshore	PIN 61339-0317 (LT)	C1-1	<ul style="list-style-type: none"> Proposed zoning 	<ul style="list-style-type: none"> Clarification with regard to definition

Road North, New Liskeard	PCL 1970 SEC NND; LT 167 NW/S LAKE SHORE RD PL M29NB DYMOND; TEMISKAMING SHORES ; DISTRICT OF TIMISKAMING & PIN 61339-0318 (LT) PCL 449 SEC SST; LT 168 NW/S LAKE SHORE RD PL M29NB DYMOND SRO; TEMISKAMING SHORES ; DISTRICT OF TIMISKAMING & PIN 61339-0319 (LT) PCL 1243 SEC NND; LT 169 PL M29NB DYMOND; TEMISKAMING SHORES ; DISTRICT OF TIMISKAMING		requires 6 parking spaces minimum and 1 parking space per 90 square meters of floor space	of "Machines" (s, 5.2.1)
-----------------------------	--	--	--	-----------------------------

Darcy Griffith

<u>Municipal Address</u>	<u>Legal Description</u>	<u>Proposed Zoning</u>	<u>Issue/Question</u>	<u>Action Sought</u>
33 Jaffray St., New Liskeard	PIN 61340-0180 (LT) PCL 6964 SEC SST; LT 4 E/S JAFFRAY ST PL M41NB	R3	<ul style="list-style-type: none"> • Possible setback issue • Want to ensure that duplex is 	<ul style="list-style-type: none"> • Exception in section 6.5 of ZBL approving current building location and providing that duplex is a legal

	DYMOND; TEMISKAMING SHORES ; DISTRICT OF TIMISKAMING		legal use in ZBL	use despite inability to comply with set-back requirements, lot coverage, etc.
196 May St., New Liskeard	PIN 61341-0164 (LT) PCL 9552 SEC SST SRO; LT 20 W/S MAY ST PL M24NB DYMOND; TEMISKAMING SHORES ; DISTRICT OF TIMISKAMING	R3	<ul style="list-style-type: none"> • Possible setback issue • Want to ensure that “accessory apartment” is legal use in ZBL 	<ul style="list-style-type: none"> • Exception in section 6.5 of ZBL approving current building location and providing that “accessory apartment” is a legal use despite inability to comply with set-back requirements, lot coverage, etc.
53 Paget St., New Liskeard	PIN 61342-0016 (LT) PCL 8925 SEC SST; LT 30 E/S PAGET ST S PL M22NB DYMOND; TEMISKAMING SHORES ; DISTRICT OF TIMISKAMING	R3	<ul style="list-style-type: none"> • Eaves overhang adjacent property • Setback issue • Want to ensure that four-plex is legal use in ZBL 	<ul style="list-style-type: none"> • Exception in section 6.5 of ZBL approving current building location and providing that four-plex is a legal use despite inability to comply with set-back requirements, lot coverage, etc.
217 Haynes Cres., New Liskeard	PIN 61343-0172 (LT) PCL 19220 SEC SST; LT 13 PL M273TIM DYMOND; TEMISKAMING SHORES ; DISTRICT OF TIMISKAMING	R2	<ul style="list-style-type: none"> • Backyard pool does not meet 1.5m minimum setback 	<ul style="list-style-type: none"> • Approval of current location of pool by Exception in section 6.5 of ZBL
364 Elliott St., Haileybury	PIN 61352-0274 (LT) PCL 11535 SEC SST; LT 30 PL M48NB BUCKE; TEMISKAMING SHORES ; DISTRICT OF TIMISKAMING	R3	<ul style="list-style-type: none"> • Possible setback issue on west side • Want to ensure that duplex is legal use in ZBL 	<ul style="list-style-type: none"> • Exception in section 6.5 of ZBL approving current building location and providing that duplex is a legal use despite inability to comply with set-back

				requirements, lot coverage, etc.
374 Albert St., Haileybury	PIN 61352-0320 (LT) PCL 22896 SEC SST; LT 157 PL M48NB BUCKE; TEMISKAMING SHORES ; DISTRICT OF TIMISKAMING	R	<ul style="list-style-type: none"> • Possible setback issue • Want to ensure that "accessory apartment" is legal use in ZBL 	<ul style="list-style-type: none"> • Exception in section 6.5 of ZBL approving current building location and providing that "accessory apartment" is a legal use despite inability to comply with set-back requirements, lot coverage, etc.
445 Main St., Haileybury	PIN 61397-0101 (LT) PCL 22478 SEC SST; PT LT 18 BLK K PL M13NB BUCKE BEING THE WLY 46 FT; TEMISKAMING SHORES ; DISTRICT OF TIMISKAMING	R	<ul style="list-style-type: none"> • Setback issue at the front of the property • Want to ensure that "accessory apartment" is legal use in ZBL 	<ul style="list-style-type: none"> • Exception in section 6.5 of ZBL approving current building location and providing that "accessory apartment" is a legal use despite inability to comply with set-back requirements, lot coverage, etc.
359 Elliott St., Haileybury	PIN 61397-0539 (LT) PCL 11568 SEC SST; LT 24 PL M81NB BUCKE; E 1/2 LT 25 PL M81NB BUCKE; TEMISKAMING SHORES ; DISTRICT OF TIMISKAMING	R3	<ul style="list-style-type: none"> • Possible setback issue • Want to ensure that tri-plex is legal use in ZBL 	<ul style="list-style-type: none"> • Exception in section 6.5 of ZBL approving current building location and providing that tri-plex is a legal use despite inability to comply with set-back requirements, lot coverage, etc.

Please feel free to contact me should you wish to discuss the forgoing.

Yours Very Truly,

Kemp Pirie Crombeen



Paul Crombeen

PC/

Encl.

From: [Eveline](#)
To: [Jennifer Pye](#)
Subject: Good morning
Date: Wednesday, December 6, 2017 10:34:43 AM

Last night at the meeting I did not hear much. When the Mayor talk to me, I did not pick up much, same

with the Councilor who gave some kind of a speech.. I'm 80% deaf and even with hearing aid, doesn't help much especially in a high building.

Can you give me a resume on what you think they will do.

Next Spring I want to start planning trees at the corner of the lots, I want to go with 7-8' high...already grown.

I have a place to pick up the trees and a tree planner who will install with his equipment. I hope

to start Poplar Street, even if it just 10 lots at a time.

I could see that most of the councilor are not for the 16' Single homes,

It because they don't know what they look like inside and how comfortable the are and also affordable..

I will be doing OPEN HOUSE FOR THEM IN JANUARY.

Two weeks ago, I sold my Fairmont Franchise to Champoux Homes in Notre Dame du Nord, Quebec.

My job as a real estate broker, I'm listing all of the homes he brings in..

I 'm now theie real estate sale rep. for the single modular homes.

The installation of the demo home will be next to Ali'e restaurant where Champoux had a home there at one time..

First home arriving next week, will be install, hydro etc. it will be the office.

The second one will arrive the week of the 18th. and so on..

Most ,and I would say, all of the homes are sold outside of Temiskaming Shores.

I want to keep St-Joseph affordable housing, zone as it is.. It will become a very nice place to live..

Fresh air, private lots especially after the trees stats going in...

This is the only way Temiskaming Shores is showing that they want to help with affordable housing.

I will try to get some grants for the roads, and sewer, water etc.. all this takes time.

This is why I said to the Mayor, it's a
five year project

Think it over, talk it over, send me an E mail, will be easier for me to understand.

Thanks for all your help.

Eveline

From: [Eveline](#)
To: [Jennifer Pye](#)
Subject: Good afternoon
Date: Thursday, December 7, 2017 2:57:43 PM

It sure looks like the decision about the by law to change all the buildings in the future to be 20' wide.

All I want from the City and what I'm asking is that the Sub division remain the same
In that sub division the 16' wide would remain..

A lot of money has been spend and we were all in favor that the sub division would be for affordable housing.

From what we heard at the meeting people need and want these home.

Soon we will have people outside on the street.. (maybe we already have them)

Eveline

From: [Peter Ramsay](#)
To: [Jennifer Pye](#)
Cc: ["Eveline"](#)
Subject: North Cobalt Subdivision
Date: Thursday, December 7, 2017 4:06:49 PM

Eveline advises me that her meeting with you and the planner was not successful, and her subdivision is about to be rezoned for widths that would be unaffordable in what was to be an "affordable housing subdivision"

Attached is the Development proposal prepared by Karen Beauchamp. While the first para. talks about "single wide modular homes" The 2nd last page starts off that the building department acknowledges the need for affordable housing not only for seniors but also for our younger generation." In the face of this statement the bylaw amendment is making this impossible. I think this is clearly bad faith on the part of the City.

Has Eveline taken the necessary steps so that we can appeal to the OMB? do you have the forms for the appeal?

Let me know where we are.

Peter R. Ramsay
Ramsay Law Office
pramsay@ramsaylaw.ca
705-647-4010

From: [Sean Mackey](#)
To: [Jennifer Pye](#)
Cc: [Chris Oslund](#); [Carman Kidd](#)
Subject: Official Plan comments
Date: Monday, December 11, 2017 4:27:34 PM

Hi Jennifer,

I have reviewed the City's official plan and have several comment/concerns that I would like you both to look at before it is adopted by council.

Northern Shores Cottages and Motel, as we discussed it appears to be zoned residential?

144 Farah avenue (Roll #5418 010 005 07200 0000), is zoned as R2. This building has 3 units and therefore should be zoned R3 I believe?

I also have several concerns with regards to Bed and Breakfasts and the zoning/definition of Commercial Tourist

There is a property on Lakeshore Road that is called Serenity Suites, there is a sign on the exterior of the building and it is also listed on the AirBnB site and bookings.com. Serenity Suites is abiding by the by-law that states a maximum of 4 rooms for a bed and breakfast however it also has 2 pull out couches for a total of 6 beds. The new official plan does address the total occupancy numbers of these units. It may have 4 rooms, however it could also have 4 beds per room. I believe the official plan should address occupancy numbers in order to ensure the safety of the travelling public.

I could not find anything in the official plan with regards to exterior signage on Boarding houses, Bed and Breakfasts, or Commercial Tourist establishments? Is there any restrictions or by-law addressing exterior signage for properties that fall under these zonings?

Parking in residential neighborhoods is also a concern for many residents in the City, especially in the winter months. I believe the parking requirements are 1 space (3m x 6m) plus space for the main residents. How is this regulated for Commercial Tourist establishments and Bed and Breakfasts?

I also have a concern with regards to the President Suites which is promoting itself as Presidents Suites Resort.

Can you please advise as to what zoning this facility falls under, as I have reviewed the By-law and cannot see where they fit into a bed and breakfast. It seems that 2 of their properties are designated Tourist Commercial, however when I checked with MPAC it seems they would be classified as code 360 which indicates:

Sean, as per your inquiry about the tax class for property code 360, here is the response I received from MPAC:

As per the Assessment Act O.Reg 282/98 Rooming Houses fall under the Residential Property Class as per Section 3.1(1)(xi)

RESIDENTIAL PROPERTY CLASS

3. (1) The residential property class consists of the following:

1. Land used for residential purposes that is,
 - xi. land that is a municipally-licensed rooming house,

These properties are running as a hotel or even a Resort as stated on their website, they are not a bed and breakfast, they have paid employees that work in the homes and their websites states they offer hotel services " Our suites and houses offer you hotel services in the cosiness of an apartment or a house"

Clearly they are not a bed and breakfast as defined under the official plan yet according to MPAC the fall under Residential use. I am not sure how the City can justify to its residential tax payers that this is not a commercial establishment and as such should be paying commercial taxes and subject to same safety standards as a hotel/motel located in the City.

One of the homes the "Prospectors House" is currently zoned R3 according to the official plan. This home features 6 bathroom, 5 bedrooms and a total of 11 beds.....the website states it is ideal for large groups and can accommodate groups of 20 people. Can you please clarify what this establishment would be classified under the new official plan?

Under the official plan, the Main Villa of the "Resort" is to be zoned commercial Tourist. This home boasts on its website that has 3 distinct Suites, total of 8 Bedrooms and 11 beds along with 4 bathrooms. This is clearly not a bed and Breakfast, and therefore the City has designated this specific property Commercial Tourist, yet there are no restrictions/regulations/permits that differ from residential use? Are there regulations restriction the use under this zoning?

Once the property is designated Commercial Tourist, can the property be sold as residential without any by-law changes? or would they be subject to the same scrutiny that other commercial properties are required to do when converting to Residential?

The Guest House and Prospectors House both have sleeping accommodations in the basement of the houses. My concern here is the safety of the travelling public. Was building permit taken out for these properties to ensure the proper safety standards are in place? In any commercial establishment life safety is a high concern, are there smoke alarms located in every room, are there illuminated exit signs in the building? Are these systems tested on annual basis as is required by properties classified as a hotel?

Another concern is that President Suites is advertising Meeting rooms in four of their properties including the Main Villa...14 people, Lumber Baron....25 people, Prospector House...10 people and Guest House...8 people. I could not find any reference in the official plan with regards to establishments advertising and promoting meeting rooms. Could you please identify where meeting rooms fall in the official plan for properties that are zoned residential? It would be my understanding that offering meeting space for profit is a commercial transactions and would therefore require the property to be zoned as such? Of course parking must also be of concern for these meeting spaces, I would find it hard to believe that there would be significant parking for 25

vehicles in the lumbar Baron property. How does the City evaluate or police such by-laws?

Given that Tourist Commercial zoning is looked at by MPAC as residential, I would also have a major concern with The Presidents Suites other property Farr Island. This property is paying residential taxes yet it being used exclusively by Presidents Suites as a commercial enterprise. According to their website this Island is ideal for receptions that can host 50 people for a sit down meal. It has a 20x30 tent situated on an elevated deck, and has kitchen facilities. Even as a residential property a deck and structure of this size would require a building permit? Was a building permit taken out for this property? Another concern would be the availability of Kitchen facilities, Has the local Health Unit inspected this kitchen facility?

According to the website the future plan for the Island is to develop it for Glamping, which is luxury "camping" accommodations. It is clear that this is not a residential property and therefore should be classified as a commercial property and follow the same steps in order to change the classification, or no longer use it a commercial property.

Could you also clarify how the City deals with property owners that clearly are not using the property as it zoned for? Are there fines associated with the misuse of the property? Can the owner be required to cease operations? What are the timelines or the process that the City must comply with to ensure that a property is not being used for commercial purposes in a clearly residential zoned area?

I have also looked at the designation for 367 Sutherland Way also known as Place Ste-Marie which is zoned R4-11. Under this designation are they allowed to offer accommodations on a nightly basis? As advertised under their website. What are the implications for property owners that are clearly using the property as a hotel, and are not zoned accordingly?

"Place Sainte Marie offers visiting professionals and travelling executives a refreshing change of pace from hotel accommodations with these upscale, short-term apartment rentals. Enjoy hotel-quality services in this beautifully restored convent situated on the shores of Lake Temiskaming.

Our luxury executive suites are equipped to meet all your business needs and still provide all the comforts of home. Available for short- and long-term rentals, Place Sainte Marie's Executive Suites cater to business travellers, employee relocations, executive retreats, and leisure travellers."

As you can see the new official plan requires much consideration and I hope that this document is not rushed before council for approval, before all matters have been taken into.

I look forward to hearing from you soon.

Sean

From: [Florent Heroux](#)
To: [Jennifer Pye](#)
Subject: Clarification
Date: Wednesday, December 13, 2017 4:28:22 AM

Hi Jennifer,

By standardizing the three zoning by-laws front yards and not protecting the existing setback conformity, it creates a condition contrary to good and orderly planning.

Re: 4.4.1. page 30 - Established Building Line

Will this clause prevent saw-tooth/checkered/uneven building line in established building line of two or more lots within the same block.

Since I am not exactly sure of the meaning, can you please clarify for me ?

Merci.

Florent

From: [Buffam Leveille Funeral Home Ltd.](#)
To: [Jennifer Pye](#)
Subject: Re: property at 483 Broadway Street, Haileybury
Date: Wednesday, January 11, 2017 10:47:22 AM

Hi Jennifer,

I believe the funeral home property at 483 Broadway Street is zoned residential and should be zoned commercial. I'm not sure about the zoning for the parking lot I have at the corner of Broadway and Rorke but definitely the funeral home is only zoned residential at this time and should be changed.

Claude

On 1/11/2017 10:44 AM, Jennifer Pye wrote:

Is this request to be added to the notification list for the creation of the new zoning by-law? If so, please provide a contact name.

Or are you seeking information regarding the property at 483 Broadway Street?

Thank you,

Jennifer Pye
Planner

-----Original Message-----

From: noreply@esolutionsgroup.ca
[<mailto:noreply@esolutionsgroup.ca>] On Behalf Of
buffamfh@ntl.sympatico.ca
Sent: Wednesday, January 11, 2017 10:41 AM
To: Jennifer Pye <jpye@temiskamingshores.ca>
Subject: property at 483 Broadway Street, Haileybury

property at 483 Broadway Street, Haileyburyproperty at 483 Broadway Street, Haileybury

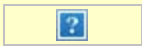
Origin: <http://temiskamingshores.ca/en/resident/zoning-by-law-project.asp>

This email was sent to you by Claude Leveille<buffamfh@ntl.sympatico.ca> through <http://www.temiskamingshores.ca/>.

--

Claude M Léveillé
Managing Funeral Director/Owner
Buffam Leveille Funeral Home Ltd.
483 Broadway Street, PO Box 791
Haileybury, ON P0J 1K0
Tel: 705-672-3122
Fax: 705-672-3267

Email: buffamfh@ntl.sympatico.ca
www.buffamleveille.com



This email has been checked for viruses by Avast antivirus software.
www.avast.com

From: [Peter Ramsay](#)
To: [Jennifer Pye](#)
Subject: RE: SPAM - City of Temiskaming Shores Comprehensive Zoning By-law Project
Date: Wednesday, May 31, 2017 1:56:22 PM

Jennifer, thanks for including Friends of the Waterfront. We will want to participate.

One of the things we will want is the French Planning Planning Review & Recommendations and the Waterfront survey be submitted to Planscape Inc. Interesting that it and French Planning are from the same municipalit!

Peter R Ramsay

From: Jennifer Pye [mailto:jpye@temiskamingshores.ca]
Sent: May-31-17 1:08 PM
To: Peter R. Ramsay (pramsay@ramsaylaw.ca) <pramsay@ramsaylaw.ca>
Subject: SPAM - City of Temiskaming Shores Comprehensive Zoning By-law Project

Greetings,

Please see attached notice for the City of Temiskaming Shores Comprehensive Zoning By-law project.

Please let me know if you have any questions.

Best regards,

Jennifer Pye
Planner
Corporation of the City of Temiskaming Shores

325 Farr Drive | PO Box 2050 | Haileybury, ON | P0J 1K0
T. (705) 672 - 3363 ext. 4105
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Visit our website: www.temiskamingshores.ca

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!DSPAM:12,592ef8747992116017125!

RAMSAY LAW OFFICE

PROFESSIONAL CORPORATION

June 19, 2017

Jennifer Pye,
Planner,
City of Temiskaming Shores,

jpye@temiskamingshores.ca

Waterfront

Attached is the copy of the October 1, 2007 Planning Review and
Recommendations by French Planning Services Inc.

Let me know if it does not email properly and I will have a copy delivered.

Yours Sincerely

Peter R Ramsay



Peter R. Ramsay

Bill Ramsay

Michelle Lavigne

Barristers, Solicitors & Notaries Public



18 Armstrong Street, Box 160
New Liskeard ON P0J 1P0
T705-647-4010 F705-647-4341



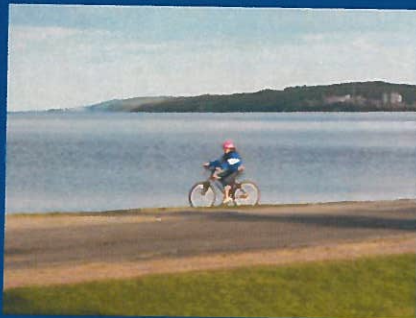
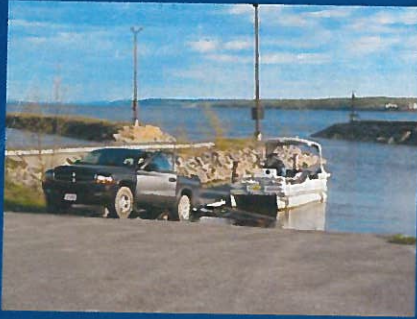
Unit 4, 1 Duncan Avenue
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T705-567-7040 F705-567-1728



67 Fourth Avenue
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T705-544-2223

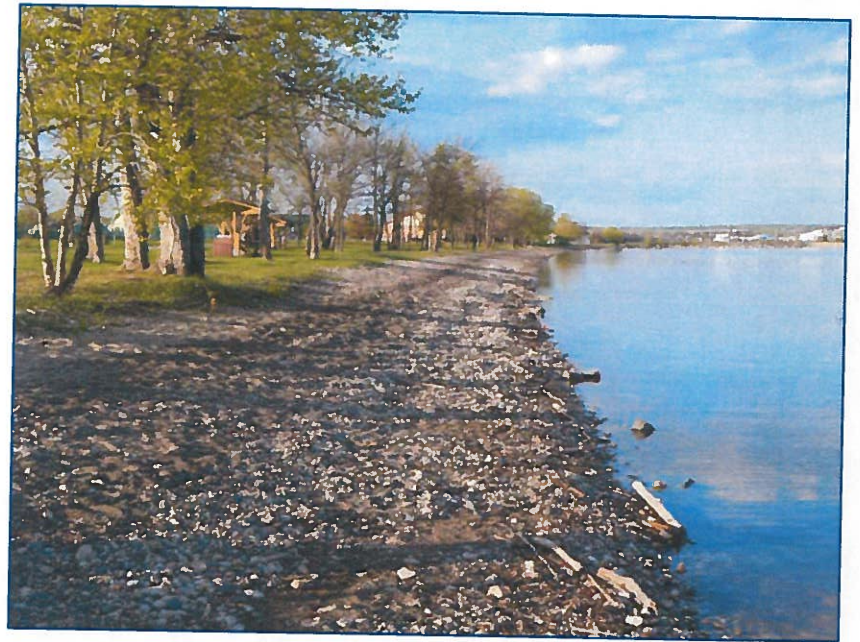
e-mail: ramsaylaw@ramsaylaw.ca

www.ramsaylaw.ca



Planning Review and Recommendations

New Liskeard Waterfront



October 1, 2007



French Planning Services Inc
1016 Holiday Park Drive, RR #2
Bracebridge, Ontario, Canada P1L 1W9
www.lakeplan.com

Executive Summary

The purpose of this planning review is to provide recommendations regarding the future management of the New Liskeard Waterfront Lands. The report provides a series of findings and observations, and 12 recommendations for the Council of the City of Temiskaming Shores to consider. A summary of the recommendations (page 13) are provided below:

Official Plan – The new Official Plan should contain policies that:

1. All publicly owned lands will be retained in public ownership for the use and benefit of all people in the City of Temiskaming Shores.
2. Identify and designate all publicly owned open spaces along the waterfront as Open Space or a similar designation. This should include public open areas adjacent to the fairgrounds that are currently designated Town Centre.
3. The Waterfront lands are recognized as a Regional Recreation Centre that attracts new residents, businesses and tourists to New Liskeard.
4. Continue to restrict permitted uses in the Open Space designation to those uses listed in the current Official Plan including active or passive parks, open space and recreation facilities necessary to satisfy the recreational needs of the population.
5. Identify and designate a redevelopment area that exists between the Town Core and the Open Space Designation and provide specific policies to guide the redevelopment of this area.
6. Confirm that views and view corridors to the lake are important from downtown, as well as adjacent residential areas and land further away from the shoreline. New development must not block any significant view.
7. Update the zoning by-law so that it conforms with these recommendations.

Other Recommendations

8. Continue to retain all waterfront parkland in public ownership. This includes both the main waterfront park and Dawson Point Road area.
9. Consider a governance model such as 'Heritage North Bay' to assist with the development and administration of the waterfront.
10. Prepare a Comprehensive Community Park Plan. This should be a community based planning process that is designed to engage community organizations and people of all ages in a process to develop a sustainable plan that contains multifunctional activities.
11. Continue to maintain Dawson Point Road area in its current state until a Comprehensive Community Park Plan is prepared.
12. Take action to improve the water quality along the beach in New Liskeard.

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Introduction and Approach

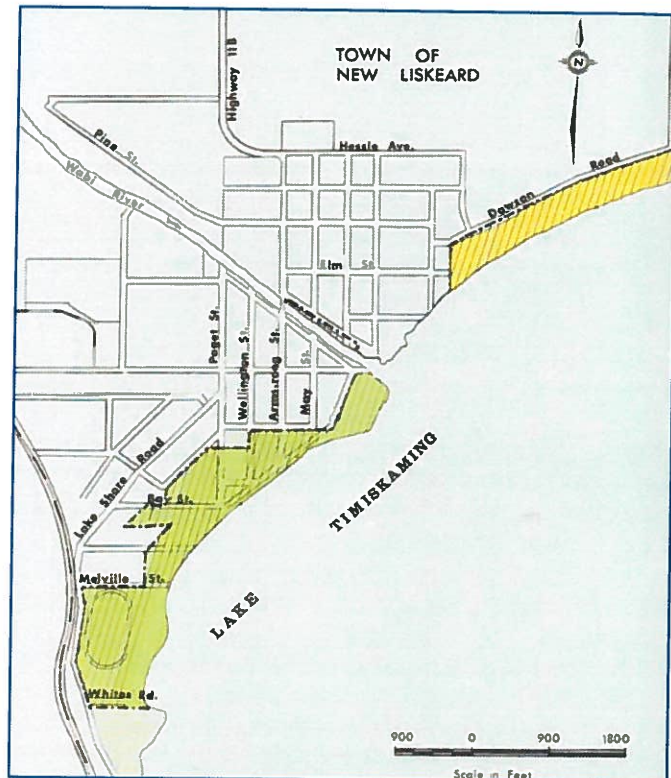
French Planning Services was retained by the Friends of the Waterfront to review the City of Temiskaming Shores Official Plan, provide a planning opinion on the current land use policies respecting the waterfront lands and provide recommendations to the Council of the City of Temiskaming Shores to consider in the new Official Plan. As well, a number of other recommendations are provided that relate to the development of a community parks plan, improvement of water quality and a governance model.

The Waterfront lands are described in the Totten Sims Hubicki Report (circa 1973) as two (2) parcels of land as shown on Map 1. The main waterfront property (shown in green) is located to the south of the Wabi River and includes 'Algonquin Park' (the playfields), the 'Spur Line Park' (beach, concession and mini putt, picnic areas, Fitness Centre, Waterfront Inn and surrounding open space), and 'The Point' (fairgrounds, 2 marinas, and the boardwalk). The other municipal waterfront property (shown in yellow and known locally as Baker's Bush) is located north of the Wabi River and is located between the shoreline and Dawson Point Road.

The observations and recommendations are based upon a review and discussion of the following:

1. Informal discussions with stakeholders including Mayor Pace and City staff, business operators, STATO representative and Friends of the Waterfront;
2. A tour of both New Liskeard and Haileybury waterfront areas to confirm character and context;
3. A survey to obtain community input and views on the waterfront lands;
4. A brief review of waterfront project case studies: Barrie, North Bay and Gravenhurst; and
5. A review of the current official plan.

Map 1 – Waterfront Lands



Summary of Findings

1. Initial Discussion with Stakeholders

Informal meetings with key stakeholders were held to gain a better understanding of the current dynamics and desires of community members and groups. The following are some of the key matters discussed:

City of Temiskaming Shores – An informal meeting was attended by City officials; Mayor Judy Pace, Brian Carre – CAO, Tammie Caldwell – Director of Leisure Services, Rick Barron, Manager of Parks and Facilities and James Franks – Tourism and Special Events Coordinator. Key discussion points included:

- There is a need to balance the preservation of open space waterfront areas with the right mixture of development in appropriate areas to improve the image and use of the Town Centre and the waterfront areas;
- Some important goals to consider include – a well populated beach – an attraction for families – an experience to draw people to New Liskeard;
- There is a need to improve the beach and water quality. There is a concern with water circulation and with recurring ecoli problems that are likely due to stormwater and the sewage treatment plant;
- Council and staff know that the New Liskeard Waterfront “is a jewel”;
- We must be aware and meet the needs of our changing demographics;
- Council and staff are open for consultation and recognize that the Official Plan Review targeted for this fall provides a timely opportunity for input through community discussion and focus groups; and
- The City welcomes any involvement and input on the waterfront lands.

Dave Robson – Past Concession Operator

- The major difficulty with increasing use of the waterfront is the short summer season – May 24 to Sept 1 is only 100 days;
- Need to keep area along the beach in public ownership and continue to improve parking areas;
- The biggest challenge is to satisfy the needs of a wide range of people – children, teens, young parents, adults, and seniors;
- Continue to promote community events to draw people into New Liskeard (e.g. Bikers Reunion, craft shows, summerfest, fireworks etc);
- Dawson Point Park should be kept for the people; and
- Need to address bad publicity about water quality and beach postings, which is likely due to rain and stormwater.

John's Tackle Box

- Need better maintenance of beach and more trees;
- Some new development may be necessary to attract year round businesses and more people to the area. If new development occurs it should be low profile and not include retail stores; and
- There is a decline in population in the area.

STATO Representative – Jeff St Cyr

- The STATO initiative will provide a safe and accessible trail connecting Haileybury and New Liskeard. Construction of the trail will occur in phases;
- The STATO trail will be separate and parallel to the existing boardwalks in the New Liskeard Waterfront and will not interfere with current use of boardwalk;
- The Waterfront area is underutilized;
- Need to consider the integration of the STATO proposal with the waterfront;
- There is a need to balance waterfront open space park area with need for redevelopment to attract people and tourists; and
- Consider identifying an area for redevelopment - a seed development project to encourage and promote appropriate redevelopment;

Friends of the Waterfront – On May 14th, 2007 a workshop was held with the Friends of the Waterfront and about 14 people attended. Through facilitated discussions the following chart on the Principles, Assets, Liabilities and Opportunities of the waterfront was developed:

Figure 1 – Discussion from Friends of the Waterfront Workshop

Principles <ul style="list-style-type: none">• multi generational view (children, teens parents, seniors)• accessibility – age and ability, safe• maintain openness – view and feeling• need activities to draw people	Assets <ul style="list-style-type: none">• natural vegetation• boardwalk• swimming• winter – ice huts• close to town• safe – well light• play fields – soccer, baseball,• mini putt• marina
Liabilities / Issues <ul style="list-style-type: none">• water quality• maintenance costs• weather – short summer season• economics – big capital costs• not a City or community priority• considered to be prime developable property• aging (slightly) infrastructure• conflicting view points	Opportunities for Improvement <ul style="list-style-type: none">• a gathering spot – a shelter used by multiple organizations (music, church, sports)• maintain and increase natural areas• clean water and restore beach• water play area• better maintained community gardens – more attractive• restaurant and theatre• redesign road to reduce need to cross it• seniors centre, washrooms/change room, benches• activities for boaters – boater friendly community• retain all land - new activities must complement park and not used exclusively, must be for community

Observations from Initial Discussions

- Stakeholders appear to have similar goals to improve the waterfront and attract more people and tourists to New Liskeard;
- Most appear to agree that the park on the shoreline side of the road must be kept and utilized for open space recreational purposes;
- Most appear to agree that there is a need to consider areas for redevelopment or development; and
- The area of potential conflict is the location of any development, especially if it were to encroach into the waterfront park lands. A detailed map of the publicly owned lands in the waterfront area is needed to promote further discussion and clarification of this matter. The map would assist in the identification of appropriate areas and the development of land use policy to guide appropriate development or redevelopment.

2. Tour of Waterfront

There were numerous opportunities to walk and drive the length of the Waterfront Park and Dawsons Point Road Area over a 3 day period from Sunday May 13 to Tuesday May 15th, 2007. The weather conditions were a mixture of inclement and sunny weather, typical of the middle of May.

Observations from Waterfront Tour:

- Walking activity occurred from dawn to dusk, pending inclement weather;
- Stormwater outflows are located directly in and near the main waterfront beach area (Photo 1 and 2). Urban surface water from parking lots at the Fitness and Waterfront Inn appear to discharge in this area (Photo 1). Stormwater management infrastructure should be reviewed and improved where necessary to improve water quality in the beach area.
- Beach was primarily cobble and stone with more sand located near the marina (see photo on cover page).
- There is a possibility that past land fill and the installation of the marina docking infrastructure has altered the littoral sediment drift from the Wabi River and this has affected the deposition of sand along the beach area.
- Vandalism and infrastructure need repair (Photo 3).
- The Town Centre and area surrounding the Fairgrounds fronts on a fantastic vantage point overlooking Lake Temiskaming.



Photo 1



Photo 2



Photo 3



Photo 4

- The area around the Fairgrounds, Medical Centre and City Quonset (outside of the open space areas) has excellent potential for redevelopment due to its relative proximity the Town Centre and the water front.
- Viewscapes of the waterfront from the Town Centre have been significantly altered by the location of the Waterfront Inn and the Fitness Centre (Photo 4 and 5). Any new infrastructure must respect or re-establish view corridors along streets or open areas to Lake Temiskaming.
- Any new development in this area should be guided by specific Official Plan policy that protects viewscapes, creates and reinstates linkages between the Town Centre and the waterfront, protects character and promotes redevelopment. Through the preparation of this policy it is important to obtain community input and consensus on the type of development that is appropriate.



3. Community Survey

The 'Friends of the Waterfront' retained French Planning Services to conduct a survey to gather input from the community about the future of the waterfront. A draft survey was prepared and reviewed with City of Temiskaming staff and a detailed summary was prepared. The following is an excerpt from the survey summary,

The survey generated ninety three (93) responses. Generally, there was an almost unanimous consensus that the waterfront lands are an important community resource, and must be retained and used wisely to ensure future generations may continue to use it. The following is a summary of the key findings of the survey:

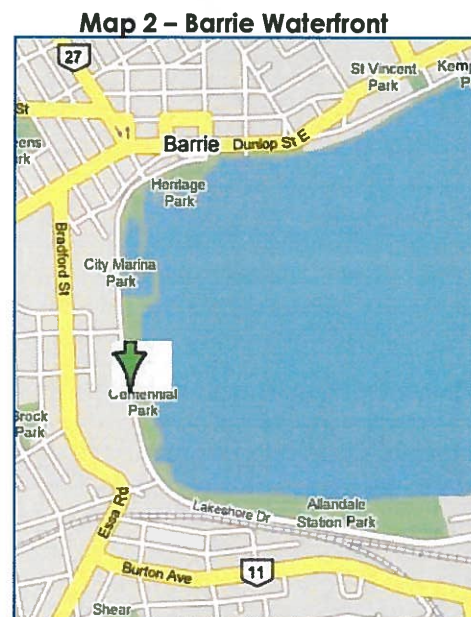
- Ninety six percent (96%) of the respondents either agree or strongly agree that the main Waterfront Park should be kept for active or passive open space and recreational facilities. Only four percent (4%) disagreed, strongly disagreed, or didn't know.
- The Waterfront lands are important to community members because:
 1. It is a Wide Open Public Space with a View;
 2. Offers a Range of Facilities;
 3. Open to Everyone;
 4. It is a Place for Recreational Activity;
 5. It is a Family and Community Place;
 6. It Attracts People to Our Community;
 7. It is Our Heritage and Defines our Community; and
 8. It is Important for Wildlife and the Aesthetics of Our Community.
- Some community members do not like the following about the waterfront:
 1. Lack of Park Facilities;

2. Vandalism;
 3. Poor Maintenance;
 4. Potential Loss of Park from Public Ownership;
 5. Existing or New Development That Affects the Character of the Park; and
 6. The Park has Not Reached Its Potential.
- Additional comments or suggestions about the waterfront lands include the following:
 1. An Overall Plan is Needed;
 2. More Community Involvement;
 3. Improved Maintenance;
 4. More Facilities for Young People; and
 5. More Facilities.

4. Review of Waterfront Case Studies

Three case studies were briefly reviewed to provide context and examples of how other waterfront communities are using their waterfront areas: Barrie, North Bay and Gravenhurst. Members of Council and City staff should consider visiting these three areas to help generate and visualize ideas and approaches to be considered in New Liskeard.

Barrie – The City of Barrie has spent decades reclaiming the lands along the shoreline of their Town Centre to create a lineal open space park on Kempenfelt Bay, Lake Simcoe. The park is bordered on the west by a major road (Lakeshore Drive) and an abandoned railway line. The waterfront park is attached to the City Core to the north at Heritage Park, where more active recreational facilities are provided such as a water play park, docking for recreation boats and the Serendipity Princess cruise boat. A direct and open link to the city core provides direct access to existing and new retail, accommodation and restaurants.



There are no private structures within the boundaries of the park other than a concession for a mini putt. Infrastructure includes – water park, public docking, marina, paved trails and walking trails, playgrounds, and limited parking areas. A large statue, called the Spirit Catcher, has been erected to provide a focal point for the park.

The Official Plan provides policy to promote the redevelopment of an older industrial/highway commercial strip along Bradford Street that abuts the western boundary of the park. So far, several high rise residential condominiums have been developed with some associated commercial development. The City of Barrie has been reclaiming land,

improving park infrastructure, and working with developers on the adjacent lands for over 4 decades. The new residential development in the adjacent areas and the ongoing special events (car, craft, boating, waterskiing shows) have resulted in a steady increase in use of the park.

North Bay – In 1999, the City began to consolidate its land holdings on the waterfront, including the purchase of the majority of the rail lands previously owned by CP Rail. They hoped to attract development but attempts to find developers interested in investing in the area were unsuccessful. The problem was compounded by the fact that the high levels of soil contamination severely restricted the kinds of buildings that could be placed on the rail lands. Costs for removing the contaminated soil were estimated at a minimum of \$11 million (Source <http://www.waterfrontfriends.org>).

A concept plan was prepared with public and stakeholder consultation including designs for a main outdoor theatre, miniature railway, carousel, adventure playground, water park, skating rink and large open spaces. The park encompasses the old railway lands and connects the Town Centre with the shoreline of Lake Nipissing. A transit terminal, train museum and civic plaza are located alongside of the Town Centre and function as a linkage to draw people into the waterfront park.

Map 3 – North Bay Concept Plan for Waterfront



A unique element of the North Bay initiative is the development of a governance model to ensure the longevity, sustainability and protection of the park for generations to come. Heritage North Bay oversees the development and administration of the waterfront development and is comprised of representatives from CWF, the City, and several of North Bay's cultural and historical groups including, the North Bay and Area Museum, Heritage Gardeners, Heritage Carousel, and Heritage Railway. Heritage North Bay is expected to be in place in the near future(<http://www.waterfrontfriends.org>).

For more detail on the North Bay concept plan, an interactive map is available at <http://www.waterfrontfriends.org/flash/map/mapviewcontent.html>

Gravenhurst – The Town of Gravenhurst (12,000 pop) have undertaken a massive redevelopment of its public wharf on Lake Muskoka. Up-to-date information is provided at www.muskokawharf.ca.

The wharf project is located about 1 km away from the Gravenhurst Town Centre on the shoreline of Muskoka Bay of Lake Muskoka. The Muskoka Wharf project encompasses 89 acres and provides a wide

range of commercial, office, accommodation, institutional and medium and high density residential development.



Map 4 – Muskoka Wharf Concept Plan - Gravenhurst

Historically the site was the home port of the Muskoka Steamship Navigation Company and continues to be a major navigation centre on the Muskoka Lakes. The successful re-commissioning of the RMS Segwun in 1982 provided the seeds to improve public infrastructure and private development of the Muskoka Wharf.

Similar to Barrie and North Bay, the park provides open and active public spaces connected by inter connecting walkways, as well as public and private docking facilities. However, unlike Barrie and North Bay, the shoreline of the Muskoka Wharf is dominated by private infrastructure including offices, restaurants, retail stores, a proposed hotel, a museum and numerous parking areas. The large open space areas (green on map) are located along the backlands of the waterfront property. At many locations along the Muskoka

Wharf project, the Muskoka Bay is disconnected from the land and views of the water are blocked by new buildings and structures along the waters edge.

For more information and details of the wharf project an interactive map is provided at <http://muskokawharf.ca/wharfMap.php>

Summary of Observations from Case Studies:

- In each of these case studies the development of the waterfront lands has gone through a comprehensive master plan and official plan review, together with consultation with community members and stakeholders;
- Common multifunctional accessible facilities that are provided by all three case studies included; walkways, playgrounds, open areas, picnic sites, beach (excluding Gravenhurst), water play areas, a marina and public docking;
- Barrie and North Bay ensured that the lands along the waterfront were maintained as active and passive public open spaces and promoted redevelopment of residential and commercial uses in adjacent areas; and
- The waterfront lands along the Muskoka Wharf Project are dominated by commercial and residential buildings. Open space areas for farmers market and craft shows are located along the back lands, away from the shoreline.

5. Review of Current Official Plan

The Official Plan for the Town of New Liskeard (March 1989) split designates the waterfront lands into two distinctly different land use policy areas; Town Centre and Open Space as shown on the following Map 5 – Land Use Schedule.

The **Town Centre designation** is shown in red and includes the area including and surrounding the Fitness Centre, the Waterfront Inn, the Marina, Mailles Marina, and the fairgrounds. The Official Plan recognizes the Town Centre as the central business area and "it is the intent of Council to foster the business function of this area by promoting the expansion of retail, office and public uses and by encouraging community development" (Policy 2.3, page 14)

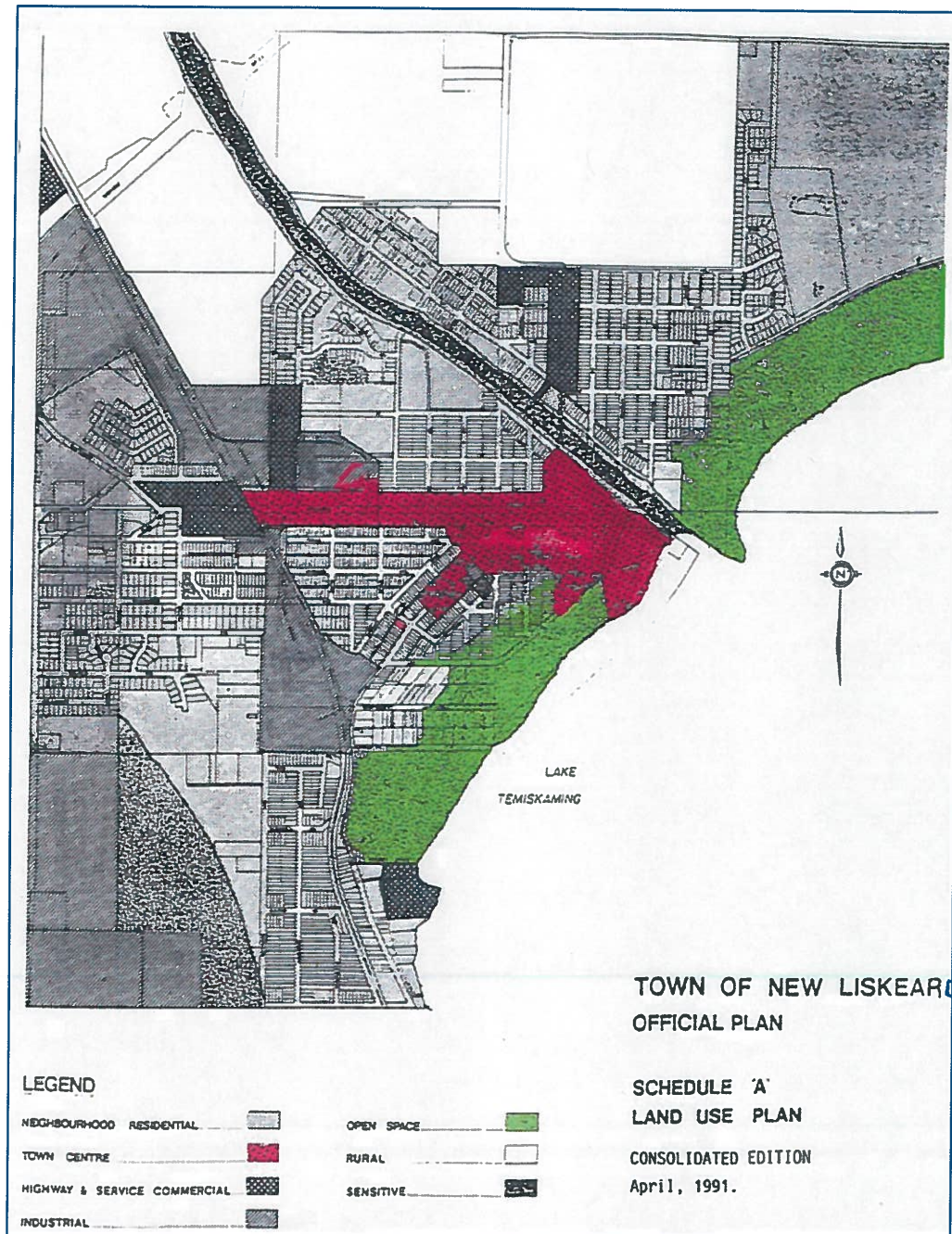
In view of the increasing tourist potential of the area, a further demand for tourist facilities and accommodation is anticipated. Every effort will be made to encourage the provision of up-to-date tourist facilities in the Town Centre" (Policy 2.3, page 14)

The primary uses permitted in the area designated as the Town Centre which is the prime business and commercial area of the Town, are retail operations, offices, personal services, institutions, government and public operations and general business activities appropriate to a Town Centre. Medium and high density residential uses are also permitted with an

encouragement for these to develop peripherally to the central business core itself (policy 2.3.2, page 15).

Other secondary uses that are permitted without an amendment to the zoning by-law include limited institutional uses and residential accommodations for store owners, operators or as rental units associated with stores. (Policy 2.3.3, page 15)

Map 5 – Official Plan Land Use Schedule



Business Improvement Area (BIA), redevelopment, renovation and land assembly programs and the construction of new commercial and office buildings will be encouraged in the Town Centre (Policy 2.3.5, page 15)

The remaining portion of the Waterfront lands and Dawson's Point Road are designated **Open Space** and in some cases include a provision that recognizes the flood plain of Lake Temiskaming. Map 5 – Official Plan Land Use Schedule shows the location of lands that are currently designated open space, except for a small parcel that was disposed of by a previous council and re-designated by Official Plan Amendment Number 7.

The Official Plan Open Space policies were approved in May 1989 and then replaced in their entirety by Official Plan Amendment No 1 in August 1989. Both the original Official Plan and amended policy include statements that the waterfront park is recognized as a "significant park" area that is of special interest to Council. As well it is Council's intent to seek an increase in the amount of parkland available, especially in areas of new development.

The following are applicable policies of the official plan:

2.6.1.5 – Wherever possible, an interconnected system of active parks and open space areas will be sought, Although this obviously cannot be done everywhere, special efforts will be made to link the lakeshore of Lake Temiskaming, the Wabi River and other topographic open spaces with the more formal parks

2.6.1.7 – The primary uses in areas designated as Open Space are active or passive parks, open space and recreation facilities necessary to satisfy the recreational needs of the population.

2.6.1.8 – The general policies for the provision of parks and open space areas in the Town are as follows: a) there should be a balance between active and passive areas: and b) the establishment of all parkland will be coordinated, wherever feasible, with schools in the area so that a complementary integration of activities may be achieved.

According to Policy 2.6.1.9, Parks and Open Spaces in new Liskeard are classified as passive open space and local and community parks. By it's current nature and location the main waterfront parks appear to meet the requirements for each of these three broad classifications, and especially Open Space and Community Park. The following are the policies regarding these two classifications.

Section 2.6.2 – Passive Open Space

Policy 2.6.2.1 The waterfront lands are considered to be Passive Open Space as they include "flood plain... and lake shore areas and other open space normally available for passive recreation." Passive Open Space areas may include public gardens, lawns and landscaped areas as well as natural features which may be

improved to provide public access and enjoyment. Accessory buildings and structures may be permitted. (Policy 2.6.2.2)

Policy 2.6.2.3 indicated that... "Land that is already in public ownership will be developed as open space or preserved as wilderness unless its use for other public purposes precludes this

Section 2.6.4 – Community Parks

Policy 2.6.4.1 – Community Parks will be provided with outdoor and indoor active recreation facilities for all segments of the population and may include open space areas. Accessory buildings and structures shall also be permitted. In particular, the waterfront park system in the Town will be promoted to serve the community and will be equipped with senior recreation facilities and provided with a large area for passive open space.

Observations from Official Plan Review – The following are observations made from the official plan review:

- a) A portion of the publicly owned waterfront lands are designated as Town Centre which permits a range of commercial and residential uses;
- b) The open space character of the lands adjacent to the fairground is not recognized and there are no specific policies about preserving existing open space areas within the Town Centre designation as park land;
- c) The Official Plan encourages new development in the area of the fair grounds, May Street and behind the Waterfront Inn, but does not provide specific policy on form, character, location, density and height;
- d) Council is interested in addressing the redevelopment of the Town Centre;
- e) The main portion of the Waterfront Park south of the Fitness Centre is designated as Open Space which restricts activities to active and passive open space and recreational facilities necessary to satisfy the recreational needs of the population; and
- f) The main waterfront lands are recognized as a 'significant park' area.

Recommendations

The following recommendations are provided to the Council of the City of Temiskaming Shores to consider regarding the content of the new Official Plan policies on the waterfront and adjacent areas and on other matters that complement the official plan.

Official Plan – The Official Plan should contain policies that:

1. All publicly owned lands will be retained in public ownership for the use and benefit of all people in the City of Temiskaming Shores.
2. Identify and designate all publicly owned open spaces along the waterfront as Open Space or a similar designation. This should include those public open areas adjacent to the fairgrounds that are currently designated Town Centre.
3. The Waterfront lands are recognized as a Regional Recreation Centre that attract new residents, businesses and tourists to New Liskeard. The character of the area is described as a mixture of wide open public spaces and naturally vegetated areas where one can enjoy the view, participate in recreational activities, swim, walk and boat all within a few steps of downtown New Liskeard.
4. Continue to restrict permitted uses in the Open Space designation to those uses listed in the current Official Plan including active or passive parks, open space and recreation facilities necessary to satisfy the recreational needs of the population.
5. Identify and designate a redevelopment area that exists between the Town Core and the extended Open Space Designation and provide policies to ensure that new development:
 - a. Fits into the character of the area;
 - b. Identifies, protects and re-establishes viewscales and view corridors and linkages between the Town Centre and the waterfront;
 - c. Restricts development to a reasonable height and scale so that it does not dominate the landscape, or affect significant views from adjacent lands;
 - d. Encourages new development to be located close to the built up area of the town centre;
 - e. Considers the provision of adequate parking; and
 - f. Restricts new uses to those that complement the existing Town Core.
6. To recognize the importance of viewscales and view corridors from the lake to the Town Centre, as well as to adjacent residential areas and other lands further away from the shoreline. New development must not block any significant view.
7. Update the zoning by-law so that it conforms with the above recommendations.

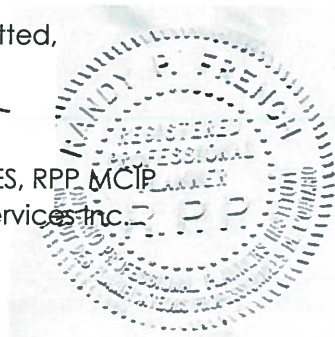
Other Recommendations – The following actions complement the official plan recommendations:

8. Continue to retain all waterfront parkland in public ownership. This includes both the main waterfront park and Dawson Point Road area. Prepare a map indicating the location of all public lands and infrastructure along the waterfront.
9. Consider a governance model such as 'Heritage North Bay' to assist with the development and administration of the waterfront. This group will consist of a range of community groups and City officials.
10. Prepare a Comprehensive Community Park Plan. This should be a community based planning process that is designed to engage community organizations and people of all ages in a process to develop a sustainable plan that contains multifunctional activities. Such a plan would:
 - a. Confirm a vision;
 - b. Develop strategy to improve image of waterfront park;
 - c. Consider criteria for development of adjacent areas;
 - d. Identify the location and requirement for new park infrastructure; and
 - e. Engage community members, organizations and resources in the management and improvement of park facilities (the survey summary provides a preliminary list of existing facilities that require improvement as well as a list of new facilities to be considered).
11. Continue to maintain the Dawson Point Road area in its current state until a Comprehensive Community Park Plan is prepared.
12. Take action to improve the water quality along the beach in New Liskeard:
 - a. Review and upgrade all stormwater management facilities that flow directly into Lake Temiskaming and the Wabi River;
 - b. Consider a study to determine why the accretion of sand along the beach in New Liskeard is not accumulating as in past years, and to recommend, if possible, ways to improve the natural deposition of sand; and
 - c. Consider updating municipal sewage facilities to prevent storm water from entering the system and thereby reducing the overflow or untreated sewage into the Wabi River following major storm events.

Respectfully submitted,



Randy R. French, BES, RPP, MCIP
French Planning Services Inc.



From: [George Kemp](#)
To: [Buffam Leveille Funeral Home Ltd.](#)
Cc: [Jennifer Pye](#); rhunter@planscape.ca
Subject: RE: Leveille Buffam Funeral Home Zoning
Date: Wednesday, June 14, 2017 3:11:04 PM

Thanks Claude. I met with the City Planner, Jennifer Pye and the Planning Consultant, Rick Hunter from Planscape Inc. at this afternoons information session for the new comprehensive zoning by-law proposed for the entire City of Temiskaming Shores. I requested that in the new zoning by-law the existing long time (pre-1967) use of the property on which the funeral home is located be recognized which in the new zoning by-law would be a "General Commercial" designation. I made them aware that the upstairs is used by you as your residence. The current setbacks would also have to be recognized as well. At present, under the old zoning by-law for the Town of Haileybury the property is designated "Residential".

I also discussed the necessity to designate the vacant lot "kitty corner" to the funeral home property in such a way that its use for parking for the funeral home can also be recognized. It too is currently designated "Residential".

I left a copy of the old building location survey from 1988 (which doesn't include the addition to the funeral home on the East side) as well as legal descriptions for the funeral home property and parking lot with Jennifer.

My understanding is that they will do something specific for the 2 properties in the new zoning by-law before it is passed by council..

Best regards,

George W. Kemp
Kemp Pirie Crombeen

Barristers & Solicitors
22 Armstrong Street
P.O. Box 1540
New Liskeard, ON
P0J 1P0
Tel: (705) 647-7353 ext. 224
Fax: (705) 647-6473
gkemp@kemppirie.com
www.kemppirie.com

This message, and any documents attached thereto, is intended only for the addressee and may contain privileged or confidential information. Any unauthorized disclosure is strictly prohibited. If you have received this message in error, please notify us immediately so that we may correct our internal records. Please then delete the original message. Thank you.

From: Buffam Leveille Funeral Home Ltd. [mailto:buffamfh@ntl.sympatico.ca]
Sent: June-14-17 10:03 AM
To: George Kemp <gkemp@kemppirie.com>
Subject: Picture from Microsoft Picture It!

Good morning George,

As discussed, here is the copy of the survey I have on file. Let me know if this works.

Regards,

Claude

--

Claude M Léveillé
Managing Funeral Director/Owner
Buffam Leveille Funeral Home Ltd.
483 Broadway Street, PO Box 791
Haileybury, ON P0J 1K0
Tel: 705-672-3122
Fax: 705-672-3267
Email: buffamfh@ntl.sympatico.ca
www.buffamleveille.com



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City of Temiskaming Shores Comprehensive Zoning By-law 2017

Comments: Timiskaming Health Unit

Introduction

Thank you for providing the opportunity for community members and organizations to participate in the Zoning By-law project. We appreciate the challenge at hand, of assembling a single comprehensive by-law for application across the city of Temiskaming Shores. And, we are excited to contribute what we can to support this by-law in turn being able to support the well-being of community members.

In 2013, Timiskaming Health Unit was glad to have supported the consultation between Dillon Consulting and City of Temiskaming Shores for the City's Official Plan review leading to the report *City of Temiskaming Shores Official Plan Review Using a Healthy Communities Lens*.ⁱ This report, in conjunction with Temiskaming Shores' own Official Plan,ⁱⁱ are the main sources from which we have highlighted opportunities to enhance the zoning by-law.

We acknowledge the specific language and skill-set held by municipal planners, and appreciate that our feedback below may require effort to integrate within the current by-law project and that it may also be relevant to other policy efforts. We have done our best to highlight evidence and opportunities to enhance community health and safety and hope that some of these recommendations may be of use to enhance the great work already underway in Temiskaming Shores. Please do not hesitate to reach out with questions or for further discussion—our goal is to be a resource and helpful partner to the municipality.

The City of Temiskaming Shores is to be commended on their policy work. Efficient land use and development patterns support prosperity and sustainability by promoting strong, healthy and resilient communities, protecting the environment, social well-being and public health and safety, and facilitating economic growth.ⁱⁱⁱ We know it is important to manage land and resources, balancing the needs of individuals with the objectives of the whole community while keeping in mind the things that affect health of our population such as access to education, food and employment and infrastructure for social and physical well-being to ensure everyone has the opportunity to be healthy affects many aspects of life in Ontario.^{iv} We appreciate the City's efforts to this end.

This document describes 14 areas in which we identified potential to build upon the current language in the draft zoning by-law. These will support strong and healthy communities and protect the health of our population in areas such as physical activity, social cohesion, health protection, healthy eating and environmental health.



1. Active Transportation: Healthy, active communities should be promoted by planning public streets, spaces and facilities to be safe, foster social interaction and facilitate active transportation and community connectivity. This should include planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources.^v

Recommended Actions:

- 1.1 Include a bylaw regarding the development of recreational trails as an interconnected system that provides access between residential areas and schools, workplaces, commercial areas and other uses. Specifically, zone residential, commercial, rail, natural and utility corridors, other zones and parks and recreational areas to include trail networks and walkways to facilitate access and promote recreation and active transportation.
- 1.2 Include a statement encouraging the maintenance of a trail network to support both active recreation and active transportation.
- 1.3 Include a bylaw supporting the provision of end trip facilities for bicycles (i.e. bike racks) in key destinations (commercial/retail, parks, libraries, municipal offices, schools, etc.) in residential and community zones.
- 1.4 Include a statement that requires designated cycling lanes, separated cycle tracks or paved shoulders to be considered when undertaking roadway construction.
- 1.5 Include a statement to develop sidewalks in areas that do not have them as a means to enhance the walkability of the area and to increase local safety.
- 1.6 Alter road design standards to ensure adequate space in road right-of-ways for cycling infrastructure improvements.^{vi}

2. Public Spaces: Public gathering spaces and places of recreation promote not only active and healthy lifestyles, but also support well-being, create opportunities for community members to connect, and contribute to a strong sense of place. This in turn contributes to a positive community identity and image of Temiskaming Shores, which can also contribute to crime prevention. Policies should recognize spaces that are safe, stimulating and inviting for both youth and seniors.ⁱ

Recommended Actions:

- 2.1 Include zoning by-laws that encourage the development of parks and recognize the value of public spaces, parks and green space to support social sustainability and well-being.
- 2.2 Permit parks, open space and related and compatible uses to locate in areas designated as residential, commercial and other zones as well areas identified in the Official Plan, and ensure that the range of permitted uses including community garden, environmental preserve and education area and park and applicable regulations is in keeping with the low scale, low intensity open space nature of these lands.

- 2.3 Where possible situate parks to act as important focal points for the neighborhood or area and ensure parks are compatible with other amenities and are readily accessible by walking, cycling, and transit.

3. Neighborhood Hubs: Public gathering spaces and places of recreation promote not only active and healthy lifestyles, but also support well-being, create opportunities for community members to connect, and contribute to a strong sense of place. This in turn contributes to a positive community identity and image of Temiskaming Shores, which can also contribute to crime prevention. Policies should recognize spaces that are safe, stimulating and inviting for both youth and seniors.ⁱ

Recommended Actions:

- 3.1 Include a bylaw supporting the creation of neighborhood meeting spaces or “neighborhood hubs” (e.g., squares, patios, parkettes) in residential and commercial areas to provide for additional opportunities for recreation and social interaction.
- 3.2 Ensure Neighborhood hubs are designed and located so they are pedestrian oriented and within walking distance of designated areas and zoning allows for land-use flexibility to permit development of neighborhood hubs.

4. Urban Design Principles: Health is heavily influenced by the design and function of the community. The design infrastructure and layout of a community, including safe, efficient walking and cycling networks can make it easier for people to encourage physical activity. Physical activity is crucial in the maintenance of a healthy lifestyle.ⁱ

Recommended Action:

- 4.1 In main street commercial areas, include a bylaw for street design to enhance conditions for walking, meeting and gathering (e.g., lighting, benches, trees, wide sidewalks, etc) in the public right of way.

5. Alcohol and Substance Use and Exposure: The Ministry of Municipal Affairs and Housing’s Provincial Policy Statement does not include policy directions for municipalities to address the control of or access to alcohol product outlets. Zoning however offers creative ways for communities to create healthier environments by reducing the availability of alcohol outlets in proximity to areas frequented by children and youth by limiting the concentration of alcohol outlets, limiting access and availability to alcohol outlets, and protecting areas where children and youth frequent from incompatible land uses (e.g., bars, gambling facilities).ⁱ

Recommended Action:

- 5.1 Develop zoning bylaws that restrict access to alcohol, particularly in residential areas and in school zones. Specifically, require minimum separation distances between alcohol outlets in general, in specific zones or adjacent to specific zones (e.g., Institutional Zone).

6. Tobacco Use and Exposure: There are a number of studies exploring the influence of outlet density on use of tobacco products and have shown that there are certain neighborhood characteristics that affect individual behavior, including the availability of goods and services and community norms. Zoning offers creative ways for communities to create healthier environments by reducing the availability of tobacco outlets. Outside of Ontario, zoning can also play a role in limiting the concentration of tobacco outlets, limiting access and availability to tobacco outlets, and protecting areas that children and youth frequent from incompatible land uses (e.g., bars, gambling facilities).ⁱ

Recommended Actions:

- 6.1 Limit the concentration of tobacco product outlets, particularly in neighborhood zones.
- 6.2 Prohibit the location of tobacco outlets in recreational, open spaces, and institutional zones.
- 6.3 Prohibit tobacco sales along access routes to schools that are designated “safe routes” or “school routes”.
- 6.4 Prohibit retailers from selling tobacco within a designated number of metres of a school or other youth-oriented facility.
- 6.5 Limit the concentration of tobacco retailers in certain zones.

7. Substance Retail and Exposure: Evidence suggests that limiting outlet density reduces the harms associated with the use and misuse of these substances, and helps to create a safe and healthier community. As part of a comprehensive approach, decreased availability supports a reduction in overall use, a decrease in initiation by youth, and denormalizes the use of these substances within a population.ⁱ

Recommended Action:

- 7.1 Consider zoning bylaws that decrease or limit the outlet density of alcohol, tobacco and eventually cannabis retailers, including but not limited to:
 - 7.1.1 Setting a limit to the number of retailers in a specific geographic area
 - 7.1.2 Prohibiting retailers within a specific distance of schools, community and recreation centres, public parks etc
 - 7.1.3 Prohibiting retailers along access routes to schools
 - 7.1.4 Requiring a minimum distance between retailers to avoid clustering
 - 7.1.5 Restricting retailer locations to a specific geographic area



8. Medical Marijuana Production Facilities: Zoning legislation may be used to regulate the location of marijuana production facilities within a municipality; this requires the creation of a specific land use for this sort of production facility.^{vii} The land use should be carefully defined to accurately reflect the use to be regulated and appropriate setback distances set to help prevent nuisance conflicts, protect natural resources, and safeguard human health.^{viii} Municipalities cannot ensure that marijuana production facilities are developed in appropriate locations if they are not defined in their zoning bylaw at the time of application for a development permit. Unless otherwise defined, a medical marijuana facility is considered an agricultural use. As such, it may be built on any land that permits agricultural uses. Commercial marijuana grow operations may present health and safety issues if not properly regulated and inspected by the federal or other orders of government, due to the high moisture content in the air, the use of fertilizers, the potential for air quality or odor concerns, and the potential for attempts at theft.^{ix}

Recommended Action:

- 8.1 Develop bylaws that limit zones for marijuana production facilities in order to protect public health and safety.
- 8.2 Limit cannabis production facilities to defined industrial areas or agricultural areas. Include a minimum setback range of 100 to 250 meters from residential and commercial areas, parks and schools, day nursery, school, community centre or training facility aimed primarily at children less than 16 years of age to protect the public from cannabis exposure and associated odors, noise and industrial wastes.^{viii,ix}

9. Sensitive Land Uses: Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odor, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.^v

Recommended Actions:

- 9.1 Develop a bylaw recognizing sensitive land use between community structures, facilities and residential areas.
- 9.2 Recognize the value of separating sensitive land uses between schools, recreational facilities, libraries, community centers and commercial retailers which may contribute to adverse health impacts.
- 9.3 Although difficult to implement in built-up areas, separation of sensitive land uses would be feasible for new developments.

10. Sun Protection: The provision of shade can be an effective means of reducing exposure to ultraviolet radiation (UVR) and its associated health risks such as skin cancer. Furthermore, the presence of shade can encourage physical activity, reduce greenhouse gas and air pollutant emissions, mitigate the urban heat island effect, and reduce energy costs. The provision of shade,

either natural or constructed, should be an essential element when planning for and developing new City facilities including parks or public spaces, and in refurbishing existing City-owned and operated facilities and sites.^x

Recommended Action:

- 10.1 Create by-law on provisions to include shade features for parks and outdoor facilities.

11. Healthy Food: Healthy, livable and safe communities are sustained by improving accessibility for persons with disabilities and older persons by identifying, preventing and removing land use barriers which restrict their full participation in society. Long-term economic prosperity is supported by providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts.^v

Recommended Action:

- 11.1 Include a bylaw enabling the zoning for retailers of healthy foods such as supermarkets, small and mid-sized grocery stores produce vendors, and farmers' markets to be located within convenient walking distance and/or cycling proximity from residential neighborhoods, mixed-use areas, town centers, institutional areas and recreational areas.
- 11.2 Create a zoning-by law that includes the maximum separation distance between resident homes and retailers of healthy foods (i.e. supermarkets or grocery stores).

12. Farmers' Markets: Long-term economic prosperity is supported by providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses.^v

Recommended Action:

- 12.1 Include zoning bylaws which encourage the location of farmers' markets in appropriate recreational and public spaces located close to where people live to minimize travel distance.

13. Community Gardens: Long-term economic prosperity is supported by providing opportunities to support local food, and promoting the sustainability of agri-food and agri-product businesses by protecting agricultural resources, and minimizing land use conflicts.^v

Recommended Action:

- 13.1 Include a bylaw for the creation of community gardens and ensure the location and protection of spaces for community gardens. The framework could include:
 - 13.1.1 Definition of Community Gardens



- 13.1.2 Clarification regarding the production of food that is permitted , which may include vegetables, herbs, pollinator flowers, fruit, fruit bearing trees, fruit bearing shrubs, and ornamental plants
- 13.1.3 Define prohibited activities for Community Gardens, such as the raising of animals, livestock and poultry, and commercial agricultural operations, in accordance with provincial policies and regulations
- 13.1.4 Provide specifications regarding illegal plants and noxious and invasive weeds, in accordance with provincial legislation
- 13.1.5 Establish setbacks between community gardens and toxic trees (i.e. walnut trees) on neighboring properties
- 13.1.6 Encourage soil tests during site selection in accordance with the Ministry of Environment's O. Reg 153, Table 1 Full Depth Background Property Use Standards. Development on potentially contaminated sites may trigger a Record of Site Condition
- 13.1.7 Develop a zoning bylaw that states community gardens are an approved use of land in parks, residential, commercial, other and potentially industrial districts

14. Environmental Health: Septic systems can pose an environmental and human health hazard.

Recommended Action:

- 14.1 Regulate septic systems according to the Ontario Building code to avoid public health harms.
- 14.2 Include a statement in zoning bylaws such as, "In the event that a septic system is required all Ontario building code requirements must be followed."

References

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- ⁱⁱ Tunnock Consulting. (2015). City of Temiskaming Shores Official Plan. Temiskaming Shores, ON.
- ⁱⁱⁱ Ministry of Municipal Affairs and Housing. (2010). Citizen's Guide: Zoning By-Laws. Toronto, ON: Queen's Printer for Ontario.
- ^{iv} Mikkonen, J., & Raphael, D. (2010). Social Determinants of Health: The Canadian Facts. Toronto: York University School of Health Policy and Management.
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- ^{vi} Share the Road Cycling Coalition. (2015). City of Temiskaming Shores Bicycle Friendly Communities Workshop: Summary report and recommendations.
- ^{vii} Iberta Urban Municipalities Association. (2015). Municipal Regulation of Federally Licensed Medical Marijuana Production Facilities. Retrieved from:
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- ^{viii} Strengthening Farming Program Innovation and Adaptation Services Branch. (2015). Regulating Medical Marijuana Production Facilities in the Agricultural Land Reserve: Discussion Paper and the Minister's Bylaw Standards. British Columbia Ministry of Agriculture. Retrieved from:
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- ^x Toronto Cancer Prevention Coalition. (2010). Shade Guidelines. Toronto, ON. Retrieved from:
[https://www1.toronto.ca/city of toronto/toronto public health/healthy public policy/tcpc/files/pdf/shade guidelines.pdf](https://www1.toronto.ca/city%20of%20toronto/toronto%20public%20health/healthy%20public%20policy/tcpc/files/pdf/shade_guidelines.pdf)

The Corporation of the City of Temiskaming Shores

By-law No. 2017-154

**Being a by-law to enact a new Comprehensive Zoning By-law
For the City of Temiskaming Shores**

Whereas the City of Temiskaming Shores Official Plan came into effect on March 20, 2015; and

Whereas under Section 34 of the Planning Act, R.S.O. c. P.13, as amended, councils of local municipalities may pass zoning by-law to regulate the use land, and the erecting, location and use of buildings and structures; and

Whereas Council has ensured that adequate information has been made available to the public and has held two open houses on June 14, 2017 and November 19, 2017, and at least one public meeting on December 5, 2017 after due notice for the purpose of informing the public of this By-law; and

Whereas it is deemed desirable to adopt a new Comprehensive Zoning By-law for the City of Temiskaming Shores pursuant to Section 34 of the Planning Act, R.S.O. c. P.13, as amended; and

Whereas Council considered Administrative Report No. CGP-019-2017 at the Regular Council meeting held on December 19, 2017 and directed staff to prepare the necessary by-law to approve the City of Temiskaming Shores Zoning By-law.;

Now therefore the Council of the Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That a Comprehensive Zoning By-law for the City of Temiskaming Shores, attached hereto as "Schedule A" and forming part of this by-law, be hereby approved and comes into force and effect on January 1, 2018;
2. That Township of Dymond By-law Number 984 and all amendments thereto; Town of New Liskeard By-law Number 2233 and all amendments thereto; and Town of Haileybury By-law Number 85-27 and all amendments thereto; are repealed in their entirety upon the coming into effect of this By-law.
3. That the passing of this by-law shall be subject to the provisions of the *Planning Act*.
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 19th day of December, 2017.

Mayor

Clerk

Subject: CUPE Collective Agreement (2018-2020) **Report No.:** CS-044-2017
Agenda Date: December 19, 2017

Attachments

Appendix 1: Summary of “Agreed to Items”

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-044-2017; and
2. That Council directs staff to prepare the necessary by-law to enter into a Collective Agreement with the Canadian Union of Public Employees and its Local 5014 for the period covering January 1, 2018 to December 31, 2020 for consideration at the December 19, 2017 Regular Council meeting.

Background/Analysis:

The current Collective Agreement between the City and the Canadian Union of Public Employees (CUPE) and its Local 5014 expires on December 31, 2017.

On October 4, 2017 the City provided notification to CUPE outlining its desire to initiate negotiations. The Union responded on October 24, 2017 and advised that they were prepared to meet on December 5-7, 2017.

Council met with the City Manager in Closed Session on November 7, 2017 and approved negotiating parameters.

Negotiations occurred on December 5th and 6th, 2017 at City Hall. Attached as **Appendix 01** is a list of the “*Agreed upon Items*”.

The following is a summary of the “*Agreed Upon Items*”:

1. Job Postings: Internal Job Postings will be reduced from ten (10) days to five (5) days. Additionally, staff will be able to advertise for Part-time and Temporary positions both internally and externally at the same time.
2. Salaried Positions: Changes are proposed in the wording for the banking of overtime for salaried employees that reflect current practices as well as pay for salaried employees in the event of a temporary transfer to a higher rated position (used to be a 10 day waiting period).

3. Stand-by Pay: Stand-by pay was increased from 2 ½ hours to 3 hours in accordance with Bill 148 “Fair Workplaces, Better Jobs Act, 2017”.
4. Temporary Employees: Temporary Employees will now be eligible for holiday pay for Civic Holiday, Easter Monday and Remembrance Day (if on a scheduled day of work). Previously Temporary Employees were only entitled to holiday pay for holidays listed under the Employment Standards Act.
5. Wage Increases: Wages will increase two percent (2%) per year for 2018, 2019 and 2020. Increases to part-time wages due to Bill 148 “Fair Workplaces, Better Jobs Act, 2017” have also been incorporated (minimum wage).
6. Pool/Fitness Centre Membership: Spouses and dependents will now be added to receive a 100% discount on a Pool/Fitness Centre Membership.
7. Benefits: Eyeglasses and Contact Lenses will increase from \$400 every 2 years to \$450 every two years; eye examinations will increase from \$35 every two years to \$85 every two years; a cap on Life Insurance of \$70,000 will be implemented (under the previous agreement Life Insurance was 200% of an employee’s earnings).
8. Maternity/Paternity Leave: Staff will now be able to use accumulated sick leave, vacation, overtime or floating holidays to supplement maternity/parental leave.

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 following is a summary of the financial impact of the New Collective Agreement:

COLLECTIVE AGREEMENT (2018-2020)	<u>2018</u>	<u>2019</u>	<u>2020</u>	TOTAL
Stand-By Pay (Bill 148)	\$991	\$1,008	\$1,025	\$3,024
Part-time Wage Adjustments (Bill 148)	\$35,437	\$16,549	\$0	\$51,986
Life Insurance \$70 Cap	-\$8,900	-\$8,900	-\$8,900	-\$26,700
Eyeglasses	\$3,500	\$3,500	\$3,500	\$10,500
Temp Employees Pay for 3 Holidays	\$740	\$740	\$740	\$2,220
Wages (2%)	\$70,117	\$71,510	\$72,930	\$214,557
TOTAL	\$101,885	\$84,407	\$69,295	\$255,587

Submission

Prepared by:

Reviewed and submitted for
Council's consideration by:

“Original signed by”

“Original signed by”

Kelly Conlin
Director of Corporate Services (A)

Christopher W. Oslund
City Manager

**CUPE LOCAL 5014
(the Union)**

And

**The City of Timiskaming Shores
(The Employer)**

**Bargaining - Collective Agreement Ending 2017
Wednesday, December 6, 2017**

AGREED TO ITEMS

ARTICLE 13 **PROMOTIONS AND STAFF CHANGES**

Job Postings

- 13.01 (a) When the Employer decides there is a Full Time vacancy of either a temporary (expected to last at least three months) or permanent nature or a new position is created within the bargaining unit, the Employer shall post a notice on the Employer's main bulletin boards with a copy to the Union. The position shall be posted for a period of five (5) working days so that interested employees can apply.
- (b) When the Employer decides there is a Part Time or Temporary position vacancy, the position shall be posted concurrently both internal and external.

ARTICLE 15 **HOURS OF WORK**

Building and Property Maintenance Hourly Rated Employees

- Full-time Building Maintenance Employees - 7:30 a.m. - 4:00 p.m. with a thirty (30) minute unpaid meal period worked Monday to Friday.
- Full-time City Hall Custodial staff – 4:00 p.m. – 12:00 midnight with a thirty (30) minute paid meal period, worked Monday to Friday.
- Full-time Pool and Fitness Centre Custodial staff - 4:00 a.m. - 12:00 noon with a thirty (30) minute paid meal period worked Monday to Friday.

- Full-time Custodial Staff - Various Locations: Tuesday to Saturday: New Liskeard Library (6.5 hours/week); Public Works Complex (6.5 hours/week); Dymond Fire Station (6.5 hours per week); Pool and Fitness Centre (12.5 hours/week)

ARTICLE 16 **EXTENDED HOURS OR WORK AND OVERTIME**

Banking of Extended Hours for Salaried Employees

16.06 A salaried employee shall be able to bank a maximum of eighty (80) hours of time off in lieu at the rate of one (1) hour banked for each Extended or Overtime Hour worked at the applicable overtime rate.

Taking banked time off must be approved by the Employer and will only be allowed when it is operationally possible. Any such banked time off not taken by December 31 of each calendar year shall be paid out to the salaried employee on the basis of one hundred percent (100%) of the unused banked hours multiplied by the employee's deemed hourly rate of pay.

Stand-By

16.07(b) A Crew Leader or designate who is on Stand-By, shall be paid a minimum of three (3) hours at the applicable hourly rate of pay for each Friday, Saturday, Sunday and Paid Holiday when scheduled to be on Stand-By. If called in the minimum is applied to the entitlement to any wages for time worked. The hours can be paid or banked (in accordance with Article 16.05) at the applicable hourly rate, at the discretion of the employee.

ARTICLE 17 **HOLIDAYS**

Payment for Holidays

17.03(b) An eligible employee who is required to work on any of the holidays listed in Article 17.01, other than Remembrance Day, will receive pay at the rate of time and one half (1 ½) the employee's regular hourly rate for every hour worked on such day in addition to pay for the holiday at the employee's regular hourly rate or the employee may be granted an alternate day off (lieu day) at a mutually agreeable time. Payment for such lieu day will be based upon the entitlement the employee otherwise would have been eligible to receive for the holiday at straight time hourly rates.

- (c) In the case of Remembrance Day an eligible employee shall be entitled to a paid holiday only if Remembrance Day falls on a regularly scheduled work day for the employee. If an employee works on Remembrance Day and would otherwise have qualified for a holiday on Remembrance Day, then, the employee shall not be entitled to premium pay under Article 17 for such work but shall be entitled to an alternative day off (lieu day) at a mutually agreeable time.
- (d) Temporary Employees shall be entitled to a holiday or holiday pay on Easter Monday, Civic Holiday or Remembrance Day.

ARTICLE 21 **PAYMENT OF WAGES AND ALLOWANCES**

Wage Increases in Future Contract Years

- 21.03 (a) Effective January 1, 2018, the, then current Wage Grid wage rates applicable to all classifications shall be increased by two per cent (2%).
- (b) Effective January 1, 2019, the, then, current Wage Grid wage rates applicable to all classifications shall be increased by two per cent (2%).
- (c) Effective January 1, 2020, the, then, current Wage Grid wage rates applicable to all classifications shall be increased by two per cent (2%).

Payment in the event of a Temporary Transfer or the Award of a Posted Vacancy

- 21.08 b) When a salaried employee is temporarily assigned to a position in a higher Group than his/her own, for the benefit of the Employer, then, for all continuous hours worked in the transfer position, the employee shall be placed on the Wage Grid and paid at the lowest Step Level in the higher rated Group/Classification within Appendix "2" that provides a salary/wage rate immediately higher than the wage rate the employee received immediately prior to the transfer. When a salaried employee is temporarily assigned to a position in a lower Group than his/her own, for the benefit of the Employer, then, his/her pre-transfer wage rate shall be maintained.

Membership - Waterfront Pool Fitness Centre

- 21.09 All employees, their spouses and dependents will receive a 100 % discount on a full membership to the Waterfront Pool Fitness Centre. Membership is non-transferable and has no cash value.

ARTICLE 25 **EMPLOYEE BENEFITS**

25.01 The Employer agrees that during the term of this Collective Agreement it will pay the portion of the premiums required for the Group Benefit Plan – Temiskaming Shore – Municipal Employees as set out in Appendix 3 which is attached hereto and forms a part of this Collective Agreement, for all active Permanent Full Time Employees and their dependents as set out therein. The Employer is not the insurer. All Benefits are subject to the terms of the applicable plans. Any dispute about entitlements is between the employee and the insurance company and is not a dispute under this Collective Agreement.

The Employer agrees that, except as noted below, benefits during the life of the Agreement shall be unchanged.

“Glasses and Contact Lenses \$450.00 every 24 months.”

“Eye Examination \$85 every 24 months.”

“Employee Basic Life Insurance: \$70,000, reducing to \$50,000 at age 65.”

ARTICLE 26 **GENERAL CONDITIONS**

Validity of Agreement

26.03 In the event that there is a change in legislation during the life of the Collective Agreement which creates conflict between the Act and the Collective Agreement, the superior provision shall prevail.

ARTICLE 27 **TERM OF THE COLLECTIVE AGREEMENT**

Effective Date

27.01 The term of this Collective Agreement shall be from the date of Ratification to December 31st, 2020, and shall continue from year to year upon the expiration of the term unless either party gives to the other party notice in writing of thirty (30) to ninety (90) days prior to the expiration date in each year that it desires its termination or amendment.

APPENDIX 1 - INCOME PROTECTION PLAN

ARTICLE 5 – PROVISION FOR SICK LEAVE CREDITS

Maternity/Parental Leave

- 5.06 Where an eligible employee is absent due to maternity and/or parental leave effective on confirmation by the Canada Employment Insurance Commission (receipt by the employee's employment insurance cheque stub will service as proof that the employee is in receipt of unemployment benefits) the maternity and/or parental leave may be supplemented to one hundred (100%) percent by using accumulated sick leave gratuity credits, accumulated overtime hours, unused vacation on leave, or floating holidays by agreement of the employer.

APPENDIX 2 SALARY SCHEDULE AND WAGE RATES

GROUP	CLASSIFICATION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
11	1. Planner					
10	1. Building Inspector/By-Law Officer 2. Economic Development Officer					
9	1. Fire Prevention Officer					
8	1. By-Law /Property Standards Officer 2. Fire Training Officer 3. Engineering Technician					
7	1. Head Mechanic					
6	1. Works Clerk 2. Mechanic/Heavy Equipment Operator 3. Accounting Clerk 4. Maintenance Technician/Tradesman 5. Provincial Offences Clerk					
5	1. Heavy Equipment Operator 2. Water/Sewer Maintenance Person 3. Administrative Assistant 4. Aquatics/Youth Programmer					
4	1. Equipment Operator/ Labourer 2. Maintenance Technician 3. Arena/Parks Attendant					
3	1. Receptionist					
2	1. Custodian					
1*	1. Desk Attendant Pool & Fitness Centre 2. Crossing Guard 3. Life Guard 4. Temporary Arena/Parks Attendant 5. Temporary Cemetery Worker 6. Temporary Equipment Operator/Labourer 7. Part Time Court Reporter 8. Aqua Fitness/Cardio Program Instructor					

**LETTER OF UNDERSTANDING
BETWEEN:**

**THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
(hereinafter referred to as “the Employer”)**

-and-

**THE CANADIAN UNION OF PUBLIC EMPLOYEES AND ITS LOCAL 5014
(hereinafter referred to as “the Union”)**

RE: ARTICLE 21 – CLASSIFICATIONS, WAGE RATES AND WAGE ADJUSTMENTS

The Employer and the Union confirm the following mutual understanding:

1. Notwithstanding the provisions of Article 21 the wage rates and wage adjustments applicable to Appendix 2 Group “1” shall be governed by this Letter of Understanding.
2. Employees in Group “1” will not be placed on the Wage Grid and are not subject to the five (5) Steps there under.
3. The following wage rates shall apply effective the first full pay period commencing on or after the date of Ratification.
 - Desk Attendant Pool & Fitness Centre - Minimum wage
 - Crossing Guard -\$15.50/hr
 - Lifeguard -\$16.50/hr
 - Aqua Fitness/Cardio Rehab Program Instructor - \$17.50/hr
 - Temporary Arena/Parks Attendant - Step 1 of Group 4
 - Temporary Cemetery Worker - Step 1 of Group 4
 - Temporary Equipment Operator/Labourer -Step 1 of Group 4
 - Part Time Court Reporter – Step 1 of Group 6
4. The following wage rates shall apply effective the first full pay period commencing on or after January 1, 2019.
 - Desk Attendant Pool & Fitness Centre - Minimum wage
 - Crossing Guard – \$16.50/hr
 - Lifeguard - \$17.50/hr
 - Aqua Fitness/Cardio Rehab Program Instructor - \$18.50/hr
 - Temporary Arena/Parks Attendant - Step 1 of Group 4
 - Temporary Cemetery Worker - Step 1 of Group 4
 - Temporary Equipment Operator/Labourer - Step 1 of Group 4
 - Part Time Court Reporter – Step 1 of Group 6

5. The following wage rates shall apply effective the first full pay period commencing on or after January 1, 2020.

- Desk Attendant Pool & Fitness Centre - Minimum wage
- Crossing Guard - \$16.50/hr
- Lifeguard - \$17.50/hr
- Aqua Fitness/Cardio Rehab Program Instructor - \$18.50/hr
- Temporary Arena/Parks Attendant - Step 1 of Group 4
- Temporary Cemetery Worker - Step 1 of Group 4
- Temporary Equipment Operator/Labourer - Step 1 of Group 4
- Part Time Court Reporter – Step 1 of Group 6

Subject: Management Agreement (2018-2020)

Report No.: CS-045-2017

Agenda Date: December 19, 2017

Attachments

Appendix 1: Draft Agreement

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CS-045-2017; and
2. That Council directs staff to prepare the necessary by-law to enter into an Agreement with its Management/Non-Unionized staff for the period covering January 1, 2018 to December 31, 2020 for consideration at the December 19, 2017 Regular Council meeting.

Background/Analysis:

The current agreement between the City and its Management/Non-Union staff (By-law 2015-041) expires on December 31, 2017.

The Corporate Services Committee met with Management representatives on November 13, 2017 and again on December 8, 2017.

The Management/Non-Union group is comprised of 17 members plus the City Manager.

The following is a summary of the "*Agreed Upon Items*":

1. Wage Increases: Wages will increase by \$1,250 per employee for each year of the Agreement.
2. Pool/Fitness Centre Membership: Spouses and dependents will now be added to receive a 100% discount on a Pool/Fitness Centre Membership.
3. Benefits: Eyeglasses and Contact Lenses will increase from \$400 every 2 years to \$450 every two years; eye examinations will increase from \$35 every two years to \$85 every two years; a cap on Life Insurance of \$70,000 will be implemented (under the previous agreement Life Insurance was 200% of an employee's earnings).
4. Maternity/Paternity Leave: Staff will now be able to use accumulated sick leave, vacation, overtime or floating holidays to supplement maternity/parental leave.

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 ☐

In determining the increase of \$1,250 per year, the Corporate Services Committee utilized a 1.49% increase in the overall Management/Non-Union wages. Instead of increasing the rate of pay across the board by 1.49%, the Committee decided to divide the overall increase over the number of employees to determine the \$1,250 amount:

2017 Wages = \$1,425,938

2017 Wages X 3 years = \$4,277,814

\$4,277,814 X 1.49% = \$ 63,750

\$63,750 ÷ 17 employees = \$ 3,750 (\$1,250 for each year of the agreement)

A savings of approximately \$10,000 per year will be realized as a result of the cap on Life Insurance Benefits.

The following is a summary of the financial impact of the New Agreement with Management/Non-Union staff:

COLLECTIVE AGREEMENT (2018-2020)	<u>2018</u>	<u>2019</u>	<u>2020</u>	TOTAL
Life Insurance \$70 Cap	-\$10,000	-\$10,000	-\$10,000	-\$30,000
Wages (1.49%)	\$25,245	\$25,207	\$25,195	\$75,647
TOTAL	\$15,245	\$15,207	\$15,195	\$45,647

The Corporate Services Committee also discussed the City Manager's position at their December 8, 2017 meeting and have recommended that the City Manager also receive an annual increase of \$1,250 for 2018, 2019 and 2020.

Submission

Prepared by:

"Original signed by"

 Christopher W. Oslund
 City Manager

The Corporation of the City of Temiskaming Shores

By-law No. 2017-XXX

**Being a by-law to authorize the entering into an Agreement
between The Corporation of the City of Temiskaming Shores
and the Management / Non-Union Employees of 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 it is the desire of both parties to this Agreement:

- 1) To maintain and improve the harmonious relations and settled conditions of employment between the Employer, its employees;
- 2) To recognize the mutual value of joint discussions and negotiations in all matters pertaining to work conditions, employment, services, etc.
- 3) To encourage efficiency in operation; and
- 4) To promote the morale, well-being and security of all the employees.

And whereas it is deemed desirable to enter into an Agreement with the Management/Non-Union Employees of the City of Temiskaming Shores for the period of January 1, 2018 to December 31, 2020;

Now therefore the Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That the Mayor and the Chairman of Corporate Services be authorized to execute an Agreement with the Management / Non-Union employees of the City of Temiskaming Shores outlining wages and benefits for the period covering 2018-2020, a copy of which is attached hereto as Schedule "A" and forms part of this by-law.

Read a first, second and third time and finally passed this 19th day of December, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen

Schedule "A" to

By-law No. 2017-XXX

Agreement between

The Corporation of the City of Temiskaming Shores

And

**Management / Non-Union Employees of
the City of Temiskaming Shores**

Effective Dates:

January 1, 2018 to December 31, 2020

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Preamble

Whereas it is the desire of both parties:

- 1) To maintain and improve the harmonious relations and settled conditions of employment between the Employer and its management/non union employees.
- 2) To encourage efficiency in operation.
- 3) To promote the morale, well-being and security of all employees.

Now therefore, the Parties agree as follows:

Section 1: Scope and Recognition

This agreement shall apply to all management/non-union, permanent, full time employees of the City of Temiskaming Shores.

Section 2: Definitions

2.01 Full Time Employee

A Full-Time Employee shall be defined to mean an employee who is regularly scheduled to work thirty five (35) or forty (40) hours per week.

2.02 Continuous Employment

Means unbroken service commencing on the first day of employment as a Permanent Employee in the employ of the Employer or its predecessor municipalities.

2.03 Probationary Employees

A Probationary Employee shall be defined to mean an employee employed in the service of the Employer during the Probationary Period.

2.04 Permanent Employee

A Permanent Employee shall be defined to mean an employee employed in the service of the Employer who has successfully completed the Probationary Period.

Section 3: Hours of Work

3.01 Normal Hours of Work

The normal hours of work are as follows:

(a) **Administrative Employees**

- 8:30 a.m. – 4:30 p.m. with a one (1) hour unpaid meal period, worked Monday to Friday.

(b) **Public Works Employees**

- 6:30 a.m. – 3:00 p.m. with a thirty (30) minute unpaid meal period worked Monday to Friday.

(c) **Recreation Employees**

- Parks/Facilities Operations - 7:30 a.m. – 4:00 p.m. with a thirty (30) minute unpaid meal period worked Monday to Friday.
- Programming Operations 7:30 a.m. – 4:30 p.m. with a one hour unpaid meal period worked Monday to Friday.

Section 4: Supplementary Hours of Work

4.01 Supplementary Hours Defined

Supplementary Hours shall mean all hours worked in excess of an employee's regular hours of work at the approval of the Supervisor. Supplementary hours will not include hours worked at Regular Meetings of Council or travel time.

4.02 Banking of Supplementary Hours

An employee shall be able to bank a maximum of thirty five (35) or forty (40) hours of time off in lieu, dependent upon the Employee's normal hours of work, at the rate of one (1) hour banked for each hour worked.

Taking banked in lieu time off must be approved by the Supervisor and will only be allowed when it is operationally possible. Any such banked time off in lieu must be taken by December 31st of each year it is earned.

There shall be no cash value, pay out or carry over for Supplementary Hours.

Section 5: Holidays

The following Holiday Pay provisions apply to all employees:

List of Holidays

The Employer recognizes the following as paid holidays:

New Year's Day	Canada Day (July 1st)
Family Day	Civic Holiday
Labour Day	Good Friday

Thanksgiving Day

Boxing Day

Easter Monday

Christmas Day

Queen's Birthday

Remembrance Day (if a regularly scheduled work day for the employee)

Floaters

All employees shall be entitled to two (2) floating days off with pay to be taken on a day mutually agreed upon between the Supervisor and the Employee.

Section 6: Vacation

6.01 Vacation Pay Year for Calculation

The “vacation pay year” shall be defined as January 1 to December 31. Vacation entitlements shall be calculated as at December 31 of each calendar year”.

6.02 Length of Vacation

Employees shall be entitled to vacation and payment for same according to the following schedule:

Less than one (1) year of service	1 day per month to a maximum of 10 days
One (1) year of service	2 weeks
Three (3) years of service	3 weeks
Five (5) years of service	4 weeks
Ten (10) years of service	5 weeks
Twenty (20) years of service	6 weeks
Twenty-five (25) years of service	6 weeks plus 1 day for each additional year over 25 up to a maximum of 5 days

6.03 No Vacation Carry Over

Employees shall not be allowed to carry over vacation time from one year to the next unless permission to do so is granted by the City Manager.

Section 7: Leave of Absence

7.01 General Leave

The City Manager may grant leave of absence for up to a maximum of six (6) months without pay or benefits to any Permanent Employee requesting such leave of absence for valid personal reasons. Subject to the applicable terms of applicable group benefit plans employees may choose to pay in advance for both the employer and employee cost for all applicable employee benefits while on such leave. Advance notice of the request shall be given with such request to be in writing and approved by the City Manager. Such general leave may be denied by the City Manager, acting reasonably, for operational or employee morale issues.

7.02 Bereavement Leave

- a) In the event of death of an employee's current spouse (including same sex or common-law spouse) or child, parent, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, then, the Employee shall be entitled to leave of absence without loss of pay for five (5) working days for the purposes of making funeral arrangements, attending the funeral or attending to related estate matters.
- b) In the event of death of an employee's brother-in-law, or sister-in-law, aunt, uncle, niece, nephew, then, the Employee shall be entitled to leave of absence without loss of pay two (2) working days for the purposes of making funeral arrangements, attending the funeral or attending to related estate matters.
- c) Additional bereavement leave without pay may be granted by the City Manager at their sole discretion.

7.03 Medical Emergency Leave

Employees shall be allowed to utilize their accumulated sick leave to attend to the medical attention of a member of the Employee's immediate family or to attend personal medical appointments. Such leave request is to be approved by the Supervisor. Immediate family shall mean: current spouse, son, daughter, mother, father, mother-in-law, father-in-law, brother, sister, grandparent and grandchild. Employees will provide as much notice as possible of such requests.

7.04 Jury and Witness Duty Leave

Employees subpoenaed to act as Jurors or Crown Witnesses in criminal or civil court or at a Coroner's Inquest shall be granted a leave of absence with pay for such purpose. Any pay received from the Crown for such service shall be turned in to the Employer.

7.05 Voting Leave

The Employer will comply with applicable legislation related to afford employees the

required clear time off with pay prior to the poll closing in Federal, Provincial and Municipal elections.

7.06 Pregnancy, Parental and Adoption Leave

Pregnancy leave, Parental leave and adoption leave shall be granted in accordance with the *Employment Standards Act*.

Section 8: Payment of Wages and Allowances

8.01 Increments

- a) Where there are minimum and maximum salary ranges, employees shall progress from minimum to maximum salary by annual increments as provided for in (c) below.
- b) Increments are planned for the anniversary date of when an employee entered a position.
- c) Increments are awarded on the basis of merit. The Supervisor will rate each employee on job performance prior to the anniversary date of when an employee entered a position. If a job performance rating is not conducted prior to this anniversary date then the Employee may request that the performance rating be done. Increments received shall be retroactive to the Employee's anniversary date.

8.02 Membership – Waterfront Pool Fitness Centre

All employees, their spouses and dependents will receive a 100% discount on a full individual membership to the Waterfront Pool Fitness Centre. Membership is non-transferable and has no cash value.

8.03 Educational Allowance

The Employer shall pay the full costs of any course of instruction required by the Employer or any level of government to better qualify himself/herself to perform the Employee's job.

Section 9: Expense and Mileage Allowances

9.01 Expense Allowance

An employee who through the performance of their duties incurs an expense shall be reimbursed as established by the Expense Allowance Policy.

Section 10: Safety Footwear and Clothing Allowances

All employees required to wear safety footwear shall be entitled to an amount of up to one hundred and sixty dollars (\$160) annually toward the purchase of safety footwear. The Employee may claim for more than one pair of boots per year providing the total does not exceed one hundred and sixty dollars (\$160) per year. The payment(s) will be made to reimburse the Employee upon production of a purchase receipt(s).

Section 11: Pension Plan (O.M.E.R.S.)

In addition to the Canada Pension Plan, all eligible employees shall join the Ontario Municipal Employees Retirement System (O.M.E.R.S.). The Employer and the Employees shall make contributions in accordance with the provisions of the plan.

Section 12: Employee Benefits

The Employer agrees that during the term of this Agreement it will pay the portion of the premiums required for the Group Benefit Plan- Temiskaming Shores – Municipal Employees as set out in Appendix 3 which is attached hereto and forms a part of this Agreement, for all active Permanent Full Time Employees and their dependents as set out therein. The Employer is not the insurer. All Benefits are subject to the terms of the applicable plans. Any dispute about entitlements is between the Employee and the insurance company.

The Employer agrees that, except as noted below, benefits during the life of the Agreement shall be unchanged:

“Glasses and Contact Lenses \$450 every 24 months”

“Eye Examination \$85 every 24 months”

“Employee Basic Life Insurance of \$70,000 reducing to \$50,000 at age 65”

Section 13: Employee Wages

13.01 Wages

Appendix “02” attached hereto shall form part of this Agreement.

13.02 Wage Increases in Future Contract Years

- a) Wage increases for 2018, 2019 and 2020 shall be \$1,250 per year per non-union/management employee.

Section 14: Execution

In witness whereof the parties have executed this Agreement the day and year first above written.

Signed and Sealed in
the presence of

Management / Non-Union Employees of the City of Temiskaming Shores

Kelly Conlin
Management Representative

G. Douglas Walsh
Management Representative

Laura-Lee MacLeod
Management Representative

Paul Allair
Management Representative

Corporation of the City of Temiskaming Shores

Municipal Seal

Mayor – Carman Kidd

Corporate Services Chairman – Jeff Laferriere

Appendix 01

Income Protection Plan

Section 1 – Definitions

That in the plan:

- a) **Council** means the council of the Corporation of the City of Temiskaming Shores, and “Municipality” means the Corporation of the City of Temiskaming Shores.
- b) **Income Protection Plan** means the combination of the Municipality’s sick leave gratuity plan for employees and the weekly indemnity income protection plan (short-term disability) and the long-term income protection plan (long term disability) as provided for by the Employer’s contract with an insurance company. The Employer is responsible for the provision of the sick leave gratuity plan and for the arrangement of a contract to provide benefits; but the final terms of the Income Protection Plan will be found in the master contract as the governing document.
- c) **Pay** means the basic hours worked per day, multiplied by the Employee’s standard rate per hour.
- d) **Day** shall mean a calendar day which includes the normal number of hours of work per day, “Work Week” shall mean the normal number of hours of work per week, “Month” shall mean a calendar month and “Year” shall mean a calendar year.
- e) **Regular attendance** means for any month the attendance of an employee at his/her duties on the days and hours for which his/her attendance is required during that month according to the terms of his/her employment.
- f) **Short Term Disability (STD)** is defined as a period of disability resulting from illness or injury as determined by a qualified Medical Practitioner, which prevents an employee from attending his/her regular work, and which extends for a period of not more than seventeen (17) weeks. A Medical Certificate is required by the insurer for each period of absence lasting three (3) or more days and as requested by the City Manager.
- g) **Long Term Disability (LTD)** is defined as a period of disability resulting from illness or injury as determined by a qualified Medical Practitioner, which prevents an employee from attending work and begins after the seventeen (17) weeks short term disability report.

Section 2 – Introduction

This Plan is designed to provide Permanent Full Time Employees within the meaning of the Agreement (“Eligible Employees”) with an indemnity against the loss of income if he/she cannot perform his/her normal duties due to a an illness or injury. This Plan is not intended to duplicate or replace any Workers’ Compensation benefits. An Eligible Employee will be paid while he/she is disabled, until the earliest of the following dates, as applicable:

1. the date the Eligible Employee returns to work; or
2. the date the Eligible Employee exhausts his/her entitlements under applicable insured coverage.

Section 3 – Sick Leave Credit Gratuity

- 3.01 A plan of sick leave credit gratuities is hereby established for every Eligible Employee. The conduct and management of the plan shall be vested with the Human Resources Department.
- 3.02 The Director of Corporate Services shall perform all the administrative responsibilities necessary or incidental to the due carrying on of the sick leave credit gratuities plan, including the power to allow or disallow any sick leave credit or sick leave absence for any Eligible Employee.
- 3.03 The Director of Corporate Services shall provide and keep a register in which all sick leave credit and sick leave absences for every Eligible Employee shall be recorded, so that the register will show the net sick leave credit of every Eligible Employee which remains after all his/her sick leave absences have been deducted from his/her accumulated sick leave credit.

Section 4 – Provision for Sick Leave Credits

- 4.01 Each Eligible Employee shall be entitled to nine (9) sick leave credit days commencing January 1 in each calendar year.
- 4.02 Where an Eligible Employee is unable to perform his/her normal duties due to personal illness or injury, the sick leave credit gratuity plan will pay the Eligible Employee full pay for up to the first nine (9) days of absence. An Eligible Employee may utilize additional sick leave credits from the sick leave bank, accrued vacation entitlements, and any supplemental hours. For the weekly indemnity income protection plan (short term disability) the plan will pay the Eligible Employee seventy five (75%) per cent of his/her normal pay for a period of seventeen (17) weeks. Provision for long-term disability will be in accordance with the policy in effect with the Municipality’s insurance carrier. The short term disability income protection plan and the long term disability plan may be

supplemented to one hundred (100%) per cent by using accumulated sick leave gratuity credits, accumulated overtime hours, unused vacation leave, or floating holidays by agreement of the Employer.

- 4.03 Subject to the concurrence of the Eligible Employee utilizing the income protection plan, the Employer proposes to maintain one hundred per cent (100%) of the Eligible Employee's earnings so long as a sick leave credit is available. The Eligible Employee is required to endorse and turn over to the Employer all benefits received from the third party insurer.
- 4.04 Where an Eligible Employee is absent due to an accident which occurred while in the performance of his/her duties for Employer and is in receipt of Workers' Compensation benefits, and requests the Municipality to make up the difference between the amount of Workers' Compensation benefits being paid and his/her total salary, then, such difference shall be charged against accumulated sick leave credits.
- 4.05 **Illness in the family - care and nurturing**
1. An Eligible Employee shall be entitled with the prior approval of his/her Supervisor, to use up to five (5) sick leave days per year to care for a family member who is ill.
 2. Alternatively, an Eligible Employee may, upon approval by the City Manager arrange temporary flexible work scheduling to care for a family member who is ill.
- 4.06 Where an eligible employee is absent due to maternity and/or parental leave effective on confirmation by the Canada Employment Insurance Commission (receipt by the employee's employment insurance cheque stub will serviced as proof that the employee is in receipt of unemployment benefits) the maternity and/or parental leave may be supplemented to one hundred percent (100 %) by using accumulated sick leave gratuity credits, accumulated overtime hours, unused vacation on leave, or floating holidays by agreement of the employer.
- 4.06 Absences of one-half (1/2) day or less due to accident or illness shall not be deducted and absences for more than one half (1/2) a day, but less than a full day, shall be deducted as one-half (1/2) day.

Section 5 – Sick Time Entitlement Carry Over

- 5.01 In the final month of the calendar year, an Eligible Employee's unused sick leave entitlements will be transferred to the next calendar year.

Medical Examination

- 5.02 The Employer may refer an employee seeking any medical right or benefit or seeking any dispensation or consideration on medical grounds, to a physician selected by it for confirmation of the medical claim. Where accommodation is

required in regard to the Employees condition the Employer may require of the physician a report as to what accommodation would be appropriate, in which case the Employer shall reimburse the Employee for the cost of such Physician's Medical Certificate upon presentation of a receipt for such payment.

Section 6 – Payment of Extended Fringe Benefits

- 6.01 Where an Eligible Employee is absent from work due to illness (compensable injury or non-compensable injury) the Employer will continue to pay fringe benefit costs, including Health, Dental, Extended Medical Benefits, Life Insurance, etc. and any other applicable benefits negotiated for a period of no longer than thirty six (36) consecutive months. Where required, payroll deductions for pension purposes will continue to be made from disability pay.

Appendix 02
Salary Schedule and Wage Rates for 2018

Position	Group	Step 1	Step 2	Step 3	Step 4	Step 5
City Manager	8	\$129,600	\$133,450	\$137,415	\$141,500	\$145,700
Director of Public Works	7	\$104,885	\$107,995	\$111,200	\$114,500	\$117,895
Director of Corporate Services	6	\$88,645	\$91,250	\$93,950	\$96,750	\$99,615
Director of Recreation	6	\$88,645	\$91,250	\$93,950	\$96,750	\$99,615
Treasurer	5	\$81,225	\$83,625	\$86,100	\$88,645	\$91,270
Clerk	5	\$81,225	\$83,625	\$86,100	\$88,645	\$91,270
Technical and Environmental Compliance Coordinator	5	\$81,225	\$83,625	\$86,100	\$88,645	\$91,270
Chief Building Official	4	\$76,635	\$78,900	\$81,225	\$83,625	\$86,100
Manager of Physical Assets	4	\$76,635	\$78,900	\$81,225	\$83,625	\$86,100
Manager of Court Services	4	\$76,635	\$78,900	\$81,225	\$83,625	\$86,100
Chief Fire Official	4	\$76,635	\$78,900	\$81,225	\$83,625	\$86,100
Environmental Services Superintendent	3	\$66,625	\$68,590	\$70,610	\$72,690	\$74,835
Transportation Services Superintendent	3	\$66,625	\$68,590	\$70,610	\$72,690	\$74,835
Parks and Facilities Superintendent	3	\$66,625	\$68,590	\$70,610	\$72,690	\$74,835
Programming Superintendent	3	\$66,625	\$68,590	\$70,610	\$72,690	\$74,835
Information Technology Administrator	3	\$66,625	\$68,590	\$70,610	\$72,690	\$74,835
Executive Assistant	2	\$56,000	\$57,645	\$59,335	\$61,080	\$62,875

Appendix 03
Salary Schedule and Wage Rates for 2019

Position	Group	Step 1	Step 2	Step 3	Step 4	Step 5
City Manager	8	\$130,850	\$134,700	\$138,665	\$142,750	\$146,950
Director of Public Works	7	\$106,135	\$109,245	\$112,450	\$115,750	\$119,145
Director of Corporate Services	6	\$89,895	\$92,500	\$95,200	\$98,000	\$100,865
Director of Recreation	6	\$89,895	\$92,500	\$95,200	\$98,000	\$100,865
Treasurer	5	\$82,475	\$84,875	\$87,350	\$89,895	\$92,520
Clerk	5	\$82,475	\$84,875	\$87,350	\$89,895	\$92,520
Technical and Environmental Compliance Coordinator	5	\$82,475	\$84,875	\$87,350	\$89,895	\$92,520
Chief Building Official	4	\$77,885	\$80,150	\$82,475	\$84,875	\$87,350
Manager of Physical Assets	4	\$77,885	\$80,150	\$82,475	\$84,875	\$87,350
Manager of Court Services	4	\$77,885	\$80,150	\$82,475	\$84,875	\$87,350
Chief Fire Official	4	\$77,885	\$80,150	\$82,475	\$84,875	\$87,350
Environmental Services Superintendent	3	\$67,875	\$69,840	\$71,860	\$73,940	\$76,085
Transportation Services Superintendent	3	\$67,875	\$69,840	\$71,860	\$73,940	\$76,085
Parks and Facilities Superintendent	3	\$67,875	\$69,840	\$71,860	\$73,940	\$76,085
Programming Superintendent	3	\$67,875	\$69,840	\$71,860	\$73,940	\$76,085
Information Technology Administrator	3	\$67,875	\$69,840	\$71,860	\$73,940	\$76,085
Executive Assistant	2	\$57,250	\$58,895	\$60,585	\$62,330	\$64,125

Appendix 04
Salary Schedule and Wage Rates for 2020

Position	Group	Step 1	Step 2	Step 3	Step 4	Step 5
City Manager	8	\$132,100	\$135,950	\$139,915	\$144,000	\$148,200
Director of Public Works	7	\$107,385	\$110,495	\$113,700	\$117,000	\$120,395
Director of Corporate Services	6	\$91,145	\$93,750	\$96,450	\$99,250	\$102,115
Director of Recreation	6	\$91,145	\$93,750	\$96,450	\$99,250	\$102,115
Treasurer	5	\$83,725	\$86,125	\$88,600	\$91,145	\$93,770
Clerk	5	\$83,725	\$86,125	\$88,600	\$91,145	\$93,770
Technical and Environmental Compliance Coordinator	5	\$83,725	\$86,125	\$88,600	\$91,145	\$93,770
Chief Building Official	4	\$79,135	\$81,400	\$83,725	\$86,125	\$88,600
Manager of Physical Assets	4	\$79,135	\$81,400	\$83,725	\$86,125	\$88,600
Manager of Court Services	4	\$79,135	\$81,400	\$83,725	\$86,125	\$88,600
Chief Fire Official	4	\$79,135	\$81,400	\$83,725	\$86,125	\$88,600
Environmental Services Superintendent	3	\$69,125	\$71,090	\$73,110	\$75,190	\$77,335
Transportation Services Superintendent	3	\$69,125	\$71,090	\$73,110	\$75,190	\$77,335
Parks and Facilities Superintendent	3	\$69,125	\$71,090	\$73,110	\$75,190	\$77,335
Programming Superintendent	3	\$69,125	\$71,090	\$73,110	\$75,190	\$77,335
Information Technology Administrator	3	\$69,125	\$71,090	\$73,110	\$75,190	\$77,335
Executive Assistant	2	\$58,500	\$60,145	\$61,835	\$63,580	\$65,375



**Appendix 05 to
Schedule “A” to
By-law No. 2017-XXX
Group Benefit Plan**

Subject: Annual Review of Health
and Safety Policy (2018)

Report No.: CS-046-2017
Agenda Date: December 19, 2017

Attachments

Appendix 01: Joint Health and Safety Policy and Program

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CS-046-2017;
2. That Council confirms it has reviewed the City of Temiskaming Shores Health and Safety Policy and Guidelines for the Structure and Function of the Joint Health and Safety Committee in accordance with the Occupational Health and Safety Act; and
3. That Council acknowledges that the TSJHSC will continue to operate under the requirements of the Occupational Health and Safety Act.

Background

In accordance with the Occupational Health and Safety Act, an employer must prepare and review at least annually a written occupational health and safety policy and develop and maintain a program to implement that policy. The policy and program must be posted in the workplace.

Analysis

The City of Temiskaming Shores' Health and Safety Policy and Program were last reviewed by Council in December 2016. In order for the Municipality to remain in compliance with the Occupational Health and Safety Act, the Policy and Program must be reviewed and adopted at least annually. The Health and Safety Policy and Program has also been circulated to the Joint Health and Safety Committees.

The Health and Safety Policy and Program of the Joint Health and Safety Committee is attached as Appendix 1. The City will continue to operate with multiple committees and under the requirements of the Occupational Health and Safety Act.

Financial / Staffing Implications

This item has been approved in the current budget: Yes ☐ No ☐ N/A ☒

This item is within the approved budget amount: Yes ☐ No ☐ N/A ☒

Alternatives

No alternatives were considered.

Submission

Prepared by:

“Original signed by”

Kelly Conlin
Director of Corporate Services (A)

Reviewed and submitted for
Council’s consideration by:

“Original signed by”

Christopher W. Oslund
City Manager

The Corporation of the City of Temiskaming Shores

By-law No. 2017-XXX

**Being a by-law to amend By-law No. 2004-034, as
amended being a by-law for the adoption of a Health and
Safety Policy and Guidelines for the Structure and
Function of the Joint Health and Safety Committees**

And 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 the Council of The Corporation of the City of Temiskaming Shores adopted By-law No. 2004-034 adopting a Health and Safety Policy and a Guideline for Structure and Function of a Joint Health and Safety Committee;

And whereas in order to comply with the Occupational Health and Safety Act the Council of The Corporation of the City of Temiskaming Shores must review and adopt a Health and Safety Policy and Guidelines for the Structure and Function of the Joint Health and Safety Committees for the City of Temiskaming Shores on a yearly basis;

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Schedules "A" being the Health and Safety Policy and Schedule "B" being the Guidelines for the Structure and Function of the Joint Health and Safety Committees to By-law No. 2004-034 as amended, be removed and replaced by Schedule "A" - Health and Safety Policy and Schedule "B" – Guidelines for the Structure and Function of the Joint Health and Safety Committees, attached hereto and forming part of this by-law;
2. That By-law No. 2013-008 amending By-law No. 2004-034, as amended, is hereby repealed;
3. That this by-law shall come into force and effect upon its passing;
4. 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 19th day of December 2017.

Mayor – Carman Kidd

Clerk – David B. Treen



Health and Safety Policy

The Council of The City of Temiskaming Shores is committed to protecting its employees, property and general public from harm and loss in the workplace. And while this policy statement is a requirement of the Occupation Health and Safety Act it does not lessen their commitment and dedication to a safe working environment.

All employees, whatever their position, are encouraged to exercise their legal responsibility to report any hazard/substandard condition immediately, so that corrective action may be taken.

Supervisors will be held accountable for the health and safety of workers under their supervision. Supervisors are responsible to ensure that machinery and equipment are safe and that employees under their supervision comply with established safe work practices and procedures and receive adequate training in their specific work tasks in compliance with Health and Safety regulations.

Every worker must protect his/her own health and safety by observing safe work practices and procedures, reporting unsafe work conditions and be willing to get the training necessary to perform their duties. Workers are, by having safe work ethics, the main contributors towards their own safety and that of their fellow workers.

The Council of The City of Temiskaming Shores through the forming of a Health and Safety Committee has established health and safety policies and guidelines. Having all parties committed to health and safety is in the best interest of everyone.

Commitment to health and safety shall form an integral part of this organization from Council, City Manager and Workers through to the newly hired employee.



***GUIDELINES FOR THE
STRUCTURE AND FUNCTION OF THE
JOINT HEALTH AND SAFETY COMMITTEES***

AS AGREED UPON BETWEEN

EMPLOYER

AND

WORKER

December 19, 2017

**CITY OF TEMISKAMING SHORES
JOINT HEALTH AND SAFETY COMMITTEES
2017**

PREAMBLE

1. It is a requirement of the Occupational Health and Safety Act to establish a policy which encourages the active participation of all employees in the prevention of accidents and the promotion of health and safety in the workplace.
2. Through joint education programs, joint investigations of situations and joint resolution of situations, the workplace will become safer and healthier for all employees.
3. The City of Temiskaming Shores and its employees have established Joint Health and Safety Committees under the Occupational Health and Safety Act and have reached an understanding as to the guidelines for the composition, practice and procedure thereof.
4. The parties acknowledge that a Joint Health and Safety Program can only be successful where everyone in the workplace is committed to these responsibilities. Therefore, the parties undertake to co-operate in ensuring that these guidelines and the full intent of the Occupational Health and Safety Act will be carried out by their respective organizations.
5. The parties hereto adopt these guidelines in good faith and agree to promote and assist the Joint Health and Safety Committees and its members by providing such information, training and assistance as may reasonably be required for the purpose of carrying out their responsibilities.

FOR THE EMPLOYER

City Manager

FOR THE WORKERS

Health & Safety Committee
Secretary

1. STRUCTURE OF COMMITTEE

- 1.1 A TSJHS Committee will be formed at a workplace at which twenty or more workers are regularly employed and will consist of at least two persons where at least half the members of a committee shall be workers employed at the workplace who do not exercise managerial functions.
- 1.2 The TSJHS Committees shall endeavor to meet on a monthly basis, but not less than quarterly, as decided upon by the Committee members. The co-chairpersons may call special meetings when deemed necessary.
- 1.3 There shall be two (2) co-chairpersons, one (1) from the employer and one (1) from the workers; who shall alternate the chair at meetings.
- 1.4 A co-chairperson may, with the consent and approval of his/her counterpart, invite any additional person(s) to attend the meeting to provide additional information and comment, but they shall not participate in the regular business of the meeting.

2. FUNCTIONS OF JHSC

- 2.1 To attain the spirit of the Occupational Health and Safety Act, the functions of the TSJHS Committees shall be:
 - (a) To identify, evaluate and make recommendations to resolve matters pertaining to the health and safety in the workplace to appropriate senior management.
 - (b) To encourage education and training programs in order that all employees are knowledgeable in their rights, restrictions, responsibilities and duties under the Occupational Health and Safety Act.
 - (c) The TSJHS Committees will address matters related to Designated Substance Regulations and WHMIS where applicable.
 - (d) To deal with any health and safety matter that the TSJHS Committees deem appropriate.

Inspections

- 2.2 A minimum of two (2) employees, at least one being certified, as appointed by the TSJHS Committees, shall perform workplace inspections.
- 2.3 All health and safety concerns raised during the physical inspection will be recorded and prioritized on workplace inspection forms.

- 2.4 Workplace and follow-up inspections upon completion shall be distributed to the appropriate Division Head, for his/her review and comment, to the TSJHS Committees and to the City Manager within two (2) days. The appropriate Division Head will inform the TSJHS Committees of the status of the outstanding items by the next TSJHS Committees meeting.

Recommendations of the JHSC

- 2.5 The employer or his designate shall respond within twenty-one (21) days with regard to written or minuted TSJHS Committees recommendations. The written response shall indicate the employer's assessment of the TSJHS Committees recommendation and specify what action will, or will not (with explanations) be taken. Any proposed action by the employer shall include details of who will be responsible for such action and a proposed time frame.

Accidents and Accompaniment

- 2.6 The TSJHS Committees will designate two (2) members; at least one (1) being certified, to investigate all serious workplace accidents, and incidents that have the potential for a serious accident. The inspection team will be responsible for overseeing that the requirements prescribed in the O.H.S.A. are met.
- 2.7 The TSJHS Committees will designate two (2) members; at least one (1) being certified, to investigate work refusals, the City Manager and the Ministry of Labour will be informed in writing, the name(s) of the worker(s) so designated.
- 2.8 A TSJHS Committees member who represents workers shall be consulted concerning proposed workplace testing strategies related to industrial hygiene. A member of the TSJHS Committees shall be entitled to be present during such testing.

3. MINUTES OF MEETINGS

- 3.1 The TSJHS Committees will designate a secretary for the meetings, to take minutes and be responsible for having the minutes typed, circulated and filed within one (1) calendar week of the meeting, or as the TSJHS Committees may from time to time instruct. Minutes of the meeting will be reviewed and edited where necessary, by the co-chairpersons, then signed and circulated to all TSJHS Committees members, Department Heads and a copy forwarded to the City Manager. Agenda items will be identified by a reference number, and be readily available in a proper filing system.

4. QUORUM

- 4.1 The TSJHS Committees shall have a quorum of two (2) members present in order to conduct business. One co-chairperson must be present in order to conduct business. If a co-chairperson is absent, the other co-chairperson will chair the meeting. The number of employer members shall not be greater than the number of worker members.

5. PAYMENT FOR ATTENDANCE AT MEETINGS

- 5.1 As per the Collective Agreement between the City of Temiskaming Shores and the CUPE Local 5014.

6. MEETING AGENDA

- 6.1 The co-chairpersons will prepare an agenda and forward a copy of the agenda to all TSJHS Committees members at least two days in advance of the meeting.
- 6.2 The TSJHS Committees may accept any item as proper for discussion and resolution pertaining to health and safety. All items raised from the agenda in meetings will be dealt with on the basis of consensus rather than by voting. Formal motions will not be used.
- 6.3 All items are resolved or not will be reported in the minutes. Unresolved items will be minuted and placed on the agenda for the next meeting.

7. GENERAL

- 7.1 All employees will be encouraged to discuss their problems with their immediate supervisor before bringing it to the attention of the TSJHS Committees.
- 7.2 TSJHS Committees members will thoroughly investigate all complaints to get all the facts and will exchange these facts when searching for a resolution to the problem. All problem resolutions will be reported in the minutes.
- 7.3 Medical or trade secret information will be kept confidential by all TSJHS Committees members.
- 7.4 Any amendments, deletions or additions to these Guidelines must have the consensus of the total TSJHS Committees and shall be set out in writing and attached as an Appendix to these Guidelines and approved by Administration and/or Municipal Council.

- 7.5 **Please Note:** These guidelines provide a framework for an effective functioning TSJHS Committees. References can be made to the Occupational Health and Safety Act and its guidebook. Employer must prepare and review at least annually a written Occupational Health and Safety Policy, and must develop and maintain a program to implement that policy (Section 25(2)(j)). This should be accomplished in consultation with the TSJHS Committees.

Memo

To: Mayor and Council
From: Douglas Walsh, Director of Public Works
Date: December 19, 2017
Subject: Contract Change Order – STREETSCAN Canada ULC
Pavement Inspection and Management Services Project
Attachments: Appendix 01 – Contract Change Order #1 – STREETSCAN Canada ULC
Appendix 02 – Supporting Documentation

Mayor and Council:

At the Regular Council meeting held on September 5, 2017 Council approved entering into an agreement with STREETSCAN Canada ULC for pavement inspection and management services in the amount of \$62,192 plus applicable taxes.

The estimate used as the basis for, and included in, the Agreement assumed an existing inventory of paved roadways consisting of 158 kilometres. STREETSCAN provided unit prices where applicable to develop the proposal. Upon completion of the work a total of 174 lane kilometres of paved roadway were inspected (including the roadwork completed in 2017).

Based on the increase in work completed and the unit prices provided, an additional \$3,945 plus applicable taxes is required, bringing the total value of the Agreement to \$66,146 plus applicable taxes.

Funding provided by the Federation of Canadian Municipalities (FCM) *Municipal Asset Management Program (MAMP)* will reduce the Cities final cost of the project to \$16,392 plus applicable taxes or a total of \$16,680.50 (On July 11, 2017 Council confirmed a commitment of \$15,000 from the 2017 Budget towards the project through Resolution 2017-293).

Prepared by: _____ Reviewed and submitted for
Council's consideration by: _____

“Original signed by”

“Original signed by”

G. Douglas Walsh
Director of Public Works

Christopher W. Oslund
City Manager

Contract Change Order

Project Title: Street Scan Pavement Inspection **Change Order No.:** 001
Contractor/Consultant: STREETSCAN Canada ULC **Contract Value:** \$ 62,192.00 + tax
Project No.: PWO – 2017-001 **CO Value:** \$ 3,954.00 + tax
Date: December 19, 2017 **Current Contract Value:** \$66,146.00 + tax

Project Description

The City entered into an Agreement with STREETSCAN Canada ULC through By-law No. 2017-109 to perform pavement inspections and management services relating to asphalt surfaced roadways in the City of Temiskaming Shores on September 5, 2017. The original estimate and agreement was based on an estimated total of 158 lane kilometres of roadway.

Description of Contract Change Order

Following the completion of field scanning of all asphalt surfaced roadways in the City's inventory, (including those resurfaced in 2017) an actual total of 174 lane kilometres were completed. Based on the unit costs included in the Agreement, the final total of the project, including the additional measured and scanned roadways has increased by \$3,945.00 plus applicable taxes.

Attachments

No. 1 - Article 5 – Payments to STREETSCAN, Section 5.1 Fees: As taken from By-law 2017-109

No. 2 - STREETSCAN Invoice # ULC10001, dated 10/18/2017

No. 3 - STREETSCAN Invoice #ULC10005, dated 12/07/2017

Respectfully received by:

Reviewed and recommended for
approval by:

G. Douglas Walsh, CET
Director of Public Works

Christopher W. Oslund
City Manager

ARTICLE 5 - PAYMENTS TO STREETSCAN

- 5.1 Fees. For services performed under this AGREEMENT, the MUNICIPALITY agrees to pay STREETSCAN the total amount set forth in the chart below, subject to the revisions directed by paragraph 5.2, based on those services selected by the MUNICIPALITY as set forth in the below chart after review of the proposal:

Pricing Overview – LAS Pavement Management Service – July 2017

Data Collection & Processing	Unit Cost	158 Lane km (LITE)
ScanVan Data Collection	\$80	\$12,640
Data Processing	\$70	\$11,060
Enhanced Visualization Package	\$20	\$3,160
Pavement Markings (per 110 CL km)	\$100	\$11,000
Pedestrian Facilities (per 110 CL km)	\$60	\$6,600
Pavement Management Plan	Fixed	\$3,000
Travel Cost (discounts available)	Fixed	\$1,700
Data Collection & Processing Total		\$49,160
Software		
Annual Software License	Fixed	\$1,500
Annual Data Hosting & Support	\$18	\$2,844
Software One Year Subtotal		\$4,344
Software Total (x three year subscription)		\$13,032
Total		
Total Pavement Management Costs		\$62,192
FCM MAMP Grant		(\$49,754)
Total Cost Net FCM Grant		\$12,438

**STREETSCAN CANADA ULC**

722-111 Ch de la Pointe-Nord
Verdun, QC H3E0B3 Canada
Attn: Jon-Erik Dillon, CGO
514-497-7308

Corporation of the City of Temiskaming Shores
Doug Walsh
City Hall
325 Farr Drive P.O. Box 2050
Haileybury, ON P0J 1K0

Invoice number ULC10001
Date 10/18/2017
GST # 70540 3293
Terms Net 15
Project 2017-0015 CAN_ON_Temiskaming Shores

Description	Contract Amount	Prior Billed	Current Billed
Data Collection (174 Lane KM)	13,920.00		13,920.00
Data Processing (174 Lane KM)	12,180.00		12,180.00
Travel Cost (2 Muni. Discount Applied)	950.00		950.00
Sub Total	27,150.00		27,050.00
HST 13%	3,529.50		3,516.50
Total	30,679.50		30,566.50

Invoice total **\$30,679.50**

**STREETSCAN CANADA ULC**

722-111 Ch de la Pointe-Nord
Verdun, QC H3E0B3 Canada
Attn: Jon-Erik Dillon, CGO
514-497-7308

Corporation of the City of Temiskaming Shores
Doug Walsh
City Hall
325 Farr Drive P.O. Box 2050
Haileybury, ON P0J 1K0

Invoice number ULC10005
Date 12/07/2017
GST # 70540 3293
Terms Net 15
Project 2017-0015 CAN_ON_Temiskaming Shores

Description	Contract Amount	Prior Billed	Current Billed
Enhanced Visualization Package (174 Lane KM)	3,480.00		3,480.00
Pavement Markings (117 CL KM)	11,700.00		11,700.00
Pedestrian Facilities (117 CL KM)	7,020.00		7,020.00
Pavement Management Plan	3,000.00		3,000.00
3 Years Software License, Support & Data Hosting	13,896.00		13,896.00
	Sub Total	39,096.00	39,096.00
	HST 13%	5,082.48	5,082.48
	Total	44,178.48	44,178.48

Invoice total **\$44,178.48**

Subject: Contract Change Order – Amec - Landfill Expansion Project **Report No.:** PW-035-2017
Agenda Date: December 19, 2017

Attachments

Appendix 01: Amec Foster Wheeler Proposal

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. PW-035-2017, more particularly Appendix 01 - Amec Foster Wheeler Proposal for additional costs associated with the longer than proposed approval process as well as continuous turnover in Ministry of Environment personnel; and
2. That Council approves a Contract Change Order with Amec Foster Wheeler in the amount of \$ 81,639.62 plus applicable taxes.

Background

In 2010, Council approved entering into a contractual agreement with Amec Earth and Environmental (now named Amec Foster Wheeler), through By-law No. 2010-131, for work associated with the expansion of the New Liskeard Landfill Site.

Based on the *Environmental Assessment Act* and associated regulations, the development of a new landfill with a proposed capacity of greater than 100,000 cubic meters is subject to an Environmental Assessment (EA). This process is lengthy in nature and involves preparation and Ministry approval of Terms of Reference prior to the preparation and submission of the EA.

Over the past six years Amec Foster Wheeler has worked diligently to accomplish the requirements associated with the process which resulted in the EA being submitted to the Ministry for review in September of 2016.

The MOECC completed a technical review of the EA and supplied comments from the solid waste, wastewater, surface water, air quality and compliance, and hydrogeology divisions. Most of the comments received were from an operational and maintenance nature and can be addressed through the Environmental Compliance Approval (ECA) application process for the landfill. However some comments/requirements received resulted in additional work to be done prior to the submission of the ECA. This resulted in Council approving a Contract Change Order (CCO) in the amount of \$ 72,504.00 in January of 2017.

To date, staff has yet to receive approval for the Environmental Assessment and Amec continues to work with the Ministry to address their concerns.

As done in previous years, staff requested a budget update for the project in October of 2017. As a result, Amec submitted a summary of work completed to date along with a CCO request totalling over \$ 130,000 to bring the project to completion.

Analysis

The bulk of the CCO request is associated with the landfill expansion design, landfill expansion approvals, and Consumer Price Index (CPI) increases. This prompted staff to review the contractual agreement and correspondence associated with the project as some work associated with these two phases have been completed.

After review, staff identified that 70% of the design and 30% of the approval phases of the project have been completed as well as Amec being entitled to a CPI increase dating back to 2013.

Therefore, staff entered into negotiations with Amec to determine a fair and equitable solution. Throughout the negotiation process it was determined that additional costs were being drawn from the landfill design and landfill approval phase as a result of the longer than proposed EA process as well as additional work done associated with the introduction of the Waste Free Ontario Act. This is considered a change in the scope of work and was never approved by the City. It was also identified that additional costs were a result of continuous turnover of Ministry personnel which was out of both party's control.

After numerous discussions and calculations, staff proposed that a revised CCO be submitted in an amount no greater than \$ 82,000 plus applicable taxes inclusive of a \$10,000 contingency. On November 20, 2017 Amec submitted the revised CCO request in the amount of \$ 81,639.62. Appendix 01 outlines the CCO request.

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 ☐

During the 2018 Capital Budget deliberations, Council is considering approval of \$110,000 for the New Liskeard Landfill Site Expansion. The total cost of the proposal for additional work is \$ 83,076.48 (inclusive of non-refundable HST of \$ 1,436.86). This project is being funded by a transfer from the Landfill Reserve Fund.

Alternatives

No alternatives were considered.

Submission

Prepared by:

Reviewed and approved by:

Reviewed and submitted for
Council's consideration by:

"Original signed by"

"Original signed by"

"Original signed by"

Steve Burnett
Technical & Environmental
Compliance Coordinator

G. Douglas Walsh, CET
Director of Public Works

Christopher W. Oslund
City Manager



20 November 2017

Amec Foster Wheeler Project No.: **TY910491**

City of Temiskaming Shores

325 Farr Drive
P.O. Box 2050
Haileybury, Ontario
P0J 1K0

Attention: Mr. Steve Burnett

**Re: Request for Change Order 003
City of Temiskaming Shores Landfill EA/Expansion
New Liskeard, Ontario**

Further to your request, as discussed on 24 October 2017, Amec Foster Wheeler Environment & Infrastructure (Amec Foster Wheeler) is pleased to submit this summary of work, completed to date, with respect to the ongoing New Liskeard landfill Environmental Assessment (EA) and expansion project on behalf of the City of Temiskaming Shores (COTS). In addition to this summary, and based on our current position with respect to the original budget, a change order is required at this time in order to facilitate ongoing work for this project.

Initially, as per the original scope of work in our proposal dated 13 August 2010, the project involved a Focused EA, which was anticipated to be approved by the Ministry of the Environment and Climate Change (MOECC) by July of 2012. The landfill expansion design and approvals phases of the project were therefore expected to be completed by June of 2013. Upon completion and submission of the Terms of Reference, the MOECC review comments indicated that a Focused EA would not be sufficient to support the proposed landfill expansion. Through consultation with the MOECC, the direction of this phase of work was altered to include a Full EA process, including an evaluation of waste management alternatives and site selection. As these two tasks were not included in the original scope of work, the COTS approved an Amec Foster Wheeler a change order for \$70,000 in January of 2014 (change order 001), in order to undertake the anticipated scope of work to complete these two tasks.

An additional change order (002) was approved by the COTS in January of 2017, for a value of \$72,504. This change order was specific to supplemental groundwater and surface water characterization studies required by the MOECC. These studies are ongoing at this time. This standalone budget for this supplemental work is sufficient to complete the scope of work outlined in Amec Foster Wheeler's proposal dated 20 December 2016.

The completion of the EA, which was submitted to the MOECC in August of 2016, three years after originally planned (and estimated in our proposal), is still pending final MOECC approval. As you are aware, the Full EA has required a substantial amount of effort that was not anticipated

Amec Foster Wheeler
Environment & Infrastructure
Lively, Ontario
Canada P3Y 1L7
Tel +1 (705) 682-Amec Foster Wheeler
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City of Temiskaming Shores

Request for Change Order 003

City of Temiskaming Shores Landfill EA/Expansion

New Liskeard, Ontario

November 2017



at the time of change order 001 submission, and could not have been anticipated at the onset of the project. The duration of the Full EA has been extended significantly beyond the anticipated timelines, as a result of an atypical amount of discussion required with the MOECC at various stages of the process. This extended Full EA duration and unanticipated effort was not accounted for in either the original 2010 budget or the 2014 change order (001), and could not have been predicted by either Amec Foster Wheeler or the COTS.

Much of this additional effort has been the result of frequent turnover of staff within the MOECC. To date, there have been seven different MOECC Project Officers leading this EA file, which has ultimately required extra assistance from the Amec Foster Wheeler team to re-initiate the study progress with the new MOECC team members. For example, each new Project Officer has required a summary of the EA from Amec Foster Wheeler, additional meetings and unanticipated correspondence preparation in order to become sufficiently informed to move forward with the file. This resulted in frequent and repetitive information requests from the MOECC throughout the EA process, as well as an atypical volume of correspondence preparation resulting from numerous MOECC questions and Amec Foster Wheeler/COTS responses. These questions and responses are ongoing to date and may continue, as the MOECC continues their review of the EA.

The original scope of work prepared in 2010 assumed an eight month review period by the MOECC following formal submission of the Focussed EA. In order to ensure an efficient review and timely approval of the EA, following submission, the EA was submitted to the MOECC initially as a draft for review and comment in January of 2016, before the final EA was submitted in August of 2016. Despite this extra effort to reduce the review period and to expedite the approval of the EA, the MOECC review of the EA continues to require Amec Foster Wheeler/COTS effort to date, over one year after the formal submission date. Specific delays since EA submission have been related to the development of the Waste Free Ontario Act (WFOA), which was introduced in 2016 shortly after EA submission. Given that this legislation was not in existence at the time of either the 2010 proposal preparation or the 2014 change order estimate, the effort associated with the WFOA could not have been predicted. The financial ramifications of the WFOA have totalled \$9,381 to date; MOECC review of correspondence related to the WFOA is ongoing.

As a result of the substantial, unanticipated effort associated with the preparation of the Full EA and its ongoing review, the original budget and change order values for this phase of work were exceeded. Amec Foster Wheeler is therefore requesting a change order at this time in order to facilitate the completion of the project.

Amec Foster Wheeler is also requesting the incorporation of a Consumer Price Index (CPI) increase in order to account for inflation, given the extended duration of the EA process, which was out of Amec Foster Wheeler's and the COTS' control. The EA was expected to be approved and the required design and expansion approvals work was to be completed during 2013. This effort will now be expended into 2018, five years later than originally expected. Amec Foster Wheeler has included the CPI increase in our cost table hourly rates to estimate the effort required to complete the project.

City of Temiskaming Shores

Request for Change Order 003

City of Temiskaming Shores Landfill EA/Expansion

New Liskeard, Ontario

November 2017



Finally, given the extended, ongoing review of the EA by the MOECC, it is recommended that a contingency budget amount be included, as a separate line item that may or may not be required, in the current change order, in order to cover any additional effort required to address the MOECC approval of the EA. Amec Foster Wheeler is requesting a contingency amount of **\$10,000** to account for any additional liaison with the MOECC prior to EA approval. In summary, the value of the change order is broken down as follows:

1. Completion of the landfill expansion design: \$32,955.80, excluding CPI index increase;
2. Landfill expansion approvals: \$20,611.80, excluding CPI index increase;
3. Work associated with the Waste Free Ontario Act \$9,381.00;
4. CPI increase for work to be completed \$4,406.00;
5. CPI increase retroactive for work from 2013 to now \$4,284.52;
6. MOECC response contingency \$10,000; and,
7. Total change order #3 request of **\$81,639.62** for remaining work.

It is important to note that EA approvals sometimes come with a series of "Conditions of Approval". This could entail additional studies such as surface water monitoring, residential well surveys, updating of the plant or bird surveys, community involvement program, fish habitat offset plan, etc. Our estimated costing to complete the project does not include efforts for these potential Conditions of Approval. We also understand that the detailed design phase (to prepare Issued for Construction Drawing) of the landfill expansion, and tender specification preparation will be tendered separately.

We trust this information is sufficient to address COTS' needs at the present time in order to approve the change order request. Should you have any questions, please do not hesitate to contact the undersigned at 682-2632.

Sincerely yours,

Amec Foster Wheeler Environment & Infrastructure
A Division of Amec Foster Wheeler Americas Limited

A handwritten signature in blue ink, appearing to read "Emily Lemieux".

Emily Lemieux, B.Sc.
Project Manager

A handwritten signature in blue ink, appearing to read "Dan Cacciotti".

Dan Cacciotti, P.Eng.
Office Manager

Memo

To: Mayor and Council
From: Steve Burnett, Technical and Environmental Compliance Coordinator
Date: December 19, 2017
Subject: Wastewater Pump Failure – Niven Pumping Station

Mayor and Council:

The Niven Pumping Station in New Liskeard is equipped with 3 - 230hp variable speed submersible Flygt wastewater pumps. Two of the pumps are capable of pumping peak wet weather flows with the third providing standby. To ensure operation hours of the pumps remain consistent, the operation of all three pumps is rotated equally. The pumps were installed in 1995 (23 years old) and are reaching the end of their life cycle.

On December 5th of this year, OCWA notified staff of issues with 2 of the three pumps at the Niven Pumping Station in New Liskeard. Throughout the night OCWA received a high temperature alarm on Pump No. 3 which resulted in the pump shutting down. OCWA staff along with Lisand Electrical Services investigated the situation and determined that the pump was experiencing extremely high amperage which in turn was causing the high temperature. It was also identified that Pump No. 1 was experiencing high amperage as well but not to the point of alarming or shutting down. Fortunately, as a result of the commissioning of the new Gray Rd Pumping Station, Flygt service technicians were in the area and attended the Niven Pumping Station to assist in the diagnostic. As a result, it was recommended that the pump that was shutting down be pulled and shipped for repair and the other 2 pumps be closely monitored as they are reaching the end of their life cycle. Pump No. 3 has since been pulled and shipped for repair.

At the Regular Council Meeting on December 5th, during budget presentations, Council was informed of the situation with initial costing of the replacement of one pump being \$ 125,000 which includes engineering for proper sizing and Ministry Approvals.

As noted above, the 3 pumps at the Niven St. Pumping Station are 23 years old and are reaching the end of their life cycle. As 2 of the 3 pumps are now showing signs of failure, it is staff's recommendation that the replacement of one pump be included in the 2018 Budget as a Capital Project in the amount of \$ 125,000. In addition the replacement of the remaining 2 pumps will be presented to Council as Capital Projects through the 2019 and 2020 budget process.

Prepared by:	Reviewed and approved by:	Reviewed and submitted for Council's consideration by:
"Original signed by"	"Original signed by"	"Original signed by"
<hr/> Steve Burnett Technical and Environmental Compliance Coordinator	<hr/> G. Douglas Walsh Director of Public Works	<hr/> Christopher W. Oslund City Manager

The Corporation of the City of Temiskaming Shores
By-law No. 2017-150
Being a by-law to execute an Agreement between the City of
Temiskaming Shores and Prodigal Pets Operating as
Temiskaming Animal Care and Control for the provision of
Animal Control and Pound Services

Whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas Council considered Administrative Report CS-043-2017 at the December 5, 2017 Regular Council meeting and directed staff to prepare the necessary by-law to enter into a one (1) year agreement with Prodigal Pets for Animal Control and Pound Services in the amount of \$72,627 plus applicable taxes for consideration at the December 19, 2017 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 The Corporation of the City of Temiskaming Shores enters into an agreement with Prodigal Pets operating as Temiskaming Animal Care and Control (c/o Mr. Garrett Hunting) for the provision of Animal Control and Pound Services.
2. That the said agreement attached hereto, identified as Schedule "A", forms part of this by-law.
3. That the Mayor and Clerk are hereby authorized to sign and seal the said agreement on behalf of the Corporation.
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 19th day of December, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen

This agreement made in triplicate this 19th day of December, 2017

Between:

The Corporation of the City of Temiskaming Shores
herein after referred to as the "City"

And:

Prodigal Pets
operating as **Temiskaming Animal Care and Control**
herein after referred to as the "Contractor"

Whereas the City deems it desirable to enter into an Agreement for Animal Control and Pound Services as herein set forth;

Now therefore in consideration of the mutual covenants herein expressed the parties hereto covenant and agree as follows:

1.0 Term

- 1.1 This Agreement shall remain in effect from January 1, 2018 to December 31, 2018.
- 1.2 At the termination date of this agreement, the agreement will continue on a monthly basis at the current rate until a new agreement is signed or until cancelled on thirty (30) days notice by either party. The City shall not be liable for costs or damages of any kind caused to the contractor by such cancellation.

2.0 Creation and Nature of Relationship

- 2.1 The City will appoint the Contractor as a License Agent and Registrar to act on the City's behalf for dog and cat tags in accordance with the provisions of the Animal Control By-law.
- 2.2 The City will appoint the Contractor and his designated Animal Control Officers as Municipal Law Enforcement Officers.
- 2.3 This Agreement is an Agreement for services to be rendered to the City as an independent Contractor, and the parties have not created and do not intend to create by this Agreement or any subsequent renewals or extension thereof, a joint venture, partnership or employee relation between them.

3.0 Services Provided

3.1 Pound Services

3.1.1 As Poundkeeper, the Contractor shall provide a certified (inspected) pound pursuant to the Animals for Research Act R.S.O. 1990 c. A.22 as amended from time to time. This Pound shall serve as the municipal pound for receiving and caring for animals, and for the burial, euthanizing or cremation of dead animals. The Contractor shall also provide at his or her own expense all labour, vehicles, tools, equipment, etc. for the performance of such work.

3.1.2 The Contractor agrees to provide pound services at the location described below, and on those days and times as set out below:

Location of Pound:

506085 Ferguson Road
Lot 13, Concession 4
Parcel 12919 SST
Township of Coleman

Normal Hours of Operation – Pound Services

Days	Minimum Requirements
Monday to Friday	8:00 a.m. to 4:30 p.m. by appointment.
Saturday	8:00 a.m. to 4:30 p.m. by appointment.
Sunday	Closed
Statutory Holidays	Closed

3.1.3 The Contractor shall carry out the duties of Poundkeeper and operate the Pound in accordance with the provisions of the City’s Animal Control By-law; The Animals for Research Act; The Dog Owners Liability Act; Protection of Livestock and Poultry from Dogs Act; The Livestock, Poultry and Honey Bee Protection Act; The Pounds Act; The Provincial Offences Act; The Municipal Act, as well as any regulations passed thereunder.

3.1.4 The Pound is to be capable of housing a minimum of five (5) dogs and five (5) cats.

3.1.5 Care and cleanliness within the Pound shall comply with the standards prescribed by the Animals for Research Act and shall be inspected by the Ontario Ministry of Agriculture and Food, Animal Industry Branch Inspectors. Copies of all Animal Industry Branch Inspector reports carried out during this Agreement shall be forwarded to the City within 7 days of the Inspection.

- 3.1.6 The Contractor shall maintain a complete record of all Pound Services as stipulated under the Animals for Research Act – Regulation No. 23, Pounds, and, submit a Monthly Pound Services Report to the City by the 15th day of the next month.
- 3.1.7 The Contractor may put up for adoption any animal in the Contractors care after expiration of the redemption period. In such a case, the Contractor shall be responsible for the cost or care of the animal from the date of impound.
- 3.1.8 In the event a dog or cat is adopted by a resident of the City of Temiskaming Shores then the Contractor agrees to sell a license to the new owner pursuant to the Animal Control By-law and to record the name, address, telephone number and impound number.
- 3.1.9 The Contractor may arrange for euthanasia and dispose of impounded animals that have not been claimed, in accordance with the Animal Control By-law and The Animals for Research Act.
- 3.1.10 The Contractor will assist the City in providing a program of humane services for the residents of the City of Temiskaming Shores by receiving, accepting and euthanizing any animal released to the City for euthanasia purposes.
- 3.1.11 The Contractor agrees to provide for the legal disposal of animals.
- 3.1.12 In the event a dead animal cannot be buried or otherwise disposed of immediately, freezing is permitted in an approved freezing appliance. Frozen cadavers shall be maintained at a constant temperature not higher than -5 degrees Celsius.
- 3.1.13 The Contractor shall be responsible for the care, feeding, impounding and quarantining of all animals placed in its care and for the payment of supplies, materials and equipment for the provision of such care and feeding.

3.2 Animal Control Services

- 3.2.1 **Normal Hours of Operation:** The Contractor shall provide a minimum of one (1) Animal Control Officer on duty with vehicle and equipment as required, on those days and times as set out below:

Normal Hours of Operation – Animal Control Services

Days	Minimum Requirements
Monday to Friday	8:00 a.m. to 4:30 p.m.
Saturday	8:00 a.m. to 4:30 p.m.

Sunday	Closed
Statutory Holidays	Closed

- 3.2.2 **After Hours Service:** The Contractor agrees to provide the following services to the City at such times of the day outside of the normal hours of operation:
- a) Respond to calls within the geographic boundaries of the City of Temiskaming Shores, with respect to injured dogs and/or cats that require emergency treatment;
 - b) Respond to calls within the geographic boundaries of the City of Temiskaming Shores, involving vicious dog or vicious cat at large complaints;
 - c) Respond to requests for assistance from the City’s By-law Enforcement Officer or the Ontario Provincial Police;
 - d) The supply of an Animal Control Officer, vehicle and equipment as may be required to respond to any such calls as noted above.
- 3.2.3 **Issue Provincial Offence Notices** to those persons who have violated the Animal Control By-law.
- 3.2.4 **Appear in Provincial Court** to give evidence regarding infractions of the Animal Control By-law or any associated provincial legislation
- 3.2.5 **Deal with complaints** from the public in connection with dogs or cats being permitted to run at large.
- 3.2.6 **Deal with complaints** from the public in connection with dogs or cats making unnecessary noise.
- 3.2.7 **Co-operate with other enforcement agencies**, as directed, in dealing with domestic animals.
- 3.2.8 **Aid to injured animals** found on public property, administer euthanasia if necessary.
- 3.2.9 **Maintain a complete record of all Animal Control Services**, including but not limited to the Monthly Animal Control Activity Report and the Monthly Occurrence Report to be submitted to the City on or before the 15th day of the next month.
- 3.2.10 **Provide additional records** and/or reports as required from time to time by the City.

- 3.2.11 **Provide patrols** for a minimum of 10 hours per week and complete a Monthly Record of Patrols to be submitted to the City on or before the 15th day of the next month. Patrols may be at the discretion of the City.
- 3.2.12 **Pro-actively sell dog and cat tags** in accordance with the City’s Animal Control By-law and remit tag fees to the City each month on or before the 15th day. Act as the Registrar for dog and cat tags and submit the Register to the City on or before the 15th day of each month. Method of sale may include but are not limited to appointing Licence Agents, door-to-door sales, public service announcements, mailouts, website, kiosks, etc.
- 3.2.13 **Maintain a webpage** on the City’s website which may include hours of operation for Animal Control and Pound Services, FAQs, Contact information, Fees, Fines and POA process.
- 3.2.14 The Contractor shall carry out the duties of Animal Control Officer in accordance with the provisions of the City’s Animal Control By-law; The Animals for Research Act; The Dog Owners Liability Act; Protection of Livestock and Poultry from Dogs Act; The Livestock, Poultry and Honey Bee Protection Act; The Pounds Act; The Provincial Offences Act; The Municipal Act, as well as any regulations passed thereunder.

4.0 Staffing

4.1 Required Information

- 4.1.1 Animal Control Officer(s) shall within 120 days of the start of the contract, and any renewal thereof, be required to provide a Police Records Search Certificate Intended for the Vulnerable Sector.
- 4.1.2 Animal Control Officer(s) shall provide proof of completion of Accessible Customer Service Training within 30 days of the start of the contract.

4.2 Minimum Qualifications

- 4.2.1 Knowledge of and ability to enforce the City’s Animal Control By-law as well as all associated municipal policies, procedures and directives as amended from time to time.
- 4.2.2 An understanding and ability to apply all related provincial legislation, including but not limited to, The Animals for Research Act, The Dog Owners Liability Act, The Livestock, Poultry and Honey Bee Protection Act, The Protection of Livestock and Poultry from Dogs Act, The Municipal Act, The Pounds Act, The Provincial Offences Act, and as well as any regulations passed thereunder and amended from time to

time.

- 4.2.3 An understanding and familiarity of Court proceedings, knowledge of, and demonstrated ability to apply applicable Parts of the Provincial Offences Act.
- 4.2.4 Acquired investigative skills in the areas of identifying, collecting and preserving evidence, including, but not limited to, conducting interviews, making notes and presenting evidence at court proceedings.
- 4.2.5 Knowledge, appreciation and ability to appropriately use the privileges conferred in the role of Provincial Offences Officer.
- 4.2.6 Demonstrated ability to distinguish between the various breeds of dogs and cats.
- 4.2.7 Must be physically capable of performing duties of Animal Control Officer.

5.0 Uniforms

- 5.1 Animal Control Officer(s) will be required to wear uniforms while in performance of their duties, the cost of which is included in the contract.
- 5.2 Uniforms shall be maintained in an appropriate manner.
- 5.3 Uniforms shall identify the Officer as an Animal Control Officer.

6.0 Minimum Vehicle Requirements

- 6.1 The Contractor shall supply a minimum of one (1) Animal Control vehicle that contains the necessary equipment to ensure proper animal control.
- 6.2 All vehicles will contain communication equipment.
- 6.3 All vehicles will be identified on the exterior as Animal Control Vehicles.

7.0 Reporting

- 7.1 The Contractor shall report to the staff person designated by the City Manager to oversee the Animal Control and Pound Services Contract.
- 7.2 All documentation required by this Agreement shall be submitted in accordance with the required timelines set out in the Agreement.

8.0 Accounting Procedures

- 8.1 The Contractor shall remit to the City all fees collected for the sale of dog and cat tags on or before the 15th day of each month.
- 8.2 The City shall pay the contractor the monthly contract amount by the 28th day of each month.
- 8.3 The Contractor is entitled to retain Impoundment, Daily Boarding, Humane Services/Adoption, Euthanized Services, and Disposal of Non-impounded Animal fees as outlined in the Animal Control By-law.
- 8.4 The Contractor agrees that the City shall have access to all books and records maintained in its capacity as License Agent and Registrar for the City and all books, records, papers and things required to be maintained under the terms and conditions of the Agreement. Such access shall be at all reasonable times by either the City's employees or its authorized agents or both. All expenses in connection with such examination shall be borne by the City.

9.0 Workplace Safety Insurance Board

- 9.1 The Contractor agrees to submit to the City, a Clearance Certificate from the Workplace Safety and Insurance Board (WSIB) of Ontario every 60 days; or written confirmation from the Workplace Safety Insurance Board that the Contractor and employees are not subject to Workplace Safety Insurance.
- 9.2 Workplace Safety Insurance Act coverage, assessments or reports are the exclusive responsibility of the Contractor. If in default under the Act or Regulations, the City may withhold payment in an amount sufficient to cover such default or cancel the contract.

10.0 Supervision

- 10.1 The Contractor shall advise the City in writing the name of the person that the Contractor designates as being the person in charge who is responsible for directing and supervising work and operations under the Agreement.
- 10.2 The Contractor shall advise the City in writing the name of the person who the Contractor designates as an alternate who is responsible for directing and supervising work and operations in the absence of the person in charge. All orders or instructions given to the person in charge or the alternate by the City shall be as binding on the Contractor as though given to him in person.

11.0 Insurance

- 11.1 The Contractor agrees to maintain during the term of this agreement Vehicle

Liability Insurance and Contractor’s Liability Insurance, naming the City as co-insured, in the following amounts:

- a) Vehicle Liability Insurance: \$2 million
- b) Contractor’s Liability Insurance: \$ 2 million

11.2 The Contractor shall annually, within 7 days of the insurance renewal date, submit to the City a Certificate of Insurance together with an Undertaking from the insurance company that such insurance will not be cancelled or reduced in coverage without thirty (30) days prior written notice to the City.

11.3 Should the City be of the opinion that the insurance taken out by the Contractor is inadequate in any respect for any reason whatsoever, the Contractor shall forthwith take out additional insurance satisfactory to the City.

12.0 Indemnification and Save Harmless

The Contractor hereby covenants at all times to indemnify and save harmless the City against all claims and demands which may be brought against or made upon the Contractor and against all loss, liabilities, judgments, costs, demand or expenses, including legal costs, which the City may suffer resulting from or incidental to the services contracted subject to this Agreement or from any act or omission to act on the part of the Contractor, its servants, agents, employees, contractors, sub-contractors, owners, operators or any of them during the currency of this Agreement.

13.0 Safety Measures

13.1 If at any time the methods or equipment used by the Contractor are found to be unsafe or inadequate for securing the safety of persons who may be endangered, the City may order the Contractor to do whatever is necessary to eliminate the hazard.

13.2 The Contractor shall immediately report to the City any incident in which it is involved concerning injury or damage to the person or property of others and provide all information available.

13.3 The Contractor shall adhere to the Occupational Health and Safety Act and all other applicable statutes.

14.0 General

14.1 The records of the Contractor containing the information referred to in this Agreement, equipment and other appurtenances used in fulfilling the Agreement, shall be open at all reasonable times for inspection by the City.

- 14.2 The Contractor may perform Animal Control and Pound Services for others. Such services shall not affect the level of service being provided by the Contractor to the City in accordance with the terms of this Agreement, nor reduce the efficiency and quality of service provided to the City.
- 14.3 This Agreement is for Animal Control and Pound Services only and does not include any Veterinary Services. The Contractor acknowledges and agrees that it shall not provide Veterinary Services to any animal brought to it pursuant to this Agreement. All required Veterinary Services shall be provided by a Veterinarian. The City shall not have any direct or indirect involvement with care provided by a Veterinarian.

15.0 Notice

- 15.1 Notices required to be given to the City under this agreement shall be sent by prepaid registered mail addressed to:

The City of Temiskaming Shores at P.O. Box 2050, 325 Farr Drive, Haileybury, Ontario P0J 1K0, to the attention the Clerk and any such notice shall be deemed to have been received by the City on the fifth day after the day of mailing.

- 15.2 Notices required to be given to the Contractor under this agreement shall be sent by prepaid registered mail addressed to:

Prodigal Pets operating as Temiskaming Animal Care and Control, P.O. Box 339, North Cobalt, Ontario P0J 1R0, to the attention of Garrett Hunting and any such notice shall be deemed to have been received by the Contractor on the fifth day after the day of mailing.

16.0 Non-Assignability

Neither this Agreement nor any interest of either of the parties (including any interest in monies belonging to or which may accrue to either party) may be assigned, pledged, transferred, mortgaged or hypothecated.

17.0 Non-Waiver

No covenant or condition of this Agreement can be waived except by written consent of both parties.

18.0 Entire Agreement

- 18.1 This Agreement shall constitute the entire Agreement between the City and the Contractor, and it shall not be amended, altered or changed except by written

agreement.

18.2 This Agreement may be executed in any number of counterparts, each of which when so executed and delivered, shall be deemed to be an original, but such counterparts together shall constitute but one and the same instrument.

18.3 The Contractor will execute work in accordance with the provisions of this Agreement.

19.0 Binding Effect

This Agreement, including all covenants and conditions, shall extend to, be binding upon and enure to the benefit of each and all the successors and assigns of the respective parties hereto and wherever the singular or masculine is used in the Agreement, it shall be construed as if the plural and the feminine or the neuter, as the case may be, had been used where the context or the party or parties hereto so required and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered necessary had been made.

20.0 Payment

20.1 The City agrees to pay to the Contractor for services provided in accordance with the following:

a) January 1, 2018 to December 31, 2018 -\$6,052.25 plus HST per month

20.2 Payments will be by cheque or electronic transfer payment made payable to the Contractor issued in the normal course of business by the City's Treasurer on the 28th day of each month or the next business day.

21.0 Interpretation

This Agreement shall be interpreted in accordance with the laws of the Province of Ontario.

22.0 Titles

The Titles to the paragraphs of this Agreement are solely for the convenience of the parties hereto, and is not an aid in the interpretation of this instrument.

23.0 Freedom of Information

The Contractor consents to the release to the public of this Agreement and all associated documents in accordance with the Municipal Freedom of Information and Protection of Privacy Act.

Signed and Sealed in)
the presence of)

Owner – Garrett Hunting

Print Name: _____

**Corporation of the City of
Temiskaming Shores**

Clerk – David B. Treen

The Corporation of the City of Temiskaming Shores

By-law No. 2017-151

**Being a by-law to authorize the entering into an Agreement
between The Corporation of the City of Temiskaming Shores
and the Management / Non-Union Employees of 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 it is the desire of both parties to this Agreement:

- 1) To maintain and improve the harmonious relations and settled conditions of employment between the Employer, its employees;
- 2) To recognize the mutual value of joint discussions and negotiations in all matters pertaining to work conditions, employment, services, etc.
- 3) To encourage efficiency in operation; and
- 4) To promote the morale, well-being and security of all the employees.

And whereas it is deemed desirable to enter into an Agreement with the Management/Non-Union Employees of the City of Temiskaming Shores for the period of January 1, 2018 to December 31, 2020;

Now therefore the Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That the Mayor and the Chairman of Corporate Services be authorized to execute an Agreement with the Management / Non-Union employees of the City of Temiskaming Shores outlining wages and benefits for the period covering 2018-2020, a copy of which is attached hereto as Schedule "A" and forms part of this by-law.

Read a first, second and third time and finally passed this 19th day of December, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen

Schedule "A" to

By-law No. 2017-151

Agreement between

The Corporation of the City of Temiskaming Shores

And

**Management / Non-Union Employees of
the City of Temiskaming Shores**

Effective Dates:

January 1, 2018 to December 31, 2020

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Preamble

Whereas it is the desire of both parties:

- 1) To maintain and improve the harmonious relations and settled conditions of employment between the Employer and its management/non union employees.
- 2) To encourage efficiency in operation.
- 3) To promote the morale, well-being and security of all employees.

Now therefore, the Parties agree as follows:

Section 1: Scope and Recognition

This agreement shall apply to all management/non-union, permanent, full time employees of the City of Temiskaming Shores.

Section 2: Definitions

2.01 Full Time Employee

A Full-Time Employee shall be defined to mean an employee who is regularly scheduled to work thirty five (35) or forty (40) hours per week.

2.02 Continuous Employment

Means unbroken service commencing on the first day of employment as a Permanent Employee in the employ of the Employer or its predecessor municipalities.

2.03 Probationary Employees

A Probationary Employee shall be defined to mean an employee employed in the service of the Employer during the Probationary Period.

2.04 Permanent Employee

A Permanent Employee shall be defined to mean an employee employed in the service of the Employer who has successfully completed the Probationary Period.

Section 3: Hours of Work

3.01 Normal Hours of Work

The normal hours of work are as follows:

(a) **Administrative Employees**

- 8:30 a.m. – 4:30 p.m. with a one (1) hour unpaid meal period, worked Monday to Friday.

(b) **Public Works Employees**

- 6:30 a.m. – 3:00 p.m. with a thirty (30) minute unpaid meal period worked Monday to Friday.

(c) **Recreation Employees**

- Parks/Facilities Operations - 7:30 a.m. – 4:00 p.m. with a thirty (30) minute unpaid meal period worked Monday to Friday.
- Programming Operations 7:30 a.m. – 4:30 p.m. with a one hour unpaid meal period worked Monday to Friday.

Section 4: Supplementary Hours of Work

4.01 Supplementary Hours Defined

Supplementary Hours shall mean all hours worked in excess of an employee's regular hours of work at the approval of the Supervisor. Supplementary hours will not include hours worked at Regular Meetings of Council or travel time.

4.02 Banking of Supplementary Hours

An employee shall be able to bank a maximum of thirty five (35) or forty (40) hours of time off in lieu, dependent upon the Employee's normal hours of work, at the rate of one (1) hour banked for each hour worked.

Taking banked in lieu time off must be approved by the Supervisor and will only be allowed when it is operationally possible. Any such banked time off in lieu must be taken by December 31st of each year it is earned.

There shall be no cash value, pay out or carry over for Supplementary Hours.

Section 5: Holidays

The following Holiday Pay provisions apply to all employees:

List of Holidays

The Employer recognizes the following as paid holidays:

New Year's Day	Canada Day (July 1st)
Family Day	Civic Holiday
Labour Day	Good Friday

Thanksgiving Day

Boxing Day

Easter Monday

Christmas Day

Queen's Birthday

Remembrance Day (if a regularly scheduled work day for the employee)

Floater

All employees shall be entitled to two (2) floating days off with pay to be taken on a day mutually agreed upon between the Supervisor and the Employee.

Section 6: Vacation

6.01 Vacation Pay Year for Calculation

The “vacation pay year” shall be defined as January 1 to December 31. Vacation entitlements shall be calculated as at December 31 of each calendar year”.

6.02 Length of Vacation

Employees shall be entitled to vacation and payment for same according to the following schedule:

Less than one (1) year of service	1 day per month to a maximum of 10 days
One (1) year of service	2 weeks
Three (3) years of service	3 weeks
Five (5) years of service	4 weeks
Ten (10) years of service	5 weeks
Twenty (20) years of service	6 weeks
Twenty-five (25) years of service	6 weeks plus 1 day for each additional year over 25 up to a maximum of 5 days

6.03 No Vacation Carry Over

Employees shall not be allowed to carry over vacation time from one year to the next unless permission to do so is granted by the City Manager.

Section 7: Leave of Absence

7.01 General Leave

The City Manager may grant leave of absence for up to a maximum of six (6) months without pay or benefits to any Permanent Employee requesting such leave of absence for valid personal reasons. Subject to the applicable terms of applicable group benefit plans employees may choose to pay in advance for both the employer and employee cost for all applicable employee benefits while on such leave. Advance notice of the request shall be given with such request to be in writing and approved by the City Manager. Such general leave may be denied by the City Manager, acting reasonably, for operational or employee morale issues.

7.02 Bereavement Leave

- a) In the event of death of an employee's current spouse (including same sex or common-law spouse) or child, parent, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, then, the Employee shall be entitled to leave of absence without loss of pay for five (5) working days for the purposes of making funeral arrangements, attending the funeral or attending to related estate matters.
- b) In the event of death of an employee's brother-in-law, or sister-in-law, aunt, uncle, niece, nephew, then, the Employee shall be entitled to leave of absence without loss of pay two (2) working days for the purposes of making funeral arrangements, attending the funeral or attending to related estate matters.
- c) Additional bereavement leave without pay may be granted by the City Manager at their sole discretion.

7.03 Medical Emergency Leave

Employees shall be allowed to utilize their accumulated sick leave to attend to the medical attention of a member of the Employee's immediate family or to attend personal medical appointments. Such leave request is to be approved by the Supervisor. Immediate family shall mean: current spouse, son, daughter, mother, father, mother-in-law, father-in-law, brother, sister, grandparent and grandchild. Employees will provide as much notice as possible of such requests.

7.04 Jury and Witness Duty Leave

Employees subpoenaed to act as Jurors or Crown Witnesses in criminal or civil court or at a Coroner's Inquest shall be granted a leave of absence with pay for such purpose. Any pay received from the Crown for such service shall be turned in to the Employer.

7.05 Voting Leave

The Employer will comply with applicable legislation related to afford employees the

required clear time off with pay prior to the poll closing in Federal, Provincial and Municipal elections.

7.06 Pregnancy, Parental and Adoption Leave

Pregnancy leave, Parental leave and adoption leave shall be granted in accordance with the *Employment Standards Act*.

Section 8: Payment of Wages and Allowances

8.01 Increments

- a) Where there are minimum and maximum salary ranges, employees shall progress from minimum to maximum salary by annual increments as provided for in (c) below.
- b) Increments are planned for the anniversary date of when an employee entered a position.
- c) Increments are awarded on the basis of merit. The Supervisor will rate each employee on job performance prior to the anniversary date of when an employee entered a position. If a job performance rating is not conducted prior to this anniversary date then the Employee may request that the performance rating be done. Increments received shall be retroactive to the Employee's anniversary date.

8.02 Membership – Waterfront Pool Fitness Centre

All employees, their spouses and dependents will receive a 100% discount on a full individual membership to the Waterfront Pool Fitness Centre. Membership is non-transferable and has no cash value.

8.03 Educational Allowance

The Employer shall pay the full costs of any course of instruction required by the Employer or any level of government to better qualify himself/herself to perform the Employee's job.

Section 9: Expense and Mileage Allowances

9.01 Expense Allowance

An employee who through the performance of their duties incurs an expense shall be reimbursed as established by the Expense Allowance Policy.

Section 10: Safety Footwear and Clothing Allowances

All employees required to wear safety footwear shall be entitled to an amount of up to one hundred and sixty dollars (\$160) annually toward the purchase of safety footwear. The Employee may claim for more than one pair of boots per year providing the total does not exceed one hundred and sixty dollars (\$160) per year. The payment(s) will be made to reimburse the Employee upon production of a purchase receipt(s).

Section 11: Pension Plan (O.M.E.R.S.)

In addition to the Canada Pension Plan, all eligible employees shall join the Ontario Municipal Employees Retirement System (O.M.E.R.S.). The Employer and the Employees shall make contributions in accordance with the provisions of the plan.

Section 12: Employee Benefits

The Employer agrees that during the term of this Agreement it will pay the portion of the premiums required for the Group Benefit Plan- Temiskaming Shores – Municipal Employees as set out in Appendix 3 which is attached hereto and forms a part of this Agreement, for all active Permanent Full Time Employees and their dependents as set out therein. The Employer is not the insurer. All Benefits are subject to the terms of the applicable plans. Any dispute about entitlements is between the Employee and the insurance company.

The Employer agrees that, except as noted below, benefits during the life of the Agreement shall be unchanged:

“Glasses and Contact Lenses \$450 every 24 months”

“Eye Examination \$85 every 24 months”

“Employee Basic Life Insurance of \$70,000 reducing to \$50,000 at age 65”

Section 13: Employee Wages

13.01 Wages

Appendix “02” attached hereto shall form part of this Agreement.

13.02 Wage Increases in Future Contract Years

- a) Wage increases for 2018, 2019 and 2020 shall be \$1,250 per year per non-union/management employee.

Section 14: Execution

In witness whereof the parties have executed this Agreement the day and year first above written.

Signed and Sealed in
the presence of

**Management / Non-Union Employees
of the City of Temiskaming Shores**

Kelly Conlin
Management Representative

G. Douglas Walsh
Management Representative

Laura-Lee MacLeod
Management Representative

Paul Allair
Management Representative

**Corporation of the City of
Temiskaming Shores**

Municipal Seal

Mayor – Carman Kidd

Corporate Services Chairman – Jeff Laferriere

Appendix 01

Income Protection Plan

Section 1 – Definitions

That in the plan:

- a) **Council** means the council of the Corporation of the City of Temiskaming Shores, and “Municipality” means the Corporation of the City of Temiskaming Shores.
- b) **Income Protection Plan** means the combination of the Municipality’s sick leave gratuity plan for employees and the weekly indemnity income protection plan (short-term disability) and the long-term income protection plan (long term disability) as provided for by the Employer’s contract with an insurance company. The Employer is responsible for the provision of the sick leave gratuity plan and for the arrangement of a contract to provide benefits; but the final terms of the Income Protection Plan will be found in the master contract as the governing document.
- c) **Pay** means the basic hours worked per day, multiplied by the Employee’s standard rate per hour.
- d) **Day** shall mean a calendar day which includes the normal number of hours of work per day, “Work Week” shall mean the normal number of hours of work per week, “Month” shall mean a calendar month and “Year” shall mean a calendar year.
- e) **Regular attendance** means for any month the attendance of an employee at his/her duties on the days and hours for which his/her attendance is required during that month according to the terms of his/her employment.
- f) **Short Term Disability (STD)** is defined as a period of disability resulting from illness or injury as determined by a qualified Medical Practitioner, which prevents an employee from attending his/her regular work, and which extends for a period of not more than seventeen (17) weeks. A Medical Certificate is required by the insurer for each period of absence lasting three (3) or more days and as requested by the City Manager.
- g) **Long Term Disability (LTD)** is defined as a period of disability resulting from illness or injury as determined by a qualified Medical Practitioner, which prevents an employee from attending work and begins after the seventeen (17) weeks short term disability report.

Section 2 – Introduction

This Plan is designed to provide Permanent Full Time Employees within the meaning of the Agreement (“Eligible Employees”) with an indemnity against the loss of income if he/she cannot perform his/her normal duties due to a an illness or injury. This Plan is not intended to duplicate or replace any Workers’ Compensation benefits. An Eligible Employee will be paid while he/she is disabled, until the earliest of the following dates, as applicable:

1. the date the Eligible Employee returns to work; or
2. the date the Eligible Employee exhausts his/her entitlements under applicable insured coverage.

Section 3 – Sick Leave Credit Gratuity

- 3.01 A plan of sick leave credit gratuities is hereby established for every Eligible Employee. The conduct and management of the plan shall be vested with the Human Resources Department.
- 3.02 The Director of Corporate Services shall perform all the administrative responsibilities necessary or incidental to the due carrying on of the sick leave credit gratuities plan, including the power to allow or disallow any sick leave credit or sick leave absence for any Eligible Employee.
- 3.03 The Director of Corporate Services shall provide and keep a register in which all sick leave credit and sick leave absences for every Eligible Employee shall be recorded, so that the register will show the net sick leave credit of every Eligible Employee which remains after all his/her sick leave absences have been deducted from his/her accumulated sick leave credit.

Section 4 – Provision for Sick Leave Credits

- 4.01 Each Eligible Employee shall be entitled to nine (9) sick leave credit days commencing January 1 in each calendar year.
- 4.02 Where an Eligible Employee is unable to perform his/her normal duties due to personal illness or injury, the sick leave credit gratuity plan will pay the Eligible Employee full pay for up to the first nine (9) days of absence. An Eligible Employee may utilize additional sick leave credits from the sick leave bank, accrued vacation entitlements, and any supplemental hours. For the weekly indemnity income protection plan (short term disability) the plan will pay the Eligible Employee seventy five (75%) per cent of his/her normal pay for a period of seventeen (17) weeks. Provision for long-term disability will be in accordance with the policy in effect with the Municipality’s insurance carrier. The short term disability income protection plan and the long term disability plan may be

supplemented to one hundred (100%) per cent by using accumulated sick leave gratuity credits, accumulated overtime hours, unused vacation leave, or floating holidays by agreement of the Employer.

4.03 Subject to the concurrence of the Eligible Employee utilizing the income protection plan, the Employer proposes to maintain one hundred per cent (100%) of the Eligible Employee's earnings so long as a sick leave credit is available. The Eligible Employee is required to endorse and turn over to the Employer all benefits received from the third party insurer.

4.04 Where an Eligible Employee is absent due to an accident which occurred while in the performance of his/her duties for Employer and is in receipt of Workers' Compensation benefits, and requests the Municipality to make up the difference between the amount of Workers' Compensation benefits being paid and his/her total salary, then, such difference shall be charged against accumulated sick leave credits.

4.05 Illness in the family - care and nurturing

1. An Eligible Employee shall be entitled with the prior approval of his/her Supervisor, to use up to five (5) sick leave days per year to care for a family member who is ill.
2. Alternatively, an Eligible Employee may, upon approval by the City Manager arrange temporary flexible work scheduling to care for a family member who is ill.

4.06 Where an eligible employee is absent due to maternity and/or parental leave effective on confirmation by the Canada Employment Insurance Commission (receipt by the employee's employment insurance cheque stub will serviced as proof that the employee is in receipt of unemployment benefits) the maternity and/or parental leave may be supplemented to one hundred percent (100 %) by using accumulated sick leave gratuity credits, accumulated overtime hours, unused vacation on leave, or floating holidays by agreement of the employer.

4.06 Absences of one-half (1/2) day or less due to accident or illness shall not be deducted and absences for more than one half (1/2) a day, but less than a full day, shall be deducted as one-half (1/2) day.

Section 5 – Sick Time Entitlement Carry Over

5.01 In the final month of the calendar year, an Eligible Employee's unused sick leave entitlements will be transferred to the next calendar year.

Medical Examination

5.02 The Employer may refer an employee seeking any medical right or benefit or seeking any dispensation or consideration on medical grounds, to a physician selected by it for confirmation of the medical claim. Where accommodation is

required in regard to the Employees condition the Employer may require of the physician a report as to what accommodation would be appropriate, in which case the Employer shall reimburse the Employee for the cost of such Physician's Medical Certificate upon presentation of a receipt for such payment.

Section 6 – Payment of Extended Fringe Benefits

- 6.01 Where an Eligible Employee is absent from work due to illness (compensable injury or non-compensable injury) the Employer will continue to pay fringe benefit costs, including Health, Dental, Extended Medical Benefits, Life Insurance, etc. and any other applicable benefits negotiated for a period of no longer than thirty six (36) consecutive months. Where required, payroll deductions for pension purposes will continue to be made from disability pay.

Appendix 02
Salary Schedule and Wage Rates for 2018

Position	Group	Step 1	Step 2	Step 3	Step 4	Step 5
City Manager	8	\$129,600	\$133,450	\$137,415	\$141,500	\$145,700
Director of Public Works	7	\$104,885	\$107,995	\$111,200	\$114,500	\$117,895
Director of Corporate Services	6	\$88,645	\$91,250	\$93,950	\$96,750	\$99,615
Director of Recreation	6	\$88,645	\$91,250	\$93,950	\$96,750	\$99,615
Treasurer	5	\$81,225	\$83,625	\$86,100	\$88,645	\$91,270
Clerk	5	\$81,225	\$83,625	\$86,100	\$88,645	\$91,270
Technical and Environmental Compliance Coordinator	5	\$81,225	\$83,625	\$86,100	\$88,645	\$91,270
Chief Building Official	4	\$76,635	\$78,900	\$81,225	\$83,625	\$86,100
Manager of Physical Assets	4	\$76,635	\$78,900	\$81,225	\$83,625	\$86,100
Manager of Court Services	4	\$76,635	\$78,900	\$81,225	\$83,625	\$86,100
Chief Fire Official	4	\$76,635	\$78,900	\$81,225	\$83,625	\$86,100
Environmental Services Superintendent	3	\$66,625	\$68,590	\$70,610	\$72,690	\$74,835
Transportation Services Superintendent	3	\$66,625	\$68,590	\$70,610	\$72,690	\$74,835
Parks and Facilities Superintendent	3	\$66,625	\$68,590	\$70,610	\$72,690	\$74,835
Programming Superintendent	3	\$66,625	\$68,590	\$70,610	\$72,690	\$74,835
Information Technology Administrator	3	\$66,625	\$68,590	\$70,610	\$72,690	\$74,835
Executive Assistant	2	\$56,000	\$57,645	\$59,335	\$61,080	\$62,875

Appendix 03
Salary Schedule and Wage Rates for 2019

Position	Group	Step 1	Step 2	Step 3	Step 4	Step 5
City Manager	8	\$130,850	\$134,700	\$138,665	\$142,750	\$146,950
Director of Public Works	7	\$106,135	\$109,245	\$112,450	\$115,750	\$119,145
Director of Corporate Services	6	\$89,895	\$92,500	\$95,200	\$98,000	\$100,865
Director of Recreation	6	\$89,895	\$92,500	\$95,200	\$98,000	\$100,865
Treasurer	5	\$82,475	\$84,875	\$87,350	\$89,895	\$92,520
Clerk	5	\$82,475	\$84,875	\$87,350	\$89,895	\$92,520
Technical and Environmental Compliance Coordinator	5	\$82,475	\$84,875	\$87,350	\$89,895	\$92,520
Chief Building Official	4	\$77,885	\$80,150	\$82,475	\$84,875	\$87,350
Manager of Physical Assets	4	\$77,885	\$80,150	\$82,475	\$84,875	\$87,350
Manager of Court Services	4	\$77,885	\$80,150	\$82,475	\$84,875	\$87,350
Chief Fire Official	4	\$77,885	\$80,150	\$82,475	\$84,875	\$87,350
Environmental Services Superintendent	3	\$67,875	\$69,840	\$71,860	\$73,940	\$76,085
Transportation Services Superintendent	3	\$67,875	\$69,840	\$71,860	\$73,940	\$76,085
Parks and Facilities Superintendent	3	\$67,875	\$69,840	\$71,860	\$73,940	\$76,085
Programming Superintendent	3	\$67,875	\$69,840	\$71,860	\$73,940	\$76,085
Information Technology Administrator	3	\$67,875	\$69,840	\$71,860	\$73,940	\$76,085
Executive Assistant	2	\$57,250	\$58,895	\$60,585	\$62,330	\$64,125

Appendix 04
Salary Schedule and Wage Rates for 2020

Position	Group	Step 1	Step 2	Step 3	Step 4	Step 5
City Manager	8	\$132,100	\$135,950	\$139,915	\$144,000	\$148,200
Director of Public Works	7	\$107,385	\$110,495	\$113,700	\$117,000	\$120,395
Director of Corporate Services	6	\$91,145	\$93,750	\$96,450	\$99,250	\$102,115
Director of Recreation	6	\$91,145	\$93,750	\$96,450	\$99,250	\$102,115
Treasurer	5	\$83,725	\$86,125	\$88,600	\$91,145	\$93,770
Clerk	5	\$83,725	\$86,125	\$88,600	\$91,145	\$93,770
Technical and Environmental Compliance Coordinator	5	\$83,725	\$86,125	\$88,600	\$91,145	\$93,770
Chief Building Official	4	\$79,135	\$81,400	\$83,725	\$86,125	\$88,600
Manager of Physical Assets	4	\$79,135	\$81,400	\$83,725	\$86,125	\$88,600
Manager of Court Services	4	\$79,135	\$81,400	\$83,725	\$86,125	\$88,600
Chief Fire Official	4	\$79,135	\$81,400	\$83,725	\$86,125	\$88,600
Environmental Services Superintendent	3	\$69,125	\$71,090	\$73,110	\$75,190	\$77,335
Transportation Services Superintendent	3	\$69,125	\$71,090	\$73,110	\$75,190	\$77,335
Parks and Facilities Superintendent	3	\$69,125	\$71,090	\$73,110	\$75,190	\$77,335
Programming Superintendent	3	\$69,125	\$71,090	\$73,110	\$75,190	\$77,335
Information Technology Administrator	3	\$69,125	\$71,090	\$73,110	\$75,190	\$77,335
Executive Assistant	2	\$58,500	\$60,145	\$61,835	\$63,580	\$65,375



**Appendix 05 to
Schedule “A” to
By-law No. 2017-151
Group Benefit Plan**

The Corporation of the City of Temiskaming Shores

By-law No. 2017-152

Being a by-law to authorize the entering into a Collective Agreement between The Corporation of the City of Temiskaming Shores and the Canadian Union of Public Employees (CUPE) and its Local 5014

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 it is the desire of both parties to this Collective Agreement:

- 1) To maintain and improve the harmonious relations and settled conditions of employment between the Employer, its employees and the Union;
- 2) To recognize the mutual value of joint discussions and negotiations in all matters pertaining to work conditions, employment, services, etc.
- 3) To encourage efficiency in operation; and
- 4) To promote the morale, well-being and security of all the employees in the bargaining unit of the Union.

And whereas it is deemed desirable to enter into a Collective Agreement with the Canadian Union of Public Employees and its local 5014 for the period of January 1, 2018 to December 31, 2020;

Now therefore the Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That the City Manager and the Director of Corporate Services be authorized to execute the Collective Agreement with the Canadian Union of Public Employees and its local 5014, a copy of which is attached hereto as Schedule "A" and forms part of this by-law.

Read a first, second and third time and finally passed this 19th day of December, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen



Schedule “A” to

By-law 2017-152

Collective Agreement between

The Corporation of the City of Temiskaming Shores

And

The Canadian Union of Public Employees and its Local 5014

2018 - 2019 - 2020

COLLECTIVE AGREEMENT

B E T W E E N

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
(hereinafter called the "Employer")

PARTY OF THE FIRST PART

- AND -

**THE CANADIAN UNION OF PUBLIC EMPLOYEES
AND ITS LOCAL UNION 5014.**
(hereinafter called the "Union")

PARTY OF THE SECOND PART

Effective Dates:

JANUARY 1, 2018 to DECEMBER 31, 2020

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PREAMBLE**Whereas it is the desire of both parties
to this Collective Agreement:**

- 1) To maintain and improve the harmonious relations and settled conditions of employment between the Employer, it's employees and the Union.
- 2) To recognize the mutual value of joint discussions and negotiations in all matters pertaining to working conditions, employment, services, etc.
- 3) To encourage efficiency in operation.
- 4) To promote the morale, well-being and security of all the employees in the bargaining unit of the Union.

AND WHEREAS it is now desirable that methods of bargaining on matters pertaining to the working conditions of the employees be drawn up in a Collective Agreement;

AND WHEREAS the particulars of this Collective Agreement which follow set out the entire Agreement between the parties, and there is no other history, representations or practice being relied upon by the parties.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

ARTICLE 1 **MANAGEMENT RIGHTS**

- 1.01 Except where specifically restricted by the terms of this Collective Agreement, it is the exclusive right and function of the Employer to manage and direct its operations and affairs in all respects. The question of whether any of these rights is limited by this Collective Agreement shall be decided through the grievance and arbitration procedure.

ARTICLE 2 **SCOPE AND RECOGNITION**

Bargaining Unit

- 2.01 The Employer recognizes the Canadian Union of Public Employees and its Local 5014 as the sole and exclusive collective bargaining agent for all of its employees save and except students, employees employed in a confidential capacity in matters relating to labour relations, Chief Building Official, supervisors and persons above the rank of supervisor. For the purposes of clarity, individuals employed in the Offices of Mayor, City Manager and Clerk's Department excluding the Administrative Assistant in the Clerk's Department, in addition to the individuals occupying the position of Treasurer, Director of Corporate Services, Fire Chief, Director of Recreation, Director of Public Works, Manager of Court Services, Technical and Environmental Compliance Coordinator, Manager of Physical Assets, Superintendent of Parks and Facilities, Superintendent of Programming, Environmental and Transportation Services Superintendents, Information Technology Administrator, Executive Assistant to Corporate Services, and, Library Services are agreed excluded from the Bargaining Unit.

Representatives of the Canadian Union of Public Employees

- 2.02 The Union shall have the right at any time to have the assistance of representatives of the Canadian Union of Public Employees or any other advisors when dealing or negotiating with the Employer. Such representatives(s)/ advisor(s) shall have access to the Employer's premises in order to meet with union officials and deal with any matters arising out of this Collective Agreement upon giving appropriate notice.

No Other Agreements

- 2.03 No employee shall be required or permitted to make any written or verbal agreement with the Employer or his/her representatives, which may conflict with the terms of this Collective Agreement.

ARTICLE 3 **NO DISCRIMINATION**

- 3.01 The Employer and Union agree that there shall be no discrimination, interference, restriction, or coercion exercised or practiced with respect to any employee in the manner of hiring, wage rates, training, upgrading, promotion, transfer, lay-off, recall, discipline, discharge, or otherwise by reason of age, race, ancestry, place of origin, ethnic origin, citizenship, sexual orientation, record of offences, disability, creed, colour, national origin, political or religious affiliation, sex or marital status, place of residence, all as set out and defined by the *Ontario Human Rights Code*, nor by

reason of membership or activity in the Union, or any other reason.

ARTICLE 4

UNION SECURITY AND CHECKOFF

Union Security

- 4.01 All employees of the Employer, shall, as a condition of continuing employment, become and remain members in good standing of the Union, according to the Constitution and By-Laws of the Union. The Employer shall deduct from every employee any dues, initiation fees, or assessments levied by the Union on its members.

Deductions

- 4.02 Deductions shall be made from the bi-weekly payroll and shall be forwarded to the National Secretary-Treasurer of the Canadian Union of Public Employees, by no later than the 15th day of the month following, accompanied by a lists of the names addresses and phone numbers of all employees from whose wages deductions have been made. This list shall also include the names and addresses of the employees terminated during that month. A copy of this list shall also be forwarded to the Secretary of the Local Union.

Work of the Bargaining Unit

- 4.03 Non-bargaining unit employees shall not perform work normally done by members of the bargaining unit except in cases of emergency, instruction, training on equipment or where bargaining unit personnel are not immediately available to perform their normal duties or where client service is jeopardized.

New Employees

- 4.04 (a) The Employer agrees to acquaint new employees with the fact that a Union Collective Agreement is in effect and with the conditions of employment set out in the Articles dealing with Union Security and Dues Check-Off.
- (b) The Employer agrees that a Local Union representative shall be given the opportunity to interview each newly-hired Full Time Employee who is not a member of the Union, once during the employee's first week of employment, for the purpose of advising such employee of the existence of the Union and of his/her rights and obligations under the terms of this Collective Agreement. Such interview may take place on the Employer's premises at a time and location designated by the Employer for such interview, and shall not exceed fifteen (15) minutes duration.

T4 Slips

- 4.05 Union dues deducted from the pay of each employee shall be shown on the employee's T4 slip.

Contractors

- 4.06 The Employer will not contract out any work of the bargaining unit to the extent that such contracting-out results in the lay-off or reduces the regular hours of work of any Permanent Full Time or Permanent Part Time Employee in the bargaining unit.

ARTICLE 5**DEFINITIONS****Full Time Employee**

5.01 A Full-Time Employee shall be defined to mean an employee who is regularly scheduled to work more than twenty-four (24) hours per week.

Part Time Employee

5.02 A Part-Time Employee shall be defined to mean an employee who is regularly scheduled to work no more than twenty-four (24) hours per week.

Continuous Employment

5.03 Means unbroken service commencing on the first day of employment as a Permanent or Permanent Part-Time Employee in the employ of the Employer or its predecessor municipalities.

Probationary Employees

5.04 A Probationary Employee shall be defined to mean an employee employed in the service of the Employer during the Probationary Period.

Permanent Employee

5.05 A Permanent Employee shall be defined to mean an employee employed in the service of the Employer who has successfully completed the Probationary Period.

Temporary Employee

5.06 A Temporary Employee shall be defined to mean an employee covered by the Letter of Understanding governing Temporary Employees which is hereby incorporated into and forms part of this Collective Agreement.

ARTICLE 6**PROBATIONARY PERIOD**

6.01 All employees, other than Temporary Employees (who are governed by the applicable Letter of Understanding), are required to serve a Probationary Period of one hundred and twenty (120) days worked and will have no seniority rights until the Probationary Period is successfully completed.

6.02 After successful completion of the Probationary Period, an employee shall be credited with seniority from the last date of hire with the Employer.

6.03 Entitlements under this Collective Agreement specifically afforded to Permanent Employees will not apply to Probationary Employees.

ARTICLE 7**NO STRIKES/NO LOCKOUTS**

7.01 In view of the orderly procedures established by this Collective Agreement for the settling of disputes and the handling of grievances, the Union agrees that, during the life of this Collective Agreement, there shall be no strike, and the Employer agrees that there shall be no lockout, in accordance with Provincial Government Laws and Regulations.

ARTICLE 8 **CORRESPONDENCE**

- 8.01 All correspondence between the parties, arising out of this Collective Agreement or incidental thereto shall pass to and from the Administrator or his/her designate and the Secretary of the Union with a copy sent to the Local President, National Representative of the Union and the Director of Corporate Services of the Employer or his/her designate.

ARTICLE 9 **UNION / MANAGEMENT RELATIONS**

Representation

- 9.01 a) No individual employee or group of employees shall undertake to represent the Union at meetings with the Employer without proper written authorization from the Union. In order that this may be carried out, the Union will supply the Employer with the names of its officers. Similarly, the Employer shall supply the Union with a list of its supervisory or other personnel with whom the Union may be required to transact business.

Union Officers and Committee Members

- b) Union officers and committee members shall be entitled to leave their work during working hours in order to carry out their functions under this Collective Agreement, without loss of remuneration for processing grievances (as per Article 10), attendance at meetings with the Employer, participation in negotiations and arbitration. Permission to leave work during working hours for such purposes shall first be obtained from the immediate supervisor. Such permission shall not be unreasonably withheld. All regular time spent in performing such union duties, including work performed on various committees, shall be considered as time worked.

Bargaining Committee

- 9.02 A Bargaining Committee shall be appointed and consist of not more than four (4) members of the Employer, as appointees of the Employer, and not more than four (4) members of the Union as appointees of the Union. The Union will advise the Employer in writing of the Union nominees to the Committee. Both parties shall also be entitled to have one person as an advisor/spokesperson on their committee.

Union - Management Committee

- 9.03 A Union - Management Committee shall be established consisting of representatives of the Union and representatives of the Employer. The Committee shall enjoy the full support of both parties in the interests of improved service to the public, and job security for the employees.

Function of Committee

The Committee shall concern itself with the following general matters:

- 1) Considering constructive criticisms of all activities so that better relations shall exist between the Employer and the employees.
- 2) Improving and extending services to the public.

- 3) Reviewing suggestions from employees, questions of working conditions and service (but not grievances concerned with service).
- 4) Correcting conditions causing grievances and misunderstandings.

Meetings of Committee

Meetings will be held at mutually agreed upon times and will normally be scheduled once every three (3) months. Meetings shall normally be scheduled for a maximum of one (1) hour in duration. By mutual consent the Parties may change the frequency and duration of meetings. The Committee shall receive a notice and agenda of the meeting at least forty-eight (48) hours in advance of the meeting. When meetings are held during an employee's working hours, then, no loss of regular pay will result from his/her attendance at the Committee meeting.

Chairperson of the Meeting

An Employer and a Union representative shall be designated as joint chairpersons and shall alternate in presiding over meetings.

Minutes of Meeting

Minutes of each meeting of the Committee shall be prepared and signed by the joint chairpersons as promptly as possible after the close of the meeting. The Union, the CUPE Representative and the Employer shall each receive two (2) signed copies of the minutes within three (3) days following the signing.

Jurisdiction of Committee

The Committee shall not have jurisdiction over wages, or any matter of collective bargaining, including the administration of this Collective Agreement.

The Committee shall not supersede the activities of any other committee of the Union or of the Employer and does not have the power to bind either the Union or its members or the Employer to any decisions or conclusions reached in their discussions. The Committee shall have the power to make recommendations to the Union and the Employer with respect to its discussions and conclusions.

Health and Safety Committee

- 9.04 (a) The parties agree to abide by the *Occupational Health and Safety Act* and its regulations. The Employer and the Union agree that they mutually desire to maintain standards of safety and health in the workplace, in order to prevent injury and illness.
- (b) A joint management and employees Health and Safety Committee shall be constituted with representation of at least half by employees from the various areas of bargaining units and of employees who are not represented by Unions and who do not exercise managerial functions, which shall identify potential dangers, recommend means of improving the health and safety programs and obtaining information from the Employer or other persons respecting the identification of hazards and standards elsewhere. The committee shall normally meet at least once a month. Scheduled time spent in such meetings is to be considered to be time worked. Minutes shall be taken of all meetings and copies shall be sent to

the Employer and to the Union.

- (c) Two (2) representatives of the Joint Health and Safety Committee, one (1) from management and one (1) from the employees on a rotating basis designated by the employees, shall make monthly inspections of the workplace and equipment and shall report to the Health and Safety Committee the results of their inspection. In the event of accident or injury, such representatives shall be notified immediately and shall investigate and report as soon as possible to the Committee and to the Employer on the nature and causes of the accident or injury. Furthermore, such representatives must be notified of the inspection of a government inspector and shall have the right to have a representative accompany him or her on such inspections. Scheduled time spent in all such activities shall be considered as time worked at time and one half (1 ½) to a maximum of two (2) hours per instance.
- (d) The Joint Health and Safety Committee and the representatives thereof shall have reasonable access to the annual summary of data from the WSIB relating to the number of work accident fatalities, the number of lost workday cases, the number of lost workdays, the number of non-fatal cases that required medical aid without lost workdays, the incidence of occupational injuries, and such other data, as the WSIB may decide to disclose.
- (e) The Union agrees to endeavour to obtain the full co-operation of its membership in the observation of all safety rules and practices.

ARTICLE 10

GRIEVANCE PROCEDURE

- 10.01 The parties to this Collective Agreement are agreed that it is of the utmost importance to address and resolve grievances as quickly as possible.
- 10.02 A grievance shall be defined as any difference arising out of the interpretation, application, administration, or alleged violation of the Collective Agreement.
- 10.03 In order to provide an orderly and speedy procedure for the settling of grievances, the Employer acknowledges the rights and duties of the Union Grievance Committee and the Union Stewards as set out herein. The Steward may assist any employee, which the Steward represents, in preparing, and processing his/her grievance in accordance with the grievance procedure. As far as practicable the investigation and submission of Grievances will be carried on outside regular working hours so as to reduce the loss of productivity to a minimum.
- 10.04 Time limits for all steps of the entire grievance and arbitration procedure may be extended in writing by mutual consent.
- 10.05 For the purpose of the grievance and arbitration procedures, "working days" shall be Monday to Friday inclusive, but exclusive of designated holidays.
- 10.06 The Grievance Committee shall be composed of not more than four (4) members

of the Union plus the Union Steward directly involved with the grievance.

- 10.07 The Union shall supply the Employer a list of the members on the Grievance Committee and of its Stewards and Officers as soon as they are elected/appointed.

Grievances will be processed in the Following Steps

- 10.08 **Step One** Within ten (10) working days following the circumstances giving rise to the concern, the employee will meet with his/her supervisor to attempt to resolve the concern. This is an informal process. The employee may request the assistance of a Union Steward. If the concern is not resolved the employee may proceed to Step Two.

- (b) The formal grievance procedure shall be as follows:

i) **Step Two**

Within ten (10) working days following the discussion with the Supervisor, the employee with the assistance of a steward shall put the grievance in writing and take the matter up with the applicable Manager/Director. Within five (5) working days after the grievance has been referred, the Manager/Director, or his/her designate, shall meet with the grievor and a Union Steward to discuss the grievance. A written reply to the grievance shall be given within five (5) working days after this meeting has been held.

ii) **Step Three**

Failing satisfactory settlement, the grievance may, within ten (10) working days following the said reply, be referred to the Director of Corporate Services by the steward or the Grievance committee. Within ten (10) working days after a grievance has been referred to him/her the Director of Corporate Services or his/her designate, shall meet with the grievor and a steward and/or a Union Representative to discuss the grievance. A written reply to the grievance shall be given within ten (10) working days after this meeting has been held.

Discharge Grievance

If a grievance involves the discharge of an employee, such a grievance shall proceed to Step Three of the grievance procedure and must be presented in writing, dated and signed, by both the grievor and the Union Steward within ten (10) working days following discharge.

Policy and Group Grievances

The Employer, the Union, or the Union on behalf of a group of employees may file a grievance concerning the general application, interpretation, or administration of this Collective Agreement. Such grievance shall be reduced to writing, dated and signed, and processed at Step Three of the grievance procedure within fifteen (15) working days after the circumstances causing the grievance.

iii) **Step Four – Arbitration**

If a grievance is to be referred to arbitration by either party, it shall be so referred within ten (10) working days after the reply at Step Three.

Composition of the Board of Arbitration

10.09 The written notice in Article 10.08 shall include the name and address of the referring party's nominee on an Arbitration Board. Within five (5) working days, the other party shall answer indicating the name and address of its nominee to the Arbitration Board. The two nominees shall within five (5) working days of the appointment of the second nominee appoint a third person who shall be the chairperson.

Failure to Appoint

10.10 If the recipient of the notice fails to appoint an arbitrator, or if the two appointees fail to agree upon a chair within the time limited, the appointment shall be made by the Minister of Labour for Ontario upon the request of either party.

Expenses of the Board

10.11 Each party shall pay:

- (a) The fees and expenses of the nominee it appoints;
- (b) One-half the fees and expenses of the Chairperson.

Sole Arbitrator

10.12 Notwithstanding anything contained in this Article, the parties may, by mutual agreement in writing, appoint a person to hear and determine a grievance as a sole arbitrator. Any sole arbitrator so appointed shall be otherwise subject to the terms of this Article.

Decision of the Board

10.13 The decision of the majority shall be the decision of the Board. Where there is no majority decision, the decision of the Chairperson shall be the decision of the Board. The decision of the Board of Arbitration shall be final and binding and enforceable on all parties, but in no event shall the Board of Arbitration have the power to change this Collective Agreement or to alter, modify or amend any of its provisions.

Mediation

10.14 Once a grievance has been processed for arbitration both parties may by mutual consent, agree to use the services of a mediator. The parties agree to share the costs of the mediation.

Leave for Grievor to Attend Arbitration Hearing

10.15 The Employer will allow a leave of absence with regular pay and benefits and without loss of seniority for a grievor to attend his/her Arbitration hearing. The Union shall reimburse the Employer for receipt of such pay.

10.16 Employee witness(es) summoned to attend arbitration hearings by the Union will be granted paid leave of absence by the Employer, the Employer may then bill and be reimbursed by the Union for such wages. Any expenses incurred by such witnesses will be paid by the Union.

Notice

10.17 Any written notice under the Collective Agreement shall be given to the person

specifically designated by the Union and the Employer respectively.

ARTICLE 11

DISCHARGE, SUSPENSION AND DISCIPLINE

Clearing the File

- 11.01 After the completion of twenty-four (24) clear months wherein no additional disciplinary notations have been placed on the employee's record, such disciplinary warning shall not support further disciplinary action.

Discharge and Discipline Procedure

- 11.02 (a) The Employer may, when acting in good faith, demote, discipline, suspend or discharge a Probationary Employee for any non-discriminatory reason, provided that a Probationary Employee shall have recourse to the grievance procedure.
- (b) A Permanent Employee may be dismissed or disciplined for just cause. Whenever the Employer or a representative of the Employer deems it necessary to dismiss or discipline an employee in a manner indicating that dismissal may follow any repetition of the act complained of or omission referred to, or that dismissal may follow if such employee fails to bring her/his work up to a required standard, the Employer shall, within five (5) working days thereafter, hold a meeting with the employee and a Union Steward, if requested to do so by either. A letter with written particulars shall be given to the employee and a copy sent to the Secretary of the Union.

Access to Personnel File

- 11.03 An employee, on making an appointment, shall have the right during normal business hours of the administration office to have access to a copy of and review his/her personnel file. The employee is entitled to receive a copy of the file if requested. An employee shall have the right to respond in writing to any document contained therein. Such reply shall become part of the permanent record.

Right to have Steward present

- 11.04 Where a Supervisor or other Employer representative intends to interview an employee concerning any matter that might reasonably be anticipated to result in disciplinary action, then, the Employer shall notify the President of Local 5014 and the employee sufficiently in advance of the interview to arrange for a Union Representative to attend the interview. In no circumstances shall the interview be delayed more than twenty-four (24) hours to permit such attendance.

ARTICLE 12

SENIORITY

Seniority Defined

- 12.01 Seniority is defined as the length of service with the Employer in the bargaining unit and shall include service with the Employer prior to the certification or recognition of the Union. Seniority shall be used in determining preference or priority for promotions, transfers, schedules, call-ins, demotions, layoffs, and recall, as set out in the following provisions. Seniority shall operate on a bargaining-unit-wide basis.

Part-time employees will accumulate seniority in hours. When they become full time their seniority date will be determined by the calculation of seniority in

accordance with the Letter of Understanding on Calculation of Seniority.

Seniority List

- 12.02 The Employer shall maintain separate seniority lists for full-time and part-time employees showing the date upon which each employee's service commenced. An up-to-date seniority list shall be sent to the Union and posted on the main bulletin board in January, May and September of each year. All seniority, vacation and other credits obtained under this Collective Agreement shall be retained and transferred with the employee when reclassified.

Loss of Seniority

- 12.03 Notwithstanding the other provisions of Article 12, and unless otherwise specifically provided in this Collective Agreement, seniority previously accumulated shall be lost and the employee ceases to be an employee of the Employer when he/she:

- (a) is discharged for just cause and not reinstated through the grievance process;
- (b) quits employment, provided the quit has not been rescinded within three (3) working days. Notwithstanding the foregoing, the Parties understand and agree that in the event that an employee rescinds their decision to quit employment, then, the Employer is not precluded by the passage of time or otherwise from subsequently pursuing any appropriate disciplinary action which the Employer would have taken in respect of the subject employee but for the employee's decision to quit employment;
- (c) is not recalled to work within twenty-seven (27) months from the date of layoff or does not perform work in the bargaining unit for twenty-seven (27) consecutive months, except as provided by law;
- (d) is absent from work for three (3) consecutive working days without prior notification to the Employer and without reasonable excuse;
- (e) fails, without reasonable excuse, to return to work following notice of recall within seven (7) calendar days of the posting of a registered letter of recall addressed to the employee's last listed address on file with the Employer. It shall be the responsibility of the employee to keep the Employer informed of his/her current address;
- (f) retires; or,
- (g) dies.

Transfers and Seniority Outside Bargaining Unit

- 12.04(a) Subject to the provisions of 12.04(b), no employee shall be transferred to a position outside the bargaining unit without her/his written consent. An employee who is transferred or promoted to a position outside the bargaining unit shall continue to accrue bargaining unit seniority for a maximum period of six months. If such an employee later returns to the bargaining unit within the six months, then, he/she shall return to his/her previous position. In the event of such return, the affected employee(s) will revert to his/her/their former position(s). If an employee fails to return to the bargaining unit within six months, then, all previously accrued bargaining

unit seniority will be lost.

- (b) The Parties agree that an employee transferred to a position outside the bargaining unit to temporarily replace an employee on pregnancy or parental leave shall be subject to all of the same provisions as set out in Article 12.04(a) except that such employee shall accrue his/her seniority and the applicable rights upon return to the bargaining unit for a maximum period of twelve (12) months. In such case, if an employee fails to return to the bargaining unit within twelve (12) months, then, all previously accrued bargaining unit seniority will be lost.

ARTICLE 13

PROMOTIONS AND STAFF CHANGES

Job Postings

- 13.01 (a) When the Employer decides there is a Full Time vacancy of either a temporary (expected to last at least three months) or permanent nature or a new position is created within the bargaining unit, the Employer shall post a notice on the Employer's main bulletin boards with a copy to the Union. The position shall be posted for a period of five (5) working days so that interested employees can apply.
- (b) When the Employer decides there is a Part Time or Temporary position vacancy, the position shall be posted concurrently both internal and external.
- (c) The successful applicant for a full-time vacancy will fill the vacancy within six (6) calendar days from the date the employee was awarded the vacancy unless there are circumstances beyond the reasonable control of the Employer.

Information in Postings

- 13.02 The job posting notice shall contain the following information: nature of the position; qualifications; shift, wage or salary rate or range.

No Outside Advertising

- 13.03 No outside advertising for additional employees shall be made until present employees have had a full opportunity to apply as provided in Article 13.01.

Recognition of Seniority

- 13.04 Both parties recognize the principle of promotion within the service of the Employer and that job opportunity should increase in proportion to length of service.

Methods of Making Appointment

- 13.05 In filling vacancies, appointments shall be made on the basis of seniority, skill and ability. Where skill and ability, are relatively equal, then, seniority shall govern. Appointments from within the bargaining unit shall normally be made within three (3) weeks of posting.

Familiarization Period

- 13.06 The successful applicant shall be given a trial period of one (1) month. The Employer shall not curtail the trial period without just cause, before it has run its full course. Conditional on satisfactory service, the employee shall be declared

permanent after the period of one (1) month. In the event the successful applicant proves unsatisfactory in the position during the trial period, or if the employee is unable or unwilling to continue to perform the duties of the new job classification, he/she shall be returned to his/her former position, wage or salary rate, without loss of seniority. Any other employee promoted or transferred because of the re-arrangement of positions shall also be returned to his/her former position, wage or salary rate, without loss of seniority.

Notification to Employee and Union

13.07 Within seven calendar days of the date of appointment to a vacant position, the name of the successful applicant shall be sent to each applicant and a copy posted on all bulletin boards. The Union shall be notified of all promotions, demotions, hirings, lay-offs, transfers, recalls, resignations, retirements, deaths or other terminations of employment.

Postings while on Vacation or Leave

13.08 When an employee will be absent on vacation, and/or a leave of absence, the employee may advise his/her manager, in writing, and no more than seven days prior to beginning the vacation, that he/she wishes to be considered for any potential job posting which might arise during his/her vacation. The written notice must specify the job or position for which the employee wishes to be considered. If such a job or position then arises during the employee's vacation, the written notice will be considered an application. The written notice is only valid during the vacation period immediately following its delivery to the manager.

Changes in Classification

13.09 When the duties of any job are significantly changed or increased, or when a new job is created or established, the rate of pay shall be subject to negotiations between the Employer and the Union. If the parties are in question, such dispute shall be submitted to grievance and arbitration for determination. The new rate shall become retroactive to the time the new position was first filled by the employee or the date of change of job duties.

ARTICLE 14 **LAYOFFS AND RECALLS**

Definition of Lay-Off

14.01 A lay-off shall be defined as a reduction in the work force.

Role of Seniority in Layoff

- 14.02 (a) Both Parties recognize that job security should increase in proportion to length of seniority. Therefore, in the event of a layoff, affected employees shall be laid off in reverse order of their seniority by classification provided that the remaining jobs shall be filled, at all times by qualified employees.
- (b) An employee receiving a layoff notice may bump the most junior employee in a lower classification provided that the employee exercising the bumping right has the ability and qualifications to perform the subject position without training.
- (c) The employee who displaces another employee and moves to a position with a lower wage rate shall be paid at the applicable lower wage rate upon

assuming the position in question. In such circumstances the employee bumping into the lower Group/Classification within Appendix "2" shall be placed on the Wage Grid at the same Step on the Grid as that employee previously occupied in their own Group and Classification prior to exercising the bumping right.

Recall Procedure

- 14.03 (a) Employees who are displaced or laid off under Article 14.02 shall be placed on a Recall List and shall be eligible for recall to available work in their classification at the time of layoff or in a lower rated classification provided that the employee has the ability and qualifications to perform the subject position without training.
- (b) Upon recall, the employee shall be paid at the applicable wage rate for the position in question. In the event that the employee is recalled to a lower rated Group/Classification within Appendix "2", then, the employee will be placed at the same Step on the Wage Grid as the employee last occupied prior to lay off.
- (c) Employees will remain on the Recall List until they have been recalled to their original position or for twenty-seven (27) months whichever comes first.

No New Employees

- 14.04 New employees shall not be hired until those laid off have been given an opportunity of recall pursuant to Article 14.03.

Advanced notice of layoff

- 14.05 Notice of layoff shall be posted at the following sites: City Hall; New Liskeard Arena; Haileybury Arena; The Pool and Fitness Centre; and, Public Works Complex, and shall be provided in writing to the employee(s) immediately affected. Where applicable such notice shall be in accordance with the *Employment Standards Act, 2000, S.O. 2000, c.41* as amended.

Notice to Union

- 14.06 The Union shall receive five (5) days notice of any layoffs that the Employer expects will exceed ten (10) working days. The Union Management Committee shall meet during this period if requested by either party, to review the reasons and expected duration of the lay-off, any realignment of service or staff and its effect on employees in the bargaining unit.

Severance Pay

- 14.07 Severance pay shall be paid as per the *Employment Standards Act*.

ARTICLE 15

HOURS OF WORK

No Guarantee of Hours

- 15.01 The provisions of this Article 15 do not constitute a guarantee of hours of work or of a particular schedule.

Normal Hours of Work

15.02 The normal hours of work are as follows:

a) **Office and Technical Hourly Rated Employees and Salaried Employees**

- 8:30 a.m. – 4:30 p.m. with a one (1) hour unpaid meal period, worked Monday to Friday.

b) **Public Works Hourly Rated Employees**

- Eighty (80) working hours in a pay period of two (2) weeks;

i) **Winter operations**

- A Winter Operations Plan will be prepared and will be posted by no later than October 15th of each calendar year. The Parties understand and agree that the applicable Winter Operations Plan is hereby incorporated into and forms part of this Collective Agreement;
- The Winter Operations Plan provides for twenty-four (24) hour seven (7) day per week coverage;
- The shifts for winter hours are as follows:
 - Winter Day shift – 6:30 a.m. – 3:00 p.m. with a thirty (30) minute unpaid meal period worked Sunday through Saturday;
 - Winter Evening shift – 3:00 p.m. – 11:30 p.m. with a thirty (30) minute unpaid meal period worked Sunday through Saturday;
 - Winter Night shift – 10:00 p.m. – 6:30 a.m. with a thirty (30) minute unpaid meal period worked Sunday through Saturday.

ii) **Regular Operations**

- Five (5) consecutive eight (8) hour days worked on a scheduled Day shift - 6:30 a.m. – 3:00 p.m. with a thirty (30) minute unpaid meal period worked Monday to Friday inclusive.

iii) **Building and Property Maintenance Hourly Rated Employees**

- Full-time Building Maintenance Employees - 7:30 a.m. - 4:00 p.m. with a thirty (30) minute unpaid meal period worked Monday to Friday.
- Full-time City Hall Custodial staff – 4:00 p.m. – 12:00 midnight with a thirty (30) minute paid meal period, worked Monday to Friday.

- Full-time Pool and Fitness Centre Custodial staff - 4:00 a.m. - 12:00 noon with a thirty (30) minute paid meal period worked Monday to Friday.
- Full-time Custodial Staff - Various Locations:
Tuesday to Saturday: New Liskeard Library (6.5 hours/week); Public Works Complex (6.5 hours/week); Dymond Fire Station (6.5 hours per week); Pool and Fitness Centre (12.5 hours/week)

c) **Recreation Hourly Rated Employees**

- Parks Operations who are employed in Recreation - 7:30 a.m. – 4:00 p.m. with a thirty (30) minute unpaid meal period worked Sunday through Saturday.
- Arena Operations – eight (8) hour shifts as follows:
 - Day shift – 7:30 a.m. – 4:00 p.m. with a thirty (30) minute unpaid meal period, worked Sunday through Saturday;
 - Evening shift – 4:00 p.m. – 12:00 midnight with a thirty (30) minute paid meal period, worked Sunday through Saturday.
- Recreation Employees at the Arenas and Parks may within an eighty (80) hour pay period be granted forty-eight (48) or seventy-two (72) consecutive hours off.
- Pool and Fitness Centre Administration – 8:30 a.m. – 4:30 p.m. with a one (1) hour unpaid meal period worked Monday to Friday.

Alteration of Hours of Work and Schedule

15.03 The Employer reserves the right to establish and alter starting and quitting times and to amend the shift schedule as necessary upon providing two (2) working days advance notice except in cases of emergency.

Breaks

- 15.04 (a) Except where otherwise specifically provided elsewhere in this Collective Agreement, employees shall receive two (2) rest breaks of fifteen (15) minutes each per shift. One rest break shall be during the first half of the shift and the second rest break during the second half of the shift. Employees in certain jobs that require constant attendance shall remain on the work site during the break as required.
- (b) A thirty (30) minute paid rest break will be provided to all employees who are required to work more than two (2) hours beyond the completion of their regularly scheduled shift. Every attempt will be made to schedule this break at the end of the regularly scheduled shift.
- (c) Where an employee is required to work more than three (3) hours beyond

the completion of their regularly scheduled shift and where the employee is not permitted to leave the job site, then, the Employer shall, at its sole discretion, either, provide a meal or provide the employee with a meal allowance in the amount of ten dollars (\$10.00).

- (d) Paid breaks and meal periods shall be arranged and authorized by the Employer.

ARTICLE 16

EXTENDED HOURS OF WORK AND OVERTIME

Authorization Required for Extended Hours of Work and for Overtime hours

16.01 All extended hours of work and all overtime hours worked must, where feasible, be authorized, in advance, in writing, by the Employer. Anytime an employee is specifically asked by the Employer to work overtime the verbal request will be deemed as authorization. Where necessary extended hours or overtime hours have not been so authorized due to operational limitations, then, the employee must report the applicable hours and have the same approved, in writing, after the fact, by the Employer, within two (2) working days of the performance of the subject extended hours or overtime hours.

Overtime Hours Defined

- 16.02 a) For hourly rated full time employees overtime hours shall mean all hours worked in excess of scheduled hours and all hours worked on a scheduled day of rest;
- b) For salaried employees overtime hours shall mean all hours worked in excess of forty four (44) hours in a week and all hours worked on a scheduled day of rest; and,
- c) For hourly rated part time employees overtime hours shall mean all hours worked in excess of forty (40) hours worked in a week and shall otherwise be governed by the provisions of the Employment Standards Act, 2000, as amended.

Extended Hours Defined

16.03 For salaried employees Extended Hours shall mean all hours worked in excess of thirty-five (35) hours in a week and up to forty-four (44) hours in a week.

Overtime Rate of Pay Defined

- 16.04 a) Hourly rated full time employees shall receive one and one-half (1 ½) times their applicable wage rate for all overtime worked, up to a maximum of eight (8) hours in a day in excess of their regularly scheduled daily hours and for all overtime hours worked, up to a maximum of eight (8) hours in a day, on a scheduled first day of rest;
- b) Hourly rated full time employees shall receive two (2) times their applicable hourly wage rate for all overtime worked in excess of eight (8) hours of overtime on a regularly scheduled day of work and for all overtime hours worked in excess of eight (8) hours of overtime on a scheduled first day of rest and for all hours of overtime worked on a scheduled second day of rest or third consecutive day of rest where applicable; and

- c) Hourly rated part time employees shall receive one and one half (1 ½) times their hourly rate of pay for all overtime hours worked in excess of forty (40) hours of work in a week; and,
- (d) Salaried employees shall receive one and one-half (1 ½) times their deemed hourly rate of pay for all overtime hours worked in excess of forty-four (44) hours of work in a week and all hours worked on a scheduled day of rest.

Banking of Overtime for Hourly Rated Employees

16.05 An hourly rated full time employee shall have the choice of receiving payment for overtime hours worked in accordance with the overtime rate of pay specified in Article 16.04 or banking overtime hours worked at the applicable rate for each such overtime hour worked up to a maximum of eighty (80) hours of time off in lieu of overtime pay.

Taking banked in lieu time off must be approved by the Employer and will only be allowed when it is operationally possible. Any such banked time off in lieu not taken by December 31 of each calendar year shall be paid out to the hourly rated employee.

Banking of Extended Hours for Salaried Employees

16.06 A salaried employee shall be able to bank a maximum of eighty (80) hours of time off in lieu at the rate of one (1) hour banked for each Extended or Overtime Hour worked at the applicable overtime rate.

Taking banked time off must be approved by the Employer and will only be allowed when it is operationally possible. Any such banked time off not taken by December 31 of each calendar year shall be paid out to the salaried employee on the basis of one hundred percent (100%) of the unused banked hours multiplied by the employee's deemed hourly rate of pay.

Call-Out

16.07 a) An hourly rated employee, who has completed the employee's regularly scheduled shift and subsequently leaves work and is subsequently recalled to work the same day, shall receive a minimum of four (4) hours work at the applicable overtime rate of pay. For the purposes of this Article the Employer may assign the employee to work on any available job.

Stand-By

- b) A Crew Leader or designate who is on Stand-By, shall be paid a minimum of three (3) hours at the applicable hourly rate of pay for each Friday, Saturday, Sunday and Paid Holiday when scheduled to be on Stand-By. If called in the minimum is applied to the entitlement to any wages for time worked. The hours can be paid or banked (in accordance with Article 16.05) at the applicable hourly rate, at the discretion of the employee.
- c) A Crew Leader, or designate, while on Stand-By, shall receive the applicable overtime rate of pay for all time worked in response to any call.

The hours can be paid or banked (in accordance with Article 16.05) at the applicable hourly rate, at the discretion of the employee.

- d) In the event the Crew Leader or designate must call in an employee(s) the Crew Leader or designate shall receive a minimum of four (4) hours work at the applicable overtime rate of pay. The hours can be paid or banked (in accordance with Article 16.05) at the applicable hourly rate, at the discretion of the employee.
- e) For the purposes of clarity, Call-Out or Stand-By does not apply to Salaried Employees.

Overtime Distribution

16.08 Overtime will be distributed on a rotational basis in order of seniority among available and qualified employees by department. For clarity the Parties understand and agree that within the Public Works Department separate lists will be maintained for this purpose for each of: Water and Sewer; and, Roads. If sufficient volunteers are not obtained, then, junior employees in reverse order of seniority may be required and scheduled to work such overtime hours. The Employer will attempt to give as much notice for overtime as practicable.

Equalizing Overtime

16.09 The employee shall not be required to reduce his regular hours of work to offset any hours worked at overtime premium.

Computing Paid Holidays

16.10 All paid holidays as outlined in Article 17.01 not worked, shall for the purposes of computing weekly overtime, be considered as a day worked.

ARTICLE 17 **HOLIDAYS**

17.01 The following Holiday Pay provisions apply to all employees:

List of Holidays

The Employer recognizes the following as paid holidays:

New Year's Day	Canada Day (July 1st)
Family Day	Civic Holiday
Labour Day	Good Friday
Thanksgiving Day	Remembrance Day (if a regularly scheduled work day for the employee)
Easter Monday	Christmas Day
Queen's Birthday	Boxing Day

The Employer agrees to grant employees two floating days off with pay to be taken on a day mutually agreed upon between the Employer and the employee. The Employer and the Union may, by agreement, set a date for one or both floaters for all employees.

The Holiday pay qualifying rules found in the *Employment Standards Act* apply to all Holidays set out in the Collective Agreement.

Eligibility

17.02 For clarity and notwithstanding the provisions of Article 17.01 the Parties agree that an employee is eligible for a paid holiday if he/she:

- (a) is on the active payroll; and,
- (b) has worked all of the employee's regularly scheduled day of work immediately prior to and all of the employee's regularly scheduled day of work immediately following a holiday, unless the absence is approved in advance, in writing, by the employee's Supervisor or the employee can show reasonable cause for not working such days.

Payment for Holidays

- 17.03 (a) Subject to the provisions of sub-paragraphs b), c) and d) below and subject to the Letter of Understanding Concerning Holiday Pay for Public Works Employees Working four (4) ten (10) hour shifts which is attached hereto and forms part of this Collective Agreement, an eligible employee shall be paid holiday pay for a given paid holiday calculated as follows: the total amount of regular wages earned and vacation pay payable to the employee in the four (4) work weeks before the work week in which the public holiday occurred, divided by 20.
- (b) An eligible employee who is required to work on any of the holidays listed in Article 17.01, other than Remembrance Day, will receive pay at the rate of time and one half (1 ½) the employee's regular hourly rate for every hour worked on such day in addition to pay for the holiday at the employee's regular hourly rate or the employee may be granted an alternate day off (lieu day) at a mutually agreeable time. Payment for such lieu day will be based upon the entitlement the employee otherwise would have been eligible to receive for the holiday at straight time hourly rates.
- (c) In the case of Remembrance Day an eligible employee shall be entitled to a paid holiday only if Remembrance Day falls on a regularly scheduled work day for the employee. If an employee works on Remembrance Day and would otherwise have qualified for a holiday on Remembrance Day, then, the employee shall not be entitled to premium pay under Article 17 for such work but shall be entitled to an alternative day off (lieu day) at a mutually agreeable time.
- (d) Temporary Employees shall be entitled to a holiday or holiday pay on Easter Monday, Civic Holiday and Remembrance Day.

Holidays for Days Off

17.04 In the event that a holiday falls on the employee's regular day off the first business day immediately following the Holiday shall be taken in lieu of the Holiday.

Holidays – Part-time Employees

17.05 Part-time Employees shall receive payment for the holidays according to the Ontario *Employment Standards Act*.

ARTICLE 18 VACATION

Vacation Pay Year for Calculation

18.01 The "vacation pay year" shall be defined as January 1 to December 31. Vacation entitlements shall be calculated as at December 31 of each calendar year".

18.02 Employees shall be entitled to vacation time according to the following schedule, subject to Article 18.01:

Full-Time Employees

(a)	Less than one (1) year of service as at December 31	1 day per month to a maximum of ten 10 days
	One (1) year of service but less than three (3) years of service as at December 31	2 weeks
	Three (3) years of service but less than ten (10) years of service as at December 31	3 weeks
	Ten (10) years of service but less than fifteen (15) years of service as at December 31	4 weeks
	Fifteen (15) years of service but less than twenty-three (23) years of service as at December 31	5 weeks
	Twenty-three (23) years of service or more as at December 31	6 weeks

Calculation of Vacation Pay for Full-Time Employees

- (b) For an employee entitled to vacation time of two (2) weeks or less, the employee's vacation pay shall be calculated as four percent (4%) of gross wages, less vacation pay previously paid, during the applicable vacation year.

For an employee entitled to vacation time of three (3) weeks, the employee's vacation pay shall be calculated as six percent (6%) of total regular earnings during the applicable vacation year.

For an employee entitled to vacation time of four (4) weeks, the employee's vacation pay shall be calculated as eight percent (8%) of total regular earnings during the applicable vacation year.

For an employee entitled to vacation time of five (5) weeks, the employee's vacation pay shall be calculated as ten percent (10%) of total regular

earnings during the applicable vacation year.

For an employee entitled to vacation time of six (6) weeks, the employee's vacation pay shall be calculated as twelve percent (12%) of total regular earnings during the applicable vacation year.

- 18.03 Employees shall accrue vacation time but shall not accrue vacation pay while on unpaid leave of absence.
- 18.04 For the purposes of calculating a full time employee's vacation time entitlement, years of service shall include time worked as a part time or temporary employee with seniority calculated in accordance with the Letter of Understanding on Calculation of Seniority.

Holidays During Vacation

- 18.05 If a paid holiday falls or is observed during an employee's vacation period, he/she shall be entitled to a day off with pay at a time mutually agreed between the employee and his/her immediate supervisor.

Vacation Pay on Termination

- 18.06 An employee terminating his/her employment at any time in his/her vacation year before he/she has had his/her vacation shall be entitled to a proportionate payment of salary or wages in lieu of such vacation.

Preference in Vacations

- 18.07 Vacations shall be granted first on the basis of seniority within each Department subject to the Employer maintaining a competent workforce. Employees will initially be entitled to claim such priority for up to three weeks of vacation, then others shall be given a scheduling opportunity.

Vacation Schedules

18.08 Vacation taken from January 1st to March 31st

Each Department Director/Manager shall post a vacation selection form no later than September 30th of the previous year.

Employees shall submit their selection of vacation period(s) by no later than November 30th of the previous year.

Vacation taken from April 1st to December 31st of any given year

Each Department Director/Manager shall post a vacation selection form no later than January 31st of each year.

Employees shall submit their selection of vacation period(s) by no later than March 31st of each year.

The parties agree that any unscheduled vacation remaining following the March 31st deadline will be taken at a time mutually agreed between the employee and his/her immediate Supervisor.

Unbroken Vacation Period

- 18.09 An employee shall be entitled to receive his/her vacation in an unbroken one week period unless otherwise mutually agreed upon between the employee concerned and the Employer.

Employees may request that consideration be given to having some vacation taken in one half (1/2) day or single day increments provided the employee gives his/her immediate Supervisor one day of notice. The decision will be made by the Supervisor based on operational needs. Such a request will not unreasonably be denied. Longer notice to the Supervisor will sometimes make it easier to grant the request.

Illness During Vacation

- 18.10 Sick leave may be substituted for vacation where it can be established to the satisfaction of the Employer by the employee that an illness or accident occurred while on vacation.

It is understood that the Employer will reschedule vacation for an employee whose vacation would be interrupted by a serious illness or accident occurring immediately prior to the scheduled vacation.

- 18.11 Where an employee has already received more vacation pay than that which would be payable on termination, then, the overpayment shall be deducted from the terminating employee's last pay. In the event that an insufficient amount exists in the employee's last pay to satisfy the repayment of the overpayment, then, the employee shall be obliged to repay to the Employer any remaining overpayment amount. The Employer may waive this provision in the event of undue hardship.

No Vacation Carry Over

- 18.12 Employees shall not be allowed to carry over vacation time from one year to the next unless permission to do so is granted by the City Manager or designate.

Change in Vacation Schedule

- 18.13 An employee may request a change in previously scheduled vacation only if the request is made in writing a minimum of ten (10) working days prior to the commencement of the scheduled vacation. Granting of any vacation change shall be at the sole discretion of the Employer.

ARTICLE 19**LEAVE OF ABSENCE****General Leave**

- 19.01 The Employer may grant leave of absence for up to a maximum of six (6) months without pay or benefits and without loss of seniority to any Permanent Employee requesting such leave of absence for valid personal reasons. Subject to the applicable terms of applicable group benefit plans employees may choose to pay in advance for both the Employer and employee cost for all applicable employee benefits while on such leave. Advance notice of the request shall be given with such request to be in writing and approved by the Employer. Employees on approved leave of absence should not engage in any gainful employment without permission of the Employer. Such general leave may be denied by the Employer,

acting reasonably, for operational or employee morale issues.

Leave for Union Business

19.02 Representatives of the Union (see Article 9.01) shall not suffer any loss of regular pay when required to leave their employment temporarily in order to attend negotiations with the Employer (until the completion of conciliation), or with respect to a grievance meeting with the Employer or an interest or rights arbitration hearing provided that employees shall be required to obtain the permission of the Employer before leaving their work responsibilities.

Leave for Union Function

19.03 Upon at least two (2) weeks notification to the Employer, a Permanent Employee elected or appointed to represent the Union at Union functions shall, subject to the conditions and limitations specified herein, be allowed a leave of absence with regular pay and benefits and without loss of seniority. The Union shall reimburse the Employer for receipt of such pay. The bargaining unit shall be allowed a maximum of twenty-five (25) working days per contract year for such leave and no more than a total of two (2) employees may take such leave at the same time and further provided that no more than one (1) employee from a department may take such leave at the same time.

Bereavement Leave

- 19.04 (a) In the event of death of a Permanent Employee's current spouse (including same sex or common-law spouse, or child, parent, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grandchild, then, the employee shall be entitled to leave of absence without loss of pay for five (5) working days for the purposes of making funeral arrangements, attending the funeral or attending to related estate matters.
- (b) In the event of death of a Permanent Employee's brother-in-law, or sister-in-law, aunt, uncle, niece, nephew, then, the employee shall be entitled to leave of absence without loss of pay two (2) working days for the purposes of making funeral arrangements, attending the funeral or attending to related estate matters.
- (c) The Employer may require proof of death to support bereavement leave in accordance with this Article.
- (d) Additional bereavement leave without pay may be granted by the Employer at its sole discretion.
- (e) A Permanent Employee may elect to defer one (1) day of bereavement leave to be used for attendance at the actual interment.
- (f) In the event of death of a Probationary Employee's current spouse (including same sex or common law spouse) or child, parent, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandparent, grand-child, the Probationary Employee shall be entitled to leave of absence without pay for three (3) working days for the purposes of making funeral arrangements or attending the funeral. It is understood and agreed

by the Parties that where such bereavement leave is granted, the applicable number of working days shall be added to the applicable employee's probationary period.

Medical Emergency Leave

19.05 (a) Employees shall be allowed to utilize their accumulated sick leave to attend to the medical attention of a member of the employee's immediate family or to attend personal medical appointments. Such leave request is to be approved by the employee's immediate Supervisor. Immediate family shall mean: current spouse, son, daughter, mother, father, mother-in-law, father-in-law, brother, sister, grandparent and grandchild. Employees will provide as much notice as possible of such requests.

Jury & Witness Duty Leave

19.06 Employees subpoenaed to act as Jurors or Crown Witnesses in criminal or civil court or at a Coroner's Inquest shall be granted a leave of absence with pay for such purpose. Any pay received from the Crown for such service shall be turned in to the Employer.

Voting Leave

19.07 The Employer will comply with applicable legislation related to afford employees the required clear time off with pay prior to the poll closing in Federal, Provincial and Municipal elections.

Pregnancy, Parental and Adoption Leave

19.08 Pregnancy leave, Parental leave and adoption leave shall be granted in accordance with the *Employment Standards Act*.

ARTICLE 20

SICK LEAVE

Income Protection Plan

20.01 Sick Leave shall be governed by the provisions of the Income Protection Plan set out in Appendix 1 hereto which is hereby incorporated into and forms part of this Collective Agreement.

Medical Examination

20.02 The Employer may refer an employee seeking any medical right or benefit or seeking any dispensation or consideration on medical grounds, to a physician selected by it for confirmation of the medical claim. Where accommodation is required in regard to the employee's condition the Employer may require of the physician a report as to what accommodation would be appropriate, in which case the Employer shall reimburse the employee for the cost of such Physician's Medical Certificate upon presentation of a receipt for such payment.

ARTICLE 21

PAYMENT OF WAGES AND ALLOWANCES

Rates of Pay

21.01 (a) Except as otherwise provided in the Letter of Understanding governing Classifications, Wage Rates and Wage Adjustments, which is hereby

incorporated into and forms part of this Collective Agreement, Rates of pay for classifications covered by this Collective Agreement will be listed in the attached Salary Schedule.

- (b) The Salary Schedule may be changed for individual employees or groups of employees as a result of agreement between the Employer and the Union.

Wage Grid

- 21.01 (c) Except as otherwise provided in the Letter of Understanding governing Classifications, Wage Rates and Wage Adjustments, effective immediately following the date of Ratification, every employee shall be classified in accordance with the Classifications specified in Appendix "2".
- (d) Except as otherwise provided in the Letter of Understanding governing Classifications, Wage Rates and Wage Adjustments, each employee shall be placed appropriately on the five Step Wage Grid established in Appendix "2" in accordance with the agreement of the Parties and paid in accordance therewith.

Increments

- 21.02 (a) Where there are minimum and maximum salary ranges, employees shall progress from minimum to maximum salary by annual increments as provided for in (c) below.
- (b) Increments are planned for the anniversary date of when an employee entered a position.
- (c) Increments are awarded on the basis of merit. The Employer will rate each employee on job performance prior to the anniversary date of when an employee entered a position. If a job performance rating is not conducted prior to this anniversary date then the employee may grieve the failure seeking an order that the performance rating be done. Increments received shall be retroactive to the employee's anniversary date.

Wage Increases in Future Contract Years

- 21.03 a) Effective January 1, 2018, the, then current Wage Grid wage rates applicable to all classifications shall be increased by two per cent (2%).
- b) Effective January 1, 2019, the, then, current Wage Grid wage rates applicable to all classifications shall be increased by two per cent (2%).
- c) Effective January 1, 2020, the, then, current Wage Grid wage rates applicable to all classifications shall be increased by two per cent (2%).

Crew Leader Premium for Heavy Equipment Operator

- 21.04 When a Heavy Equipment Operator is assigned a crew of three (3) or more Full Time Operators then the Heavy Equipment Operator shall receive a premium of

one (\$1.00) dollar per hour.

Water Operator Certification Premium

21.05 The premium for Water Operator Certification shall be fifty (\$0.50) cents per hour while participating in training towards certification.

Shift Premium

21.06 a) The Employer agrees to pay a shift premium to employees in Public Works, Winter Operations and Recreation of one dollar (\$1.00) per hour to employees for each hour worked on an overnight shift. For greater clarity, the Parties agree that the shift premium shall not apply to any work performed on either a day shift or an evening shift.

Weekend Premium

b) Employees in Public Works and Recreation shall be paid a Weekend Premium of one dollar (\$1.00) per hour to employees for each hour worked on Saturday and Sunday.

Pay Days

21.07 The Employer agrees that wages will be paid bi-weekly on every second Friday one week in arrears.

On each payday each employee shall be provided with an itemized statement of his/her wages, overtime and other supplementary pay and deductions. The employee's hourly rate is to be placed on the cheque stub.

Pay in the event of a Temporary Transfer or the Award of a Posted Vacancy

21.08 (a) When an hourly rated employee is temporarily assigned to a position in a higher Group than his/her own, for the benefit of the Employer, then, for all continuous hours worked in the transfer position, the employee shall be placed on the Wage Grid and paid at the lowest Step Level in the higher rated Group/Classification within Appendix "2" that provides a wage rate immediately higher than the wage rate the employee received immediately prior to the transfer. When an hourly rated employee is temporarily assigned to a position in a lower Group than his/her own, for the benefit of the Employer, then, his/her pre transfer wage rate shall be maintained.

b) When a salaried employee is temporarily assigned to a position in a higher Group than his/her own, for the benefit of the Employer, then, for all continuous hours worked in the transfer position, the employee shall be placed on the Wage Grid and paid at the lowest Step Level in the higher rated Group/Classification within Appendix "2" that provides a salary/wage rate immediately higher than the wage rate the employee received immediately prior to the transfer. When a salaried employee is temporarily assigned to a position in a lower Group than his/her own, for the benefit of the Employer, then, his/her pre-transfer wage rate shall be maintained.

(c) When an employee is awarded a vacant position which constitutes a promotion to a higher rated Group/Classification within Appendix "2", then, the employee shall be placed on the Wage Grid and paid at the lowest Step Level in the higher rated Group/Classification which provides a salary/wage rate immediately higher than the salary/wage rate the employee received

immediately prior to being awarded the higher rated position. When an employee is awarded a vacant position which constitutes a lateral move within the same Group the employee last occupied within Appendix "2", then, the employee shall maintain the Step Level on the Wage Grid which they occupied immediately prior to filling the subject vacancy.

- (d) If a Temporary Employee or a Part Time Employee is temporarily transferred to a Full Time position for a period in excess of three consecutive months, then, the employee shall be eligible to participate in the group insurance benefit plans identified in Article 25 of this Agreement, for so long as the employee is so temporarily transferred. Upon completion of the temporary transfer, the employee's participation in the group insurance benefit plans shall cease.

Membership - Waterfront Pool Fitness Centre

21.09 All employees, their spouses and dependents will receive a 100 % discount on a full membership to the Waterfront Pool Fitness Centre. Membership is non-transferable and has no cash value.

Educational Allowance

21.10 The Employer shall pay the full costs of any course of instruction required by the Employer or any level of government to better qualify himself/herself to perform the employee's job.

No Pyramiding

21.11 There shall be no pyramiding of overtime and premium payments.

ARTICLE 22

EXPENSE AND MILEAGE ALLOWANCES

Motor Vehicle

22.01 It shall be the responsibility of the Director to determine whether an employee requires the use of a motor vehicle to carry out Employer business.

Mileage Allowance

22.02 An employee who is authorized by his Director to use his/her personal automobile in the performance of the employee's duties shall be paid a mileage allowance at the current rate as established by the Expense Allowance Policy.

Expense Allowance

22.03 An employee who through the performance of their employee's duties incurs an expense shall be reimbursed as established by the Expense Allowance Policy.

The Union shall be advised of any changes or amendments to the Expense Allowance Policy.

ARTICLE 23**SAFETY FOOTWEAR & CLOTHING ALLOWANCES****Safety Footwear Allowance**

23.01 All Permanent Employees required to wear safety footwear shall be entitled to an amount of up to one hundred and sixty dollars (\$160.00) annually toward the purchase of safety footwear. The employee may claim for more than one pair of boots per year providing the total does not exceed one hundred and sixty (\$160.00) dollars per year. The payment(s) will be made to reimburse the employee upon production of a purchase receipt(s).

Work Gloves

23.02 Employees of the Public Works and Recreation Department shall be provided with two (2) pairs of work gloves once each calendar year. Additional gloves may be provided as required when an employee turns in his or her used pair.

Safety T-Shirts

23.03 Employees of the Recreation and Public Works Departments who are required to work outdoors shall be provided with two (2) Safety T-Shirts annually.

Protective Clothing

23.04 Coveralls shall be provided to all Public Works Employees and Recreation Arena Attendants. The coveralls shall be dry cleaned at the Employer's expense on a weekly basis.

Winter Coats

23.05 Employees required to work in winter weather conditions will be provided with winter coats. The Employer will replace/repair such coats on an "as needed" basis.

Swimwear

23.06 All permanent full time aquatic staff required to wear swimwear shall be entitled to an amount of up to one hundred and ten dollars (\$110.00) annually toward the purchase of one (1) swimsuit. The payment will be made to reimburse the employee upon production of a purchase receipt.

Rain Gear

23.07 Where required for safety purposes, the Employer shall supply adequate rain resistant apparel in accordance with the *Occupational Health and Safety Act*.

ARTICLE 24**PENSION PLANS****Pension Plan (O.M.E.R.S.)**

24.01 In addition to the Canada Pension Plan, all eligible employees shall join the Ontario Municipal Employees Retirement System (O.M.E.R.S.). The Employer and the employees shall make contributions in accordance with the provisions of the plan.

ARTICLE 25**EMPLOYEE BENEFITS**

25.01 The Employer agrees that during the term of this Collective Agreement it will pay the portion of the premiums required for the Group Benefit Plan – Temiskaming Shore – Municipal Employees as set out in Appendix 3 which is attached hereto

and forms a part of this Collective Agreement, for all active Permanent Full Time Employees and their dependents as set out therein. The Employer is not the insurer. All Benefits are subject to the terms of the applicable plans. Any dispute about entitlements is between the employee and the insurance company and is not a dispute under this Collective Agreement.

The Employer agrees that, except as noted below, benefits during the life of the Agreement shall be unchanged.

“Glasses and Contact Lenses \$450.00 every 24 months.”

“Eye Examination \$85 every 24 months.”

“Employee Basic Life Insurance: \$70,000, reducing to \$50,000 at age 65.”

ARTICLE 26

GENERAL CONDITIONS

Bulletin Board

26.01 The Employer shall provide bulletin boards which shall be placed so that all employees will have access to see them and upon which the Union shall have the right to post notices of meetings and such other notices as may be of interest to the employees.

Copies of Collective Agreement

26.02 The Union and the Employer desire every employee to be familiar with the provisions of this Collective Agreement and their rights and duties under it. It is agreed that the parties will prepare the Collective Agreement for signing within sixty (60) days of ratification. The Employer shall print sufficient copies of the Collective Agreement in booklet form for each employee within thirty (30) days of the signing, and the parties shall split the cost of such printing and any subsequent printings.

Validity of Agreement

26.03 In the event that there is a change in legislation during the life of the Collective Agreement which creates conflict between the Act and the Collective Agreement, the superior provision shall prevail.

ARTICLE 27

TERM OF THE COLLECTIVE AGREEMENT

Effective Date

27.01 The term of this Collective Agreement shall be from the date of Ratification to December 31st, 2020, and shall continue from year to year upon the expiration of the term unless either party gives to the other party notice in writing of thirty (30) to ninety (90) days prior to the expiration date in each year that it desires its termination or amendment.

Changes in Collective Agreement

27.02 Any changes deemed necessary in this Collective Agreement may be made by mutual agreement at any time during the existence of this Collective Agreement.

Wages

27.03 Appendix "2" attached hereto shall form part of this Collective Agreement.

Signed this _____ day of _____, 2017.

FOR THE EMPLOYER

FOR CUPE AND ITS LOCAL 5014

APPENDIX 1

Income Protection Plan

Article 1 – Definitions

That in the plan:

- 1.01 (a) “Council” means the council of the Corporation of the City of Temiskaming Shores, and “Municipality” means the Corporation of the City of Temiskaming Shores.
- 1.01 (b) “Income Protection Plan” means the combination of the Municipality's sick leave gratuity plan for employees and the weekly indemnity income protection plan (short-term disability) and the long-term income protection plan (long term disability) as provided for by the Employer's contract with an insurance company. The Employer is responsible for the provision of the sick leave gratuity plan and for the arrangement of a contract to provide benefits; but the final terms of the Income Protection Plan will be found in the master contract as the governing document.
- 1.01 (c) “Pay” means the basic hours worked per day, multiplied by the employee's standard rate per hour, but shall not include any shift premium, overtime or other increments.
- 1.01 (d) “Day” shall mean a calendar day which includes the normal number of hours of work per day, “Work Week” shall mean the normal number of hours of work per week, “Month” shall mean a calendar month and “Year” shall mean a calendar year.
- 1.01 (e) “Regular attendance” means for any month the attendance of an employee at his/her duties on the days and hours for which his/her attendance is required during that month according to the terms of his/her employment.
- 1.01 (f) “Short term disability” is defined as a period of disability resulting from illness or injury as determined by a qualified Medical Practitioner, which prevents an employee from attending his/her regular work, and which extends for a period of not more than seventeen (17) weeks. A Medical Certificate is required by the insurer for each period of absence lasting three (3) or more days and as requested by the Employer.
- 1.01 (g) “Long Term Disability” is defined as a period of disability resulting from illness or injury as determined by a qualified Medical Practitioner, which prevents an employee from attending work and begins after the seventeen (17) weeks short term disability report.

Article 2 – Introduction

- 2.01 This Plan is designed to provide Permanent Full Time Employees within the meaning of the Collective Agreement (“Eligible Employees”) with an indemnity against the loss of income if he/she cannot perform his/her normal duties due to a

an illness or injury. This Plan is not intended to duplicate or replace any Workers' Compensation benefits. An Eligible Employee will be paid while he/she is disabled, until the earliest of the following dates, as applicable:

1. the date the Eligible Employee returns to work;
2. the date the Eligible Employee exhausts his/her entitlements under applicable insured coverage; and,
3. the date the Eligible Employee loses seniority under the Collective Agreement.

Article 3 – Seniority Service

- 3.01 Service of all Eligible Employees for the purpose of the Plan shall mean a completed year of service with the Employer as of December 31 in any calendar year. However an Eligible Employee with less than one (1) year of completed service as of December 31 in any calendar year will be allowed a pro-rated formula based upon the first day of the month of employment with the Employer.

Article 4 – Sick Leave Credit Gratuity

- 4.01 A plan of sick leave credit gratuities is hereby established for every Eligible Employee. Subject to the control of Council, the conduct and management of the plan shall be vested with the Human Resources Department.
- 4.02 The Official responsible for Human Resources shall perform all the administrative responsibilities necessary or incidental to the due carrying on of the sick leave credit gratuities plan, including the power to allow or disallow any sick leave credit or sick leave absence for any Eligible Employee. The disallowance, by the Official responsible for Human Resources, of any sick leave credit or sick leave absence shall be subject to the Grievance Procedure commencing at Step Three.
- 4.03 The Official responsible for Human Resources shall provide and keep a register in which all sick leave credit and sick leave absences for every Eligible Employee shall be recorded, so that the register will show the net sick leave credit of every Eligible Employee which remains after all his/her sick leave absences have been deducted from his/her accumulated sick leave credit.

Article 5 – Provision for Sick Leave Credits

- 5.01 Each Eligible Employee shall be entitled to nine (9) sick leave credit days commencing January 1 in each calendar year.
- 5.02 Where an Eligible Employee is unable to perform his/her normal duties due to personal illness or injury, the sick leave credit gratuity plan will pay the Eligible Employee full pay for up to the first nine (9) days of absence. An Eligible Employee may utilize additional sick leave credits from the sick leave bank, accrued vacation entitlements, and any overtime hours or extended time hours in the overtime or extended hours banks. For the weekly indemnity income protection plan (short term disability) the plan will pay the Eligible Employee

seventy five (75%) per cent of his/her normal pay for a period of seventeen (17) weeks. Provision for long-term disability will be in accordance with the policy in effect with the Municipality's insurance carrier. The short term disability income protection plan and the long term disability plan may be supplemented to one hundred (100%) per cent by using accumulated sick leave gratuity credits, accumulated overtime hours, unused vacation leave, or floating holidays by agreement of the Employer.

- 5.03 Subject to the concurrence of the Eligible Employee utilizing the income protection plan, the Employer proposes to maintain one hundred per cent (100%) of the Eligible Employee's earnings so long as a sick leave credit is available. The Eligible Employee is required to endorse and turn over to the Employer all benefits received from the third party insurer.
- 5.04 Where an Eligible Employee is absent due to an accident which occurred while in the performance of his/her duties for Employer and is in receipt of Workers' Compensation benefits, and requests the Municipality to make up the difference between the amount of Workers' Compensation benefits being paid and his/her total salary, then, such difference shall be charged against accumulated sick leave credits.

Illness in the family - care and nurturing

- 5.05 1. An Eligible Employee shall be entitled with the prior approval of his/her Supervisor, to use up to five (5) sick leave days per year to care for a family member who is ill.
2. Alternatively, an Eligible Employee may, upon approval by the Employer, arrange temporary flexible work scheduling to care for a family member who is ill. Such scheduling shall supersede the hours of work and overtime provisions of the Collective Agreement.

Maternity/Parental Leave

- 5.06 Where an eligible employee is absent due to maternity and/or parental leave effective on confirmation by the Canada Employment Insurance Commission (receipt by the employee's employment insurance cheque stub will service as proof that the employee is in receipt of unemployment benefits) the maternity and/or parental leave may be supplemented to one hundred (100%) percent by using accumulated sick leave gratuity credits, accumulated overtime hours, unused vacation on leave, or floating holidays by agreement of the employer.

Article 6 – Reporting Of Absence

- 6.01 Reporting of absence shall be in accordance with the procedures contained herein. An Eligible Employee shall notify his/her Supervisor personally as soon as possible within a twenty (20) minute period of time, either ten (10) minutes before or ten (10) minutes after the employee's normal start time. If an Eligible Employee is unable to do so because of an emergency, he/she must call his/her Supervisor as soon as possible. Leaving a voice or e-mail message does not constitute personal notification.

- 6.02 An Eligible Employee must advise his/her Supervisor of when he/she expects to return to work. If an Eligible Employee is uncertain during the initial call, then, the Supervisor must be informed as soon as possible of the estimated, or, if known by the Eligible Employee, the exact date that the Eligible Employee will return to work.
- 6.03 A Physician's Medical Certificate justifying a medical leave must be provided by an Eligible Employee in the following circumstances:
- i) immediately upon return to work following an absence of three (3) working days or more; and,
 - ii) at any other time when specifically required by the Employer in which case the Employer shall reimburse the employee for the cost of such Physician's Medical Certificate upon presentation of a receipt for such payment.
- 6.04 Absences of one-half (1/2) day or less due to accident or illness shall not be deducted and absences for more than one half (1/2) a day, but less than a full day, shall be deducted as one-half (1/2) day.

Article 7 – Optional Provisions of the Plan

- 7.01 In the final month of the calendar year, an Eligible Employee shall elect, once and for all, by notifying in writing the Official responsible for Human Resources their choice as follows:
- 1. to accumulate all current year unused sick leave credits and transfer the same to the next calendar year; or,
 - 2. to transfer all current year banked overtime hours or banked extended hours to sick leave credits for the next calendar year.
- 7.02 In order to ensure a lengthier period of earnings at one hundred percent (100%) of pay, an Eligible Employee may elect, by notifying in writing the Official responsible for Human Resources, to add overtime hours to his/her accumulated sick leave credits during the current year.

Article 8 – Payment of Extended Fringe Benefits

- 8.01 Where an Eligible Employee is absent from work due to illness (compensable injury or non-compensable injury) the Employer will continue to pay fringe benefit costs, including Health, Dental, Extended Medical Benefits, Life Insurance, etc. and any other applicable benefits negotiated for a period of not longer than thirty six (36) consecutive months. Where required, payroll deductions for pension purposes will continue to be made from disability pay.

Article 9 – No Cash Payout

- 9.01 There shall be no cash pay-out for banked sick time at any time including upon termination of employment.

**PAY GROUPS / JOB CLASSIFICATIONS AND
APPLICABLE STEPS AND WAGE RATES**

APPENDIX 2

SALARY SCHEDULE AND WAGE RATES FOR 2018

GROUP	CLASSIFICATION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
11	1. Planner	62,317 34.24	64,173 35.26	66,102 36.32	68,086 37.41	70,125 38.53
10	1. Building Inspector/By-Law Officer 2. Economic Development Officer	58,713 32.26	60,497 33.24	62,299 34.23	64,173 35.26	66,102 36.32
9	1. Fire Prevention Officer	55,383 30.43	57,021 31.33	58,713 32.26	60,497 33.24	62,317 34.24
8	1. By-Law /Property Standards Officer 2. Fire Training Officer 3. Engineering Technician	52,198 28.68	53,763 29.54	55,383 30.43	57,002 31.32	58,713 32.26
7	1. Head Mechanic	25.49	26.25	27.04	27.85	28.69
6	1. Works Clerk 2. Mechanic/Heavy Equipment Operator 3. Accounting Clerk 4. Maintenance Technician/Tradesman 5. Provincial Offences Clerk	24.03	24.75	25.50	26.25	27.04

APPENDIX 2

SALARY SCHEDULE AND WAGE RATES FOR 2018 Continued

GROUP	CLASSIFICATION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
5	1. Heavy Equipment Operator 2. Water/Sewer Maintenance Person 3. Administrative Assistant 4. Aquatics/Youth Programmer	22.62	23.32	24.00	24.72	25.48
4	1. Equipment Operator/Labourer 2. Maintenance Technician 3. Arena/Parks Attendant	21.35	21.99	22.63	23.33	24.02
3	1. Receptionist	20.12	20.71	21.34	21.98	22.63
2	1. Custodian	17.88	18.41	18.96	19.53	20.13
1*	1. Desk Attendant Pool & Fitness Centre 2. Crossing Guard 3. Life Guard 4. Temporary Arena/Parks Attendant 5. Temporary Cemetery Worker 6. Temporary Equipment Operator/Labourer 7. Part Time Court Reporter 8. Aqua Fitness/Cardio Program Instructor					

* The Wage rates for Group "1" are set out in the applicable Letter of Understanding

** Employees receiving a wage rate in excess of the amount specified on the Grid shall be red-circled and paid at their applicable red-circled rate

APPENDIX 2

SALARY SCHEDULE AND WAGE RATES FOR 2019

GROUP	CLASSIFICATION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
11	1. Planner	63,573 34.93	65,465 35.97	67,431 37.05	69,451 38.16	71,526 39.30
10	1. Building Inspector/By-Law Officer 2. Economic Development Officer	59,896 32.91	61,716 33.91	63,554 34.92	65,465 35.97	67,431 37.05
9	1. Fire Prevention Officer	56,493 31.04	58,167 31.96	59,896 32.91	61,716 33.91	63,573 34.93
8	1. By-Law /Property Standards Officer 2. Fire Training Officer 3. Engineering Technician	53,253 29.26	54,837 30.13	56,493 31.04	58,149 31.95	59,896 32.91
7	1. Head Mechanic	26.00	26.78	27.58	28.40	29.27
6	1. Works Clerk 2. Mechanic/Heavy Equipment Operator 3. Accounting Clerk 4. Maintenance Technician/Tradesman 5. Provincial Offences Clerk	24.51	25.24	26.01	26.78	27.58

APPENDIX 2

SALARY SCHEDULE AND WAGE RATES FOR 2019 Continued

GROUP	CLASSIFICATION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
5	1. Heavy Equipment Operator 2. Water/Sewer Maintenance Person 3. Administrative Assistant 4. Aquatics/Youth Programmer	23.08	23.78	24.48	25.22	25.99
4	1. Equipment Operator/Labourer 2. Maintenance Technician 3. Arena/Parks Attendant	21.78	22.43	23.09	23.79	24.50
3	1. Receptionist	20.53	21.12	21.77	22.42	23.09
2	1. Custodian	18.24	18.78	19.34	19.92	20.54
1*	1. Desk Attendant Pool & Fitness Centre 2. Crossing Guard 3. Life Guard 4. Temporary Arena/Parks Attendant 5. Temporary Cemetery Worker 6. Temporary Equipment Operator/Labourer 7. Part Time Court Reporter 8. Aqua Fitness/Cardio Program Instructor					

* The Wage rates for Group "1" are set out in the applicable Letter of Understanding

** Employees receiving a wage rate in excess of the amount specified on the Grid shall be red-circled and paid at their applicable red-circled rate

APPENDIX 2

SALARY SCHEDULE AND WAGE RATES FOR 2020

GROUP	CLASSIFICATION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
11	1. Planner	64,828 35.62	66,776 36.69	68,778 37.79	70,853 38.93	72,946 40.08
10	1. Building Inspector/By-Law Officer 2. Economic Development Officer	61,097 33.57	62,936 34.58	64,810 35.61	66,776 36.69	68,778 37.79
9	1. Fire Prevention Officer	57,621 31.66	59,332 32.60	61,097 33.57	62,936 34.58	64,828 35.62
8	1. By-Law /Property Standards Officer 2. Fire Training Officer 3. Engineering Technician	54,309 29.84	55,929 30.73	57,621 31.66	59,314 32.59	61,097 33.57
7	1. Head Mechanic	26.52	27.32	28.13	28.97	29.85
6	1. Works Clerk 2. Mechanic/Heavy Equipment Operator 3. Accounting Clerk 4. Maintenance Technician/Tradesman 5. Provincial Offences Clerk	25.00	25.74	26.53	27.32	28.13

APPENDIX 2

SALARY SCHEDULE AND WAGE RATES FOR 2020 Continued

GROUP	CLASSIFICATION	STEP 1	STEP 2	STEP 3	STEP 4	STEP 5
5	1. Heavy Equipment Operator 2. Water/Sewer Maintenance Person 3. Administrative Assistant 4. Aquatics/Youth Programmer	23.54	24.26	24.97	25.72	26.51
4	1. Equipment Operator/Labourer 2. Maintenance Technician 3. Arena/Parks Attendant	22.21	22.88	23.55	24.27	24.99
3	1. Receptionist	20.94	21.54	22.20	22.87	23.55
2	1. Custodian	18.60	19.15	19.73	20.32	20.95
1*	1. Desk Attendant Pool & Fitness Centre 2. Crossing Guard 3. Life Guard 4. Temporary Arena/Parks Attendant 5. Temporary Cemetery Worker 6. Temporary Equipment Operator/Labourer 7. Part Time Court Reporter 8. Aqua Fitness/Cardio Program Instructor					

* The Wage rates for Group "1" are set out in the applicable Letter of Understanding

** Employees receiving a wage rate in excess of the amount specified on the Grid shall be red-circled and paid at their applicable red-circled rate

LETTER OF UNDERSTANDING

BETWEEN:

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
(hereinafter referred to as “the Employer”)

-and-

THE CANADIAN UNION OF PUBLIC EMPLOYEES AND ITS LOCAL 5014
(hereinafter referred to as “the Union”)

RE: TEMPORARY-EMPLOYEES – ARTICLE 5

The Employer and the Union confirm the following mutual understanding:

1. The continuous employment, seniority and termination rights of a Temporary Employee shall be governed by this Letter of Understanding rather than the relevant provisions of the Collective Agreement;
2. For the purposes of this Letter of Understanding, and except as otherwise specified in Paragraph #6 below, Temporary Employee shall mean an employee who is normally hired to work for a period no longer than seven (7) consecutive months in the service of the Employer and shall specifically include, without limitation:
 - a) cemetery caretakers;
 - b) arena/parks attendants; and,
 - c) equipment operators/labourers.
3. Except as otherwise provided in this Letter of Understanding, a Temporary Employee shall not establish continuous employment or accrue any seniority rights, except when such an employee remains in the employment of the Employer for a period of more than seven (7) consecutive months. If the Temporary Employee remains in the employment of the Employer for more than seven (7) consecutive months, then, the Temporary Employee shall automatically qualify as a regular bargaining unit employee. For such an employee, his or her seniority shall then be established from his or her last date of continuous service with the Employer;
4. All Temporary Employees employed by the Employer in two (2) or more successive years shall be placed on a Temporary Seniority List and shall be given preference for subsequent rehire for temporary work provided that the

Temporary Employee has, in the opinion of the Employer, the necessary skill, ability and satisfactory work performance record to perform the subject temporary work. Further, a Temporary Employee on the Temporary Seniority List will also be given preference for a vacant non-temporary position, provided that no Permanent Employee successfully posts for the vacancy and further provided that the subject Temporary Employee has, in the opinion of the Employer, the necessary skill, ability and satisfactory work performance record to perform the subject work;

5. The employment of a Temporary Employee may be terminated at any time, at the sole discretion of the Employer, for any non-discriminatory reason, during the specified period of hire or during the first seven (7) consecutive months of employment;
6. Notwithstanding the foregoing, the Parties agree that a Temporary Employee hired as a result of a pregnancy or parental leave shall be governed by this Letter of Understanding for the first twelve (12) months of employment;
7. Temporary Employees shall not be entitled to any benefits and shall not accrue any seniority except as set out in this Letter of Understanding; and,
8. If a Temporary Employee is subsequently hired on a regular full time employment basis, then, he or she shall be credited with seniority calculated in accordance with the Letter of Understanding on Calculation of Seniority.

DATED this _____ day of _____, 2017.

FOR THE EMPLOYER:

FOR THE UNION:

LETTER OF UNDERSTANDING**BETWEEN:**

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
(hereinafter referred to as “the Employer”)

-and-

THE CANADIAN UNION OF PUBLIC EMPLOYEES AND ITS LOCAL 5014
(hereinafter referred to as “the Union”)

RE: ARTICLE 17 – CALCULATION OF HOLIDAY PAY FOR PUBLIC WORKS
EMPLOYEES WORKING FOUR (4) TEN HOUR SHIFTS - ARTICLE 17.03 a)

The Employer and the Union confirm the following mutual understanding:

1. Notwithstanding the calculation of Holiday Pay otherwise applicable as set forth in Article 17.03 a) of the Collective Agreement, the Parties agree that a Full Time Permanent Employee in Public Works who is scheduled for four (4) ten hour shifts shall receive holiday pay calculated on the basis of a ten (10) hour day where the subject Holiday occurs while the applicable employee is working a four (4) ten hour shift schedule.

DATED this _____ day of _____, 2017.

FOR THE EMPLOYER:

FOR THE UNION:

LETTER OF UNDERSTANDING

BETWEEN:

THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
(hereinafter referred to as “the Employer”)

-and-

THE CANADIAN UNION OF PUBLIC EMPLOYEES AND ITS LOCAL 5014
(hereinafter referred to as “the Union”)

RE: ARTICLE 21 – CLASSIFICATIONS, WAGE RATES AND WAGE ADJUSTMENTS

The Employer and the Union confirm the following mutual understanding:

1. Notwithstanding the provisions of Article 21 the wage rates and wage adjustments applicable to Appendix 2 Group “1” shall be governed by this Letter of Understanding.
2. Employees in Group “1” will not be placed on the Wage Grid and are not subject to the five (5) Steps there under.
3. The following wage rates shall apply effective the first full pay period commencing on or after the date of Ratification.
 - Desk Attendant Pool & Fitness Centre - Minimum wage
 - Crossing Guard -\$15.50/hr
 - Lifeguard -\$16.50/hr
 - Aqua Fitness/Cardio Rehab Program Instructor - \$17.50/hr
 - Temporary Arena/Parks Attendant – \$21.35/hr
 - Temporary Cemetery Worker – \$21.35/hr
 - Temporary Equipment Operator/Labourer -\$21.35/hr
 - Part Time Court Reporter – \$24.03/hr

4. The following wage rates shall apply effective the first full pay period commencing on or after January 1, 2019.

- Desk Attendant Pool & Fitness Centre - Minimum wage
- Crossing Guard – \$16.50/hr
- Lifeguard - \$17.50/hr
- Aqua Fitness/Cardio Rehab Program Instructor - \$18.50/hr
- Temporary Arena/Parks Attendant – \$21.78/hr
- Temporary Cemetery Worker - \$21.78/hr
- Temporary Equipment Operator/Labourer - \$21.78/hr
- Part Time Court Reporter – \$24.51/hr

5. The following wage rates shall apply effective the first full pay period commencing on or after January 1, 2020.

- Desk Attendant Pool & Fitness Centre - Minimum wage
- Crossing Guard - \$16.50/hr
- Lifeguard - \$17.50/hr
- Aqua Fitness/Cardio Rehab Program Instructor - \$18.50/hr
- Temporary Arena/Parks Attendant - \$22.21/hr
- Temporary Cemetery Worker - \$22.21/hr
- Temporary Equipment Operator/Labourer - \$22.21/hr
- Part Time Court Reporter – \$25.00/hr

DATED this _____ day of _____, 2017.

FOR THE EMPLOYER:

FOR THE UNION:

LETTER OF UNDERSTANDING

BETWEEN:

**THE CORPORATION OF THE CITY OF TEMISKAMING SHORES
(hereinafter referred to as "the Employer")**

-and-

**THE CANADIAN UNION OF PUBLIC EMPLOYEES AND ITS LOCAL 5014
(hereinafter referred to as "the Union")**

**RE: CALCULATION OF SENIORITY IN THE EVENT OF TRANSFER FROM
TEMPORARY OR PART TIME STATUS TO REGULAR FULL TIME STATUS**

The Employer and the Union confirm the following mutual understanding:

1. Where a temporary or part time employee is subsequently employed in a regular full time position, the seniority calculation shall be based on the annual regular full time hours of the full time position in question;
2. For conversion purposes the actual hours worked in the bargaining unit as a temporary or part time employee shall be divided by the number of annual regular full time hours of the full time position in question; and,
3. The foregoing calculation shall pertain with respect to: the definition of seniority in Article 12.01; the calculation of vacation entitlement under Article 18.04; and, the calculation of seniority of a temporary employee in accordance with the Letter of Understanding re: Temporary Employees.

DATED this _____ day of _____, 2017.

FOR THE EMPLOYER:

FOR THE UNION:

APPENDIX 3

Group Benefit Plan

Temiskaming Shores - Municipal Employees

The Corporation of the City of Temiskaming Shores

By-law No. 2017-153

**Being a by-law to authorize the execution of an agreement between
Her Majesty the Queen in right of Ontario as represented by the
Minister of Economic Development, Trade and Employment for the
completion of the Certified Site Designation for Brazeau Boulevard
in the Dymond Industrial Park**

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas Council considered Administrative Report CGP-040-2017 at the December 19, 2017 Regular Council meeting and directed staff to prepare the necessary by-law to enter into an Agreement between Her Majesty the Queen in Right of Ontario as represented by the Ontario Ministry of Economic Development, Trade and Employment for the completion of the Certified Site Program Designation for Brazeau Boulevard within the Dymond Industrial Park for consideration at the December 19, 2017 Regular Council meeting;

And whereas the Council of The Corporation of the City of Temiskaming Shores deems it necessary to enter into an agreement with the Minister of Economic Development, Trade and Employment for the completion of the Certified Site Program;

Now therefore the Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That Council of The Corporation of the City of Temiskaming Shores authorizes the entering into an agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Economic Development, Trade and Employment for the completion of the Certified Site Program Designation – Brazeau Boulevard (Dymond Industrial Park), attached hereto as Schedule "A" and forming part of this By-law;

Read a first, second and third time and finally passed this 19th day of December, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen



Schedule “A” to

By-law No. 2017-153

Agreement between

The Corporation of the City of Temiskaming Shores

and

Minister of Economic Development, Trade and Employment

Certified Site Program – Brazeau Boulevard
Dymond Industrial Park

THE AGREEMENT is effective as of the 7th day of June, 2017.

B E T W E E N :

**Her Majesty the Queen in right of Ontario
as represented by the Minister of Economic Development and
Growth**

(the “Province”)

- and -

The Corporation of the City of Temiskaming Shores

(the “Recipient”)

BACKGROUND:

The Province has established the Investment Ready: Certified Site Program (the “**Program**”) to promote to prospective investors an inventory of industrial properties that meet the Program’s Minimum Eligibility Requirements and Designation Requirements and are designated as Certified Sites by the Province.

The Recipient owns the Site, is a participant in the Program and intends to carry out the Project.

The Province wishes to provide Funds to the Recipient for the Project.

CONSIDERATION

In consideration of the mutual covenants and agreements contained in this Agreement and for other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Province and the Recipient agree as follows:

1.0 INTERPRETATION AND DEFINITIONS

1.1 Interpretation. For the purposes of interpretation:

- (a) words in the singular include the plural and vice-versa;
- (b) words in one gender include all genders;
- (c) the background and the headings do not form part of the Agreement; they

are for reference only and will not affect the interpretation of the Agreement;

- (d) any reference to dollars or currency will be in Canadian dollars and currency; and
- (e) “include”, “includes” and “including” denote that the subsequent list is not exhaustive.

1.2 Definitions. In the Agreement, the following terms will have the following meanings:

“Agreement” means this agreement entered into between the Province and the Recipient and includes all of the schedules listed in section 30.1, the Certification Instructions and Requirements, and any amendments made pursuant to Article 32.0.

“Application Form” means the application form submitted by the Recipient requesting acceptance of the Site into the Program.

“Budget” means the budget attached to the Agreement as Schedule “B”.

“Business Day” means any working day, Monday to Friday inclusive, excluding statutory and other holidays, namely: New Year’s Day; Family Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Remembrance Day; Christmas Day; Boxing Day and any other day on which the Province has elected to be closed for business.

“Certification Designation Date” means the date on which the Site obtains a designation as a Certified Site from the Province, as indicated on the certificate of designation and its accompanying letter received from the Province.

“Certification Instructions and Requirements” means the Certification Instructions and Requirements available at <http://www.forms.ssb.gov.on.ca/mbs/ssb/forms/ssbforms.nsf/FormDetail?OpenForm&ACT=RDR&TAB=PROFILE&SRCH=&ENV=WWE&TIT=009-0020E&NO=009-0020E> that are incorporated herein in full and are part of this Agreement by reference, and that may be amended by the Province from time to time.

“Certified Site” means the Site as of the Certification Designation Date and only for such period or periods of time that it continues to meet the Minimum Eligibility Requirements and the Designation Requirements.

“Change Request Form” means the form attached as Schedule “J”.

“Designation Requirements” means the requirements that the Recipient must meet in order for the Province to designate the Site as a Certified Site, as more particularly set out in the Certification Requirements section (which may at a later date be referred to as the Designation Requirements section) of the Certification Instructions and Requirements and Schedule “L”.

“Designation Requirements Deadline Date” means the second anniversary of the Effective Date.

“Effective Date” means the date set out at the top of the Agreement.

“Eligible Costs” means the costs paid by the Recipient for the purpose of carrying out the Project for which the Province may provide Funds and that are: (a) incurred by the Recipient from and including the Project Start Date to and including the earlier of (i) the Project Completion Date; and (ii) the date of termination of the Agreement; (b) in the sole opinion of the Province, reasonable and necessary for carrying out the Project; and (c) limited to the amounts and cost categories set out in the Budget in Schedule “B” and as more particularly described in Schedule “D”.

“Event of Default” has the meaning ascribed to it in section 15.1.

“Expiry Date” means the earlier of (i) six months after the Project Completion Date; and (ii) seven years and six months after the Effective Date.

“Funding Year” means:

- (a) in the case of the first Funding Year, the period commencing on the Effective Date and ending on the following March 31; and
- (b) in the case of Funding Years subsequent to the first Funding Year, the period commencing on April 1 following the end of the previous Funding Year and ending on the following March 31.

“Funds” means the money the Province provides to the Recipient pursuant to the Agreement.

“Indemnified Parties” means Her Majesty the Queen in right of Ontario, Her ministers, agents, appointees and employees.

“Intellectual Property” means any intellectual, industrial or other proprietary right of any type in any form protected or protectable under the laws of Canada,

any foreign country, or any political subdivision of any country, including, without limitation, any intellectual, industrial or proprietary rights protected or protectable by legislation, by common law or at equity.

“Marketing Initiatives” means, in any form or format, any advertising, promotional materials, signs, displays or communications intending to promote or advertise the Certified Site.

“Materials” has the meaning ascribed to it in section 5.5.

“Maximum Funds” means Fifty Thousand Dollars (\$50,000.00), which is the maximum amount of the Funds the Province will provide to the Recipient under the Agreement.

“Minimum Eligibility Requirements” means the minimum eligibility requirements that the Recipient must meet in order for the Site to be accepted into the Program, as more particularly set out in the Minimum Eligibility Requirements section of the Certification Instructions and Requirements.

“Notice” means any communication given or required to be given pursuant to the Agreement.

“Notice Period” means the period of time within which the Recipient is required to remedy an Event of Default pursuant to section 15.3(b), and includes any such period or periods of time by which the Province extends that time in accordance with section 15.4.

“Parties” means the Province and the Recipient.

“Party” means either the Province or the Recipient.

“Program” has the meaning ascribed to it in the preamble to this Agreement.

“Program Seal” means collectively the English and French marks created, adopted and used by the Province in association with the Program.

“Program Seal License” means the Province’s Program Seal license agreement granting a non-exclusive, royalty-free, non-transferrable, non-sublicensable, revocable right to use and display the Program Seal in association with the Certified Site for the purposes described therein.

“Project” means the undertaking described in Schedule “A”.

“Project Completion Date” means the earlier of: (i) the fourth anniversary of the Certification Designation Date; and (ii) when the Site or Certified Site as

applicable is legally transferred or leased to another person, in accordance with the terms and conditions of the Agreement.

“Project Start Date” means the date set out below on which the Recipient had its pre-application consultation meeting with the Province: March 31, 2017.

“Re-Designation Date” has the meaning ascribed to it in section 6.7(b).

“Reimbursement Submission” means the form attached as Schedule “F”.

“Renewed Compliance with the Minimum Eligibility Requirements Date” has the meaning ascribed to it in section 6.5(a)(iv).

“Releasees” means her Majesty the Queen in right of Ontario, her ministers, agents, appointees and employees.

“Reports” means the reports described in Schedule “C”.

“Site” means the property or properties more particularly described in Schedule “E”, or as may be amended in accordance with Article 32.0, for which the Recipient is applying for designation. If the Site has been designated as a Certified Site and subsequently loses its designation during the term of the Agreement, “Site” also means the property or properties described herein during such period or periods of time that the Site is not designated as a Certified Site.

The visual depiction of the Site is set out in Schedule “K”, which for further clarification is not legally binding and is included for reference purposes only.

“Site Change Notification Form” means the form attached as Schedule “G”.

“Site Information” has the meaning ascribed to it in section 10.3.

“Suspension Date” means the earlier of (i) Suspension Date – Designation Requirements, if applicable; and (ii) Suspension Date – Minimum Eligibility Requirements, if applicable.

“Suspension Date – Designation Requirements” means the date that the Certified Site failed to continue to meet the Designation Requirements, as set out in the Notice described in section 6.6(a)(i).

“Suspension Date – Minimum Eligibility Requirements” means the date that the Site or the Certified Site as applicable failed to continue to meet the Minimum Eligibility Requirements, as set out in the Notice described in section 6.5(a)(i).

2.0 REPRESENTATIONS, WARRANTIES AND COVENANTS

2.1 General. The Recipient represents, warrants, and covenants that:

- (a) it is, and will continue to be, a validly existing legal entity with full power to fulfill its obligations under the Agreement;
- (b) it has, and will continue to have, the experience and expertise necessary to carry out the Project;
- (c) it is in compliance with, and will continue to comply with, all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules, and by-laws related to any aspect of the Project, the Funds, or both;
- (d) unless otherwise provided for in the Agreement, any information the Recipient provided to the Province in or in support of its application to the Program (including information relating to any Designation Requirements) was true and complete at the time the Recipient provided it and will continue to be true and complete; and
- (e) it is, and shall continue to be the registered owner of the Site or the Certified Site as applicable from and including the Effective Date to and including the Project Completion Date.

2.2 Execution of Agreement. The Recipient represents and warrants that it has:

- (a) the full power and authority to enter into the Agreement; and
- (b) taken all necessary actions to authorize the execution of the Agreement.

2.3 Governance. The Recipient represents, warrants, and covenants that it has, will maintain in writing, and will follow:

- (a) a code of conduct and ethical responsibilities for all persons at all levels of the Recipient's organization;
- (b) procedures to enable the Recipient's ongoing effective functioning;
- (c) decision-making mechanisms for the Recipient;
- (d) procedures to enable the Recipient to manage Funds prudently and effectively;
- (e) procedures to enable the Recipient to complete the Project successfully;

- (f) procedures to enable the Recipient to identify risks to the completion of the Project and strategies to address the identified risks, all in a timely manner;
- (g) procedures to enable the preparation and submission of all Reports required pursuant to Article 9.0; and
- (h) procedures to enable the Recipient to address such other matters as the Recipient considers necessary to enable the Recipient to carry out its obligations under the Agreement.

2.4 Supporting Proof. Upon the request of the Province, the Recipient will provide the Province with proof of the matters referred to in this Article 2.0.

3.0 TERM OF THE AGREEMENT

3.1 Term. The term of the Agreement will commence on the Effective Date and will expire on the Expiry Date unless terminated earlier pursuant to section 4.4, Article 6.0, Article 13.0, Article 14.0 or Article 15.0.

4.0 FUNDS AND CARRYING OUT THE PROJECT

4.1 Funds Provided. Subject to the terms and conditions of the Agreement and only in the event that the Site has been designated as a Certified Site, the Province will:

- (a) subject to 4.1(b), reimburse the Recipient for 50% of Eligible Costs up to the Maximum Funds amount for the purpose of carrying out the Project;
- (b) with respect to Eligible Costs for marketing of the Certified Site, reimburse the Recipient for 50% of Eligible Costs up to \$10,000 (which amount, for further clarification, is part of the Maximum Funds) that, notwithstanding the definition of Eligible Costs, have been incurred and paid from and including the Certification Designation Date to and including the earlier of (i) the Project Completion Date; and (ii) the date of termination of the Agreement;
- (c) require electronic copies of invoices of costs incurred and paid relating to Eligible Costs;
- (d) provide the Funds to the Recipient as follows:
 - (i) Initial disbursement: within 60 days after receipt and acceptance by

the Province of a Reimbursement Submission submitted by the Recipient in accordance with section 4.7, reimburse the Recipient for those Eligible Costs that the Recipient has incurred and paid from and including the Project Start Date to and including the Certification Designation Date; and,

- (ii) Subsequent disbursements: within 60 days after receipt and acceptance by the Province of a Reimbursement Submission submitted by the Recipient, reimburse the Recipient for those Eligible Costs that the Recipient has incurred and paid from but not including the Certification Designation Date to and including the earlier of (i) the Project Completion Date; and (ii) the date of termination of the Agreement; and
- (e) deposit the Funds into an account designated by the Recipient provided that the account:
 - (i) resides at a Canadian financial institution; and
 - (ii) is in the name of the Recipient.

4.2 Limitation on Payment of Funds. Despite section 4.1:

- (a) the Province is not obligated to provide any Funds to the Recipient until the Recipient provides the certificate of insurance or other proof as the Province may request pursuant to section 12.2;
- (b) the Province is not obligated to, and will not, provide any Funds unless, in the Province's sole opinion, the Site has been designated as a Certified Site by the Province;
- (c) the Province is not obligated to reimburse any Eligible Costs for which a completed Reimbursement Submission has not been submitted to the Province;
- (d) the Province may adjust the amount of Funds it provides to the Recipient in any Funding Year based upon the Province's assessment of the information the Recipient provides to the Province pursuant to section 9.1; and
- (e) if, pursuant to the *Financial Administration Act* (Ontario), the Province does not receive the necessary appropriation from the Ontario Legislature for payment under the Agreement, the Province is not obligated to make

any such payment, and, as a consequence, the Province may:

- (i) reduce the amount of Funds and, in consultation with the Recipient, change the Project; or
- (ii) terminate the Agreement pursuant to section 14.1.

4.3 Use of Funds and Carry Out the Project. The Recipient will do all of the following:

- (a) carry out the Project;
- (b) use the Funds only for the purpose of carrying out the Project;
- (c) spend the Funds only for the purpose of paying for Eligible Costs and in accordance with the Budget;
- (d) not use the Funds to cover any part of any cost that has or will be funded or reimbursed by one or more of any third party, ministry, agency, or organization of the Government of Ontario.

4.4 Designation Requirements. With the exception of the Site visit described in section 9.3, the Recipient shall have met all of the Designation Requirements by the Designation Requirements Deadline Date. In the event the Designation Requirements have not been met by the Recipient by the Designation Requirements Deadline Date, the Agreement shall terminate as of the Designation Requirements Deadline Date and no Funds shall be payable by the Province to the Recipient.

4.5 Maintaining Designation Requirements. The Recipient shall continue to meet the Designation Requirements from and including the Certification Designation Date to and including the Project Completion Date.

4.6 Maximum Funds. The Recipient acknowledges that the Funds available to it pursuant to the Agreement will not exceed the Maximum Funds.

4.7 Reimbursement Submission. The Recipient shall submit no later than 60 days after the Certification Designation Date its first Reimbursement Submission.

4.8 Rebates, Credits, and Refunds. The Recipient acknowledges that the amount of Funds available to it pursuant to the Agreement is based on the actual costs to the Recipient to carry out the Project, less any costs (including taxes) for which the Recipient has received, will receive, or is eligible to receive, a rebate, credit, or refund.

4.9 Availability of the Certified Site for Sale/Lease. The Recipient agrees to keep the Certified Site available for sale or lease until the Project Completion Date.

5.0 PROGRAM SEAL AND INTELLECTUAL PROPERTY

5.1 Program Seal License. The Recipient shall have signed and delivered to the Province the Program Seal License no later than 30 days after the Certification Designation Date. A copy of the Program Seal License will be provided by the Province to the Recipient after the Program Seal License has been fully executed.

5.2 Use of the Designation and Program Seal.

- (a) The Recipient shall not represent, either directly or indirectly through employees or associates or agents of the Recipient, in any Marketing Initiatives or in any verbal, written, print, digital, electronic or any other form of communication, that the Site is designated as a Certified Site: (i) prior to the Site's designation as a Certified Site; (ii) from and including the Suspension Date, and, if applicable, to but not including the later of the Re-Designation Date and the Renewed Compliance with the Minimum Eligibility Requirements Date; or (iii) as of date of termination or the Expiry Date of the Agreement.
- (b) The Recipient shall not use or display any of the marks that make up the Program Seal in association with the Certified Site in any Marketing Initiatives or in any verbal, written, print, digital, electronic or any other form of communications: (i) prior to the Certification Designation Date; (ii) from and including the Suspension Date, and, if applicable, to but not including the later of the Re-Designation Date and the Renewed Compliance with the Minimum Eligibility Requirements Date; (iii) prior to the Program Seal License being fully executed; (iv) while the Site or the Certified Site as applicable fails to meet the Minimum Eligibility Requirements or the Designation Requirements; (v) as of date of termination or expiry of the Program Seal License; or (vi) as of date of termination or the Expiry Date of the Agreement.
- (c) The Recipient shall not at any time represent, either directly or indirectly through employees or associates or agents of the Recipient, in any Marketing Initiatives or in any verbal, written, print, digital, electronic or any other form of communications, that any property or properties, in whole or in part, other than the Certified Site, has received designation as a Certified Site, nor shall the Recipient use or display any of the marks that

make up the Program Seal in relation to such property or properties in whole or in part other than the Certified Site.

5.3 Marketing Initiatives.

- (a) Subject to section 5.2, the Recipient may use or display any of the marks that make up the Program Seal on or in any Marketing Initiatives.
- (b) At the request of the Province, the Recipient shall provide to the Province any draft or final versions of any Marketing Initiatives.
- (c) The Province may give written directions to require the Recipient to comply with the requirements of the Program Seal License in relation to the use or display by the Recipient of any of the marks that make up the Program Seal in any Marketing Initiatives, which directions the Recipient shall comply with promptly.

5.4 Intellectual Property. The Recipient agrees that all Intellectual Property of the Province and every other right, title and interest in and to all concepts, techniques, ideas, information and materials, however recorded, (including images and data) provided by the Province to the Recipient shall remain the sole property of Her Majesty the Queen in right of Ontario.

5.5 Recipient or Third Party Intellectual Property. To the extent that any Intellectual Property of the Recipient or any third party and every other right, title or interest in and to any concepts, techniques, ideas, information and materials, however recorded, including images and data of the Recipient or any third party (collectively “**Materials**”) has been provided in whole or in part by the Recipient to the Province, the Recipient grants to the Province a perpetual, world-wide, non-exclusive, irrevocable, transferrable, royalty-free, fully paid up right and license: (a) to use, modify, reproduce, display and distribute, in any form, those Materials; and (b) to authorize other persons including agents, contractors or sub-contractors, to do any of the former on behalf of the Province, the total consideration for which shall be the disbursement of Funds to the Recipient by the Province. The Recipient irrevocably waives in favour of the Province all rights of integrity and other moral rights in the Materials, for all time.

5.6 No Infringement. The Recipient represents and warrants that the provision of the Materials shall not infringe or induce the infringement of any third party Intellectual Property rights. The Recipient further represents and warrants that it has obtained assurances with respect to any Intellectual Property of the Recipient or any third party that any rights of integrity or any other moral rights

associated therewith have been waived.

6.0 ELIGIBILITY AND CHANGES TO THE SITE OR CERTIFIED SITE

6.1 Minimum Eligibility Requirements. For greater certainty and without limiting the Designation Requirements, the Site must satisfy the applicable Minimum Eligibility Requirements in order to be considered eligible for designation as a Certified Site.

6.2 Notification. The Recipient will promptly notify the Province using the Site Change Notification Form in Schedule “G” to this Agreement of any event, change or circumstance that:

- (a) changes any information relating to the Minimum Eligibility Requirements or that may adversely affect the ability of the Site or the Certified Site as applicable to continue to meet the Minimum Eligibility Requirements;
- (b) if the Site has been designated as a Certified Site, changes any information relating to the Designation Requirements or that may adversely affect the ability of the Certified Site to continue to meet the Designation Requirements; or
- (c) changes any of the information that the Recipient provided to the Province in or in support of its application to the Program.

6.3 Additional Information and Documents. The Recipient shall provide all additional information and documents required by the Province to evaluate the Site Change Notification Form. The Recipient acknowledges and agrees that acceptance of the proposed change(s) outlined in the Site Change Notification Form is at the sole discretion of the Province and additional due diligence or supporting documentation may be required prior to this acceptance.

6.4 Effect of Approved Site Change Notification Form. If the Province approves a Site Change Notification Form, the information about the Site or the Certified Site as applicable shall be deemed to be updated in the Province’s records as set out in the Site Change Notification Form from the date of the signature of the Province on the Site Change Notification Form. Approval of a Site Change Notification Form does not amend the Agreement and if as a result of the Province’s approval of the Site Notification Change Form, the Agreement needs to be amended, the Parties shall do so in accordance with Article 32.0.

6.5 Failure to continue to meet Minimum Eligibility Requirements

- (a) In the event that the Province learns that the Site or the Certified Site as applicable has failed to continue to meet the Minimum Eligibility Requirements from a Site Change Notification Form,
 - (i) the Province shall promptly send Notice to the Recipient thereof, which Notice shall confirm the Suspension Date – Minimum Eligibility Requirements.
 - (ii) the Recipient shall bring the Site or the Certified Site as applicable back into compliance with the Minimum Eligibility Requirements within a period of 60 days starting from the date of the Site Change Notification Form notifying the Province of the failure.
 - (iii) if the Recipient cannot bring the Site or the Certified Site as applicable back into compliance with the Minimum Eligibility Requirements in accordance with section 6.5(a)(ii), the Agreement shall terminate as of the end of the period of time referred to in section 6.5(a)(ii).
 - (iv) if the Recipient receives Notice from the Province that the Site or the Certified Site as applicable is back in compliance with the Minimum Eligibility Requirements, the Site or the Certified Site as applicable shall be in compliance as of the effective date set out in such Notice (the “**Renewed Compliance with the Minimum Eligibility Requirements Date**”).
- (b) If the Site has not yet been designated as a Certified Site and the Agreement is terminated in accordance with section 6.5(a)(iii), no Funds shall be payable by the Province to the Recipient.
- (c) If the Site has not yet been designated as a Certified Site, fails to continue to meet the Minimum Eligibility Requirements and returns back into compliance with the Minimum Eligibility Requirements in accordance with section 6.5(a)(iv), the Province may, in its sole discretion, pay for the Recipient’s Eligible Costs reasonably incurred and paid from and including the Suspension Date – Minimum Eligibility Requirements to and including the Renewed Compliance with the Minimum Eligibility Requirements Date, provided that the Site is later designated as a Certified Site.

- (d) If the Site is designated as a Certified Site, fails to continue to meet the Minimum Eligibility Requirements and returns back into compliance with the Minimum Eligibility Requirements in accordance with section 6.5(a)(iv), the Province may, in its sole discretion, pay for the Recipient's Eligible Costs reasonably incurred and paid from and including the Suspension Date – Minimum Eligibility Requirements to and including the Renewed Compliance with the Minimum Eligibility Requirements Date.
- (e) If the Site has been designated as a Certified Site and in the event that the Agreement is terminated in accordance with section 6.5(a)(iii), the Province will pay for the Recipient's Eligible Costs incurred and paid from and including the Project Start Date to and including the Suspension Date – Minimum Eligibility Requirements, within 60 days after receipt and acceptance by the Province of a Reimbursement Submission therefor, provided that the Recipient submits the Reimbursement Submission no later than the date that is 180 days after the termination of the Agreement. The Province may further demand that the Recipient immediately cease to use or display the Program Seal in any Marketing Initiatives and destroy copies of the Program Seal in its possession or under its control.

6.6 Failure to continue to meet Designation Requirements

- (a) If the Site has been designated as a Certified Site and the Province learns that the Certified Site has failed to continue to meet the Designation Requirements from a Site Change Notification Form,
 - (i) the Province shall promptly send Notice to the Recipient thereof, which Notice shall confirm the Suspension Date – Designation Requirements.
 - (ii) the Recipient shall bring the Certified Site back into compliance with the Designation Requirements within a period of 60 days starting from the date of the Site Change Notification Form notifying the Province of the failure.
 - (iii) if the Recipient cannot bring the Certified Site back into compliance with the Designation Requirements in accordance with section 6.6(a)(ii), the Agreement shall terminate as of the end of the period of time referred to in section 6.6(a)(ii).

- (b) If the Site has been designated as a Certified Site and in the event that the Agreement is terminated in accordance with section 6.6(a)(iii), the Province will pay for the Recipient's Eligible Costs incurred and paid from and including the Project Start Date to and including the Suspension Date – Designation Requirements, within 60 days after receipt and acceptance by the Province of a Reimbursement Submission therefor, provided that the Recipient submits the Reimbursement Submission no later than the date that is 180 days after the termination of the Agreement. The Province may further demand that the Recipient immediately cease to use or display the Program Seal in any Marketing Initiatives and destroy copies of the Program Seal in its possession or under its control.

6.7 Suspension of Designation as Certified Site

- (a) If the Site has been designated as a Certified Site, and the Recipient receives Notice under section 6.6(a)(i), the Certified Site shall cease to be designated as a Certified Site as of the Suspension Date – Designation Requirements.
- (b) If the Recipient receives Notice from the Province that the Site has been re-designated as a Certified Site, the Site shall be re-designated as a Certified Site as of the effective date set out in such Notice (the “**Re-Designation Date**”).
- (c) If the Site is re-designated as a Certified Site pursuant to section 6.7(b), the Province may, in its sole discretion, pay for the Recipient's Eligible Costs reasonably incurred and paid from and including the Suspension Date – Designation Requirements to and including the Re-Designation Date.

7.0 RECIPIENT'S ACQUISITION OF GOODS OR SERVICES

7.1 Acquisition. If the Recipient acquires goods, services, or both with the Funds, it will:

- (a) do so through a process that promotes the best value for money; and
- (b) comply with the *Broader Public Sector Accountability Act, 2010* (Ontario), including any procurement directive issued thereunder, to the extent applicable.

8.0 CONFLICT OF INTEREST

8.1 No Conflict of Interest. The Recipient will carry out the Project and use the Funds without an actual, potential, or perceived conflict of interest.

8.2 Conflict of Interest Includes. For the purposes of this Article, a conflict of interest includes any circumstances where:

- (a) the Recipient; or
- (b) any person who has the capacity to influence the Recipient's decisions, has outside commitments, relationships, or financial interests that could, or could be seen to, interfere with the Recipient's objective, unbiased, and impartial judgment relating to the Project, the use of the Funds, or both.

8.3 Disclosure to Province. The Recipient will:

- (a) disclose to the Province, without delay, any situation that a reasonable person would interpret as an actual, potential, or perceived conflict of interest; and
- (b) comply with any terms and conditions that the Province may prescribe as a result of the disclosure.

9.0 REPORTS, ACCOUNTING AND REVIEW

9.1 Preparation and Submission. The Recipient will:

- (a) submit to the Province all Reports in accordance with Schedule "C", or as specified by the Province from time to time;
- (b) submit to the Province at the email address referred to in section 18.1, any other reports as may be requested by the Province in accordance with the timelines and content requirements specified by the Province;
- (c) ensure that all Reports and other reports are completed to the satisfaction of the Province; and
- (d) where applicable, ensure that all Reports and other reports are signed on behalf of the Recipient by an authorized signing officer.

9.2 Record Maintenance. The Recipient will keep and maintain:

- (a) all financial records (including invoices) relating to the Funds or otherwise to the Project in a manner consistent with generally accepted accounting principles; and
- (b) all non-financial documents and records relating to the Funds or otherwise to the Project.

9.3 Site Visit. Prior to the Certification Designation Date, which, for further clarification may take place after the Designation Requirements Deadline Date, the Recipient agrees to allow the Province to visit the Site at any time and take photographs or videos, including photographs or videos by drone, upon a minimum of seventy-two hours' prior Notice to the Recipient.

9.4 Inspection. The Province, any authorized representative, or any independent auditor identified by the Province may, at the Province's expense, upon seventy-two hours' Notice to the Recipient and during normal business hours, visit and inspect the Site or the Certified Site as applicable or the Recipient's business premises, and enter upon the Site or the Certified Site as applicable or the Recipient's premises to review the progress of the Project and the Recipient's allocation and expenditure of the Funds and, for these purposes, the Province, any authorized representative, or any independent auditor identified by the Province may take one or more of the following actions:

- (a) inspect and copy the records and documents referred to in section 9.2;
- (b) remove any copies made pursuant to section 9.4(a) from the Recipient's premises; and
- (c) conduct an audit or investigation of the Recipient in respect of the expenditure of the Funds, the Project, or both.

The Recipient agrees that the Province or its authorized representatives, when making visits or inspections of the Site or the Certified Site as applicable, may take photographs or videos, including photographs or videos by drone.

9.5 Disclosure. To assist in respect of the rights provided for in section 9.4, the Recipient will disclose any information requested by the Province, any authorized representatives, or any independent auditor identified by the Province, and will do so in the form requested by the Province, any authorized representative, or any independent auditor identified by the Province, as the case may be.

9.6 No Control of Records. No provision of the Agreement will be construed so as

to give the Province any control whatsoever over the Recipient's records.

- 9.7 Auditor General.** For greater certainty, the Province's rights under this Article are in addition to any rights provided to the Auditor General pursuant to the *Auditor General Act* (Ontario).

10.0 COMMUNICATIONS REQUIREMENTS

- 10.1 Acknowledge Support.** Unless otherwise directed by the Province, the Recipient will:

- (a) acknowledge the support of the Province for the Project; and
- (b) ensure that the acknowledgement referred to in section 10.1(a) is in a form and manner as directed by the Province.

- 10.2 Publication.** The Recipient will indicate, in any of its Project-related publications, whether written, oral, or visual, that the views expressed in the publication are the views of the Recipient and do not necessarily reflect those of the Province.

- 10.3 Use of Site Information.** Without requiring any further consent from the Recipient, the Recipient authorizes the Province, with respect to any communications, information or materials provided by the Recipient to the Province relating to the Project, the Site, the Certified Site or the Agreement (the "**Site Information**"), to:

- (a) copy, use and reproduce the Site Information for use in the Province's internal inventory of properties until two years after the Expiry Date or the date of termination of the Agreement. If the Recipient requests that the Province remove the Site or the Certified Site as applicable from the inventory earlier, the authorization will end on the date of such request and subject to section 10.4, the Site Information will be removed from the inventory. If the Site or the Certified Site as applicable is still in the inventory, the Recipient authorizes the Province to contact the Recipient to refresh the information provided at any time until two years after the Expiry Date or the date of termination of the Agreement. The Recipient acknowledges and agrees that the purpose of the inventory is to be able to promote properties for which an application under the Program has been submitted, whether designated as a Certified Site or not, to potential investors;

- (b) post the Site Information related to the Certified Site on-line on the Province's domestic or international websites and social media channels;
- (c) include the Site Information in the Province's Marketing Initiatives in relation to the Certified Site; and
- (d) provide the Site Information related to the Site, whether designated as a Certified Site or not, to any third party, including investment leads, potential investors, government officials who work in investment attraction and any other persons that may request the Site Information for a purpose in connection with the Program.

10.4 In the event that the Province uses any Site Information in its possession in accordance with section 10.3, it will do so on an as-is basis. The Recipient agrees and acknowledges that the Province may not change the applicable Site Information promptly in the event of any of the following:

- (a) a Site Change Notification Form is approved by the Province;
- (b) the Site or the Certified Site as applicable fails to continue to meet the Minimum Eligibility Requirements or the Designation Requirements either on a temporary or permanent basis;
- (c) the Recipient requests that the Province remove the Site or the Certified Site as applicable from the inventory within two years after the Expiry Date or the date of termination of the Agreement; or
- (d) the Agreement expires or is terminated.

11.0 INDEMNITY AND RELEASE

- 11.1 Indemnification.** The Recipient hereby agrees to indemnify and hold harmless the Indemnified Parties from and against any and all liability, loss, costs, damages, and expenses (including legal, expert and consultant fees), causes of action, actions, claims, demands, lawsuits, or other proceedings, by whomever made, sustained, incurred, brought, or prosecuted, in any way arising out of or in connection with (i) the Project, (ii) the Program, (iii) any sale, transfer, lease or other transaction relating to the Site or the Certified Site, (iv) any communications in any form including the Marketing Initiatives related to the Site or the Certified Site, (v) the use of the Site Information, or (vi) the Agreement, unless solely caused by the negligence or wilful misconduct of the Indemnified Parties.
- 11.2 Recipient's Participation.** The Recipient will, at its expense, to the extent requested by the Province, participate in or conduct the defence of any proceeding against any Indemnified Parties and any negotiations for their settlement.
- 11.3 Province's Election.** The Province may elect to participate in or conduct the defence of any proceeding by providing Notice to the Recipient of such election without prejudice to any other rights or remedies of the Province under the Agreement, at law, or in equity. Each Party participating in the defence will do so by actively participating with the other's counsel.
- 11.4 Settlement Authority.** The Recipient will not enter into a settlement of any proceeding against any Indemnified Parties unless the Recipient has obtained the prior written approval of the Province. If the Recipient is requested by the Province to participate in or conduct the defence of any proceeding, the Province will co-operate with and assist the Recipient to the fullest extent possible in the proceeding and any related settlement negotiations.
- 11.5 Recipient's Co-operation.** If the Province conducts the defence of any proceedings, the Recipient will co-operate with and assist the Province to the fullest extent possible in the proceedings and any related settlement negotiations
- 11.6 Release.** The Recipient:
- (a) on behalf of itself, its successors and assigns, releases and forever discharges the Releasees from any and all actions, causes of action, claims and demands for damages, indemnity, costs, interest and loss or injury of every nature and kind howsoever arising which the Recipient now

has, may have had or may hereafter have arising from or in any way related to (i) the Project, (ii) any sale, transfer, lease or other transaction relating to the Site or the Certified Site, (iii) the Program, (iv) any communications in any form including the Marketing Initiatives related to the Site or the Certified Site, (v) the use of the Site Information, or (vi) the Agreement;

- (b) agrees not to make any claim or take any proceeding in connection with any of the claims released against any other person or corporation who might claim contribution or indemnity from the Releasees by virtue of the claim or proceeding; and
- (c) understands and agrees that any consideration paid by the Releasees in connection with this release is deemed to be no admission whatever of liability or responsibility on the part of the Releasees and that any such liability or responsibility is denied.

12.0 INSURANCE

12.1 Recipient's Insurance. The Recipient represents, warrants, and covenants that it has, and will maintain, at its own cost and expense, with insurers having a secure A.M. Best rating of B+ or greater, or the equivalent, all the necessary and appropriate insurance that a prudent person carrying out a project similar to the Project would maintain, including commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury, and property damage, to an inclusive limit of not less than two million dollars (\$2,000,000) per occurrence. The policy will include the following:

- (a) the Indemnified Parties as additional insureds with respect to liability arising in the course of performance of the Recipient's obligations under, or otherwise in connection with, the Agreement;
- (b) a cross-liability clause;
- (c) contractual liability coverage; and
- (d) a 30 day written notice of cancellation.

12.2 Proof of Insurance. The Recipient will:

- (a) provide to the Province, either:
 - (i) certificates of insurance that confirm the insurance coverage as

provided for in section 12.1; or

(ii) other proof that confirms the insurance coverage as provided for in section 12.1; and

(b) upon the request of the Province, provide to the Province a copy of any insurance policy.

13.0 TERMINATION ON NOTICE

13.1 Termination on Notice. The Province may terminate the Agreement at any time without liability, penalty, or costs upon giving at least 30 days' Notice to the Recipient.

13.2 Consequences of Termination on Notice by the Province. If the Province terminates the Agreement pursuant to section 13.1, the Province may take one or more of the following actions:

- (a) cancel all further instalments of Funds;
- (b) demand the repayment of any Funds remaining in the possession or under the control of the Recipient;
- (c) determine the reasonable costs for the Recipient to wind down the Project, and do either or both of the following:
 - (i) permit the Recipient to offset such costs against the amount the Recipient owes pursuant to section 13.2(b); and
 - (ii) subject to section 4.6, provide Funds to the Recipient to cover such costs; and
- (d) demand that the Recipient immediately cease to use or display the Program Seal in any Marketing Initiatives and destroy copies of the Program Seal in its possession or under its control.

14.0 TERMINATION WHERE NO APPROPRIATION

14.1 Termination Where No Appropriation. If, as provided for in section 4.2(f), the Province does not receive the necessary appropriation from the Ontario Legislature for any payment the Province is to make pursuant to the Agreement, the Province may terminate the Agreement immediately without liability, penalty, or costs by giving Notice to the Recipient.

14.2 Consequences of Termination Where No Appropriation. If the Province terminates the Agreement pursuant to section 14.1, the Province may take one or more of the following actions:

- (a) cancel all further instalments of Funds;
- (b) demand the repayment of any Funds remaining in the possession or under the control of the Recipient;
- (c) determine the reasonable costs for the Recipient to wind down the Project and permit the Recipient to offset such costs against the amount owing pursuant to section 14.2(b); and
- (d) demand that the Recipient immediately cease to use or display the Program Seal in any Marketing Initiatives and destroy copies of the Program Seal in its possession or under its control.

14.3 No Additional Funds. For greater clarity, if the costs determined pursuant to section 14.2(c) exceed the Funds remaining in the possession or under the control of the Recipient, the Province will not provide additional Funds to the Recipient.

15.0 EVENT OF DEFAULT, CORRECTIVE ACTION AND TERMINATION FOR DEFAULT

15.1 Events of Default. Each of the following events will constitute an Event of Default:

- (a) in the opinion of the Province, the Recipient breaches any representation, warranty, covenant or other material term of the Agreement, including failing to do any of the following in accordance with the terms and conditions of the Agreement:
 - (i) carry out the Project;

- (ii) use or spend Funds;
 - (iii) provide, in accordance with section 9.1, Reports or such other reports as may have been requested pursuant to section 9.1(b); or
 - (iv) deliver a Site Change Notification Form in accordance with section 6.2;
- (b) the Recipient's operations, or its organizational structure, changes such that it no longer meets one or more of the Minimum Eligibility Requirements;
- (c) the Recipient makes an assignment, proposal, compromise, or arrangement for the benefit of creditors, or a creditor makes an application for an order adjudging the Recipient bankrupt, or applies for the appointment of a receiver;
- (d) the Recipient ceases to operate;
- (e) if any representation, warranty or other information, including in any application material, provided by the Recipient to the Province in connection with this Agreement or for purposes of obtaining for the Site a designation as a Certified Site, is or becomes materially untrue in any respect;
- (f) if the Recipient represents that the Certified Site is designated as a Certified Site in any way that is in contravention of the terms and conditions of this Agreement;
- (g) if the Recipient uses or displays any of the marks that make up the Program Seals in any way that is in contravention of the terms and conditions of this Agreement or the Program Seal License;
- (h) the Recipient is in default under the Program Seal License;
- (i) an application is made to amend the Official Plan or amend or vary the zoning by-law applicable to the Site or the Certified Site as applicable to allow for non-industrial uses, including but not limited to, residential, commercial, institutional or recreational uses; and
- (j) the changes outlined in the Site Change Notification Form are not accepted by the Province in its sole discretion.

15.2 Consequences of Events of Default and Corrective Action. If an Event of Default occurs, the Province may, at any time, take one or more of the following actions:

- (a) initiate any action the Province considers necessary in order to facilitate the successful continuation or completion of the Project;
- (b) provide the Recipient with an opportunity to remedy the Event of Default;
- (c) suspend the payment of Funds for such period as the Province determines appropriate;
- (d) reduce the amount of the Funds;
- (e) cancel all further instalments of Funds;
- (f) demand the repayment of any Funds remaining in the possession or under the control of the Recipient;
- (g) demand the repayment of an amount equal to any Funds the Recipient used, but in the sole opinion of the Province did not use in accordance with the Agreement;
- (h) demand the repayment of an amount equal to any Funds the Province provided to the Recipient;
- (i) terminate the Agreement at any time, including immediately, without liability, penalty or costs to the Province upon giving Notice to the Recipient;
- (j) cancel and revoke the designation as a Certified Site and the Recipient's right to use the Program Seal; and
- (k) demand that the Recipient immediately cease to use or display the Program Seal in any Marketing Initiatives and destroy copies of the Program Seal in its possession or under its control.

15.3 Opportunity to Remedy. If, in accordance with section 15.2(b), the Province provides the Recipient with an opportunity to remedy the Event of Default, the Province will provide Notice to the Recipient of:

- (a) the particulars of the Event of Default; and
- (b) the Notice Period.

15.4 Recipient not Remediating. If the Province has provided the Recipient with an opportunity to remedy the Event of Default pursuant to section 15.2(b), and:

- (a) the Recipient does not remedy the Event of Default within the Notice Period;
- (b) it becomes apparent to the Province that the Recipient cannot completely remedy the Event of Default within the Notice Period; or
- (c) the Recipient is not proceeding to remedy the Event of Default in a way that is satisfactory to the Province,

the Province may extend the Notice Period, or initiate any one or more of the actions provided for in sections 15.2(a), (c), (d), (e), (f), (g), (h), (i), (j) and (k).

15.5 When Termination Effective. Termination under this Article will take effect as provided for in the Notice.

16.0 FUNDS UPON EXPIRY

16.1 Funds Upon Expiry. The Recipient will, upon the Expiry Date, return to the Province any Funds remaining in its possession or under its control.

17.0 REPAYMENT

17.1 Repayment of Overpayment. If at any time the Province provides Funds in excess of the amount to which the Recipient is entitled under the Agreement, the Province may:

- (a) deduct an amount equal to the excess Funds from any further instalments of Funds; or
- (b) demand that the Recipient pay an amount equal to the excess Funds to the Province.

17.2 Debt Due. If, pursuant to the Agreement:

- (a) the Province demands the payment of any Funds or an amount equal to any Funds from the Recipient; or
- (b) the Recipient owes any Funds or an amount equal to any Funds to the Province, whether or not their return or repayment has been demanded by the Province,

such Funds or other amount will be deemed to be a debt due and owing to the Province by the Recipient, and the Recipient will pay or return the amount to the Province immediately, unless the Province directs otherwise.

17.3 Interest Rate. The Province may charge the Recipient interest on any money owing by the Recipient at the then current interest rate charged by the Province of Ontario on accounts receivable.

17.4 Payment of Money to Province. The Recipient will pay any money owing to the Province by cheque payable to the “Ontario Minister of Finance” and delivered to the Province at the address referred to in section 18.1.

17.5 Fails to Repay. Without limiting the application of section 43 of the *Financial Administration Act* (Ontario), if the Recipient fails to repay any amount owing under the Agreement, Her Majesty the Queen in right of Ontario may deduct any unpaid amount from any money payable to the Recipient by Her Majesty the Queen in right of Ontario.

18.0 NOTICE

18.1 Notice in Writing and Addressed. Notice will be in writing and will be delivered by email, postage-prepaid mail, or personal delivery and will be addressed to the Province and the Recipient respectively as set out below, or as either Party later designates to the other by Notice:

To the Province:

Ontario Investment Office
Ministry of Economic
Development and Growth

2 Queen Street East, 3rd Floor
Toronto, Ontario M5C 3G7

Attention: Investment Ready:
Certified Site Program

Email:
InvestmentReady@ontario.ca

To the Recipient:

The Corporation of the City of
Temiskaming Shores
325 Farr Drive, PO Box 2050
Haileybury, Ontario P0J 1K0

Attention: James Franks,
Economic Development Officer

Email:
jfranks@temiskamingshores.ca

18.2 Notice Given. Notice will be deemed to have been given:

- (a) in the case of postage-prepaid mail, five Business Days after the Notice is mailed; or
- (b) in the case of email or personal delivery, one Business Day after the Notice is delivered.

18.3 Postal Disruption. Despite section 18.2(a), in the event of a postal disruption:

- (a) Notice by postage-prepaid mail will not be deemed to be received; and
- (b) the Party giving Notice will provide Notice by email or personal delivery.

19.0 CONSENT BY PROVINCE AND COMPLIANCE BY RECIPIENT

19.1 Consent. When the Province provides its consent pursuant to the Agreement, it may impose any terms and conditions on such consent and the Recipient will comply with such terms and conditions.

20.0 SEVERABILITY OF PROVISIONS

20.1 Invalidity or Unenforceability of Any Provision. The invalidity or unenforceability of any provision of the Agreement will not affect the validity or enforceability of any other provision of the Agreement. Any invalid or unenforceable provision will be deemed to be severed.

21.0 WAIVER

21.1 Waivers in Writing. If a Party fails to comply with any term of the Agreement, that Party may only rely on a waiver of the other Party if the other Party has provided a written waiver in accordance with the Notice provisions in Article 18.0. Any waiver must refer to a specific failure to comply and will not have the effect of waiving any subsequent failures to comply.

22.0 INDEPENDENT PARTIES

22.1 Parties Independent. The Recipient is not an agent, joint venturer, partner, or employee of the Province, and the Recipient will not represent itself in any way that might be taken by a reasonable person to suggest that it is, or take any actions that could establish or imply such a relationship.

23.0 ASSIGNMENT OF AGREEMENT OR FUNDS

23.1 No Assignment. The Recipient will not, without the prior written consent of the Province, assign any of its rights or obligations under the Agreement.

23.2 Agreement Binding. All rights and obligations contained in the Agreement will extend to and be binding on the Parties' respective heirs, executors, administrators, successors, and permitted assigns.

24.0 GOVERNING LAW

24.1 Governing Law. The Agreement and the rights, obligations, and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement will be conducted in the courts of Ontario, which will have exclusive jurisdiction over such proceedings.

25.0 FURTHER ASSURANCES

25.1 Agreement into Effect. The Recipient will provide such further assurances as the Province may request from time to time with respect to any matter to which the Agreement pertains, and will otherwise do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of the Agreement to their full extent.

26.0 JOINT AND SEVERAL LIABILITY

26.1 Joint and Several Liability. Where the Recipient is comprised of more than one entity, all such entities will be jointly and severally liable to the Province for the fulfillment of the obligations of the Recipient under the Agreement.

27.0 RIGHTS AND REMEDIES CUMULATIVE

27.1 Rights and Remedies Cumulative. The rights and remedies of the Province under the Agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

28.0 FAILURE TO COMPLY WITH OTHER AGREEMENTS

28.1 Other Agreements. If the Recipient:

- (a) has failed to comply with any term, condition, or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies (a “**Failure**”);
- (b) has been provided with notice of such Failure in accordance with the requirements of such other agreement;
- (c) has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and
- (d) such Failure is continuing,

the Province may suspend the payment of Funds for such period as the Province determines appropriate.

29.0 SURVIVAL

29.1 Survival. The following Articles and sections, and all applicable cross-referenced sections and schedules, will continue in full force and effect for a period of seven years from the date of expiry or termination of the Agreement: Article 1.0 and any other applicable definitions, section 4.2(f), 4.6, section 5.2, Article 6.0, section 9.1 (to the extent that the Recipient has not provided the Reports or other reports as may have been requested to the satisfaction of the Province), sections 9.2, 9.4, 9.5, 9.6, 9.7, Article 10.0, Article 11.0, section 13.2, sections 14.2 and 14.3, sections 15.1, 15.2(d), (e), (f), (g), (h) and (k), Article 17.0, Article 18.0, Article 20.0, Article 21.0, section 23.2, Article 24.0, Article 26.0, Article 27.0, Article 28.0, Article 29.0, Article 30.0, Article 32.0, Article 34.0 and Article 35.0.

30.0 ENTIRE AGREEMENT

30.1 This Agreement, including:

Schedule “A” -	Project Description and Timelines
Schedule “B” -	Budget
Schedule “C” -	Reports
Schedule “D” -	Eligible Costs
Schedule “E” -	Legal Description of the Site
Schedule “F” -	Reimbursement Submission

- Schedule "G" - Site Change Notification Form
- Schedule "H" - Post-Designation Annual Report
- Schedule "I" - Post-Designation Check-In
- Schedule "J" - Change Request Form
- Schedule "K" - Visual Depiction of the Site
- Schedule "L" - Additional Designation Requirements

any amending agreement entered into as provided for below and any document incorporated by reference, constitutes the entire agreement between the Parties with respect to the subject matter contained in the Agreement and supersedes all prior oral or written representations and agreements.

30.2 Certification Instructions and Requirements. The Recipient acknowledges having read and understood and agrees to be bound by the terms and conditions of the Certification Instructions and Requirements, as it may be amended from time to time in accordance with section 32.1(c), which is incorporated and made an integral part of this Agreement.

30.3 Conflict or Inconsistency. In the event of a conflict or inconsistency between the Agreement without the Certification Instructions and Requirements and the Certification Instructions and Requirements, the Agreement without the Certification and Instructions will prevail.

31.0 COUNTERPARTS

31.1 The Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

32.0 AMENDING THE AGREEMENT

32.1 The Agreement may only be amended in accordance with the following:

- (a) amendments to the municipal address, legal description or PIN of the Site or the Certified Site as applicable, the Designation Requirements Deadline Date or the period of time referred to in section 6.5(a)(ii) or section 6.6(a)(ii) shall be made using the Change Request Form in Schedule "J" of the Agreement. In the event the Province signs the Change Request Form, the Agreement shall be amended accordingly.

- (b) where the Recipient provides an updated Timelines table in Schedule “A” as part of any Report or other report required under section 9.1(b), the existing Timelines table in the Agreement shall be deleted and replaced with the updated Timelines table in the event, and as of the date that, the Province provides its written approval to the Recipient therefor.
- (c) the Province may unilaterally amend the Certification Instructions and Requirements. The Recipient agrees and acknowledges that no notice shall be required to be made to the Recipient in the event of any amendments to the Certification Instructions and Requirements.
- (d) subject to sections 32.1(a), (b) and (c), all other amendments to the Agreement may only be made by written agreement duly executed by the Parties.

33.0 ACKNOWLEDGEMENT

33.1 The Recipient acknowledges that:

- (a) by receiving Funds it may become subject to legislation applicable to organizations that receive funding from the Government of Ontario, including the *Broader Public Sector Accountability Act, 2010* (Ontario), the *Public Sector Salary Disclosure Act, 1996* (Ontario), and the *Auditor General Act* (Ontario);
- (b) Her Majesty the Queen in right of Ontario has issued expenses, perquisites, and procurement directives and guidelines pursuant to the *Broader Public Sector Accountability Act, 2010* (Ontario);
- (c) the Funds are:
 - (i) to assist the Recipient to carry out the Project and not to provide goods or services to the Province;
 - (ii) funding for the purposes of the *Public Sector Salary Disclosure Act, 1996* (Ontario);
- (d) the Province is not responsible for carrying out the Project; and
- (e) the Province is bound by the *Freedom of Information and Protection of Privacy Act* (Ontario) and that any information provided to the Province in connection with the Project or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

34.0 INDEPENDENT LEGAL ADVICE

34.1 Independent legal advice. The Recipient acknowledges that the Province has provided the Recipient with a reasonable opportunity to obtain independent legal advice with respect to the Agreement, and that either: (a) the Recipient has obtained such independent legal advice prior to executing the Agreement, or; (b) the Recipient has willingly chosen not to obtain such advice and to execute the Agreement without having obtained such advice.

35.0 OPEN DATA

35.1 Open data. The Recipient agrees that the Province may publicly release the following information, whether in hard copy or in electronic form, on the internet or otherwise: Recipient name, Recipient contact information, Recipient address or general location, amount of Maximum Funds and/or Funds, Project description, including the Timelines table in Schedule “A”, Project results reported by the Recipient, legal description of the Site or the Certified Site as applicable and Budget.

36.0 TIME

36.1 Time. Time is of the essence of this Agreement and no extension or amendment of this Agreement operates as a waiver of this provision.

- SIGNATURE PAGE FOLLOWS -

The Parties have executed the Agreement on the dates set out below.

**HER MAJESTY THE QUEEN IN RIGHT OF
ONTARIO as represented by the Minister of
Economic Development and Growth**

Date

Name: Trish Dyl

Title: Director of Investor Services Branch,
Ontario Investment Office

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

Date

Name:

Title:

Date

Name:

Title:

I/We have authority to bind the Recipient.

SCHEDULE “A”

PROJECT DESCRIPTION AND TIMELINES

Background

The Province implements the Program, which is a discretionary, non-entitlement program with limited funding. The purpose of the Program is to promote to prospective investors an inventory of industrial properties that meet the Program’s Minimum Eligibility Requirements and Designation Requirements and are designated as Certified Sites.

Project Description

The project (the “**Project**”) consists of the processes and activities undertaken by the Recipient to complete, deliver and comply with all Designation Requirements to obtain and maintain a Certified Site designation for the Site for a maximum period of four (4) years or until the Site or the Certified Site as applicable is legally transferred or leased to another person or until the Agreement is terminated.

When a Site has been designated as a Certified Site, this indicates that the Recipient has provided the Province with satisfactory Site-related information described in the Certification Instructions and Requirements and has otherwise satisfied the Designation Requirements. The Province may make use of the Site-related information in accordance with the terms and conditions of the Agreement and the Recipient, at its discretion, may choose to distribute information and documents required by the Province in relation to the Program to prospective investors.

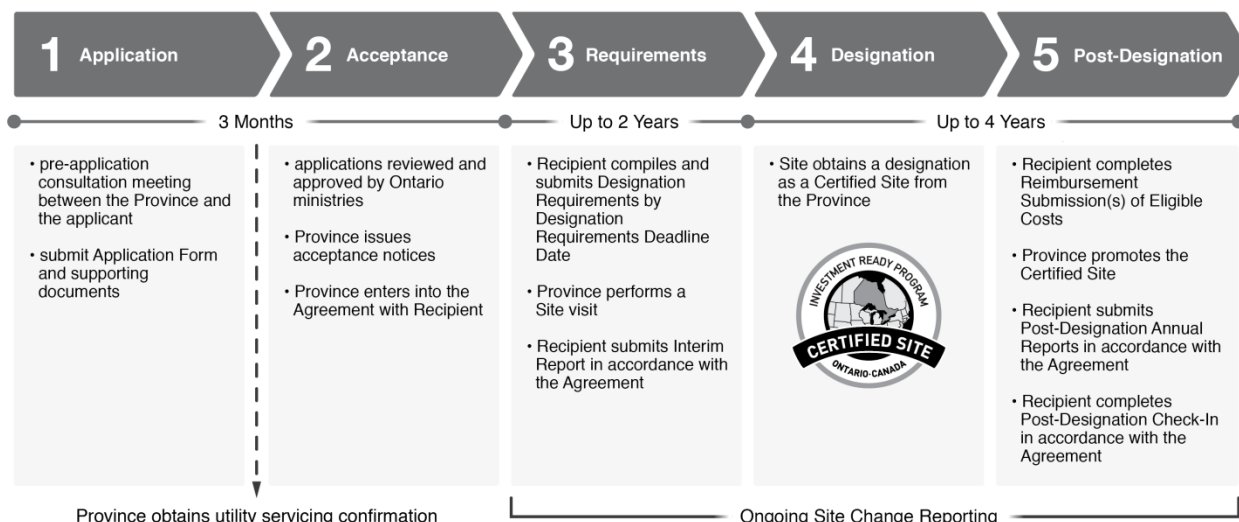
Once a Site has been designated as a Certified Site, the Recipient may undertake marketing in relation to the Certified Site and the Province may reimburse the costs for such marketing in accordance with the terms and conditions of the Agreement. The marketing may include but is not limited to the following:

- News releases and announcements
- Editorial articles in local newspapers and newsletters
- Street-level signage
- Brochures
- Website profiles and interactive maps

Project Workflow

The following diagram provides a general overview of the certification process for the Investment Ready: Certified Site Program. For a detailed description of the Program’s

rules and guidelines, please refer to the Certification Instructions and Requirements.



Timelines

The following is current as of (Month, Day, Year): _____

Anticipated Project Completion	
Select an anticipated timeline:	
<input type="checkbox"/> Two (2) years <input type="checkbox"/> Less than two (2) years	
Anticipated Completion Date (Month, Year):	

Given the anticipated Project completion date listed in the table above, please provide a detailed timeline when the required documents for designation of the Site as a Certified Site will be submitted in the table below. Unless otherwise defined herein, all capitalized terms in the table below shall have the meaning set out in the Certification Instructions and Requirements.

Required Documents for Designation as a Certified Site		Estimated Timeline (Month, Year)
Land use planning	Official Plan and zoning by-law information	
	Plan of subdivision (if	

	applicable)	
	Environmental Site Assessment (ESA)	
	Archaeological Assessment	
	Other assessments (if applicable). Please list:	
Information about the Site	Property survey and legal description	
	Parcel register	
	Title search opinion	
	Property maps that depict the following elements: <ul style="list-style-type: none"> • Location and Site boundaries • Net developable area • Contextual map • Aerial photograph or video • Topographic • Transportation network and access to the Site 	
Site Servicing	Sanitary, water and wastewater service letter from the municipality	
	Telecommunication service letter Company Name: 	
	Natural gas service letter Company Name: 	Program staff to complete.
	Hydroelectricity service letter Company Name: 	Program staff to complete.

SCHEDULE “B”

BUDGET

Unless otherwise defined herein, all capitalized terms below shall have the meaning set out in the Agreement, including the Certification Instructions and Requirements.

Budget Overview

Breakdown of Expenses	Estimated Cost (\$)	Estimated Program Reimbursement (\$)	Expected Cost to Recipient (\$)
<i>Formula:</i>	<i>A</i>	<i>B</i>	<i>A-B</i>
Application Form			
Designation Requirements			
Maintenance of Designation Requirements			
Marketing Initiatives			
Total			

Breakdown of Designation Requirements Expenses

Estimated Designation Requirements Costs

Required Documents for Designation as a Certified Site		Estimated Cost (\$)
Land use planning	Official Plan and zoning by-law information	
	Plan of subdivision (if applicable)	
	Environmental Site Assessment (ESA)	
	Archaeological Assessment	

	Other Assessments (if applicable). Please list:	
Information about the Site	Property survey and legal description	
	Parcel register	
	Title search opinion	
	Property maps that depict the following elements: <ul style="list-style-type: none"> • Location and Site boundaries • Net developable area • Contextual map • Aerial photograph or video • Topographic • Transportation network and access to the Site 	
Site Servicing	Sanitary, water and wastewater service letter from the municipality	
	Telecommunication service letter Company Name: _____	
	Natural gas service letter Company Name: _____	Program staff to complete.
	Hydroelectricity service letter Company Name: _____	Program staff to complete.
Estimated Total Costs for Designation Requirements:		

Maintenance of Designation Requirements

Maintenance of Designation Requirements		Estimated Cost (\$)
Land use planning	Environmental Site Assessment (ESA)	
	Archaeological Assessment	
	Other Assessments (if applicable). Please list:	
Information about the Certified Site	Property survey and legal description	
	Parcel register	
	Title search opinion	
	Property maps that depict the following elements:	
	<ul style="list-style-type: none"> • Location and Certified Site boundaries • Net developable area • Contextual map • Aerial photograph or video • Topographic • Transportation network and access to the Certified Site 	
Certified Site Servicing	Sanitary, water and wastewater service letter from the municipality	
	Telecommunication service letter Company Name: _____	
	Natural gas service letter Company Name: _____	Program staff to complete.
	Hydroelectricity service letter Company Name: _____	Program staff to complete.
Estimated Total Costs To Maintain Designation Requirements:		

Marketing

Marketing Initiatives		Estimated Cost (\$)
1.		
2.		
3.		
4.		
5.		
Estimated Total Marketing Costs:		

SCHEDULE “C”

REPORTS

REPORTING REQUIREMENTS

Name of Reports	Due Date	Format
Interim Report	Each anniversary of the Effective Date until the Certification Designation Date	Electronic submission of the Interim Report as further set out below.
Post-Designation Annual Report	Each anniversary of the Certification Designation Date starting from the Certification Designation Date and ending on the Expiry Date or date of termination of the Agreement	Electronic submission of the Post-Designation Annual Report as set out in Schedule “H”
Post-Designation Check-in	30 days after the second anniversary of the Certification Designation Date	Please refer to the requirements in Schedule “I”
Reimbursement Submission	See Section 4.1(d) of the Agreement	Electronic submission of Schedule “F”

REPORT DETAILS

All Reports shall be submitted electronically to: InvestmentReady@ontario.ca unless otherwise directed by the Province.

Interim Report

Any Interim Report must include the following:

- An updated Schedule “A”, with any information in the Timelines section of Schedule “A” updated as necessary;
- An explanation of any delays or failures to carry out the Project in accordance with the Agreement, and actions that will be taken to address them;
- Changes to any information provided in or in support of the Recipient’s application to the Program; and
- Changes to any information relating to any Designation Requirements already submitted and approved by the Province.

SCHEDULE “D”

ELIGIBLE COSTS

Unless otherwise defined herein, all capitalized terms below shall have the meaning set out in the Agreement, including the Certification Instructions and Requirements.

ELIGIBLE COSTS:

- Eligible Costs must be directly related to the Project and be actual cash outlays that are incurred and paid by the Recipient to third parties that are documented through paid invoices and proofs of payment acceptable to the Province and are not to exceed fair market value.
- The Province shall require evidence of costs incurred and paid for in accordance with the terms of the Agreement.

Eligible Costs include:

Designation Requirements and Maintenance

Eligible Costs for the completion of the Designation Requirements and the maintenance of designation as a Certified Site (to enable the Site or the Certified Site as applicable to continue to meet the Program’s requirements) include assessments and documentation prepared by qualified professionals for the following services:

- Mapping (topographic map, environmental context map, Net Developable Area map).
- Aerial photograph or video of the Site or the Certified Site as applicable with parcel boundary clearly shown.
- Parcel register and accompanying property index map for each parcel.
- Plan of Survey
- Legal fees (including contract and fees associated with updating information required to maintain designation, for example, the title opinion)
- Surveyor’s real property report.
- Environmental Site Assessments (ESA).
- Archaeological Assessments.

- Production of copies of municipal documents and digital mapping (i.e. copies of draft Plan of Subdivision)
- Project management fees.
- Additional documentation, studies and/or assessments in cases where the Province determines further documentation or studies and/or assessments are necessary pursuant to this Agreement.

Marketing

Reimbursement for marketing costs is intended to offset costs associated with developing marketing specific to the Certified Site and the Program, targeting potential investors and the real estate business community.

Eligible Costs for marketing include:

- Certified Site-specific advertising. Creative design for advertising must be coordinated with the Province and receive approval from the Province prior to placement.
- Certified Site-specific street-level signage.
- Photography, graphic images and renderings of the Certified Site such as drone photography, digital conceptual renderings, and concept plans.
- Development of promotional materials to promote the Certified Site such as brochures, videos, business cases, presentations and pop-up banners, including printing, pressing CDs or DVDs, USB keys and recording of videos.
- Translation into English, French or other languages of marketing materials (i.e. brochures) or website content promoting the Certified Site.
- Software, mobile application or website customization to incorporate references to the Certified Site including logo or key messages (excluding the cost of software licenses or off-the-shelf add-on modules).
- Costs associated with developing and providing Certified Site-related material to support visits to the Site or the Certified Site as applicable, request for information responses and follow ups after the visits to the Site or the Certified Site as applicable.
- Cost of advertisement placement in any media. Plans to purchase media of any kind must be coordinated with the Province and receive approval from the Province prior to placement.
- Creative services related to the development of the marketing described above.

INELIGIBLE COSTS

All costs that are not Eligible Costs are ineligible costs. The following are provided as examples for further clarification:

- Costs incurred prior to the Project Start Date.
- Infrastructure or capital costs related to bringing the Site or the Certified Site as Applicable up to eligibility and property standards, maintenance and property taxes.
- Capital costs: infrastructure development, capital expenditures to acquire or enhance assets, software licenses, electronics (including computers, fax, machines, drones, digital cameras), and demonstration aids. Capital costs include the direct costs of acquisition, construction, expansion, modification, conversion, transportation, installation and insurance (during construction) of fixed assets, as well as the cost of licensing and franchising fees.
- Costs incurred by an Ontario Ministry, Ontario agency or Crown corporation.
- Travel costs and accommodations incurred by the Recipient or third party consultants as a result of the preparation of the Application Form, designation maintenance or marketing (international or domestic).
- Ongoing operational expenses including labour costs, office and overhead expenses (e.g. salaries, wages, including those of staff working on the Project).
- Costs not incurred in Ontario, except when the only supplier(s) of services are outside of Ontario with proof and prior written approval from the Province.
- Entertainment expenses, meals or alcoholic beverages.
- In-kind contributions.
- Costs, including taxes, for which the Recipient has received, will receive or is eligible to receive a rebate, credit or refund.
- Consultant fees are ineligible where there is an indication of an employer-employee relationship to be determined by the Province in its sole discretion.
- Miscellaneous: activities for which one or more persons expect to receive compensation in the form of a commission or finder's fee.
- Fees associated with municipal planning applications unless required and pre-approved in writing by the Province.

Ineligible Marketing Costs

In addition to the types of ineligible costs set out above, the following costs are also ineligible:

- Market research activities associated with general investment attraction, retention and expansion, strategic planning and general economic development.
- Collection or purchase of statistical data that do not directly support Certified Site marketing.
- Regular website maintenance and updating web content, website hosting, software licensing.
- Premiums and corporate gifts including events, shows and concert tickets, Recipient branded items, cups, mugs and pens.
- Postage, including postage for direct mail campaigns.
- Participation in trade shows or conferences, including registration fees for trade shows or conferences; booth design, purchase and assembly; shipping and design of general, non-Certified Site related promotional material specifically for a trade show; overhead costs such as pre-show mailing, stationery and long distance phone calls; research to target companies at a trade show; consultant costs for organizing outgoing missions (including training participants); consultant costs to develop business cases for follow up with potential investors after a trade show.
- Sponsorships.

STACKING OF FUNDS

Stacking of Provincial support will be considered on a case by case basis. Stacking of funding from complementary programs may be acceptable to the Province, in its sole discretion, for Eligible Costs that: (a) are ineligible costs in such complementary programs; and (b) will not be reimbursed by the Province of Ontario under such programs.

SCHEDULE “E”

LEGAL DESCRIPTION OF THE SITE

Legal Description

Please see legal description in the Site’s parcel register(s) attached in Appendix 1 to this Schedule “E”.

Property Identification Number (“PIN”)

Please see PIN in the Site’s parcel register(s) attached in Appendix 1 to this Schedule “E”.

Site Description

Generally located on Brazeau Boulevard, in the City of Temiskaming Shores.

Known unregistered encumbrances, encroachments (easements):

APPENDIX 1

PARCEL REGISTER(S) FOR THE SITE

PIN 61335-0438 (LT)

Ontario ServiceOntario		LAND REGISTRY OFFICE #54		61335-0438 (LT)		PAGE 1 OF 1 PREPARED FOR Julia_01 ON 2017/07/12 AT 15:59:01	
PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER * CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *							
PROPERTY DESCRIPTION:		PT N 1/2 LT 6 CON 1 DYMOND PART 5, 54R4314; CITY OF TEMISKAMING SHORES; DISTRICT OF TIMISKAMING					
PROPERTY REMARKS:		CROWN GRANT SEE TP3097.					
ESTATE/QUALIFIER:		RECENTLY:		PIN CREATION DATE:			
FEE SIMPLE ABSOLUTE		DIVISION FROM 61335-0435		2017/07/11			
OWNERS' NAMES		CAPACITY SHARE					
THE CORPORATION OF THE CITY OF TEMISKAMING SHORES							
REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD	
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2017/07/11 **							
54R4314	1996/07/25	PLAN REFERENCE				C	
DT59485	2017/06/23	TRANSFER		THE CORPORATION OF THE CITY OF TEMISKAMING SHORES	THE CORPORATION OF THE CITY OF TEMISKAMING SHORES	C	

PIN 61335-0439 (LT)


Ontario ServiceOntario		LAND REGISTRY OFFICE #54		61335-0439 (LT)		PAGE 1 OF 1 PREPARED FOR Julia_01 ON 2017/07/12 AT 15:58:45	
PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER * CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *							
PROPERTY DESCRIPTION:		PT N 1/2 LT 6 CON 1 DYMOND PART 6, 54R4314; CITY OF TEMISKAMING SHORES; DISTRICT OF TIMISKAMING					
PROPERTY REMARKS:		CROWN GRANT SEE TP3097.					
ESTATE/QUALIFIER:		RECENTLY:		PIN CREATION DATE:			
FEE SIMPLE ABSOLUTE		DIVISION FROM 61335-0435		2017/07/11			
OWNERS' NAMES		CAPACITY SHARE					
THE CORPORATION OF THE CITY OF TEMISKAMING SHORES							
REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD	
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2017/07/11 **							
54R4314	1996/07/25	PLAN REFERENCE				C	
DT59485	2017/06/23	TRANSFER		THE CORPORATION OF THE CITY OF TEMISKAMING SHORES	THE CORPORATION OF THE CITY OF TEMISKAMING SHORES	C	

PIN 61335-0440 (LT)

Ontario ServiceOntario		LAND REGISTRY OFFICE #54		61335-0440 (LT)		PAGE 1 OF 1 PREPARED FOR Julia_01 ON 2017/07/12 AT 15:58:29	
PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER * CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *							
PROPERTY DESCRIPTION:		PT N 1/2 LT 6 CON 1 DYMOND PART 7, 54R4314; SUBJECT TO AN EASEMENT IN FAVOUR OF PT 1 54R5687 AS IN DT40426; CITY OF TEMISKAMING SHORES; DISTRICT OF TIMISKAMING					
PROPERTY REMARKS:		CROWN GRANT SEE TP3097.					
ESTATE/QUALIFIER:		RECENTLY:		PIN CREATION DATE:			
FEE SIMPLE ABSOLUTE		DIVISION FROM 61335-0435		2017/07/11			
OWNERS' NAMES		CAPACITY SHARE					
THE CORPORATION OF THE CITY OF TEMISKAMING SHORES							
REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/CHKD	
** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 2017/07/11 **							
54R4314	1996/07/25	PLAN REFERENCE				C	
54R5687	2013/03/27	PLAN REFERENCE				C	
DT40426	2013/05/21	TRANSFER EASEMENT	532,000	THE CORPORATION OF THE CITY OF TEMISKAMING SHORES	2225342 ONTARIO INC.	C	
DT59485	2017/06/23	TRANSFER		THE CORPORATION OF THE CITY OF TEMISKAMING SHORES	THE CORPORATION OF THE CITY OF TEMISKAMING SHORES	C	

APPENDIX 1 (CONT'D)

PIN 61335-0441 (LT)



LAND
REGISTRY
OFFICE #54

PIN 61335-0441 (LT)

PARCEL REGISTER (ABBREVIATED) FOR PROPERTY IDENTIFIER

PAGE 1 OF 1
PREPARED FOR Julia_01
ON 2017/07/12 AT 15:58:15

* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT * SUBJECT TO RESERVATIONS IN CROWN GRANT *

PROPERTY DESCRIPTION: PT N 1/2 LT 6 CON 1 DIAMOND PART 8, 54R4314; CITY OF TEMISKAMING SHORES, DISTRICT OF TEMISKAMING

PROPERTY REMARKS: CROWN GRANT SEE TP3097.

ESTATE/QUALIFIER: RECENTLY:
SEE SIMPLE DIVISION FROM 61335-0435
ABSOLUTE

PIN CREATION DATE: 2017/07/11

OWNERS' NAMES: CAPACITY SHARE
THE CORPORATION OF THE CITY OF TEMISKAMING SHORES

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT / CHED
** PRINTOUT	INCLUDES ALL	DOCUMENT TYPES AND	DELETED INSTRUMENTS	SINCE 2017/07/11 **		
54R4314	1996/07/25	PLAN REFERENCE				C
D759485	2017/06/23	TRANSFER		THE CORPORATION OF THE CITY OF TEMISKAMING SHORES	THE CORPORATION OF THE CITY OF TEMISKAMING SHORES	C

SCHEDULE “F”

REIMBURSEMENT SUBMISSION

TO: **Investment Ready: Certified Site Program**
Ontario Investment Office
Ministry of Economic Development and Growth

2 Queen Street East, 3rd Floor
Toronto, Ontario M5C 3G7

RE: **Agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Economic Development and Growth (the “Province”) and The Corporation of the City of Temiskaming Shores (the “Recipient”) effective as of the 7th day of June, 2017 (the “Agreement”)**

Unless otherwise defined herein, all capitalized terms below shall have the meaning set out in the Agreement, including the Certification Instructions and Requirements.

1 Site or Certified Site Information

- Please attach a copy of Schedule “E” from the executed Agreement.

2 Key Dates

Project Start Date: March 31, 2017

Agreement’s Effective Date: June 7, 2017

Designation Requirements Deadline Date: June 7, 2019

Certification Designation Date: _____

Project Completion Date: _____

3 Program Status

This Reimbursement Submission applies to one or more of the following types of Eligible Costs:

- ☐ Achievement of Designation Requirements (includes application expenses)
- ☐ Maintenance of Designation Requirements and Minimum Eligibility Requirements
- ☐ Marketing

4 Electronic Transfer Payment Registration

All disbursements made under the Agreement are by direct deposit payments, also known as electronic funds transfers (EFTs). Direct deposit payments provide quick service to recipients. The Recipient will receive email notifications for each direct deposit payment.

The Recipient shall register for EFTs by completing the tables below and attaching a scanned PDF copy of a void cheque/stamped bank letter.

If the Recipient is already receiving payments from the Government of Ontario please provide its assigned supplier number, which can be found in a previous cheque or EFT separate remittance advice details.

Please select the most appropriate statement from the following:

- ☐ Option 1: A supplier account has already been established for the Recipient.
Supplier Account Number: _____
- ☐ Option 2: It is not known if a supplier account has been established for the Recipient.
- ☐ Option 3: The Recipient has never received transfer payments from the Government of Ontario.

If option 2 or 3 was selected, please complete the following tables:

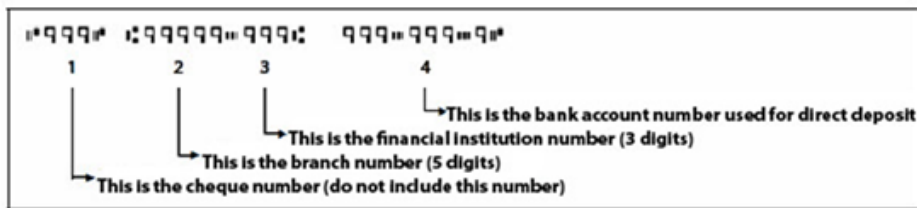
Recipient* Information	
Recipient's Legal Name:	
Trade Name, Division, Branch, Department (if applicable):	
9-Digit CRA Business Number (if applicable):	
Recipient Legal Entity Type (check one):	<input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership* <input type="checkbox"/> Trust <input type="checkbox"/> Other: _____

Address:	
City:	
Province:	
Postal Code:	
Contact Name:	
Contact's Email:	
Business Phone Number:	
Business Fax Number:	

* If the Recipient is a limited partnership, please complete using the general partner's information

Financial Institution Information	
Name of Institution:	
Address:	
City:	
Province:	
Postal Code:	
Branch Number*:	
Bank Number*:	
Account Number*:	

* Please review the information below to locate the requested information:



1. The first three numbers at the bottom of the cheque are the cheque number (do not include these numbers)
2. The next five numbers are the branch number
3. The next three numbers are the financial institution number
4. The remaining numbers are the bank account number used for direct deposit

- ☐ A scanned PDF copy of a void cheque/stamped bank letter is attached with this Reimbursement Submission.

5 Details of Expenses

For a complete description of Eligible Costs and reimbursement rules, refer to the Agreement.

Please ask all service providers to reference details of expenses on all invoices including a reference to the Site or the Certified Site as applicable (i.e. legal description or municipal address) for which the work is being completed.

Complete each table with the necessary detail for reimbursement. Municipalities should note that only the non-exempted portion of the HST should be included. Include all applicable invoices with the Reimbursement Submission.

1.0 Legal Expenses

#	Service Provider	Date (Month- Date- Year)	Subtotal of Service (\$0.00)		HST (\$0.00)		Total (\$0.00)	
1.1								
1.2								
1.3								
1.4								
1.5								
Total Legal Expenses:								

- ☐ Invoices are labelled accordingly and are attached.

2.0 Land Use Planning Expenses

#	Service Provider	Date (Month- Date- Year)	Subtotal of Service (\$0.00)		HST (\$0.00)		Total (\$0.00)	
2.1								
2.1								
2.2								
2.3								
2.5								
2.6								
2.7								
2.8								
Total Land Use Planning Expenses:								

☐ Invoices are labelled accordingly and are attached.

3.0 Technical Report Expenses

#	Service Provider	Date (Month- Date- Year)	Subtotal of Service (\$0.00)		HST (\$0.00)		Total (\$0.00)	
3.1								
3.2								
3.3								
3.4								
3.5								
Subtotal for Environmental Site Assessment (ESA):								
3.6								
3.7								
3.8								
3.9								
3.10								
Subtotal for Archaeological								

Assessment:								
3.11								
3.12								
3.13								
3.14								
3.15								
Subtotal for Other Assessments:								
Total Technical Report Expenses:								

☐ Invoices are labelled accordingly and are attached.

4.0 Marketing Expenses

Note: The Province will reimburse the Recipient for 50% of Eligible Costs up to \$10,000 (which amount, for further clarification, is part of the Maximum Funds) that, notwithstanding the definition of Eligible Costs in the Agreement, have been incurred and paid from and including the Certification Designation Date to and including the earlier of (i) the Project Completion Date; and (ii) the date of termination of the Agreement.

#	Service Provider	Date (Month- Date- Year)	Subtotal of Service (\$0.00)		HST (\$0.00)		Total (\$0.00)	
4.1								
4.2								
4.3								
4.4								
4.5								
Total Marketing Expenses:								

☐ Invoices are labelled accordingly and are attached.

5.0 Miscellaneous Expenses

#	Service Provider	Date (Month- Date- Year)	Subtotal of Service (\$0.00)		HST (\$0.00)		Total (\$0.00)	
5.1								

5.2								
5.3								
5.4								
5.5								
Total Miscellaneous Expenses:								

☐ Invoices are labelled accordingly and are attached.

6 Summary of Eligible Costs Table

Using the information from the itemized expense details listed in the tables above, complete the summarized table below to calculate the grand total for the Reimbursement Submission.

Expense Category		Category Totals (\$0.00)		Reimbursable Amount Totals (50%) (\$0.00)		Estimated Cost to Recipient (\$0.00)	
<i>Formula:</i>		<i>A</i>		<i>B</i>		<i>A-B</i>	
1.0	Legal						
2.0	Land Use Planning						
3.0	Technical Reports						
4.0	Marketing						
5.0	Miscellaneous						
Grand Total:							

7 Summary of Available Funding

To calculate the remaining Funds available for the Certified Site identified in this Reimbursement Submission and to determine if the total reimbursements for marketing are within the \$10,000 allocation limit, please complete the calculations in the tables below.

Calculations to determine the total funding available for the Certified Site*			
Maximum Funds available to Recipient:		\$50,000*	00
Total reimbursements	a) currently requested:	-	
	b) received to-date:	-	
Total Remaining Balance*:			

Refer to Section 6 of this Schedule – Grand Total, Estimated Cost to Recipient

* This amount includes the \$10,000 referred to in the chart below.

Calculations to determine total reimbursements for marketing			
Maximum allocation for marketing per application:		\$10,000	00
Total reimbursement for marketing for Certified Site	a) currently requested:	-	
	b) received to-date:	-	
Total Remaining Balance for Marketing:			

Refer to Section 6 of this Schedule, Item 4.0

8 Acknowledgement

I, _____, _____ of the Recipient, on
Name Title

behalf of the Recipient, hereby certify that the information provided in this Reimbursement Submission is complete and accurate. The Recipient further acknowledges that the Province has complete discretion over the approval of any Eligible Costs and the acceptance of this Reimbursement Submission, and agrees to provide additional information and documents as may be required by the Province to evaluate this Reimbursement Submission.

Name:

Title:

Date

I have authority to bind the Recipient.

**SCHEDULE “G”
SITE CHANGE NOTIFICATION FORM**

TO: **Investment Ready: Certified Site Program**
Ontario Investment Office
Ministry of Economic Development and Growth

2 Queen Street East, 3rd Floor
Toronto, Ontario M5C 3G7

RE: **Agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Economic Development and Growth (the “Province”) and The Corporation of the City of Temiskaming Shores (the “Recipient”) effective as of the 7th day of June, 2017 (the “Agreement”)**

Unless otherwise defined herein, all capitalized terms below shall have the meaning set out in the Agreement.

1 Purpose

To provide notification to the Province in accordance with section 6.2 of the Agreement, please follow the instructions outlined in section 2 of this form. If there are any questions or concerns, please email: InvestmentReady@ontario.ca.

2 Instructions

- The Recipient shall provide the following information:
 - Contact information for the Recipient:
 - Name, Title: _____
 - Email address: _____
 - Phone Number: _____
 - Identification details of the Site or the Certified Site as applicable
identification details:
 - Address of the Site or the Certified Site as applicable:

4 Approval (to be completed by Program staff)

The Province hereby approves the requested changes set out in this Site Change Notification Form.

Name:

Date:-

SCHEDULE "H"

POST-DESIGNATION ANNUAL REPORT

Unless otherwise defined herein, all capitalized terms below shall have the meaning set out in the Agreement.

Recipient Name: **The Corporation of the City of Temiskaming Shores**

Certification Designation Date:

Municipal address of the Certified Site or attach a copy of Schedule E:

Reporting Period:

-
1. Does the Certified Site continue to satisfy the Program's Minimum Eligibility Requirements and Designation Requirements within the reporting period?

☐ Yes

☐ No

If not, please describe the actions taken to date to bring the Certified Site back into compliance:

2. Has any portion of the Certified Site been sold or leased within the reporting period to make the total available property size less than 10 acres?
☐ Yes
☐ No
3. Are you willing to sell or lease a portion of the Certified Site, should the opportunity arise?
☐ Yes
☐ No
4. Within this reporting period, did you use the Site Change Notification Form to notify the Province when the Site Information related to your Certified Site has changed?
☐ Yes
☐ No, it was not required.
☐ No, I was not aware I had to inform the Province.
5. Within this reporting period, have you undertaken any marketing for the Certified Site?
☐ Yes, in the planning stages.
☐ Yes, marketing is completed.
☐ No, but maybe in the future. (skip question 6)
☐ No, there is no intention to do so. (skip question 6)
6. If "Yes" to Question 5, please list the type of marketing the Recipient plans or has completed for the Certified Site:
 - 1.
 - 2.
 - 3.
 - 4.
 - 5.

Acknowledgement

I, _____, _____ of the Recipient, on behalf of
the Recipient, hereby certify that the information provided in this Post-Designation
Annual Report is complete and accurate.

Name:

Title:

Date

I have authority to bind the Recipient.

SCHEDULE “I”

POST-DESIGNATION CHECK-IN

Unless otherwise defined herein, all capitalized terms below shall have the meaning set out in the Agreement.

1 Purpose

The purpose of the Post-Designation Check-In is to verify the accuracy of the details of the Certified Site at the second anniversary of the Certification Designation Date. The Post-Designation Check-In does not replace the Recipient’s on-going responsibility to comply with the notification requirements in section 6.2 of the Agreement.

- For a complete listing of the Program’s Minimum Eligibility Requirements and Designation Requirements, please refer to the Certification Instructions and Requirements.

2 Instructions

- At the second anniversary of the Certification Designation Date, the Recipient must confirm (i) whether the information provided in or in support of the Recipient’s application to the Program is still accurate; (ii) that the Site or the Certified Site as applicable continues to meet the Minimum Eligibility Requirements; and (iii) that the Certified Site continues to meet the Designation Requirements.
 - The Recipient must complete this Post-Designation Check-In within 30 days after the second anniversary of the Certification Designation Date.
 - In the event that (i) the information provided in or in support of the Recipient’s application to the Program remains unchanged; (ii) the Site or the Certified Site as applicable continues to meet the Minimum Eligibility Requirements; and (iii) the Certified Site continues to meet the Designation Requirements, an authorized signing officer of the Recipient is required to notify the Province by sending an email to InvestmentReady@ontario.ca.
- OR
- In the event of any event, change or circumstance described in section 6.2 of the Agreement, the Recipient must complete a Site Change Notification Form.
 - The Province will notify the Recipient when the Post-Designation Check-In has been completed.

SCHEDULE “J”

CHANGE REQUEST FORM

TO: **Investment Ready: Certified Site Program**
Ontario Investment Office
Ministry of Economic Development and Growth

2 Queen Street East, 3rd Floor
Toronto, Ontario M5C 3G7

RE: **Agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Economic Development and Growth (the “Province”) and The Corporation of the City of Temiskaming Shores (the “Recipient”) effective as of the 7th day of June, 2017 (the “Agreement”)**

Unless otherwise defined herein, all capitalized terms below shall have the meaning set out in the Agreement, including the Certification Instructions and Requirements.

Please complete all appropriate sections (to be completed by the Recipient).

☐ **1. Amendment to Municipal Address**

The municipal address of the Site or the Certified Site as applicable set out in the section entitled “Municipal Address” in Schedule “E” of the Agreement is hereby deleted in its entirety and replaced with the following:

“Municipally known as:

_____”

☐ **2. Amendment to Legal Description**

The legal description of the Site or the Certified Site as applicable as set out in the parcel register attached as Appendix 1 of Schedule “E” is hereby replaced with the legal description set out in the parcel register attached as Appendix 1 to this Change Request Form. **[NTD: Program to add Appendix 1 and attach new parcel register]**

☐ **3. Amendment to Property Identification Number (“PIN”)**

The PIN of the Site or the Certified Site as applicable as set out in the parcel register attached as Appendix 1 of Schedule “E” is hereby replaced with the PIN set

9. Acknowledgement

The Recipient hereby requests the aforementioned amendment(s) to the Agreement and certifies that the information provided to support the request is accurate. The Recipient further agrees to provide additional information and documents as may be required by the Province to evaluate this Change Request Form. The Agreement is accordingly amended upon execution of this form by the Recipient and the Province. All other terms and conditions of the Agreement remain in full force and effect.

The Corporation of the City of Temiskaming Shores

Name:
Title:

Date

Name:
Title:

Date

I/We have authority to bind the Recipient.

**HER MAJESTY THE QUEEN IN RIGHT OF ONTARIO as represented by the
Minister of Economic Development and Growth**

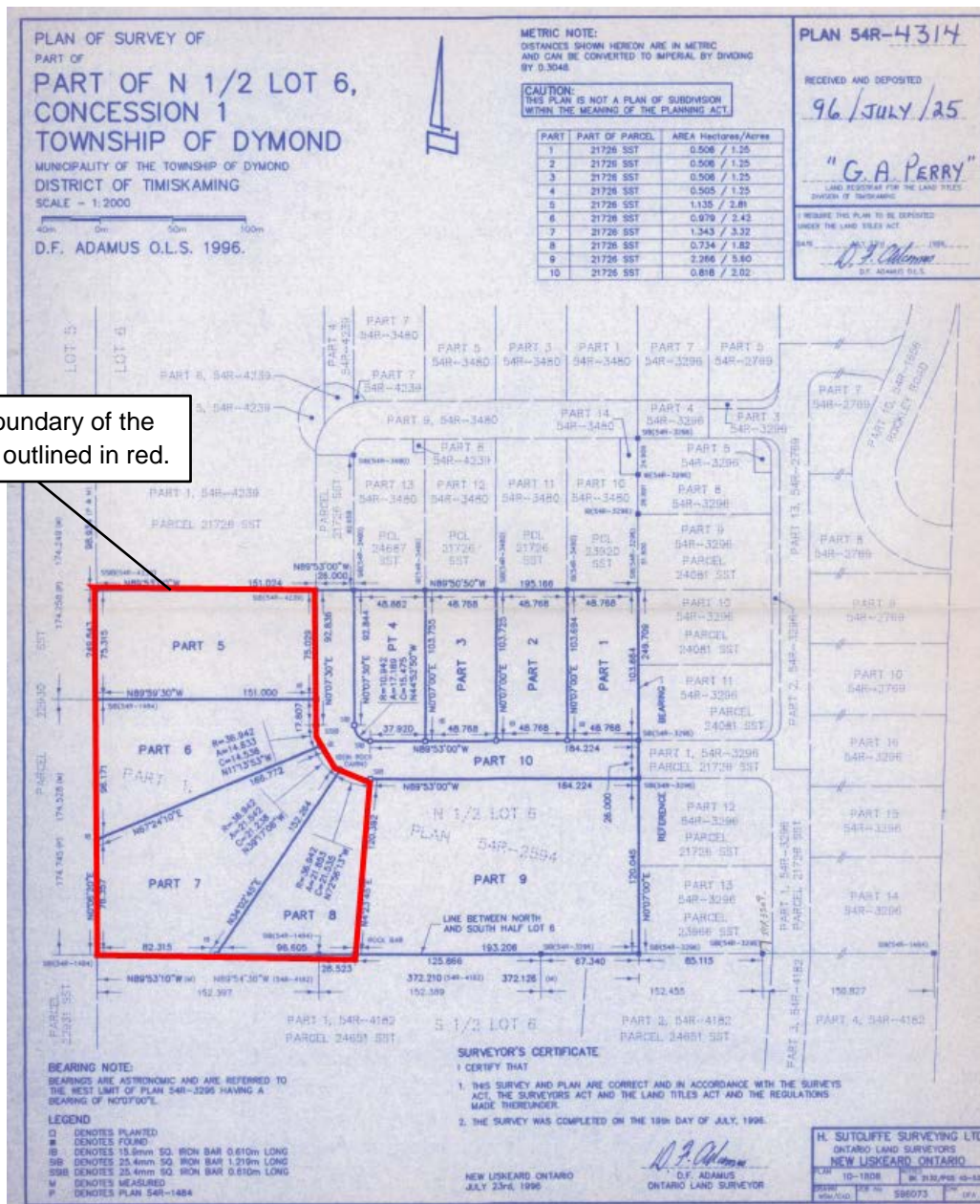
Name:
Title: Director of Investor Services Branch,
Ontario Investment Office

Date

SCHEDULE "K"

VISUAL DEPICTION OF THE SITE

The visual depiction of the Site set out below is not legally binding and is included for reference purposes only. For greater certainty, in the event of a conflict or inconsistency between the Site as described in Schedule "E" and the visual depiction of the Site set out below, the Site as described in Schedule "E" will prevail.



SCHEDULE “L”

ADDITIONAL DESIGNATION REQUIREMENTS

The following is required by the Designation Requirements Deadline Date:

1. Provide confirmation that the Ministry of Natural Resources and Forestry's delineation of the newly identified Area of Natural and Scientific Interest (ANSI) located in the vicinity of the Site has been accepted by municipal council,
2. Provide confirmation when the City of Temiskaming Shores intends to amend the Official Plan to incorporate the boundaries of the ANSI, and
3. Provide confirmation when the city plans to undertake an ecological assessment of the area to ensure future development of the site will not have negative impacts on the ANSI.

The Corporation of the City of Temiskaming Shores
By-law No. 2017-154
Being a by-law to enact a new Comprehensive Zoning By-law
For the City of Temiskaming Shores

Whereas the City of Temiskaming Shores Official Plan came into effect on March 20, 2015; and

Whereas under Section 34 of the Planning Act, R.S.O. c. P.13, as amended, councils of local municipalities may pass zoning by-law to regulate the use land, and the erecting, location and use of buildings and structures; and

Whereas Council has ensured that adequate information has been made available to the public and has held two open houses on June 14, 2017 and November 19, 2017, and at least one public meeting on December 5, 2017 after due notice for the purpose of informing the public of this By-law; and

Whereas it is deemed desirable to adopt a new Comprehensive Zoning By-law for the City of Temiskaming Shores pursuant to Section 34 of the Planning Act, R.S.O. c. P.13, as amended; and

Whereas Council considered Administrative Report No. CGP-019-2017 at the Regular Council meeting held on December 19, 2017 and directed staff to prepare the necessary by-law to approve the City of Temiskaming Shores Zoning By-law.;

Now therefore the Council of the Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That a Comprehensive Zoning By-law for the City of Temiskaming Shores, attached hereto as "Schedule A" and forming part of this by-law, be hereby approved and come into force and effect on January 1, 2018;
2. That Township of Dymond By-law Number 984 and all amendments thereto; Town of New Liskeard By-law Number 2233 and all amendments thereto; and Town of Haileybury By-law Number 85-27 and all amendments thereto; are repealed in their entirety upon the coming into effect of this By-law.
3. That the passing of this by-law shall be subject to the provisions of the *Planning Act*.
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 19th day of December, 2017.

Mayor

Clerk

The Corporation of the City of Temiskaming Shores

By-law No. 2017-155

**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 December 19, 2017 and its Regular
meeting held on December 19, 2017**

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 on **December 19, 2017** and its Regular meeting held on **December 5, 2017** 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 19th day of December, 2017.

Mayor – Carman Kidd

Clerk – David B. Treen