



REGULAR COUNCIL AGENDA

For the Corporation of the Town of
Espanola

Council Meeting

To Be Held On

Tuesday, February 12, 2019
Council Chambers

100 Tudhope Street
7:00 pm



Espanola Council AGENDA

*For the Regular Meeting of the Town of Espanola
To Be Held On **Tuesday, February 12, 2019** at 7:00 p.m.
In The Council Chambers, Municipal Building*

7:00 P.M.

REGULAR MEETING OF COUNCIL
Council Chambers, 100 Tudhope Street

Please note this meeting will be streamed.

Disclosure of Pecuniary Interest and General Nature Thereof

PUBLIC HEARINGS

Under Section 34 of the Planning Act, a public hearing is being held to consider a proposed Zoning By-law amendment for the following property;

1) **Applicant:** Ryan Bulloch

Purpose: To rezone the property known as PLAN M174 PT LOT 12 PCL18355, 365 Centre Street, TOWN OF ESPANOLA zoned as Special Industrial Commercial (M1) to Special Industrial Commercial Special Exception Five (M1-5) in order to recognize the existing legal non-conforming uses; two residential apartments and an additional residential dwelling unit and permit reduced parking requirements for dwelling units.

DELEGATIONS

None

QUESTION PERIOD

PART 1 - CONSENT AGENDA

Resolution Prepared Adopting Resolutions for
Items **A1** to **F2** inclusive contained in the Consent Agenda

- CA-03-19 Be It Resolved That: Items A1 to F2 inclusive contained in Part 1, Consent Agenda be adopted.

Adoption of Minutes

A1 Regular Meeting of Council of January 31, 2019

A2 Special Meeting of Council of February 5, 2019

- 19-024 Be It Resolved That: The following Minutes are hereby accepted; Regular Meeting of Council of January 31, 2019; Special Meeting of Council of February 5, 2019

Board and Committee Reports

B1 Corporate Services Committee Meeting of February 5, 2019

- 19-025 Be It Resolved That: The following board and committee reports are hereby received; Corporate Services Committee Meeting of February 5, 2019.

Matters arising from the "In Camera Session"

C1 Recommendation regarding Extension of Water Line

- 19-026 Be It Resolved That: As Recommended by the Corporate Services Committee That: The property owner be given to July 1, 2019 to extend main use water line to garage and disconnect from 2nd town line. During the period of February 2019 through July 2019 he will not be charged for the 2nd connection.

Business Arising from Board and Committees

Please see Item H1 for More information

D1 Recommendation regarding Integrity Commissioner Protocol

- 19- 027 Be It Resolved That: As Recommended by the Corporate Services Committee That: Policy L11-01872, being a Policy to set out the Integrity Commissioner Inquiry Protocol effective March 1, 2019 be adopted.

D2 Recommendation regarding Tree Canopy and Natural Vegetation Policy

- 19-028 Be It Resolved That: As Recommended by the Corporate Services Committee That: Bylaw 2895/19 be adopted, being a Bylaw to adopt a Tree Canopy and Natural Vegetation Policy.

Bylaws and Resolutions

The following bylaws will be read and passed.

E1 Bylaw No. 2899/19

- 19-029 Being a Bylaw of the Town of Espanola to confirm the proceedings of Council at its Meeting of January 31, 2019.

Reports

F1 POA Department Departmental Report for October – December 2018

F2 Lacloche Foothills Municipal Association Meeting Report for February 4, 2019

- 19-030 Be It Resolved That: The following reports are hereby received; POA Department Departmental Report for October – December 2018; Lacloche Foothills Municipal Association Meeting Report for February 4, 2019

PART II - REGULAR AGENDA

Bylaws and Resolutions

G1 Recommendation regarding Zoning Bylaw Amendment

- 19-031 See Public Hearing

G2 Bylaw No 2897/19, being a Deeming Bylaw for lot consolidation of PIN 73408-0246/Roll #010-09100, 173 Adelaide St & PIN 73408-0327/Roll #010-09500, 167 Adelaide St be adopted

- 19-032 Be It Resolved That: Bylaw 2897/19, being a Deeming Bylaw for lot consolidation of PIN 73408-0246/Roll #010-09100, 173 Adelaide St & PIN 73408-0327/Roll #010-09500, 167 Adelaide St be adopted.

G3 Bylaw No 2898/19, being a Bylaw to being a bylaw to designate and open the new, realigned portion of Church St as a municipal road

- 19-033 Be It Resolved That: Bylaw 2898/19 be adopted, being a bylaw to designate and open the new, realigned portion of Church St as a municipal road.

G4 Recommendation regarding A-1 CRCS Collection Services

19-034 Be It Resolved That: Council approve the new proposed Agreement with A-1 CRCS to allow the continuation of collections of all new outstanding fines with the new contingency rate of 20% moving forward.

G5 Recommendation regarding Emergency Management

19-035 Be It Resolved That: Council approve changes as submitted to the existing Emergency Management Program and Committee Bylaw and a new Bylaw be adopted to reflect the changes.

Correspondence For Information Only

H1 Bill 68 – The modernizing Ontario's Municipal Legislation Act 2017

POSTED ON WEBSITE AS SEPARATE DOCUMENT

Information

This information was previously circulated to Council. If required a copy of the information is available at the Municipal Office.

Cheque Register

Correspondence re: Communities in Bloom

SDHU Correspondence re: Heroin with Fentanyl

ERHHC Correspondence re: Thank you for delegation

Clerk's correspondence re: Community Services Follow Up Information

Conference and Conventions

OGRA - Feb 24-27, 2019; Toronto ON

Mayor and Councillor Reports and Announcements

Future Council/Committee Meetings

Special Meeting of Council of February 13th @ 6:00 pm

Budget Meeting of Council of February 13th @ 7:00 pm

Community Services Committee Meeting of February 19th @ 4:00 pm

Regular Meeting of Council of February 26th, 2019 @ 7:00 pm

Adjournment

Closed Meeting (if required)



**THE PUBLIC MEETING OF COUNCIL
OF THE TOWN OF ESPANOLA**

**Council Chambers
Municipal Office**

**January 31, 2019
7:00 pm**

Her Worship Mayor Beer presided over the meeting.

Present:

Councillors K. Duplessis, R. Dufour, S. Hayden, B. Foster, H. Malott, M. Van Alstine

Staff: C. Townsend, CAO/Treasurer; P. Roque, Clerk; T. Denault-Roque, Recording Secretary

Absent:

The Mayor called the meeting to order.

Disclosure of pecuniary interest and the general nature thereof.

Councillors Malott, Duplessis and Dufour declared a conflict with item G3.

Public Hearing **None**

Delegations/Petitions **None**

Question Period

Chris McKay, resident of Espanola advised Council that she had a hearing impairment and it was difficult for her to hear. She asked that Council raise their hands high enough for her to see how council is voting. She also asked for the podium to be moved off to the side to not obstruct her view and suggested that the OWL be moved to the middle of the table. Mayor Bill thanked Ms McKay and advised that they are still playing with the location of the OWL to find the optimal location.

CONSENT AGENDA

CA-019-02 S. Hayden – R. Dufour

Be It Resolved That: Items A1 to F5 inclusive contained in Part 1, Consent Agenda be adopted.

Carried

Items A1-A2
Council Minutes

19-017 M. Van Alstine – R. Dufour

Be It Resolved That: The following Minutes are hereby accepted; Regular Meeting of Council of January 15, 2019; Special Meeting of Council of January 22, 2019.

Carried

Board and Committee Reports

Items B1

09-018 H. Malott – R. Dufour

Be It Resolved That: The following board and committee reports are hereby received; Community Services Committee Meeting of January 22, 2019.

Carried

Matters arising from the "In Camera Session"

None

Business Arising from Board and Committees

None

Bylaws and Resolutions

Item E1

Confirmatory Bylaw

19-019 K. Duplessis – S. Hayden

Be It Resolved That: Bylaw No 2893/19 be adopted; being a Being a Bylaw of the Town of Espanola to confirm the proceedings of Council at its Meeting of January 15, 2019.

Carried

Reports

Item F1-F5

19-020 B. Foster – K. Duplessis

Be It Resolved That: The following reports are hereby received; Public Works Department Departmental Report for December 2018; Leisure Services Department Departmental Report for December 2018; Fire Department Departmental Report for December 2018 & 2018 Year End Report; Building Department Departmental Report for November & December 2018; Economic Development Departmental Report for December 2018.

Carried

PART II

REGULAR AGENDA

Bylaws and Resolutions

Item G1

Gas Tax Bylaw

19-021 H. Malott – B. Foster

Be It Resolved That: Bylaw No 2894/19 be adopted; being a Bylaw to Execute an Agreement Between the Town of Espanola and the Minister of Transportation for the Province of Ontario.

Carried

Item G2
OCWA Operational Plan

19-022 K. Duplessis – M. Van Alstine

Be It Resolved That: The updates to the Drinking Water Quality Management Standard Operational Plan as prepared be adopted.

Carried

Mayor Beer advised Council that training and a tour of the Water Treatment Plant will be taking place in the Spring.

Item G3
Integrity Commissioner's Report

For Discussion

Mayor Beer explained that she placed this item on the agenda to be brought to a resolution this evening.

Councillors Malott, Duplessis and Dufour removed themselves from Council Chambers.

In Camera

B. Foster – S. Hayden

Be It Resolved That:

1. Under authority of Section 26.1.3 of Bylaw No. 2062/08, Council goes into an "in camera" session for the purpose stated in Section 239.2 of the Municipal Act:
 - A matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;

Time: 7:08 pm

Carried

Resume Special Meeting

M. Van Alstine – S. Hayden

Be It Resolved That:

The Regular Meeting of Council hereby resumes.

Time: 7:56 pm.

19-023 B. Foster – S. Hayden

Be It Resolved That: The recommendation s of the Integrity Commissioner be accepted as follows:

Councillor Malott receive a reprimand, and within a period of 90 days complete training on the Code of Conduct and workplace harassment, failing which her remuneration will be suspended in respect to her services of council for a period of 30 days.

Councillor K Duplessis receive a reprimand and within a period

of 90 days, he must complete training on workplace harassment failing which his remuneration will be suspended in respect of his services as a member of council for a period of 30 days.

Councillor Dufour have his remuneration suspended in respect of his services as a member of council for a period of 90 days. He shall be required to receive training on workplace harassment and discrimination, the proper role of council in relation to staff and the decision making process. The MCOIA and the AODA. The training may take place during the period of his remuneration suspension.

Carried

Mayor Beer then invited the members of council that declared a conflict back into council chambers.

Correspondence For Information Only

None

Information

This information was previously circulated to Council. If required a copy of the information is available at the Municipal Office.

MPP correspondence re: congratulations to newly elected council

MPP correspondence re: Launch of Ontario Health Regulators website

Conference and Conventions

OGRA - Feb 24-27, 2019; Toronto ON

Mayor and Councillors Reports and Announcements

Firehall

Councillor Duplessis would like to receive updates on the progress of the Firehall.

PWD – Snow Removal

The PWD was recognized and thanked for their efforts in keeping the streets and sidewalks clear of snow.

ROMA conference

Councillor Foster provided council with a summary of conference seminars that he attended.
Mayor Beer advised that they met with the Ministry of Health and Long Term Care to discuss the Nursing Home and the need for additional beds.

Future Council Meetings

Corporate Services Committee Meeting of February 5th @ 4:00 pm

Special Budget Meeting of Council of February 5th @ 7:00 pm

Regular Meeting of Council of February 12th @ 7:00 pm

Mayor Beer stated that, with Council's approval, she would like to have the cancelled Special In Camera Meeting rescheduled on February 7th at 6:00 pm. She further advised that if there are any remaining budget presentations to take place they would follow afterwards.

It was also stated that OCWA will be presenting the Bio study findings on February 12th at 6:00 pm.

Adjournment

B. Foster – M. Van Alstine

Be It Resolved That: The Regular Meeting of Council is hereby adjourned. Time: 8:17 pm

Carried

Jill Beer
Mayor

Paula Roque
Clerk

**SPECIAL MEETING OF COUNCIL
OF THE TOWN OF ESPANOLA**

**Main Level Boardroom
Municipal Office**

**February 5, 2019
7:00 pm**

Chair Bill Foster presided over the meeting.

Disclosure of pecuniary interest and general nature thereof

Present:

Mayor Beer; Councillors R. Dufour; K. Duplessis; B. Foster; H. Malott; M. Van Alstine

Staff: C. Townsend, CAO/Treasurer, P. Roque, Clerk; R. Rae, Chief Librarian; J. Yusko, Manager of PWD and Leisure Services; D. Parker, Assistant Manager of Public Works; T. Denault-Roque, Recording Secretary

Absent:

Councillor Hayden

**2019 Municipal
Budget
Deliberations 1st
Draft**

Ms. Rae, Chief Librarian presented council with a brief summary of the challenges of the Library for the current year. She advised that \$14000 was placed in the capital budget to cover items such as repairs to the window seats, replace the carpet tiles, not including installation, and to replace the 5 public computers that are past their useful lives.

The CAO/Treasurer was directed to review and advise if Library reserves can be used to offset some of these costs.

Mr. D Parker presented Council with the Transportation budget summarizing the tasks included in this category along with a comparison from the previous year's budget.

It was explained that the Summer Job Services line item may change once additional funding applications are opened.

A discussion took place regarding the need for the replacement of the combination sewer clear machine.

Next, Mr. Parker presented council with the Environmental budget with an explanation of what tasks are included in this category. It was noted that the landfill disposal will be updated to reflect the same amount as the 2018 budget.

Mr. Parker presented the water and sewer budget with an explanation of the tasks associated with this category.

Staff was directed to provide a 5 year forecast of major maintenance projects for the water treatment plant to council. A discussion on the need for a sewage treatment SCADA system replacement ensued.

Mr. J Yusko provided council with the Recreation budget and the tasks associated under this category.

It was explained that an error was identified in the payroll burden allocations and a ticket has been placed with the software company to correct it.

Mr. Yusko advised that there will be \$5000 removed from the budget that was set aside for negotiations, as it has been identified that is no longer needed.

Mr. Yusko advised that Facility Maintenance was over budget in hydro and under budget in gas; changes will be made to increase gas and decrease hydro amounts. He also advised that \$2000 will be removed from the rink maintenance due to certification courses being held in a local area, which reduces the costs of travel.

A discussion ensued regarding the squash courts. Staff was directed to provide a summary of alternative options that have been looked at by the department to increase usage in this area. The pool, fitness and arena budgets were presented.

Mr. Yusko advised that \$50000 was placed in the capital budget for insulation in the arena. Staff was asked to look into obtaining data to show what the savings in hydro costs would be.

Mr. Yusko also advised that the dehumidifiers will need to be changed in 2020.

Cultural activities, community events and beautification budgets were also presented.

Chair Foster thanked everyone for their presentations.

**Combination Sewer
Cleaner Machine
Replacement**

K Duplessis – H Malott

Be It Resolved That: Council allocate funds in the 2019 budget to replace PWD's 2000 Vactor 2110 with a used combination sewer cleaner that is 5 years old or less.

Carried

**Sewage Treatment
Plant SCADA
System
Replacement**

J Beer – H Malott

Be It Resolved That: Council allocate funds in the 2019 budget to replace the existing PLC/SCADA Control System at the Sewage Treatment Plant.

Carried

Adjournment

H Malott – M Van Alstine

Be It Resolved That: The Special Meeting of Council is hereby adjourned.

Time: 9:34 pm

Carried

B. Foster
Chair

P. Roque
Clerk

Unapproved

CORPORATE SERVICES COMMITTEE MEETING**Tuesday, February 5, 2019****4:00 pm****Council Chambers****Municipal Building****Chair Bill Foster presided over the meeting****Disclosure of pecuniary interest and general nature thereof.****Present:**

Mayor Beer, Councillors B. Foster; K Duplessis; M. Van Alstine
Municipal Officials, P. Roque, Clerk/Manager of Planning Services;
C. Kennelly; Economic Development Officer; C. Townsend, CAO; T.
Denault-Roque, Recording Secretary

Ms. Kennelly left the meeting at 4:55 pm

Ms. Townsend left the meeting at 5:15pm

The Chair advised that item #7 will be moved to the end of the
agenda and that the Committee will be going in camera to receive
additional information

Departmental Report

The Committee received the POA Department Departmental
Reports for October – December 2018

Remediation Work**J. Beer – K. Duplessis**

Be It Resolved That: As Recommended by the Corporate Services
Committee That: The Town of Espanola negotiate an agreement
with the property owner for the remediation of Merritt Con 5; Lot
8; PCL 17164 Plan M74 PT Lot 96; Lot 97; 461 Centre Street.

Defeated**Council-Staff Relations
Policy**

A discussion ensued.

Staff was directed to clarify the following:

- Item 3. The definition of Staff and to advise if a Volunteer Firefighter is considered an employee for these purposes.
- Item 5.3. And 5.9. Clarify with respect to day to day communications ie. Agenda inquiries, general information etc. Staff was directed to distinguish how the Head of Council and Committees will communicate through the CAO/Treasurer.

**Integrity Commissioner
Inquiry Protocol****K Duplessis – J Beer**

Be It Resolved That: As Recommended by the Corporate Services
Committee That: Policy L11-01872, being a Policy to set out the
Integrity Commissioner Inquiry Protocol effective March 1, 2019 be
adopted.

Carried

A brief discussion on the definition of "Member" ensued. It was agreed that the inclusion of *'and any person on his or her staff'* would only apply to a larger municipality.

Tree Canopy and Natural Vegetation Policy

J. Beer – K. Duplessis

Be It Resolved That: As Recommended by the Corporate Services Committee That: Bylaw 2895/19 be adopted, being a Bylaw to adopt a Tree Canopy and Natural Vegetation Policy.

Carried

Procedural Bylaw – 2nd Draft

Staff was directed to clarify the following items:

Section 2.14 Rules of Debate:

- Review this section for clarification with respect to speaking a second time, Item c.
- Check to see if there is a legislative requirement to have motions 'signed' by the mover or seconder, if not remove it.

Section 2.17

- In the 5th paragraph include "the Chair may 'recess' and/or adjourn the Meeting"

Section 2.21

- Item h. provide clarification.

Section 4.3

- Item 4.3.1 review is this consistent with current Procedural Bylaw

Section 6.1

- Item 6.1.6 provide clarification with respect to 2/3 majority.

Staff was directed to include rescinding a bylaw and review reading of bylaws from the current the Procedural Bylaw.

A discussion ensued regarding agendas being circulated earlier than Friday. Staff was directed to prepare a report on what the effects will be in preparing the agendas by Wednesday before a meeting and providing to the Public by Friday.

A discussion ensued regarding Question Period and permitting any questions to be asked at this time. This item will be considered at the following meeting.

Staff was directed to provide a copy of Robert's Rules of Order to the Committee members to determine if this document should be referenced in the Bylaw.

In Camera

J. Beer – K. Duplessis

Be It Resolved That: Under authority of Section 26.1.3 of Bylaw No. 2062/08, the committee goes into an "in camera" session for the purpose stated in Section 239.2 of the Municipal Act.

- personal matters about an identifiable individual, including municipal or local board employees;

Time: 5:41 pm

Carried

Resume Meeting

J. Beer – K. Duplessis

Be It Resolved That: The Corporate Services Committee Meeting hereby resumes.

Time: 5:55 pm

Carried

Water and Sewer Fees

J. Beer – K. Duplessis

Be It Resolved That: As Recommended by the Corporate Services Committee That: The property owner be given to July 1, 2019 to extend main use water line to garage and disconnect from 2nd Town line. During the period of Feb 2019 through June 2019 he will not be charged for the 2nd connection.

Carried

Adjournment

M. Van Alstine – K. Duplessis

Be It Resolved That: The Corporate Services Committee Meeting is hereby adjourned.

Time: 6:01 pm

B. Foster
Chair

P. Roque
Clerk

Department:	General Administration	Form Number:	A99-01370
Subject:	Staff Report	Effective Date:	06/05/17
Policy No:		Revision Date:	13/05/29
Bylaw No:		Version #:	2

STAFF REPORT

DEPARTMENT: Administration

DATE: January 29, 2019

ITEM: Water & Sewer Services

RECOMMENDATION: For Discussion and Direction

BACKGROUND: A Property owner consolidated 2 residential properties in late summer 2018 in order to build a garage on the adjacent vacant property he owned. The vacant lot had a home on it at one time with water and sewer services. Usually, when a property owner builds an accessory use that requires water and sewer services they hook in to the service line for the residential dwelling. In this case, the property owner hooked up the services for his new garage to the water and sewer service line that was in place on the lot he built the garage, therefore now having 2 water & sewer lines servicing his property, one for his residence and one for his garage. The property owner is requesting that the fees for the second water & sewer line be waived.

ANALYSIS:

The purpose of the Water & Sewer Bylaw is to provide for the management, maintenance and regulation of the waterworks system and for setting the rates for supplying water and sewer services.
Each water & sewer line / each residential dwelling has been subject to the set water & sewer fees.

EXISTING POLICY: Council Resolution

STRATEGIC GOAL: Improve and Maintain our Infrastructure / Excellence in Government

FINANCIAL COMMITMENT: Waive monthly fee of \$99.91

BUDGETED:

Yes

No

IMPLEMENTATION:

Prepared By: _____

CAO / Treasurer: _____

Approval of Recommendation:

Yes

No

Comments: _____

NOV 09 2018

November 8, 2018

Mayor and Council,

I would like to request a meeting to discuss being charged additional fees for a second water and sewer service to the garage on the amalgamated, adjoined lots at

I can be reached at . . . discuss this matter.

Thanks for your time and consideration.

Sincerely,



CORPORATE SERVICES COMMITTEE

Moved By: J. Beer
Seconded By: K. Duplessis

Date: February 5, 2019

Motion No.:

Be It Resolved That: As Recommended by the Corporate Services Committee That:

the property owner be given to July 1/2019 to extend main use water line to garage and disconnect from 2ND town line. During the period of Feb 2019 thru June 2019 he will not be charged for the 2ND connection

CARRIED ☒ DEFEATED ☐
DEFERRED ☐

Bill Foster
Chair

**RECORDED VOTE
INTEREST**

	For	Against
Mayor J. Beer	_____	_____
B. Foster	_____	_____
K. Duplessis	_____	_____
M. Van Alstine	_____	_____

DECLARATION OF PECUNIARY

Mayor J. Beer	_____
B. Foster	_____
K. Duplessis	_____
M. Van Alstine	_____

AGENDA #

CORPORATE SERVICES COMMITTEE

Moved By: K Duplessis

Date: January 5, 2019

Seconded By: John Beer

Motion No.: 3

Be It Resolved That: As Recommended by the Corporate Services Committee That:

Policy L11-01872, being a Policy to set out the Integrity Commissioner Inquiry Protocol effective March 1, 2019 be adopted.

CARRIED ☒ DEFEATED ☐

DEFERRED ☐

Bill Foster
Chair

**RECORDED VOTE
INTEREST**

For Against

Mayor J. Beer	<input type="checkbox"/>	<input type="checkbox"/>
B. Foster	<input type="checkbox"/>	<input type="checkbox"/>
K. Duplessis	<input type="checkbox"/>	<input type="checkbox"/>
M. Van Alstine	<input type="checkbox"/>	<input type="checkbox"/>

DECLARATION OF PECUNIARY

Mayor J. Beer	<input type="checkbox"/>
B. Foster	<input type="checkbox"/>
K. Duplessis	<input type="checkbox"/>
M. Van Alstine	<input type="checkbox"/>

AGENDA #5

Department: General Administration	Form Number: A99-01370
Subject: Staff Report	Effective Date: 06/05/17
Policy No:	Revision Date: 13/05/29
Bylaw No:	Version #: 2

STAFF REPORT

DEPARTMENT: Administration

DATE: January 29, 2019

ITEM: Integrity Commissioner Protocol

RECOMMENDATION: As Recommended by the Corporate Services Committee That: Policy L11-01872, being a Policy to set out the Integrity Commissioner Inquiry Protocol effective March 1, 2019 be adopted.

BACKGROUND: Bill 68, entitled Modernizing Ontario's Municipal Legislation Act, 2016, received royal assent on May 30th, 2017. This bill introduced a series of reforms to the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, and the *Municipal Elections Act, 1996*. An overview of the Bill is provided in Item 3 of this Agenda.

The purpose of this protocol is to set out a framework for the Integrity Commissioner's inquiries into allegations of contraventions of the Code of Conduct. Municipalities are also required to ensure that the public has access to an Integrity Commissioners.

This policy was developed at the drafting workshop referred to in the Staff Report entitled Council-Staff Relations.

ANALYSIS: The analysis is the same as that for the prior Staff Report as well.

A Staff Report will be forthcoming with a recommendation to appoint an Integrity Commissioner, IC proposals will be included with the Report.

EXISTING POLICY: Council Resolution

STRATEGIC GOAL: Excellence in Government

FINANCIAL COMMITMENT: Unknown-Appointment of Integrity Commissioner to follow

BUDGETED: Estimates in Draft 2019 Budget

Yes

No

IMPLEMENTATION: Clerk's Office

Prepared By:

Paula Roque

CAO / Treasurer:

Cynthia Townsend

Approval of Recommendation:

Yes

✓

No

Department:	General Administration	Form Number:	A99-01370
Subject:	Staff Report	Effective Date:	06/05/17
Policy No:		Revision Date:	13/05/29
Bylaw No:		Version #:	2

Comments: _____



DRAFT

Integrity Commissioner Inquiry Protocol

Town of Espanola

Important Disclaimer: this protocol complies with the relevant provisions of the *Municipal Act, 2001*, SO 2001, c 25 (the “*Act*”). Wishart Law Firm LLP recommends that legal advice be sought by the Integrity Commissioner or anyone acting under his or her authority in responding to an application or conducting an inquiry pursuant to this protocol. If you have any questions or concerns about this protocol or how to implement it, please contact Wishart Law Firm LLP. Wishart Law Firm LLP is not responsible for the results of any edit to this protocol other than as expressly authorized or directed by Wishart Law Firm LLP.

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1. Introduction

The Municipality has, pursuant to section 223.2 of the *Municipal Act, 2001*, established a Code of Conduct for members of council of the Municipality and members of its Local Boards.

The Municipality has appointed an Integrity Commissioner whose duties include, among other things, conducting inquiries in respect of alleged contraventions of the Code of Conduct and sections 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act* (“*MCLA*”).

The purpose of this protocol is to set out a framework for the Integrity Commissioner’s inquiries into allegations of contraventions of the Code of Conduct and sections 5, 5.1 and 5.2 of the *MCLA* breaches.

2. Definitions

“**Applicant**” means the person who has submitted an application to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention by a Member of sections 5, 5.1 or 5.2 of the *MCLA*.

“**Code of Conduct**” means a code of conduct established pursuant to section 232.2 of the *Municipal Act, 2001*.

“**Elector**” means a person entitled to vote at a municipal election in the Municipality.

“**Integrity Commissioner**” means the Integrity Commissioner appointed by Municipal Council and any individual acting under powers delegated to him or her in writing by the Integrity Commissioner.

“**Local Board**” means a Local Board other than:

- a. A society as defined in subsection 2(1) of the *Child, Youth and Family Services Act, 2017*;
- b. A board of health as defined in subsection 1(1) of the *Health Protection and Promotion Act*;
- c. A Committee of management established under the *Long-Term Care Homes Act, 2007*;
- d. A police service board established under the *Police Services Act, 2018*;
- e. A board as defined in section 1 of the *Public Libraries Act*; and,
- f. A corporation established in accordance with section 203 of the *Municipal Act, 2001*;

“Member” means a member of the municipal council and/or a member of a Local Board or a Committee of the Municipality and any person on his or her staff.

“Requestor” means the person who has submitted a request to the Integrity Commissioner for an inquiry concerning an alleged contravention of the applicable Code of Conduct.

“Respondent” means the person who is alleged to have violated the Code of Conduct or sections 5, 5.1 or 5.2 of the *MCLA* and whom an Integrity Commissioner inquiry application has been submitted.

3. Integrity Commissioner

3.1. Functions

The Integrity Commissioner reports to council and is responsible for performing in an independent manner, the functions assigned by the Municipality with respect to any of the following:

1. The application of the Code of Conduct for Members.
2. The application of any procedures, rules and policies of the Municipality and Local Boards governing the ethical behaviour of Members.
3. The application of sections 5, 5.1 and 5.2 of the *MCLA* to Members.
4. Requests from Members for advice respecting their obligations under the Code of Conduct applicable to the Member.
5. Requests from Members for advice respecting their obligations under a procedure, rule or policy of the Municipality or of the Local Board, as the case may be, governing the ethical behaviour of Members.
6. Requests from Members for advice respecting their obligations under the *MCLA*.
7. The provision of educational information to Members, the Municipality and the public about the Municipality’s Code of Conduct for Members and about the *MCLA*.

3.2. Powers and duties

In carrying out the responsibilities described in section 3.1 above, the Integrity Commissioner may exercise such powers and shall perform such duties as may be assigned to him or her by the Municipality.

3.3. Delegation

After satisfying himself or herself that a person is fully capable of carrying out the Integrity Commissioner's powers or duties, the Integrity Commissioner may, in writing, delegate to any person, other than a member of council, any such duties or powers. For greater certainty, if the Integrity Commissioner delegates any duties or powers, the Integrity Commissioner may continue to exercise the delegated powers and duties despite the delegation.

3.4. Outside assistance

In performing any of his or her duties, the Integrity Commissioner may engage outside assistance or consult with the Municipality's legal counsel. When the Municipality's legal counsel is assisting the Integrity Commissioner their role is solely to assist the Integrity Commissioner and not any particular individual.

4. Requests for advice

4.1. Requests for advice shall be in writing

A request by a Member for advice from the Integrity Commissioner under paragraphs 4, 5 or 6 of section 3.1 above, shall be made in writing.

4.2. Advice shall be in writing

If the Integrity Commissioner provides advice to a Member under paragraphs 4, 5 or 6 of section 3.1 above, the advice shall be in writing.

4.3. Release of advice

Advice provided by the Integrity Commissioner to a Member under paragraphs 4, 5 or 6 of section 3.1 above may be released by the Integrity Commissioner:

1. With the Member's written consent; or
2. Without the Member's written consent if the Member releases part of the advice.

5. Inquiry by Integrity Commissioner re Code of Conduct

5.1. *Request for inquiry*

A request for inquiry may be made in writing to the Integrity Commissioner by a Member, staff or member of the public about whether a Member has contravened the Code of Conduct.

5.2. *Request contents*

A request for inquiry under section 5.1 above may be in the form set out in Schedule “A” or, otherwise, shall include sufficient information to set out a prima facie contravention of the applicable Code of Conduct, including, but not necessarily limited to, all of the following:

- The Requestor’s name and contact information.
- What happened – a description of the events or situation.
- When it happened – dates and times of the events or incidents.
- Where it happened – the location(s) where the events or incidents occurred.
- Who saw it happen – the names of any witnesses, if any.

5.3. *Jurisdiction re workplace violence, harassment, and sexual harassment*

Requests made under this section must specifically refer to alleged contraventions of the Code of Conduct by a Member. Allegations of workplace violence, harassment, and sexual harassment by a Member must be reported in the manner set out in the Town of Espanola Workplace Anti-Violence, Harassment and Sexual Harassment Policy and must be reported as provided thereunder and that policy shall exclusively apply in respect of any such report.

5.4. *Request review*

The Integrity Commissioner will conduct an initial review of the request to ensure that it is a proper allegation of a breach of the Code of Conduct . If, after the initial review, the Integrity Commissioner determines that the request is not properly an allegation of a breach of the Code of Conduct, there are insufficient grounds to believe that there has been a contravention of the Code of Conduct, or the Integrity Commissioner determines that an inquiry is not appropriate for any other reason in the Integrity Commissioner’s reasonable discretion, the Integrity Commissioner will dismiss the request. When determining if an inquiry is appropriate, the Integrity Commissioner may, among other things, take into account the date of the alleged breach. Further, the Integrity Commissioner shall, in his or her discretion, dismiss the request.

If, upon initial review, the Integrity Commissioner determines that the Requestor has not supplied the information as mentioned by section 5.2, the Integrity Commissioner will advise the Requestor that he or she must supply additional information and shall take no further action until the information is provided.

5.5. Powers on inquiry

The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case, notwithstanding anything to the contrary herein, those sections apply to the inquiry.

5.6. Information

The Municipality, its Local Boards and Committees shall give the Integrity Commissioner such information as the Integrity Commissioner believes to be necessary for an inquiry including free access to all books, accounts, financial records, electronic data processing records, reports, files and other papers, things or property belonging to or used by the Municipality, Committee or a Local Board. For greater certainty, providing the Integrity Commissioner with information concerning legal advice shall be deemed not to constitute a waiver of solicitor-client privilege.

5.7. Penalties the Municipality may impose

Council may impose any of the following penalties on a Member if the Integrity Commissioner reports to the Municipality that the Member has contravened the Code of Conduct:

1. A reprimand;
2. Suspension of the remuneration paid to the Member for a period of up to 90 days;
3. Other penalties, including, but not necessarily limited to:
 - a. Removal from membership of a Committee or Local Board;
 - b. Removal as Chair of a Committee or Local Board;
 - c. Require repayment or reimbursement of moneys received;
 - d. Return of property or reimbursement of its value;
 - e. Request for an apology to Council, the Requestor or other relevant party;
 - f. Revocation of travel or other budget;
 - g. Request for resignation;
 - h. Trespass Order restricting access except for Council Meetings.

5.8. Penalties the Local Board may impose

A Local Board may impose any of the penalties described in section 5.7 above on a member of the Local Board if the Integrity Commissioner reports to the Local Board that, in his or her opinion, the member of the Local Board has contravened the Code of Conduct applicable to the Member of the Local Board, and if the Municipality has not imposed a penalty on the member of the Local Board under section 5.7 above in respect of the contravention.

5.9. Termination of inquiry when regular election begins

If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the inquiry on that day. If an inquiry is so terminated, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*, the person or entity who made the request or the Member or former Member whose conduct is concerned makes a written request to the Integrity Commissioner that the inquiry be commenced.

5.10. Other rules that apply during regular election

The following rules apply during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that *Act*:

1. There shall be no requests for an inquiry about whether a member of council or of a Local Board has contravened the Code of Conduct applicable to the Member.
2. The Integrity Commissioner shall not report to the Municipality or Local Board about whether, in his or her opinion, a member of council or of a Local Board has contravened the Code of Conduct applicable to the Member.
3. The Municipality or Local Board shall not consider whether to impose the penalties referred to in sections 5.5 and 5.6 above on a member of council or of a Local Board.

6. Inquiry by Integrity Commissioner re s. 5, 5.1 or 5.2 of the *MCLIA*

6.1. *Application*

An Elector, or a person demonstrably acting in the public interest, may apply in writing to the Integrity Commissioner for an inquiry to be carried out concerning an alleged contravention of sections 5, 5.1 or 5.2 of the *MCLIA* by a Member.

6.2. *Content of application*

An application may be in the form set out in Schedule “B” or, otherwise, shall set out the reasons for believing that the Member has contravened sections 5, 5.1 or 5.2 of the *MCLIA* and include the Applicant’s name and contact information and a statutory declaration attesting to the fact that the Applicant became aware of the contravention not more than six weeks before the date of the application or, in the case where the Applicant became aware of the alleged contravention during the period of time described in paragraph 1 of section 6.6 below, a statutory declaration attesting to the fact that the Applicant became aware of the alleged contravention during that period of time.

6.3. *Review of application*

The Integrity Commissioner will conduct an initial review of the application to ensure that it complies with this section. If the application does not comply with this section, the Integrity Commissioner will advise the Applicant about the non-compliance in writing and the Integrity Commissioner shall take no further action unless or until the Applicant submits a compliant application. If upon initial review, the Integrity Commissioner determines that the application is not properly an application alleging contravention of sections 5, 5.1 or 5.2 of the *MCLIA* or there are no reasonable grounds to support the application, the Integrity Commissioner shall dismiss the application.

6.4. *No application for inquiry during regular election*

No application for an inquiry under this section may be made to the Integrity Commissioner during the period of time starting on nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, and ending on voting day in a regular election as set out in section 5 of that *Act*.

6.5. Application timing

An application under this section may only be made within six weeks after the Applicant became aware of the alleged contravention. No application shall be brought after the expiration of six years from the time at which the contravention is alleged to have occurred.

6.6. Exception

Despite section 6.5 above, an application may be made more than six weeks after the Applicant became aware of the alleged contravention if both of the following are satisfied:

1. The Applicant became aware of the alleged contravention six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, and ending on voting day in a regular election, as set out in section 5 of that *Act*.
2. The Applicant applies to the Integrity Commissioner under section 6.1 within six weeks after the day after voting day in a regular election, as set out in section 5 of the *Municipal Elections Act, 1996*.

6.7. Public meeting

If the Integrity Commissioner decides to conduct an inquiry, the Integrity Commissioner may have a public meeting to discuss the inquiry.

6.8. Powers on inquiry

The Integrity Commissioner may elect to exercise the powers under sections 33 and 34 of the *Public Inquiries Act, 2009*, in which case, notwithstanding anything to the contrary herein, those sections apply to the inquiry.

6.9. Information

The municipality and its Local Boards shall give the Integrity Commissioner such information as the Integrity Commissioner believes to be necessary for an inquiry including free access to all books, accounts, financial records, electronic data processing records, reports, files and other papers, things or property belonging to or used by the Municipality or a Local Board. For greater certainty, providing the Integrity Commissioner with information concerning legal advice shall be deemed not to constitute a waiver of solicitor-client privilege.

6.10. Termination of inquiry when regular election begins

If the Integrity Commissioner has not completed an inquiry before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act, 1996*, the Integrity Commissioner shall terminate the inquiry on that day.

6.11. No other inquiry in respect of the matter to commence without application

If an inquiry is terminated under section 6.10, the Integrity Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election as set out in section 5 of the *Municipal Elections Act, 1996*, the person who made the application or the Member or former Member whose conduct is concerned applies in writing to the Integrity Commissioner for the inquiry to be carried out.

6.12. Timing for completion of inquiry

The Integrity Commissioner shall complete the inquiry within 180 days after receiving the completed compliant application under section 6.1 above unless the inquiry is terminated under section 6.10 above.

6.13. Decision to apply to a judge upon completion of inquiry

Upon completion of the inquiry, the Integrity Commissioner may, if he or she considers it appropriate, apply to a judge for a determination as to whether the Member has contravened sections 5, 5.1 or 5.2 of the *MCLA*.

6.14. Notice to Applicant re decision not to apply to judge

The Integrity Commissioner shall advise the Applicant if the Integrity Commissioner will not be making an application to a judge.

6.15. Reasons re decision to apply to a judge

After deciding whether or not to apply to a judge, the Integrity Commissioner shall publish written reasons for the decision.

6.16. Costs

The Integrity Commissioner's costs of applying to a judge shall be paid by:

1. The municipality, if the Member is alleged to have contravened sections 5, 5.1 or 5.2 of the *MCLIA* as member of council of the Municipality; or
2. The Local Board, if the Member is alleged have contravened sections 5, 5.1 or 5.2 of the *MCLIA* as member of the Local Board.

7. Conduct of inquiry

The Integrity Commissioner may conduct such inquiry as he or she considers necessary in response to a compliant request or application under sections 5 or 6 above and such inquiry may include all or some of the following:

- Informing the Respondent of the application;
- Interviewing the Applicant, the Respondent, any person involved in the incident, and any identified witnesses;
- Interviewing any other person who may have knowledge of the incidents related to the application or any other similar incidents; and
- Reviewing any information the Integrity Commissioner believes necessary and document such review.

8. Reference to appropriate authorities

8.1. Referral of matter by Integrity Commissioner

If the Integrity Commissioner, when conducting an inquiry, determines that there are reasonable grounds to believe that there has been a contravention of the Criminal Code of Canada or any other *Act*, the Integrity Commissioner shall immediately refer the matter to the appropriate authorities and suspend the inquiry until any resulting investigation, including, but not limited to, police investigations and/or the charges have been finally disposed of, and shall report the suspension to council. Contravention of any other *Act* includes, but is not limited to, contravention of the *Occupational Health and Safety Act*.

8.2. No derogation of rights

The provisions of this protocol in no way affect the right of anyone to:

- (a) contact the police, other law enforcement agency, or any other appropriate authority on their own initiative;
- (b) exercise their right(s) under any legislation; or

- (c) take any other available legal action.

9. Confidentiality

9.1. Integrity Commissioner's duty of confidentiality

The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality with respect to all matters that come to his or her knowledge in the course of performing his or her duties. This section prevails over the *Municipal Freedom of Information and Protection of Privacy Act*.

9.2. Confidentiality of those involved in inquiry

Out of respect for the relevant individuals, it is essential that the Applicant, Respondent, witnesses and anyone else involved in an inquiry conducted by the Integrity Commissioner hereunder maintain confidentiality throughout the inquiry and afterwards.

9.3. Disclosure required by law

Notwithstanding sections 9.1 or 9.2 above, information may be disclosed in a criminal proceeding, or as required by law.

9.4. Retention of records

The Integrity Commissioner and person providing outside assistance to the Integrity Commissioner pursuant to section 3.4 above, shall retain all records related to any application and any inquiry indefinitely.

10. Reports

10.1. Periodic report to council

If the Integrity Commissioner provides a periodic report to the Municipality on his or her activities, the Integrity Commissioner may summarize advice he or she has given, but shall not disclose confidential information that could identify a person concerned.

10.2. Report about conduct

After completing an inquiry, the Integrity Commissioner shall provide a written report to the Municipality or the Local Board (the "Report").

The Integrity Commissioner may disclose in the Report, such matters as in the Commissioner's opinion are necessary for the purposes of the Report. Where the Integrity Commissioner finds that there has been a contravention of the Code of Conduct, the Report may, at the Integrity Commissioner's discretion, contain the following:

1. An outline of the Integrity Commissioner's finding; and,
2. The terms of any recommended corrective action;

Where the Integrity Commissioner finds that there has been a contravention of the Code of Conduct, the Report must contain sufficient information for the Municipality or Local Board to determine whether or not to impose corrective action under section 5.7.

10.3. Report to Council or Local Board

Upon receipt of the Report, the Clerk shall indicate on the regular agenda of Council or the Local Board, notice of intent from the Integrity Commissioner to submit a Report for consideration at the following regular meeting.

The Respondent shall have the right of reply when the Report is considered by the Municipality or the Local Board.

Upon review of the Report, Council shall pass a resolution stating whether or not it intends to take action in response to the Report, and if so, what action Council will take.

10.4. Publication of reports

The Municipality and each Local Board shall ensure that reports received from the Integrity Commissioner by the Municipality or by the Local Board, as the case may be, are made available to the public upon request.

11. Bad Faith Applications or Requests

If a person or entity makes a request or application for an inquiry hereunder and the Integrity Commissioner determines such request or application is made in bad faith, notwithstanding anything to the contrary in protocol, the Integrity Commissioner may disclose all relevant information concerning the request or application to the Municipality such that the Municipality may pursue any recourse available against the individual or entity. Examples of bad faith include, but are not limited to, making a report knowing the allegations therein are untrue or making a report for an improper purpose.

12. Indemnity

The Municipality shall indemnify and save harmless the Integrity Commissioner, or any person acting under the instructions of the Integrity Commissioner, for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority hereunder or an alleged neglect or default in the performance in good faith of such duty or a by-law passed under Part V.1 of the *Municipal Act, 2001*. For greater certainty, nothing in this section affects the application of section 448 of the *Municipal Act, 2001* with respect to a proceeding referred to in this section.

13. Protocol review

The Municipality will review this Policy as often as it deems reasonably necessary and will post the most current version of this protocol on its website.

SCHEDULE "A"

INTEGRITY COMMISSIONER REQUEST FOR INQUIRY CODE OF CONDUCT

This form will be used to request the Integrity Commissioner conduct an inquiry of an alleged Code of Conduct contravention	Submit completed complaint in a sealed envelope to: Integrity Commissioner Request for Inquiry Re Code of Conduct [Integrity Commission Contact Information]
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REQUESTOR'S INFORMATION

Last Name:	First Name:
Street Address:	Municipality:
Postal Code:	Phone #:
E-mail Address:	Name of Member:

DETAILS OF ALLEGED CODE OF CONDUCT CONTRAVENTION

Date(s) of alleged Code of Conduct contravention:
Provision(s) of Code of Conduct allegedly contravened:
Facts constituting the alleged Code of Conduct contravention (please use separate page(s) if required)
Name(s) and contact information of any witnesses:
<input type="checkbox"/> I agree to release my identity with regard to this request
<input type="checkbox"/> I do NOT agree to release my identity with regard to this request
Signature:
Date: _____ Year: _____ Month: _____ Day: _____

FOR OFFICE USE ONLY

Date Received	Request #:	Comments:
Year: _____ Month: _____ Day: _____		
Personal information contained on this form is collected under the authority of the <i>Municipal Freedom of Information and Protection of Privacy Act</i> and will be used for the purpose of requesting an inquiry.		

SCHEDULE "B"

INTEGRITY COMMISSIONER APPLICATION FOR INQUIRY *MUNICIPAL CONFLICT OF INTEREST ACT*

AFFIDAVIT OF _____ (insert full name) I,
 _____ (insert full name), of the (insert City, Town etc.)
 _____ (Municipality of residence) in the Province of Ontario.

MAKE OATH AND SAY (or AFFIRM):

1. I have personal knowledge of the facts as set out in this affidavit, because: (insert reasons - e.g. I work for/I attended a meeting at which, etc.)
2. I have reasonable and probable grounds to believe that a Member, namely: (insert specify name of Member)

has contravened section(s) _____ (specify section(s) 5, 5.1 or 5.2) of the *Municipal Conflict of Interest Act*, RSO 1990, c M.50. The particulars of which are as follows:

(If more room is required, attach and initial extra pages to set out the statement of facts in consecutively numbered paragraphs, with each paragraph being confined as far as possible to a particular statement of fact. Exhibits should be labelled as Exhibit A, B, etc. and attached to this affidavit.)

3. I became aware of the alleged contravention:
 - ☐ not more than six weeks before the date of this application.
 - ☐ within the period of time beginning six weeks before nomination day for a regular election, as set out in section 31 of the *Municipal Elections Act*, 1996, and ending on voting day in a regular election, as set out in section 5 of that *Act*.

This affidavit is made for the purpose of applying for an inquiry by the Integrity Commissioner and for no other purpose.

SWORN (or AFFIRMED) before me at the
 City of _____, this _____ day of _____
 _____, 20____.

) _____
)
)
)
)

A Commissioner etc.

CORPORATE SERVICES COMMITTEE

Moved By: Bill Beer
Seconded By: K. Duplessis

Date: February 5, 2019

Motion No.: 4

Be It Resolved That: As Recommended by the Corporate Services Committee That:

Bylaw 2895/19 be adopted, being a Bylaw to adopt a Tree Canopy and Natural Vegetation Policy.

CARRIED ☒ DEFEATED ☐
DEFERRED ☐

Bill Foster
Chair

**RECORDED VOTE
INTEREST**

	For	Against
Mayor J. Beer	_____	_____
B. Foster	_____	_____
K. Duplessis	_____	_____
M. Van Alstine	_____	_____

DECLARATION OF PECUNIARY

Mayor J. Beer	_____
B. Foster	_____
K. Duplessis	_____
M. Van Alstine	_____

AGENDA # 6

Department: General Administration	Form Number: A99-01370
Subject: Staff Report	Effective Date: 06/05/17
Policy No:	Revision Date: 13/05/29
Bylaw No:	Version #: 2

STAFF REPORT

DEPARTMENT: Administration

DATE: January 29, 2019

ITEM: Bill 68 – Municipal Act Changes and Requirement for Municipal Tree Canopy Policies

RECOMMENDATION: Be It Resolved That: As Recommended By The Corporate Services Committee That: Bylaw 2895/19, being a Bylaw to adopt a Tree Canopy and Natural Vegetation Policy.

BACKGROUND: Bill 68, entitled Modernizing Ontario's Municipal Legislation Act, 2016 introduced a series of reforms to the *Municipal Act, 2001*, the *Municipal Conflict of Interest Act*, and the *Municipal Elections Act, 1996*.

Of the various reforms introduced, an amendment to Section 270 of the *Municipal Act, 2001*, has the effect of requiring all municipalities to adopt and maintain policies with respect to the protection and enhancement of the tree canopy and natural vegetation in the Municipality.

This section of Bill 68 comes into force and effect on March 1, 2019. Specifically, Section 270 requires that:

270(1) A municipality shall adopt and maintain policies with respect to the following matters...

7. The manner in which the municipality will protect and enhance the tree canopy and vegetation in the municipality.

ANALYSIS: Currently, the Town of Espanola's Official Plan includes policies for Adaptive Design for Climate Change, Community Improvement, Division of Land, Site Plan Control and Woodlands and Vegetative Cover. These planning framework and general development policies offer guiding principles for planting considerations, preservation and promote best practices. The legislation is very vague so we are assuming that the policies we have in place meet the requirements of the *Municipal Act, 2001* Section 270 (1) 7.

The policies of the Official Plan are generally implemented through specific land use designation policies, Plans or land use planning development, i.e. Site Plan Control Agreements, Community Improvement Plan.

General land use designations and good planning provide some protection of such resources from incompatible land uses, however, there are no specific requirements or regulations pertaining to the removal, preservation or replacement of mature trees on privately owned lands within the Municipality. Council may consider implementing additional policies, programs, or other municipal initiatives.

EXISTING POLICY: Council Resolution / Bylaw

Department: General Administration	Form Number: A99-01370
Subject: Staff Report	Effective Date: 06/05/17
Policy No:	Revision Date: 13/05/29
Bylaw No:	Version #: 2

STRATEGIC GOAL: Excellence in Government / Safe and Healthy Community

FINANCIAL COMMITMENT: \$0

BUDGETED: NA Yes ☐ No ☐

IMPLEMENTATION: NA

Prepared By: Paula Roque

CAO / Treasurer: Cynthia Townsend

Approval of Recommendation: Yes ☒ No ☐

Comments: _____



DRAFT

The Corporation of the Town of Espanola

Bylaw No. 2895/19

**A Bylaw to Adopt a Policy with Respect to the Manner in
Which the Town of Espanola Will Protect and Enhance
The Tree Canopy and Natural Vegetation in the Municipality**

WHEREAS the Municipal Act, 2001, S.O. 2001, c. 25 provides that every municipality shall establish policies with respect to the manner in which it will protect and enhance the tree canopy and natural vegetation in the municipality;

AND WHEREAS the tree canopy and vegetation in the Town of Espanola are protected by the Town's Official Plan;

NOW THEREFORE the Council of the Corporation of the Town of Espanola enacts as follows;

That Council hereby confirms that the policies set out in Section 2.16, 3.6.4.5, 3.20 and 5.11 of the Official Plan of the Town of Espanola, adopted by Bylaw 2812/17, November 14, 2017 shall constitute the policy as required by Section 270(1) 7 of the Municipal Act, 2001;

Read a first, second and third time in open Council on this ____th day of _____ 2019,

Jill Beer
Mayor

Paula Roque
Clerk



THE CORPORATION OF THE TOWN OF ESPANOLA

BYLAW NO. 2899/19

**Being a bylaw of the Town of Espanola to Adopt
the Minutes of Council for the Term Commencing
December 1st, 2018, and Authorizing
Taking of any Action Authorized Therein and Thereby**

WHEREAS Section 101 of the Municipal Act, R.S.O. 1990, C. M45, as amended, requires a municipal council to exercise its powers by bylaw, except where otherwise provided;

AND WHEREAS in many cases, action which is taken or authorized to be taken by a Council or a Committee of Council does not lend itself to an individual bylaw;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ESPANOLA ENACTS AS FOLLOWS:

1. That the Minutes of the meetings of the Council of the Town of Espanola for the term commencing December 1st, 2018, held on: January 31, 2019 and the same are hereby adopted.
2. That the taking of any action authorized in or by the Minutes mentioned in Section 1 hereof and the exercise of any powers by the Council or Committees by the said minutes be and the same are hereby ratified, authorized and confirmed.
3. That where no individual bylaw has been or is passed with respect to the taking of any action authorized in or by the Minutes mentioned in Section 1 hereof or with respect to the exercise of any powers by the Council or Committees in the above mentioned Minutes, then this bylaw shall be deemed for all purposes to be the bylaw required for approving and authorizing the taking of any action authorized therein or thereby or required for the exercise of any power therein by the Council or Committees.
4. That the Mayor and proper officers of the Corporation of the Town of Espanola are hereby authorized and directed to do all things necessary to give effect to the recommendations, motions, resolutions, reports, action and other decisions of the Council or Committees as evidenced by the above mentioned Minutes in Section 1 and the Mayor and Clerk are hereby authorized and directed to execute all necessary documents in the name of the Corporation of the Town of Espanola and to affix the seal of the Corporation thereto.

Read a First, Second and Third Time and Passed this 12TH day of February 2019.

J. Beer
Mayor

Paula Roque
Clerk

Department: General Administration	Form Number: A99-01371
Subject: Departmental Report	Effective Date: 06/05/17
Policy No:	Revision Date: 08/04/27
Bylaw No:	Version #: 2

DEPARTMENTAL REPORT

DEPARTMENT: POA	MONTH: October – December 2018
Project Status: 196 new charges were received in Espanola in October. 328 new charges were received in Elliot Lake in October. 140 new charges were received in Espanola in November. 187 new charges were received in Elliot Lake in November. 77 new charges were received in Espanola in December. 116 new charges were received in Elliot Lake in December. There was a 61% decrease in new charges from October to December for Espanola. There was a 65% decrease in new charges from October to December for Elliot Lake/Blind River. <u>(Please see attached charts for comparison to previous years)</u>	
<hr/> <ul style="list-style-type: none"> • For the month of October, there was 1 regular POA court in Espanola, 1 in Elliot Lake and 1 in Blind River. • For the month of November, there was 1 POA court in Espanola and 1 in Blind River. • For the month of December, there was 1 POA court in Espanola, 1 in Elliot Lake and 1 in Blind River. 	
The POA Manager attended a POA Collections Committee workshop in Whitby on November 1-2, 2018.	
Complaints / Compliments:	
Employee Status:	
Visitors:	

Department Manager: Christine Desjardins Submitted on: January 16, 2019

POA Charges Received for Espanola

	January	February	March	April	May	June	July	August	September	October	November	December	Year-End Totals	Average Per Month
2007	308	267	277	248	260	316	345	340	209	186	97	103	2956	246
2008	110	129	235	174	146	174	204	263	245	272	152	85	2189	182
2009	131	157	243	205	130	140	184	191	175	126	229	122	2033	169
2010	112	140	226	205	159	145	269	186	152	111	164	73	1942	162
2011	102	147	218	111	110	181	239	162	169	141	114	160	1854	155
2012	140	254	171	162	192	274	176	249	166	292	115	193	2384	199
2013	209	119	223	236	229	288	207	331	156	249	170	101	2518	210
2014	122	151	310	426	174	328	359	352	220	325	107	147	3021	252
2015	198	149	281	209	192	250	216	268	269	168	163	180	2543	212
2016	164	146	284	299	322	323	249	394	280	200	191	107	2959	247
2017	227	205	210	224	363	266	313	284	233	302	208	174	3009	251
2018	146	162	225	235	213	182	169	129	196	196	140	77	2070	173

POA Charges Received for Elliot Lake

	January	February	March	April	May	June	July	August	September	October	November	December	Year End Totals	Average Per Month
2012	182	233	336	294	198	277	235	308	473	319	134	183	3172	264
2013	256	177	356	324	276	393	413	407	326	411	318	266	3923	327
2014	323	250	413	341	480	426	368	392	254	331	139	334	4051	338
2015	195	208	301	343	225	367	349	320	286	281	167	178	3220	268
2016	172	221	326	251	290	308	328	335	216	293	242	92	3074	256
2017	261	216	222	283	335	312	360	381	230	231	216	186	3233	269
2018	222	174	172	422	338	210	354	255	287	328	187	116	3065	255

Types of charges received 2018 - Espanola																																
	242	295	342	508	513	516	519	530	544	551	552	554	565	567	570	580	581	600	725	753	763	766	772	789	815	894	BLO	BLP	HTA	LLA	PCA	TOTAL
January				11			2	7			2	1				2													117	4		146
February				19				2	3			2														1			133	2		162
March				12				4	1			1																206	1		225	
April				13				7	2		4	2				1	1				3						1		197	4		235
May				21				3				3					1						1	3					177	4		213
June				7			1	3			2	3				1		1										1	161	2		182
July				8		1		6			6							3						4				2	135	4		169
August				9				2						1											1		3		104	9		129
September		1		12				3			1	1				1	2				1					1	2	1	160	10		196
October				19			1									1					1								167	6	1	196
November				17				1			1						3									2			114	1	1	140
December				6													1											60	7	3		77

242 Small Vessels Regulation	580 Tobacco Tax Act
295 Migratory Birds Regulation	581 Trespass to Property Act
342 Competency/Pleasure Craft Regulations	600 Forest Fires Prevention Act
508 Compulsory Automobile Insurance Act	725 Forest Fires Prevention Regulation
513 Dangerous Goods Transportation Act	772 Safe Streets Act
516 Dog Owner's Liability Act	753 Fire Protection/Prevention Act
519 Environment Protection Act	763 Fish & Wildlife Conservation Act
530 Highway Traffic Regulation	766 Fish & Wildlife Conservation Regulation
544 Motorized Snow Vehicle Act	789 Ontario Society for the Prevention of Cruelty to Animals
551 Occupational Health and Safety Act	815 Provincial Parks and Conservation Reserves Act
552 Off Road Motor Vehicle Act	894 Smoke Free Ontario Act
554 Ontario Fishery Regulation	BLO By-laws (other)
565 Provincial Offences Act	BLP By-laws (parking)
567 Provincial Park Regulation	HTA Highway Traffic Act
570 Public Lands Act	LLA Liquor Licence Act
	PCA Provincial Cannabis Act

Types of charges received 2018 - Elliot Lake																																	
	242	504	508	513	519	530	544	551	552	554	557	559	565	570	580	581	600	717	725	753	763	766	789	822	833	850	894	BLO	BLP	HTA	LLA	PCA	TOTAL
January			10			1	2			2																		5	4	190	8		232
February			7			4	9	5	4	8			1							3									1	125	7		174
March			11			5	3			3						1											4	3	142			172	
April			27			2	7		1	17			1	1	1					1								3	4	347	10		422
May			12		1	1	1		1	1						6											2	1	303	9		338	
June			11			6				2														1			4		174	12		210	
July			7			9			2	2						2											11	3	304	14		354	
August	2		13			4			4					3		5		1											2	207	14		255
September	1		19			5		3	1				2	1	2		1			1							3		242	9		287	
October			13			1			3				1		1					10								3	1	293	2	1	328
November		7	10			3			4	2				2						10	1	1					1		142	4	1	187	
December			13			1														2							2			92	5	1	116

242	Small Vessels Regulation	600	Forest Fires Prevention Act
504	Building Code Act	717	Motorized Snow Vehicle Regulation
508	Compulsory Automobile Insurance Act	725	Forest Fires Prevention Regulation
513	Dangerous Goods Transportation Act	753	Fire Protection/Prevention Act
519	Environment Protection Act	763	Fish & Wildlife Conservation Act
530	Highway Traffic Regulation	766	Fish & Wildlife Conservation Regulation
544	Motorized Snow Vehicle Act	789	Ontario Society for the Prevention of Cruelty to Animals
551	Occupational Health & Safety Act	822	Fire Protection/Prevention Regulation
552	Off Road Motor Vehicle Act	833	Environment Protection Regulation
554	Ontario Fishery Regulation	850	Ontario College of Trades and Apprenticeship Act
557	Ontario Water Resources Act	894	Smoke Free Ontario Act
559	Pesticides Act	BLO	By-laws (other)
565	Provincial Offences Act	BLP	By-laws (parking)
570	Public Lands Act	HTA	Highway Traffic Act
580	Tobacco Tax Act	LLA	Liquor Licence Act
581	Trespass to Property Act	PCA	Provincial Cannabis Act

LACLOCHE FOOTHILLS MUNICIPAL ASSOCIATION

FEB 07 2019

AGENDA / MEETING REPORT

Town of Espanola
Main Level Boardroom

FEBRUARY 4, 2019
9:00 a.m.

PRESENT: *Chair Les Gamble, Sables-Spanish Rivers*
Mayor Laurier Falldien, Nairn & Hyman
Mayor Vern Gorham, Baldwin
Deputy Mayor Bill Foster, Espanola
Councillor Arnelda Bennett, Sagamok
Staff: Karin Bates, Kim Sloss, Cynthia Townsend

1. Ontario Provincial Police
Megan Cavanagh A/Inspector Detachment Commander will be in attendance for introductions and discussions. We welcome Ms. Cavanagh to our area.

Due to scheduling conflicts Staff Sergeant Terry Foreshew attending in place of Megan Cavanagh. S/St Foreshew introduced himself as new to this area, only starting with this detachment two weeks ago. The individual municipal quarterly reports for Sept-Dec. 2018 were circulated. S/St. Foreshew reviewed in general the statistics and trends. Currently trends are reporting such issues, such as harassment and cyber-fraud.

Becoming acquainted with each and general discussions ensued.

There are 5 new recruits coming this year to cover our areas; anticipating long-term stability with officers.

All indication was that the transition is going quite well with the amalgamation of the Town of Espanola.

2. EAMCON
Robert Rulens, Road Superintendent and Dan McMahon, Operations Manager have been invited for introduction and to meet the municipalities in the area they service for highway maintenance. We welcome Mr. Rulens and Mr. McMahon to our area.

Representatives from EAMCON were not able to attend due to weather conditions. They provided email correspondence that is attached for your information and reference should any members wish to contact them on an individual basis. We will follow up with them for the next meeting agenda.

3. Election of Officers
President
Vice-President -
Secretary-Treasurer -

President: *L. Falldien nominated L. Gamble - Declined*
V. Gorham nominated L. Falldien - Accepted

With this appointment of President, it was suggested and agreed that the Secretary-Treasurer would be the staff member for the Mayor who is President, and that annually each municipality would take a turn as these officers; 2019 - Nairn-Hyman, 2020 - Baldwin, 2021 - Espanola, 2022 - Sables-Spanish Rivers. Arnelda Bennett offered to assist as well after this year. As she is an Economic Development Officer for Sagamok Anishnawbek, she can be very helpful and resourceful in terms of any regional initiatives we can be investigating.

The Vice-President will be the Mayor who is past President. For 2019 that will be Les Gamble.

At the current time Nairn-Hyman is in the process of hiring a new CAO-Clerk so Kim Sloss agreed to continue as Secretary until after the next meeting.

Mayor Falldien continued on with the agenda as Chair.

4. Constitution

Changes/additions previously recommended have been made.

Arnelda Bennett, Economic Development Officer has been appointed by her Council to be the representative for Sagamok Anishnawbek First Nation. If no further changes/additions are recommended, we can adopt the attached Constitution at this time.

Arnelda Bennett wanted to confirm that she was appointed to this Association as a member of Council for Sagamok.

The Constitution was accepted and is hereby adopted.

5. Meeting Date / Time

Espanola Mayor Jill Beer has advised that if meetings were to be held at 10:00 a.m. she would be able to participate.

Deputy Mayor Foster had further information regarding Mayor Beer's work schedule. It was then decided and agreed that future meetings would take place at 8:30 a.m. to accommodate. Meetings are generally held quarterly and on the first Monday of that month. The next meeting was scheduled for Monday, May 6, 2019 at 8:30 a.m.

6. Letter to MTO new Minister Re: Reclassification of Hwy 17

The attached letter from Mayor Falldien of Nairn and Hyman, and its enclosures were forwarded to the Minister of Transportation in April 2018. It is suggested that an additional letter of follow up be sent to the new Minister, Hon. Jeff Yurek.

Kim Sloss will draft an updated letter and send it to L. Falldien for signing; then will circulate.

7. Brownfields discussion – Mayor Falldien inquires if LFMA could apply to LAMBAC for a grant to do a case study of a gas station/corner store to examine, over a 10 year period, how much the province collected in taxes and the municipality collected in taxes. This would give us some data moving forward to have the federal and provincial governments assist in re-habilitating these properties in our communities.

Pre-meeting follow-up: when contacting LAMBAC for some additional information they have advised that they do not have funds available for municipalities. They offer loans (not grants) to small and medium sized businesses. LAMBAC has indicated that there may be funding opportunity through FedNor NOHFC if it fits their current program guidelines.

Mayor Falldien suggested that if we could get some facts together to indicate how much tax dollars both the Federal and Provincial governments have made on a specific brownfield property while it was in operation, perhaps we could put pressure on these higher levels of government to provide assistance to municipalities to rehabilitate brownfield properties.

LAMBAC has offered to assist with facilitating a meeting with FedNor; Kim will provide L. Falldien with this email.

8. Other Business

L. Gamble asked if there was any interest in having a joint training session with MPAC in attendance. Perhaps if this could be combined with another topic, it would be feasible to have them invited.

B. Foster inquired if there is any interest in economic development shared resources; to look at what each area's initiatives are, and see what potential there would be for any regional projects or initiatives. As an EDO, Arnelda Bennett has some resources and shall bring back information to the next meeting. She suggested looking at trends, such as population, internet access.

B. Foster also commented on the supply of natural gas to rural communities; how it stops at Espanola at the east end and Elliot Lake to the west. It would be interesting to see what cost savings over time people would see compared to current sources.

9. Next Meeting

Monday, May 6, 2019 at 8:30 a.m. in the Town of Espanola Main Level Boardroom.

Department:	General Administration	Form Number:	A99-01370
Subject:	Staff Report	Effective Date:	06/05/17
Policy No:		Revision Date:	13/05/29
Bylaw No:		Version #:	2

STAFF REPORT

DEPARTMENT: Administration

DATE: February 5, 2019

ITEM: Zoning Bylaw Amendment Application Z-01/19

RECOMMENDATION: Be It Resolved That: Bylaw 2896/19 be adopted, being a bylaw to rezone the property located on, MERRITT PLAN M174 PT LOT 12 PCL18355, 365 Centre St, Town of Espanola zoned as Special Industrial Commercial (M1) to (M1-5) in order to recognize the existing legal non-conforming uses; two residential apartments and an additional residential dwelling unit and permit reduced parking requirements for the 3 dwelling units.

BACKGROUND: An Application has been received requesting the rezoning of 365 Centre Street. The permitted uses in an M1 Zone are attached.
Public notice was mailed to properties within a 120m radius of 365 Centre St within the notice provisions outlined in the Ontario Planning Act (min 20 days prior to the public hearing), an Ad was published in the Mid North Monitor January 24, 2019, circulated to various departments for comment, posted on the Municipal website and on the property.
The application, draft bylaw and key map was available at the municipal office for public review. At the time the Staff Report was prepared no written or verbal comments from the public were received.
Departmental comments received;
FIRE – a fire safety insp. should be conducted prior to occupancy.
PWD – There will be no change in municipal services. It should be noted that there is no increase to the number of bags collected for garbage with the addition of an apartment. The department has no objection to the change
Bldg – No objections, must comply to the Ontario Building Code and all applicable laws

ANALYSIS:

Town of Espanola Official Plan

This property is designated as Downtown and Highway Commercial in the Town's Official Plan. Per Section 4.1.2 of the OP, permitted uses include: Accessory residential uses and multiple unit residential developments are also permitted, provided the uses are compatible with surrounding areas and adequate parking and access to open space facilities is available.

The expansion of existing non-commercial uses or the development of new non-commercial uses shall be permitted provided the uses are compatible with the primary commercial function of the Downtown and Highway Commercial area.

Town of Espanola Zoning By-law No. 2368/11

The current zoning of the property permits one dwelling unit, either attached or detached, accessory to, and on the same lot as a permitted use; the original owner of the property and proprietor of one of the Commercial uses lived in the dwelling unit at the rear of the property. At some point in time a second dwelling was established on the lower level of the unit that the Town has no record of and then most recently the property changed hands and the dwelling units are no longer accessory to a permitted use. Several years back a minor variance was obtained to permit reduced setbacks. The current property owner has applied for a Zoning Bylaw Amendment in order to create a third dwelling unit from storage space below the commercial uses. If passed, the Bylaw would recognize the 2 legal non-conforming dwelling units that exist, permit reduced parking from 1.5 per apartment dwelling to 1,

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Conclusion

Changing the property Zone to a Special Exception complies with the Town's Official Plan Section 4.1.2 as referred to above. Permitting reduced parking requirements for small apartment complexes is not uncommon and has been approved in other areas of the community. There is sufficient parking at the front of the property, adjacent to the Commercial uses to accommodate visitors or to park a second vehicle from one of the apartment dwelling units if required.

To appeal the decision to the Local Planning Appeal Tribunal, submit an appeal form to the Clerk of the Town of Espanola outlining the reasons for the appeal. You must enclose the appeal fee of \$300.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance. If a person or public body does not make oral submissions at the public meeting, or make written submissions to the Town of Espanola before the decision is made, the person or public body may not be added as a party to the hearing of an appeal before the Tribunal, unless in the opinion of the Tribunal, there are reasonable grounds to do so.

EXISTING POLICY: Zoning Bylaw 2368/11

STRATEGIC GOAL: Sustainable Economic Growth & Prosperity, Excellence in Government

FINANCIAL COMMITMENT: \$0

BUDGETED: NA

Yes

No

IMPLEMENTATION: Clerk's Office

Prepared By:

Paula Roque

CAO/Treasurer:

Cynthia Townsend

Approval of Recommendation:

Yes

☒

No

Comments:

ZONING BYLAW AMENDMENT

**PLAN M174 PT LOT 12 PCL18355
365 CENTRE STREET
TOWN OF ESPANOLA**

Prepared for:

TOWN OF ESPANOLA

4 FEBRUARY 2019

EXPLANATORY NOTE

The purpose of this Zoning Bylaw Amendment is to rezone the property known as PLAN M174 PT LOT 12 PCL18355, 365 Centre Street, TOWN OF ESPANOLA zoned as Special Industrial Commercial (M1) to Special Industrial Commercial Special Exception Five (M1-5) in order to recognize the existing legal non-conforming uses; two residential apartments and an additional residential dwelling unit and permit reduced parking requirements for each dwelling unit.



THE CORPORATION OF THE TOWN OF ESPANOLA

Bylaw No. 2896/19

Being a Bylaw to amend Bylaw No. 2368/11

WHEREAS Bylaw No. 2368/11 regulates the use of land and the use and erection of buildings and structures within the Town of Espanola;

AND WHEREAS the Council of the Corporation of the Town of Espanola deems it advisable to amend Bylaw No. 2368/11 as hereinafter set forth;

NOW THEREFORE the Council of the Corporation of the Town of Espanola enacts as follows:

1. The area affected by this Bylaw is located on PLAN M174 PT LOT 12 PCL18355 365 CENTRE STREET, Town of Espanola, as indicated by the shaded zone on Schedule 'A' attached hereto and forming part of this Bylaw.
2. Bylaw No. 2368/11 is hereby amended as follows:
 - (a) The area shown on Schedule 'A' to this Bylaw No. 2896/19 shall henceforth be zoned Special Industrial Commercial Special Exception Five (M1-5).
 - (b) By-law No. 2368/11, as amended, is hereby further amended by adding the following clause, immediately after Section 17.5 e)

(f) M1-5 (365 Centre Street; Bylaw 2896/19)

Notwithstanding the provisions of Sections 3.23 and 17.2 to the contrary, 3 dwelling units shall be permitted and the following zone requirement shall apply:

Yard Requirements	
Rear	7.3 m
Side	1.22m
Parking Spaces required per dwelling unit	1

3. This Bylaw shall come into full force and effect in accordance with the *Planning Act*, R.S.O. 1990.

READ a first, second time and third time and finally passed this 12th day of February, 2019.

READ a third time and finally passed this 12th day of February, 2019.

Jill Beer
Mayor

Paula Roque
Clerk

Schedule 'A'
Bylaw 2896/19



Areas Affected by this Bylaw

Special Industrial Commercial
Special Exception Five (M1-5)



Certification of Authentication

This is Schedule 'A' to Bylaw 2896/19

Passed this ____ day of _____, 19.

Mayor

Clerk

Schedule 'A' to Bylaw 2896/19

PLAN M174 PT LOT 12 PCL 18355
365 CENTRE STREET
TOWN OF ESPANOLA



Prepared: February 12, 2019

For office use only File # 201/19
Submitted Jan 8, 2019
Date Application considered complete Jan 11, 2019.

JAN - 8 2019



Application for Zoning By-law Amendment

A. THE AMENDMENT

1. WHAT IS THE PURPOSE OF AND REASONS FOR THE PROPOSED AMENDMENT(S)?

To create an additional dwelling, 1 bedroom unit
out of current storage area

B. GENERAL INFORMATION

2. APPLICANT INFORMATION

a) Registered Owner's Name(s):

Ryan Bulloch

Address: 463 Adebide Street, Espanola

Phone: Home _____ Cell 705 862 8602 Email Bulloch56@hotmail.com

b) Applicant (Agent) Name(s):

Address: _____

Phone: Home _____ Cell _____ Email _____

c) Name, Address, Phone of all persons having any mortgage, charge or encumbrance on the property: Ryan Bulloch

d) Send Correspondence To? Owner ☒ Agent ☐ Other ☐

3. WHAT AREA DOES THE AMENDMENT COVER?

a) ☒ the "entire" property or ?

b) ☒ just a "portion" of the property

4. PROVIDE A DESCRIPTION OF THE ENTIRE PROPERTY:

Civic Address: 362 Thomebe / 365 Centre St

Roll Number: (if Available) 004-141 00

Legal Description: Plan M174 PT LOT 12 PCL 18355

Area: _____ Width: _____ Depth: _____

5. PROVIDE A DESCRIPTION OF THE AREA TO BE AMENDED IF ONLY A 'PORTION' OF THE PROPERTY:

Area: _____ Width: 291 Depth: 30'

6. WHAT IS THE CURRENT PLANNING STATUS?

Official Plan Designation: Commercial Zoning: M1-Special Industrial Commercial

C. EXISTING AND PROPOSED LAND USES AND BUILDINGS

7. WHAT IS THE "EXISTING" USE OF THE LAND?

1- Storage 2 Commercial Units on Centre / 2 Residential Units facing Thornloe

How long have the existing uses continued on the subject land: Always

8. WHAT IS THE "PROPOSED" USE OF THE LAND?

Additional Residential Unit 2 Commercial Units / 3 Residential Units

PROVIDE THE FOLLOWING DETAILS FOR ALL BUILDINGS:

(Use a separate page if necessary)

Are any buildings proposed to be built on the subject land: Yes [] No [☒]

	Existing	Proposed
a) Type of Building(s)	<u>Storage</u>	<u>Residential</u>
b) Main Building Height	_____	_____
c) % Lot Coverage	_____	_____
d) # of Parking Spaces	_____	_____
e) # of Loading Spaces	_____	_____
f) Number of Floors	<u>21</u>	<u>21</u>
g) Total Floor Area	_____	_____
h) Ground Floor Area (exclude basement)	_____	_____
i) Building Dimensions	_____	_____
j) Date of Construction	_____	_____

k) Setback from Buildings to: Front of Lot Line _____
Rear of Lot Line _____
Side of Lot Line _____

*

D. EXISTING AND PROPOSED SERVICES

9. INDICATE THE APPLICABLE WATER SUPPLY AND SEWAGE DISPOSAL:

	Municipal Water	Private Well	Municipal Sewer	Private Septic
a) Existing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Proposed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

10. Will storm drainage be provided by:

Sewers ☒

Ditches ☐

Swales ☐

Other ☐ Specify _____

Is storm drainage present or will it be constructed _____

11. TYPE OF ACCESS (CHECK APPROPRIATE SPACE)

☐ provincial highway

☒ municipal roads, maintained all year

☐ municipal road, seasonally maintained

☐ right of way

☐ water access

F. ZONING BY-LAW AMENDMENT

12. DOES THE PROPOSED ZONING BY-LAW AMENDMENT DO THE FOLLOWING?

Add or change zoning designation in the Zoning By-law

Yes ☒ No ☐ Unknown ☐

Change a zoning provision in the Zoning By-law

Yes ☐ No ☐ Unknown ☒

Replace a zoning provision in the Zoning By-law

Yes ☐ No ☐ Unknown ☒

Delete a zoning provision in the Zoning By-law

Yes ☐ No ☐ Unknown ☒

Add a zoning provision in the Zoning By-law

Yes ☐ No ☐ Unknown ☒

13. LIST LAND USES PROPOSED BY ZONING AMENDMENT *Additional*

Residential unit

Date the current owner acquired the subject land May 2017

14. HAS THERE BEEN A PREVIOUS APPLICATION FOR REZONING UNDER SECTION 34 OF THE PLANNING ACT AFFECTING THE SUBJECT PROPERTY:

Yes ☐ No ☒

15. Is the intent of this application to remove land from an area of employment?

Yes ☐ No ☒

16. Is the application for an amendment to the zoning by-law consistent with provincial policy statement issued under Section 3 (1) of the Planning Act.

Yes ☐ No ☐ Unknown ☒

H. OTHER RELATED PLANNING APPLICATIONS

18. HAS THE APPLICANT OR OWNER MADE APPLICATION FOR ANY OF THE FOLLOWING, EITHER ON OR WITHIN 120 METRES OF THE SUBJECT LAND?

Official Plan Amendment Yes [] No [☒]
Zoning By-law Amendment Yes [] No [☒]
Minor Variance Yes [] No [☒]
Plan of Subdivision Yes [] No [☒]
Consent (Severance) Yes [] No []
Site Plan Control Yes [] No [☒

19. IF THE ANSWER TO QUESTION 29 (above) IS YES, PLEASE PROVIDE THE FOLLOWING INFORMATION:

File No. of Application: _____

Approval Authority: _____

Lands Subject to Application: _____

Purpose of Application: _____

Status of Application: _____

Effect on the Current Application for Amendment: _____

I. OTHER SUPPORTING INFORMATION

20. PLEASE LIST THE TITLES OF ANY SUPPORTING OR ATTACHED DOCUMENTS:

(e.g. Environmental Impacts Study, Hydrogeological Report, Traffic Study, Market Area Study, Aggregate License Report, Stormwater Management Report etc. It is recognized that the applicant meet with planning staff to attempt to determine the supporting documents that will be required).

J. AUTHORIZATION FOR AGENT/SOLICITOR TO ACT FOR OWNER;

(If affidavit (J) is signed by an Agent/Solicitor on Owner's behalf, the Owner's written authorization below must be completed).

I (we) _____ of the _____ of _____
do hereby authorize _____ to act
as my agent in the application.

Signature

Date

K. APPLICANT'S DECLARATION

(This must be completed by the **Person Filing the Application** for the proposed development site.)

I, Ryan Bulloch of the
(Name of Applicant)
Town of Espanola in the District of Sudbury
(Name of Town etc) (Region/County/District)

solemnly declare that all of the statements contained in this application and supporting documentation are true and complete, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath, and by virtue of the "Canada Evidence Act."

Please be advised the responsibility for filing a complete application rests solely with the owner/applicant. Anything not requested or applied for in this application and subsequently found to be necessary (which may require another application(s) and fee(s)) are the sole responsibility of the owner/applicant. The Municipality will address only the application as applied for, and any items that are not included in the application are not the responsibility of the Municipality.

All studies required to support this application shall be at the expense of the applicant and included at the time of submission as a complete application. Where the Municipality incurs costs for the peer review of any consultants' reports or fees for legal opinions, the Municipality will be reimbursed such costs by the applicant.

In the event of third-party appeals to applications approved by the Municipality, the applicant may be responsible for some or all of the legal and other costs incurred by the Municipality, at the discretion of the Municipality.

DECLARED before me at:

In the Town of Espanola in the District of Sudbury,
This 8th day of January, 2019.

Signature

Ryan Bulloch

Print name of Applicant

Janice Payer
Commissioner of Oaths

L. OWNER/APPLICANT'S CONSENT DECLARATION

In accordance with the provisions of the Planning Act, it is the policy of the Town of Espanola to provide the public access to all development applications and supporting documentation.

In submitting this development application and supporting documentation, I Ryan Bullock the owner/the authorized applicant, hereby acknowledge the above-noted policy and provide my consent, in accordance with the provisions of the Municipal Freedom of Information and Protection of Privacy Act, that the information on this application and any supporting documentation provided by myself, my agents, consultants and solicitors, will be part of the public record and will also be available to the general public.

I hereby authorize the Town of Espanola, Municipal staff and council members of the decision making authority access to the subject site for purposes of evaluation of the subject application.

Ryan Bullock
Signature

Jan 8, 2019
Date

APPLICATION AND FEE OF \$ _____ RECEIVED
BY THE MUNICIPALITY

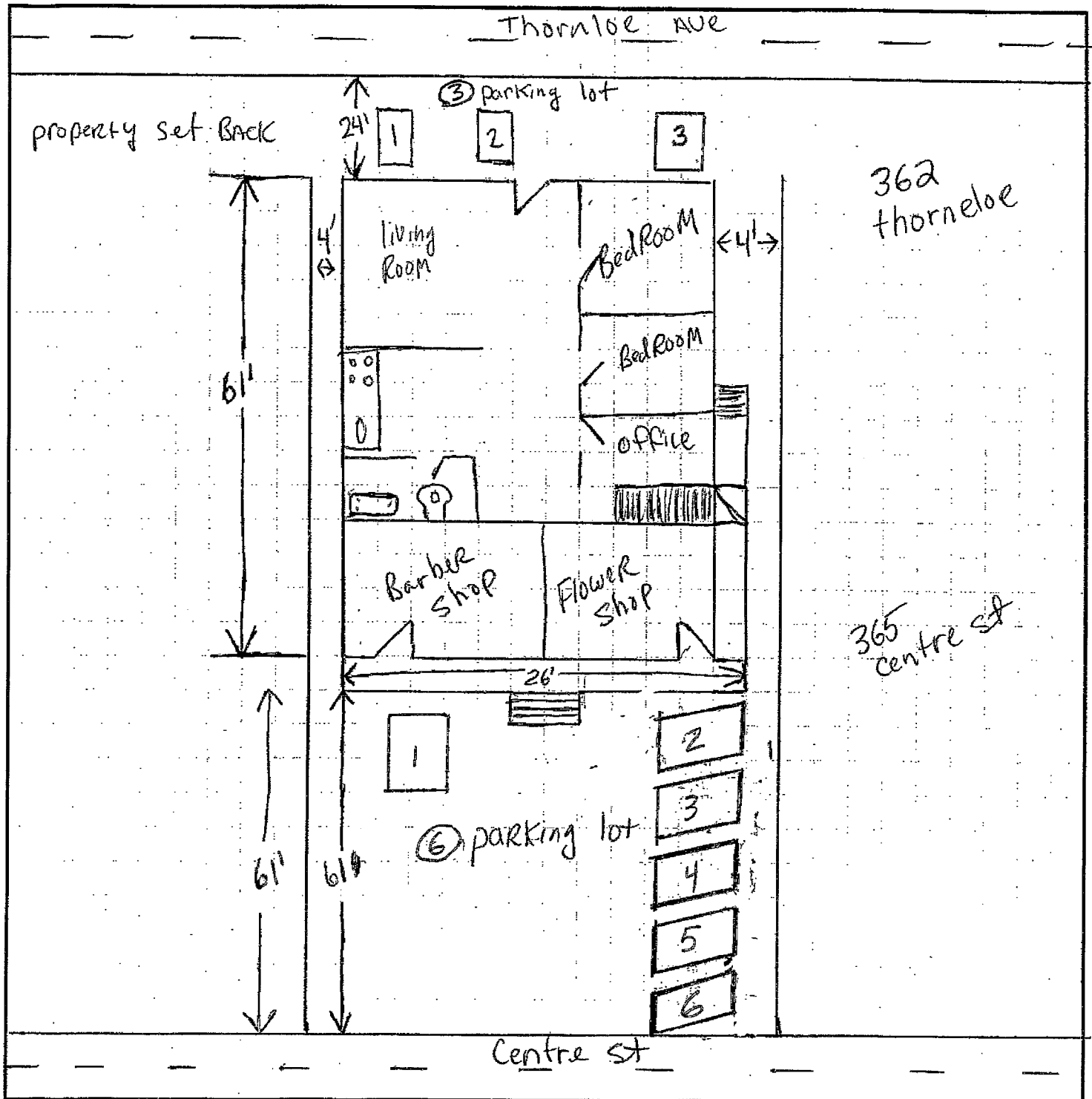
Paula Lopez
Signature of Commissioner

Jan 8, 2019.
Date



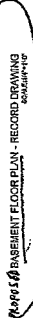
Espanola Home Hardware Building Centre
 830 Centre Street, Box 5258
 Espanola, Ontario P5E 1S3
 Phone: (705) 869-2130
 Fax: (705) 869-5467
 Toll Free: 1-800-361-9389

**Great Price
 Friendly Advice**



Parking Spot = 8.5' x 20'

FORMER BY RA	DATE: 11-2-85	NAME AS PLAN	AGE NO 208-14
SEAL: AS GOWN			
<div style="text-align: right;"> A-1 DOWRY NUMBER </div>			





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SUDBURY PERFORMANCE GROUP PRESENTS

GODSPELL

THE LEGENDARY ROCK MUSICAL

JANUARY 17-26

Out of town audiences are invited to spend the night in Sudbury!

Purchase two tickets to see Sudbury Performance Group's legendary rock musical **GODSPELL** - a night's stay

at the Lexington Hotel for

ONLY \$150!

Phone 705-662-8518 to book your tickets and hotel stay!

Come sing about love...

SUDBURY PERFORMANCE GROUP

Sudbury



sudburyperformance.ca

Snow-making equipment supplied by Lions Club

BY PATRICIA DROHAN
For The Mid-North Monitor

The snow is getting deeper, and the piles are getting higher, and the kids are all getting better at skiing/snowboarding thanks to many volunteers and a new piece of snow-making equipment this year.

The Boogie Mountain

Ski Hill in Espanola has been operating for more than 55 years, but up until this season, the operators of the ski hill had to rely on Mother Nature for snowfall totals in the winter that would provide a good base for skiers.

On Saturday, Jan. 19, Espanola Lions Club members braved

minus 35C temperatures to present a cheque to general manager, Tom Hutchinson and his wife Claudia in the amount of \$11,000 to pay for a new snow-making machine.

The Hutchinsons, who took over the ski hill two years ago, approached the Espanola Lions Club last fall for financial help in purchasing much-needed snow-making equipment.

Lions Club president, Grant Lewis, said the club members were very impressed with the presentation that Hutchinson made to the Lions.

CONTINUED > PAGE 4

NOTICE TO RESIDENTS

Council for the Town of Espanola has rescheduled The Regular Meeting of Council for Tuesday, January 29, 2019 to Thursday, January 31, 2019 at 7:00 pm.

The meeting will take place in Council Chambers at 100 Tudhope Street.



NOTICE OF PUBLIC MEETING CONCERNING A PROPOSED ZONING BY-LAW AMENDMENT BY THE CORPORATION OF THE TOWN OF ESPANOLA

PLAN M174 PT LOT 12 PCL18355
365 CENTRE STREET

TAKE NOTICE that the Council of the Corporation of the Town of Espanola will hold a public meeting on the 12th day of February, 2019, at 7:00 pm at the Municipal Office, to consider a proposed Zoning By-law Amendment under Section 34 of the Planning Act.

The effect of the proposed Zoning By-law Amendment is to rezone the affected property from Special Industrial Commercial (M1) to Special Industrial Commercial Special Exception Five (M1-S) in order to recognize the existing uses and an additional dwelling unit. The Key Plan identifies the location of the lands affected.

TAKE NOTICE that if you wish to be notified of the decision of the Town of Espanola on the proposed application, you must make a written request to the Clerk of the Town of Espanola.

To appeal the decision to the Local Planning Appeal Tribunal, send an appeal form to the Clerk of the Town of Espanola outlining the reasons for the appeal. You must enclose the appeal fee of \$300.00 for each application appealed, paid by cheque, made payable to the Ontario Minister of Finance.

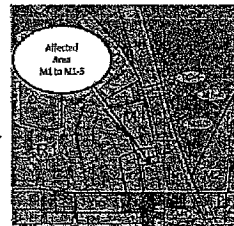
If a person or public body would otherwise have an ability to appeal the decision of the Council of the Town of Espanola to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at the public meeting or make written submissions to the Town of Espanola before the bylaw is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at the public meeting, or make written submissions to the Town of Espanola before the decision is made, the person or public body may not be added as a party to the hearing of an appeal before the Tribunal, unless in the opinion of the Tribunal, there are reasonable grounds to do so.

ADDITIONAL INFORMATION regarding this application is available at the municipal office during regular office hours.

DATED at the Town of Espanola this 22nd day of January 2019.

Paula Roque, CMO
Clerk/Mgr of Planning Sys
Town of Espanola
100 Tudhope Street, Suite 2
Espanola, ON P5E 1S6
Tel: 705-869-1540



SECTION 17 M1 ZONE – SPECIAL INDUSTRIAL-COMMERCIAL

17.1 General

No person shall hereafter use any lands, nor erect, alter, enlarge, or use any building or structure in the M1 Zone (as shown on the attached Schedules) except in accordance with the provisions of this Section and of other relevant Section of this By-law.

17.2 Permitted Uses

- Alcoholic beverage retail outlets;
- Antique shops;
- Automatic car wash;
- Automobile service stations;
- Bus garages;
- Cash and carry heavy goods stores;
- Commercial garages;
- Craft shops including hand made pottery, furniture, metal, and wood souvenir items;
- Drive-in business where persons are served in automobiles;
- Farmers' markets;
- Garden and building supply centres;
- Hotels, motels, and motor inns;
- Offices;
- Places of entertainment, recreation, and assembly;
- Private clubs;
- Restaurants;
- Restaurants, Drive-in;
- Restaurants, Take-out;
- Retail stores;
- Self-service laundromats;
- Service industrial uses;
- Transportation terminals;
- Veterinary establishments;
- One (1) dwelling unit, either attached or detached, accessory to, and on the same lot as a permitted use; and
- Uses accessory to the foregoing.

17.3 Zone Requirements

Lot Area (minimum)	700 m ²
Lot Frontage (minimum)	20 m
Lot Depth (minimum)	30 m
Yard Requirements (minimum)	
Front	12 m
Rear	9.0 m
Side	3.0 m

Building Height (maximum)	10 m
Lot Coverage (maximum)	40%

17.4 Additional Zone Requirements

a) General Provisions

In accordance with the provisions of Section 3.

b) Increased Yard Requirements

Where a Special Industrial-Commercial (M1) Zone abuts a Residential Zone, the minimum side yard shall be increased to 5.0 m of which 3.0 m shall be landscaped open space and the minimum rear yard shall be increased to 12 m of which 3.0 m shall be landscaped open space. The landscaped open space shall comply with the provisions of Section 3.13(a).

c) Other Zone Requirements

The provisions of Section 12.4(b), (c), (d), and (e) shall also apply.

17.5 Special Exception Zones

a) M1-1 (Lot 7, Con. IV)

In addition to the provisions of Section 17.2, tourist lodging facilities shall be permitted on the lands zoned M1-1.

b) M1-2 (275 Queensway Ave, Lot 8, Con. IV)

Notwithstanding the provisions of Sections 3.16 and 17.2 to the contrary, warehousing for household and commercial goods shall be permitted and municipal piped services shall not be required on the lands zoned M1-2.

c) M1-3 (345 Centre St, Lot 8, Con. V)

In addition to the provisions of Section 17.2, the manufacture and sale of pallets and ceramics shall be permitted on the lands zoned M1-3. The manufacturing shall take place in wholly enclosed buildings which do not emit obnoxious sounds, odor, dust, vibrations, fumes, or smoke. The provisions of Section 3.21 with respect to Open Storage shall apply, and in addition, a solid fence shall be required to provide visual screening between any open storage areas and adjacent lots or streets.

d) M1-4 (270 Centre St, Lots 7 and 8, Con. V; By-law 1524-01)

Notwithstanding the provisions of Sections 2.65, 3.1, 3.23, and 17.3 hereof to the contrary on land zoned M1-4, the following provisions shall apply:

Yard Requirements (minimum)	
Front	5.5 m
Rear	0.6 m
Distance from a parking space to a street line (minimum)	3.0 m

- (i) For the purpose of interpretation and zone requirements, the lands within the Zone M1-4 shall be considered as one lot.
- (ii) A proposed garden centre may be permitted to occupy a portion of the minimum required front yard, as shown on approved Site Plan provided that no structure is attached to the main building.

Department:	General Administration	Form Number:	A99-01370
Subject:	Staff Report	Effective Date:	06/05/17
Policy No:		Revision Date:	13/05/29
Bylaw No:		Version #:	2

STAFF REPORT

DEPARTMENT: Administration

DATE: February 5, 2019

ITEM: Deeming Bylaw for Lot Consolidation

RECOMMENDATION: Be It Resolved That: Bylaw 2897/19, being a Deeming Bylaw for lot consolidation of PIN 73408-0246/Roll #010-09100, 173 Adelaide St & PIN 73408-0327/Roll #010-09500, 167 Adelaide St be adopted.

BACKGROUND:

Under the Ontario Planning Act Section 50 (4), passing a deeming bylaw is the procedure that must be followed in order to consolidate lots in a registered plan of subdivision. A deeming by-law deems areas of land to no longer be part of a registered plan of subdivision. This type of bylaw allows certain lots, or parts of lots, on a plan of subdivision to merge.

ANALYSIS:

This is not a new situation. These lots are part of a plan of subdivision. The property owner at 167 Adelaide has purchased 173 Adelaide and would like consolidate the lots on title. The burned out dwelling on 173 Adelaide St is being demolished.

EXISTING POLICY: Deeming Bylaw registered on title.

STRATEGIC GOAL: Excellence in Government

FINANCIAL COMMITMENT: \$0

BUDGETED: NA

Yes

No

IMPLEMENTATION: Clerk's Office

Prepared By:

Paula Roque

CAO/Treasurer:

Cynthia Townsend

Approval of Recommendation:

Yes

☒

No



THE CORPORATION OF THE TOWN OF ESPANOLA

BYLAW NO. 2897/19

**Being a Deeming Bylaw
For a Lot Consolidation**

THAT the Council of the Corporation of the Town of Espanola enacts as follows:

1. That the Mayor and Clerk are hereby authorized to deem the property legally known as, PIN 73408-0246, Con 5 Lot 7 Plan M-78 Lot 183; Town of Espanola, 173 Adelaide Street to no longer be part of a Plan of Subdivision and therefore be consolidated with the property legally known as PIN 73408-0327 Con 5 Lot 7 Plan M-78 Lot 184; Town of Espanola, 169 Adelaide Street.
2. That proof of consolidation from the Land Registry Office shall be attached to and become part of the Bylaw.

Passed this 12th day of February 2019.

Jill Beer
Mayor

Paula Roque
Clerk

FEB - 4 2019



TOWN OF ESPANOLA

**APPLICATION FOR DEEMING BYLAW
TO THE TOWN OF ESPANOLA**

Under Subsection 4, Section 50 of *The Planning Act*, R.S.O. 1990, c.P.13, as amended and other applicable legislation.

FOR OFFICE USE ONLY

Reviewed for completeness: Paula Rogers

Date Application Received: _____ Application Fee Received: ☐ Receipt # _____

PROPERTY LOCATION: 167 Adelaide Street / 173 Adelaide St
(Municipal Address)

NAME OF APPLICANT: Ron Irvine
(Agent ☐ or Owner ☒)

PREAMBLE:

It is the responsibility of the Applicant or Authorized Agent to complete this form and to supply all of the documents required by the Planning Department.

- ☐ One (1) copy of the subject property's registered deed showing an instrument number and date of registration.

PURPOSE OF PASSING A DEEMING BYLAW

The purpose of passing a deeming bylaw is to deem certain Lots within a registered plan of subdivision (a registered plan of subdivision which has been registered for eight years or more) not to be part of that registered plan of subdivision.

All information is to be forwarded to: Clerk's Office
TOWN OF ESPANOLA
100 Tudhope Street, Ste 2
Espanola, ON P5E 1S6
Phone (705) 869-1540
Fax (705) 869-0083



Pursuant to the provisions of *The Planning Act*, application is hereby submitted for:

PLEASE PRINT ALL INFORMATION

1. NAME OF APPLICANT:

Ron Irvine

MAILING ADDRESS:

167 Adelaide Street, Espanola, ON P5E 1H2

TELEPHONE No. 705-869-2047

**POSTAL
CODE:** _____

SIGNATURE: _____

DATE: _____

2. PROPERTY LOCATION AND DESCRIPTION:

Municipal Address: 173 Adelaide Street (Merritt Con-5 Lot 7, Lot 183 PCL11706)

Legal description of the lands to be de-registered. (Lot & Registered Plan):

LOT NO (S): Lot 183

PLAN NO: M78

3. EXISTING USE OF LANDS:

Single Family Dwelling - Residential Use

4. PROPOSED USE OF LANDS:

Vacant Lot to be consolidated with 167 Adelaide (Main Residence of Applicant)

5. REASON DEEMING BYLAW IS REQUIRED:

Home on 173 Adelaide burned down, will demolish and consolidate with 167 Adelaide to recreate one lot 100' x 120'

6. AUTHORIZATION:

(Must be filled in if Applicant and/or Agent is not the registered Owner of the lands)

I/We, being the registered owner(s) of the lands subject of this application hereby authorize

_____ of the Town/City of _____

in the Regional Municipality of _____
to make application on my/our behalf to the Town of Espanola for a Deeming Bylaw in accordance with Subsection 4, Section 50 of *The Planning Act* of Ontario, R.S.O. 1990, c.P. 13 as amended.

_____ of the Town/City of _____

in the Regional Municipality of _____


this _____ Day of _____ 20 _____

Owner (seal)

Witness

Owner (seal)

Witness



Signature of Applicant or Authorized Agent

NOTE: IF THE REGISTERED OWNER IS A CORPORATION, THE CORPORATE SEAL MUST BE AFFIXED TO THIS FORM IN ADDITION TO THE SIGNATURE OF AUTHORIZED SIGNING OFFICER.

Personal information contained in this form is collected under the authority of the Planning Act R.S.O. 1990 c.P.13 and will be used for the processing of the Deeming Bylaw. Questions about the collection should be directed to:

Clerk's Office
TOWN OF ESPANOLA
100 Tudhope Street, Ste 2
Espanola, ON P5E 1S6
Phone (705) 869-1540
Fax (705) 869-0083


ADELAIDE STREET

THE WELLED ROAD * 600000 * 42 * 400000 * 100000

173 Adelaide St

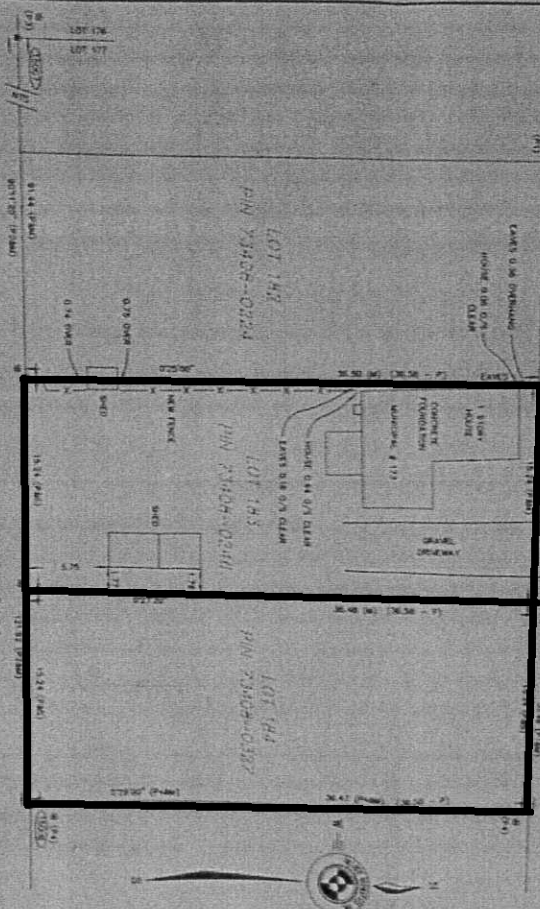
167 Adelaide St

ASSOCIATION OF AMERICAN
LAWYERS
NEW YORK OFFICE
204577



THE ASSOCIATION OF AMERICAN
LAWYERS
NEW YORK OFFICE
204577

SURVEYOR'S REAL PROPERTY REPORT
ON
LOT 183, REGISTERED PLAN M-78
TOWN OF ESPANOLA
DISTRICT OF SUDBURY
TULLOCH GEOMATICS INC. O.L.S. - 2018
SCALE 1:200

[illegible][illegible][illegible]

Department: General Administration	Form Number: A99-01370
Subject: Staff Report	Effective Date: 06/05/17
Policy No:	Revision Date: 13/05/29
Bylaw No:	Version #: 2

STAFF REPORT

DEPARTMENT: Administration

DATE: February 5, 2019

ITEM: Church Street

RECOMMENDATION: Be It Resolved That: Bylaw 2898/19 be adopted, being a bylaw to designate and open the new, realigned portion of Church St as a municipal road.

BACKGROUND: As part of the English Catholic Elementary and French Catholic Elementary and Secondary School project, the School realigned a portion of Church Street to accommodate the parking lot for the new Schools as part of the requirements of the Site Plan Agreement.

ANALYSIS: The Public Works Department has confirmed construction of the road is complete, meets municipal standards and is ready to be opened. The property is in the process now of being transferred to the Town from the Boards. Passing and registering this bylaw is the final step to have the realigned Church Street designated as a municipal road and official open.

EXISTING POLICY: Council Bylaw

STRATEGIC GOAL: Excellence in Government

FINANCIAL COMMITMENT: \$0, legal fees are Developer's Cost

BUDGETED: NA

Yes

No

IMPLEMENTATION: Clerk's Office

Prepared By:

Paula Roque

Department Manager:

CAO / Treasurer:

Cynthia Townsend

Approval of Recommendation:

Yes

☒

No

Comments:



THE CORPORATION OF THE TOWN OF ESPANOLA

BYLAW NO. 2898/19

BEING A BYLAW OF THE CORPORATION OF THE TOWN OF ESPANOLA ESTABLISHING PIN # 73409-0665 (LT), DESIGNATED AS PART 4 SR-2790, PIN # 73409-0666 (LT), DESIGNATED AS PART 5 SR-2790 AND PART OF PIN # 73409-0682, PART 3 PART OF LOT 8 CON 5 PLAN 53R-20929 AS A HIGHWAY FOR PUBLIC USE PURSUANT TO SECTION 31 OF THE *MUNICIPAL ACT, 2001 S. O., 2001, C. 25 AS AMENDED*

WHEREAS, in accordance with the provisions of section 31 of the *Municipal Act, 2001 S. O., 2001, c. 25 as amended*, a municipality may by bylaw establish a Highway as defined under the *Municipal Act, 2001 as amended*;

AND WHEREAS, "Highway" is defined under the *Municipal Act, 2001* as meaning a common and public highway and includes any bridge, trestle, viaduct or other structure forming part of the highway and, except as otherwise provided, includes a portion of a highway.

AND WHEREAS the Council of the Corporation of the Town of Espanola deems it desirable that a bylaw be passed to establish the lands designated as Part 4 according to SR-2790, Part 5 according to SR-2790 and Part 3 according to Plan 53R-20929 as a Highway for public use as defined under the *Municipal Act, 2001 as amended*;

NOW THEREFORE the Municipal Council of the Corporation of the Town of Espanola enacts and be it enacted as follows:

1. That the land designated as Part 4 according to SR-2790, Part 5 according to SR-2790 and Part 3 according to Plan 53R-20929 is and the same is hereby established as a Highway as defined under the *Municipal Act, 2001*, as amended, for public use.
2. That the land designated as Part 4 according to SR-2790, Part 5 according to SR-2790 and Part 3 according to Plan 53R-20929 be and the same is hereby named, is a realignment and continuation of Church Street.
3. The Mayor and the CAO / Treasurer are hereby authorized to sign and execute any and all documents necessary to register the within Bylaw at the Land Registry Office for the District of Sudbury.

Bylaw read a first, second and third time in open council this 12th day of February, 2019.

Jill Beer
Mayor

Cynthia Townsend
CAO / Treasurer

I, Cynthia Townsend, CAO / Treasurer for the Corporation of the Town of Espanola hereby certifies that the foregoing ByLaw 2898/19 is a true copy of said bylaw passed in an open meeting of Council on the 12th day of February, 2019.

DATED AT the Town of Espanola, District of Sudbury, this 12th day of February, 2012.

Cynthia Townsend,
CAO / Treasurer

Department: General Administration	Form Number: A99-01370
Subject: Staff Report	Effective Date:
Policy No:	Revision Date: 06/05/17
Bylaw No:	Version #: 1

STAFF REPORT

DEPARTMENT: POA	DATE: February 7, 2019
-----------------	------------------------

ITEM: A-1 CRCS (Credit Recovery & Collection Services Inc.) – Customer Retention & Collection Services Agreement.

RECOMMENDATION: Approve the new proposed Agreement with A-1 CRCS to allow the continuation of collections of all new outstanding fines with the new contingency rate of 20% moving forward.

As it currently stands, we have never instructed our 3rd party collectors, including A1CRCS to submit outstanding accounts with the Credit Bureaus. I would recommend that we begin doing so on any accounts over \$100.00 including accounts that have already been submitted for collection (see section 5.1.4). Mr. Cherry, the President and CEO of A1CRCS suggested that we may see better results of fine payments from his experience with POA fines being reported to the Credit Bureaus.

BACKGROUND: Currently the POA office is allocating all 1 st assigns to A-1.

ANALYSIS:

The 1st assigns will continue to be submitted to A-1. They will have a one year period to make attempts at collections; if after that one year, there is no success, the files will be retracted.

EXISTING POLICY: See current Agreement with A-1.

FINANCIAL COMMITMENT: A-1 CRCS's current rate for the first assignments is 25% of the total payable and the new negotiated rate will be reduced to 20% upon approval of the agreement. These costs are currently and will continue to be recovered by the debtor. The collection fees are added as part of the outstanding fines.

IMPLEMENTATION: POA office

Prepared By: Christine Desjardins

Department Manager: Christine Desjardins

Clerk Treasurer/Administrator: Cynthia Townsend

Approval of Recommendation: Yes ☒ No ☐

Comments: _____

A-1 Credit Recovery & Collection Services Inc.

CUSTOMER RETENTION & COLLECTION SERVICES AGREEMENT

This Customer Retention and Collection Services Agreement dated February 5, 2019 between **A-1 Credit Recovery & Collection Services Inc.**, ("A-1CRCS"), 3200 Dufferin Street, Suite 205 Toronto, Ontario M6A 3B2 and **The Municipality (hereinafter called "The Municipality")**, 100 Tudhope Steet, Suite 4 Espanola, Ont P5E 1S6. **The Corporation of the Town of Espanola, the City of Elliot Lake and the Town of Blind River** wishes to engage A-1CRCS' services to collect certain of its delinquent accounts.

Based upon our early discussions The Municipality intends to assign first placement POA first assignments monthly. All forward flow placements will be worked by A-1CRCS for up to 12 months.

Note* the following Scope of Activity i.e. workplans, dunning notifications, scripts, credit card processing, reporting, client contact, customer support are not final and may change upon further consultation once approved by The Corporation of the Town of Espanola, the City of Elliot Lake and the Town of Blind River.

Schedule of Pricing for The Corporation of the Town of Espanola, the City of Elliot Lake and the Town of Blind River

Type of Assignment	Contingency Rate
First Assignment Forward Flow Placements	20% Flat Rate

1 ACCOUNTS

- 1.1** A-1CRCS will be The Municipality's non-exclusive provider of services for collecting outstanding payments from certain of The Municipality's delinquent account holders (the "Debtors").
- 1.2** The Municipality will provide a list of delinquent accounts ("Placed Accounts") which will include the debtors, account number, names, addresses, telephone Numbers, outstanding balances, disconnect dates and last payment dates, as applicable.

2 COMMISSION

- 2.1.1** A-1CRCS will be entitled to a commission from funds collected toward the Placed Accounts, as set out in the above schedule. If no funds are collected toward a placed account, there will be no commission payable.



A-1 Credit Recovery & Collection Services Inc.

3 DEBTOR PAYMENTS

- 3.1.1** The Municipality authorizes A-1CRCS to endorse into their Trust Account negotiable instruments payable to the order of The Municipality and received toward payment of a Placed Account. The Municipality will advise A-1CRCS of any direct payments received by The Municipality as payment on any placed account.

4 REMITTANCE AND REPORT TO THE CORPORATION OF THE TOWN OF ESPANOLA, THE CITY OF ELLIOT LAKE AND THE TOWN OF BLIND RIVER

A-1CRCS will, on a monthly basis as agreed between the Parties, remit to The Municipality all funds collected towards each Placed Account from the previous calendar month, to be accompanied by a report containing the following information: (1) Debtor's Name and The Municipality Account Number; (2) all funds collected toward the Placed Account; (3) A-1CRCS commission and applicable taxes; and (4) all funds will be remitted in Net or Gross payable in Canadian dollar denomination after commission and taxes.

4.1

A-1CRCS will, on a monthly basis, deliver to The Municipality a summary report containing the following information for each of the past 24 months: (1) all Placed accounts (number and dollar amount); (2) all funds collected toward the Placed Accounts (to date and in the current month); (3) Collection Agency's commission (on both service charges); (4) total accounts closed (number and dollar amount); and (5) total accounts active (number and dollar amount). This information will be used to calculate net back percentages for the agency.

- 4.2.1** A-1CRCS will provide The Municipality with copies of notes and all other records of communication on such particular Placed Accounts as The Municipality may inquire about.

5 COLLECTION AGENCY OBLIGATIONS

A-1CRCS covenants that it will:

- 5.1.1** Comply with all local, Provincial, and Federal laws and regulations, including, without limitation, under all *Collection and Debt Settlement Collection Agencies Acts* (The "Act"):
- 5.1.2** Conduct its collection activities professionally and promptly, using only ethical and legal methods, and will in no event conduct itself in an offensive or unreasonably aggressive manner; refrain from any behavior that would be detrimental to The Municipality public image or brand;
- 5.1.3** Indemnify and hold harmless The Municipality with respect to any claims or disputes arising from A-1CRCS collection of funds for the Placed Accounts as a result of A-1CRCS wrongdoings or the wrongdoings of its employees or any breaches of the Section 5.1.1 herein, including breaches of the *Act* or errors or omissions. A-1CRCS represents that it has obtained the necessary insurance to cover this indemnification in addition to liability insurance. A-1CRCS further represents and warrants that at all times



A-1 Credit Recovery & Collection Services Inc.

it will maintain current Provincial licenses as defined in all Provincial *Collection Acts*.

- 5.1.4** A-1CRCS will Register and Place Account with a balance greater than \$100.00 with an established credit bureau (e.g. TransUnion & Equifax) 30 days after The Municipality has placed the account with A-1CRCS; A-1CRCS will not charge or collect interest on top of the placed amount
- 5.1.5** Where the debtor's driver's licence has been suspended as a result of an unpaid fine, A-1CRCS shall inform the debtor in each of its dealings with the debtor that to avoid any delay in processing a payment, the debtor shall pay the fine at any Provincial Offences Office of the Ontario Court of Justice. A-1 Credit is not to collect on any payments for suspended driver's licence accounts.
- 5.1.6** The Municipality has the right to audit any account or report and the books and records of A-1CRCS related to any placed account thereto during normal business hours.
- 5.1.7** A-1CRCS will not enter into a Settlement Arrangement with any debtor without prior written authorization from The Municipality.

6 DUTY OF CONFIDENTIALITY

- 6.1** A-1CRCS will at all times keep confidential any Confidential Information (which is defined as any information, whether verbal, written, or in any other form that A-1CRCS obtains from The Municipality regarding The Municipality's business, the Debtor's, or the Placed Account, and also includes any information concerning a debtor that is obtained from that Debtor or any person acting on his or her behalf). A-1CRCS will make the Confidential Information available only to those of its employees who must know such information in order to fulfill the objectives of this Agreement and will ensure that each such employee is subject to confidentiality obligations that encompass the terms of this paragraph.

7 THE MUNICIPALITY OBLIGATIONS

- 7.1** The Municipality will not undertake any communication with the Debtors, to the extent that such communication concerns Placed Accounts. The Municipality will forward to A-1CRCS any and all communications from the Debtor, or any person acting on his or her behalf, including, direct payments, equipment returns, letters, settlement offers, bankruptcy notices, threats, and disputes.
- 7.2** The Municipality agrees to indemnify and hold harmless A-1CRCS against any and all liability, cost and expenses occasioned by claims of suits for loss or damages arising out of errors and omissions of customer billing records submitted by The Municipality to A-1CRCS for collections.

8 WARRANTIES

- 8.1.1** **The Municipality represents and warrants to A-1CRCS that:**
it is duly incorporated and validly subsisting under the laws of Ontario, Canada



A-1 Credit Recovery & Collection Services Inc.

and has all necessary corporate power to enter into this Agreement; entering into this Agreement will not constitute a violation, breach, or default under its documents or any other agreement to which it is a party; it has full title to all the Placed Accounts and they are valid and legal debts;

A-1CRCS represents and warrants to The Municipality that:

- 8.1.2** it is duly incorporated and validly subsisting in all respects under the laws of Ontario, Canada and has all necessary corporate power to enter into this Agreement and to perform all of its obligations under this agreement and holds a current and valid registration license as defined in the *Act*; entering into this Agreement will not constitute a violation, breach, or default under its documents or any other agreement to which it is a party.

9 GENERAL

- 9.1** Any indulgence or forbearance permitted by The Municipality will be deemed to constitute a waiver of its right to insist on A-1CRCS performance of all of its obligations in full and in a timely manner unless it is expressed in writing and signed by such officer of The Municipality and then such waiver will only be effective in the specific instance and for the purpose for which it is given.
- 9.1.1** This Agreement, and all rights and obligations arising out of it, will be construed guided and interpreted in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein and the courts of Ontario will have jurisdiction over any action or proceeding arising out of or related to this Agreement.
- 9.2** This Agreement completely expresses and embodies the entire agreement between The Municipality and A-1CRCS.
- 9.3** This Agreement may be modified only in writing and signed by both of the Parties.
- 9.4** Neither Party may without written consent assign this Agreement to any other Party.
- 9.5** The paragraph headings used in this Agreement are for convenience of reference only and are not intended to affect the meaning or construction of this Agreement.
- 9.6** This agreement will remain in full force and effect until such time as (i) either party gives thirty (30) days written notice of intentions to terminate or (ii) without the need for further notice or action, either party becomes bankrupt or insolvent. All rights and obligations incurred by either party up to and including the date of termination shall survive such termination.
- 9.7** In the event of termination of this agreement for any reason other than the bankruptcy or insolvency of A-1CRCS, A-1CRCS retains the right to pursue accounts for which payment schedules have been established with Account Holders for a period of 30 days from termination and is entitled to all fees on funds collected and paid directly to A-1CRCS and



A-1 Credit Recovery & Collection Services Inc.

those paid directly to The Municipality.

- 9.8 For a period of one year from termination of this agreement and for any reason, A-1CRCS will continue to remit any funds it collects due to passive collection or otherwise from account holders directly to The Municipality less its fees on payments received. Any accounts that are submitted by The Municipality to A-1CRCS in respect of which The Municipality subsequently requests that A-1CRCS cease its debt collection efforts for a reason other than the termination of this agreement or the account has already been collected or settled but improperly closed out by The Municipality.
- 9.9 All first assignment placements are to be placed on a 5 day hold after receiving new files each month.
- 9.10 The Municipality will be sent a closeout report monthly by A-1CRCS on a on any accounts that have not had any success. These files will be retracted by the Municipality.
- 9.11 If there is a discrepancy on the balance owing, the current CAMS balance will be the outstanding balance owed.

IN WITNESS WHEREOF The Corporation of the Town of Espanola, the City of Elliot Lake and the Town of Blind River and A-1CRCS have properly executed this Agreement as of the dates written below.

**The Corporation of the Town of Espanola,
the City of Elliot Lake and the Town of Blind River**

A-1 Credit Recovery & Collection Services Inc.

Per: _____

Per: _____

Cynthia Townsend
CAO/Treasurer

Brian A. Cherry
President & CEO

Date: February 5, 2019

Date: February 5, 2019

Per: _____

Christine Desjardins
Manager of Court Operations

Date: February 5, 2019



Department:	General Administration	Form Number:	A99-01370
Subject:	Staff Report	Effective Date:	06/05/17
Policy No:		Revision Date:	13/05/29
Bylaw No:		Version #:	2

STAFF REPORT

DEPARTMENT: Emergency Management

DATE: January 24, 2019

ITEM: Bylaw 2782/17 - Emergency Management Program and Committee

RECOMMENDATION: That Council approve changes as submitted to the existing Emergency Management Program and Committee Bylaw, to establish a revised bylaw to reflect the changes.

BACKGROUND: To meet the requirements of the Office of the Fire Marshal and Emergency Management and to follow their recommendations, therefore it is necessary to change the wording in the current bylaw from Emergency Control Group (ECG) to Municipal Emergency Control Group (MECG), and also the list of Municipal Emergency Control Group members must be amended.

ANALYSIS: Bylaw 2782/17 was enacted in 2017; however following the recent Municipal Compliance Submission to the OFMEM, the OFMEM field advisor recommends these changes to the Bylaw. The changes will be made to the Town's Emergency Response Plan also. See draft copy for changes.

EXISTING POLICY: N/A

STRATEGIC GOAL: 3. Excellence in Government

FINANCIAL COMMITMENT: None

BUDGETED:

Yes

No

IMPLEMENTATION: 2019

Prepared By:

Department Manager:

Mike Pichor C.E.M.C.

CAO / Treasurer:

Cynthia Townsend

Approval of Recommendation:

Yes

✓

No

Comments:



THE CORPORATION OF THE TOWN OF ESPANOLA

BYLAW NO [REDACTED]

Comment [sb1]: BYLAW NO. REQUIRED

Being a Bylaw to adopt an Emergency Management Program and Committee and to meet other Requirements under the *Emergency Management and Civil Protection Act*

WHEREAS under the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 and Ontario Regulation 380/04 ("the Act") every municipality in the province is required to:

- Develop and implement an emergency management program, which shall consist of:
 - an emergency plan;
 - training programs and exercise for employees of the municipality and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;
 - public education on risks to public safety and on public preparedness for emergencies; and
 - any other elements required by the standards for emergency management set under the Act or by Emergency Management Ontario;
- Designate an employee of the municipality or a member of the council as its emergency management program coordinator;
- Establish an emergency management program committee;
- Establish a municipal emergency control group;
- Establish an emergency operations centre to be used by the municipal emergency control group in an emergency; and
- Designate an employee of the municipality as its emergency information officer;

Comment [sb2]: ADD "MUNICIPAL"

AND WHEREAS it is prudent that the emergency management program developed under the Act be in accordance with international best practices, including the five core components of emergency management; prevention, mitigation, preparedness, response and recover;

AND WHEREAS the purpose of such a program is to help protect public safety, public health, the environment, critical infrastructure and property during an emergency and to promote economic stability and a disaster resilient community;

NOW THEREFORE the Council of the Corporation of the Town of Espanola hereby enacts as follows:

Emergency Management Program

1. An Emergency Management Program for the municipality will be developed and reviewed annually by the Emergency Management Program Committee consistent with and in accordance with the Act and international best practices, including the five core components of emergency management, namely: prevention, mitigation, preparedness, response and recover, and such program shall include:
 - a. training programs and exercises for employees of the municipality and other persons with respect to the provision of necessary services and the procedures to be followed in emergency response and recovery activities;
 - b. public education on risks to public safety and on public preparedness for emergencies; and
 - c. any other elements required by the standards for emergency management set under the Act or by Emergency Management Ontario.
2. The Emergency Management Program shall be consistent with the objectives of protecting public safety, public health, the environment, critical infrastructure and property, and to promote economic stability and a disaster-resilient community.

Emergency Management Program Committee

3. The persons from time to time holding the following positions in the municipality, or their designates, shall be members of the Emergency Management Program Committee:
- a. Chief Administrative Officer (CAO)
 - b. CEMC and Alternates CEMCs
 - c. Chief Building Official
 - d. Manager of Leisure Services
 - e. Clerk
 - f. ~~OPP~~
 - g. Fire Chief
 - h. Recording Clerk from Fire Office and ~~Municipal Office~~
 - i. Head of Public Works
 - j. Head of Council (Mayor) and ~~||~~ (Deputy Mayor)

Comment [sb3]: Removed "Police Chief"

Comment [sb4]: Removed "/or"

Comment [sb5]: Removed "alternate"

4. The CEMC is hereby appointed as Chair of the Emergency Management Program Committee.
5. The Emergency Management Program Committee shall advise Council on the development and implementation of the municipality's Emergency Management Program and shall review the program annually.

Municipal Emergency Control Group

Comment [sb6]: Added "Municipal"

6. The persons from time to time holding the following positions in the municipality, or their designates, shall be members of the ~~Municipal Emergency Control Group~~ (MECG):
- a. Head of Council – Mayor
 - b. Emergency Operations Centre Director – Chief Administrative Officer
 - c. Emergency Information Officer – Community Economic Development Officer
 - d. Liaison Officer –Town Solicitor/Clerk

Comment [sb7]: Added "Municipal"

Comment [sb8]: Added "M"

Comment [sb9]: Removed e. to u. Control Group Members from list

Emergency Operations Centre

7. A primary and an alternate Emergency Operations Centre have been established for use by the ~~Municipal Emergency Control Group~~ in an emergency and with the appropriate technological and telecommunications systems to ensure effective communication in an emergency. The locations of the Emergency Operations Centres are identified in an annex to the Plan.

Comment [sb10]: Added Municipal

Enacted this _____ day of _____, 20_____

Jill Beer
Mayor

Paula Rogue
Clerk

Comment [sb11]: Name Change