



## **AGENDA COUNCIL MEETING**

Monday, February 11, 2019, Call to Order 4:00 p.m. in Council Chambers, 4:05 p.m. for Closed Session, Reconvene into Open Meeting at 6:00 p.m.

Halton Hills Town Hall, Council Chambers

1 Halton Hills Drive

WE REQUEST YOUR CO-OPERATION IN MAINTAINING THE FOCUS AT COUNCIL MEETINGS. PLEASE REFRAIN FROM TALKING DURING DELEGATION PRESENTATIONS, AND PLEASE ENSURE THAT ALL PAGERS AND CELLULAR TELEPHONES ARE SWITCHED TO A NON-AUDIBLE FUNCTION

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**Pages**

**1. OPENING OF THE COUNCIL MEETING**

4:00 p.m. Council Chambers

**2. CLOSED MEETING/CONFIDENTIAL REPORTS FROM OFFICIALS**

**1. REPORT NO. ADMIN-2019-0003**

OFFICE OF THE CAO REPORT NO. ADMIN2019-0003 dated January 23, 2019 regarding personal matters about an identifiable individual, including municipal or local board employees.

(Under separate cover)

**3. RECESS AT THE CALL OF THE CHAIR**

**4. RECONVENE INTO OPEN SESSION**

**5. NATIONAL ANTHEM**

**6. ANNOUNCEMENTS**

**1. Greenbelt Foundation Grant**

Cheque presentation by Ed McDonnell, CEO of Greenbelt

**7. EMERGENCY BUSINESS MATTERS**

**8. DISCLOSURES OF PECUNIARY INTEREST/CONFLICT OF INTEREST**

**9. COUNCIL DELEGATIONS/PRESENTATIONS**

10. **RESOLUTION PREPARED TO ADOPT THE MINUTES OF THE PREVIOUS MEETING(S) OF COUNCIL**
  1. Minutes of the Council Workshop held on January 16, 2019. 6
  2. Minutes of the Council Workshop held on January 21, 2019. 9
  3. Minutes of the Council Meeting held on January 21, 2019. 12
  4. Public Meeting Minutes (2019-0001) dated January 21, 2019. 22
  5. Confidential Minutes of the Council Workshop held on January 16, 2019.  
(Under separate cover)
  6. Confidential Minutes of the Council Workshop held on January 21, 2019.  
(Under separate cover)

**11. GENERAL COMMITTEE**

**COUNCIL TO CONVENE INTO GENERAL COMMITTEE**

Councillor M. Johnson, Chair

**Vet Reports to be considered at General Committee**

1. **Public Meetings / Hearings**
2. **Delegations/Presentations regarding items in General Committee**
  - a. **Brad Park of United Way North Halton and Hamilton with Opening Remarks by Sherry Farago**  
  
Presentation to General Committee regarding United Way Committee - Solicitation for Items of Donation.  
  
(Refer to Item No. 11.3.a of this Agenda, Memorandum No. ADMIN-2019-0003)
  - b. **Debra Holloway, Resident of Halton Hills**  
  
Presentation to General Committee regarding Parking.  
  
(Refer to Item No. 11.3.b of this Agenda, Report No. ADMIN-2019-0007)
3. **Municipal Officers Reports to be Considered by General Committee**  
  
All Reports and Memorandums considered in General Committee are deemed "Emergency Action Items" or "For Information Items" which require final disposition by Council at this meeting.  
  
Reports will be automatically held if there is a presentation, delegation, or public meeting on the matter.

<b>a.</b>	<b>MEMORANDUM NO. ADMIN-2019-0003 (AUTOMATIC HOLD)</b>	<b>28</b>
	OFFICE OF THE CAO MEMORANDUM NO. ADMIN-2019-0003 dated January 22, 2019 regarding United Way Committee - Soliciting for Items of Donation.	
<b>b.</b>	<b>REPORT NO. ADMIN-2019-0007 (AUTOMATIC HOLD)</b>	<b>33</b>
	OFFICE OF THE CAO REPORT NO. ADMIN-2019-0007 dated February 6, 2019 regarding Boulevard Parking Matters.	
<b>c.</b>	<b>REPORT NO. ADMIN-2019-0001</b>	<b>61</b>
	OFFICE OF THE CAO REPORT NO. ADMIN-2019-0001 dated January 7, 2019 regarding Pregnancy and Parental Leave for Members of Council Policy.	
<b>d.</b>	<b>REPORT NO. ADMIN-2019-0004</b>	<b>66</b>
	OFFICE OF THE CAO REPORT NO. ADMIN-2019-0004 dated January 25, 2019 regarding Codes of Conduct - Members of Council & Local Boards.	
<b>e.</b>	<b>REPORT NO. ADMIN-2019-0006</b>	<b>119</b>
	OFFICE OF THE CAO REPORT NO. ADMIN-2019-0006 dated January 30, 2019 regarding the Members of Council / Staff Relations Policy.	
<b>f.</b>	<b>MEMORANDUM NO. ADMIN-2019-0004</b>	<b>131</b>
	OFFICE OF THE CAO MEMORANDUM NO. ADMIN-2019-0004 dated January 23, 2019 regarding Conflict of Interest – New Legislative Requirements.	
<b>g.</b>	<b>MEMORANDUM NO. ADMIN-2019-0007</b>	<b>135</b>
	OFFICE OF THE CAO MEMORANDUM NO. ADMIN-2019-0007 dated February 5, 2019 regarding Update on Court Decision – Illegal Truck Terminal.	
<b>h.</b>	<b>REPORT NO. PLS-2019-0006</b>	<b>137</b>
	PLANNING AND SUSTAINABILITY REPORT NO. PLS-2019-0006 dated January 14, 2019 regarding Removal of the Holding (H22) Provision from 193-197 Mountainview Road North and 111 John Street (Georgetown).	
<b>i.</b>	<b>REPORT NO. PLS-2019-0013</b>	<b>146</b>
	PLANNING AND SUSTAINABILITY REPORT NO. PLS-2019-0013 dated January 28, 2019 regarding Bill 139 Matters: Toronto Rail Deck Park Stated Case.	

4.	Adjourn back into Council	
12.	REPORTS AND RECOMMENDATIONS FORWARDED FROM GENERAL COMMITTEE FOR APPROVAL	
13.	REPORTS OF THE STANDING COMMITTEES (ADOPTION / RECEIPT OF MINUTES & RECOMMENDATIONS)	
1.	Report of the Community and Corporate Affairs Committee meeting held on February 4, 2019.	182
2.	Report of the Planning, Public Works and Transportation Committee meeting held on February 5, 2019	188
3.	Confidential Minutes of the Community and Corporate Affairs Committee meeting held on February 4, 2019.  (Under separate cover)	
4.	Confidential Minutes of the Planning, Public Works and Transportation Committee meeting held on February 5, 2019.  (Under separate cover)	
14.	RECEIPT OF MINUTES OF ADVISORY/SPECIAL COMMITTEES	
15.	PETITIONS/COMMUNICATIONS/MOTIONS	
1.	CASHh Annual Residential "Give Where you Live" Sign Campaign	195
2.	Climate Action Strategy for Ontario	196
16.	ADVANCE NOTICE OF MOTION  Motion(s) to be brought forward to the next meeting of Council.	
17.	MOTION TO RECEIVE AND FILE GENERAL INFORMATION PACKAGE  Resolution prepared to receive the General Information Package dated February 11, 2019, for information.	
18.	MOTION TO APPROVE CLOSED SESSION ITEMS  (Council to reconvene into Closed Session if required)	
19.	CONSIDERATION OF BYLAWS	
1.	By-Law No. 2019-0003  A By-law to assume the public services, being part of Brownridge Road (Parts 15, 20R-17282 and Parts 4, 6, 37, 51 & 52, 20R-19445) and the adjacent Stormwater Management Facility (Parts 1 & 5, 20R-19445), together with their appurtenances, for maintenance purposes.  (Recommendation No. PPT-2019-0003, Report No. PLS-2019-0005)	198



**2. By-Law No. 2019-0004** 199

A By-law to remove the Holding (H22) Provision from Zoning By-law 2010-0050, as amended, for 193-197 Mountainview Road North and 111 John Street (Georgetown).

(Refer to Item No. 11.3.h of this Agenda, Report No. PLS-2019-0006)

**3. By-Law No. 2019-0005** 201

adopt the proceedings of the Council Meeting held on the 11th day of February, 2019 and to authorize its execution.

**20. ADJOURNMENT**



## MINUTES

### COUNCIL WORKSHOP – NEW LEGISLATIVE REQUIREMENTS

**WEDNESDAY, JANUARY 16, 2019**

The Town of Halton Hills Council met this 16<sup>th</sup> day of January, 2019, in the Training Room at the Maple Avenue Fire Station, 53 Maple Avenue commencing at 1:30 p.m., with Councillor T. Brown in the Chair.

#### MEMBERS

#### PRESENT:

Mayor R. Bonnette  
Councillor J. Fogal  
Councillor M. Albano  
Councillor J. Hurst  
Councillor T. Brown  
Councillor B. Lewis  
Councillor W. Farrow-Reed  
Councillor M. Johnson  
Councillor B. Inglis  
Councillor A. Lawlor

#### REGRETS

Councillor C. Somerville

#### STAFF PRESENT:

A. B. Marshall, CAO  
S. Jones, Clerk & Director of Legislative Services  
C. Mills, Commissioner of Transportation & Public Works  
J. Linhardt, Commissioner of Planning & Sustainability  
W. Harris, Commissioner of Recreation & Parks  
J. Diamanti, Commissioner of Corporate Services  
H. Olivieri, Chief & Commissioner of Fire Services  
M.J. Leighton, Manager of Accounting and Town Treasurer  
G. Cannon, Chief Librarian  
L. Lancaster, Manager of Human Resources  
R. Cockfield, Manager of Strategic Planning & Continuous Improvement  
A. Fuller, Manager of Communications  
V. Petryniak, Deputy Clerk  
R. Brown, Deputy Clerk

# **1. OPENING OF THE COUNCIL WORKSHOP**

Councillor T. Brown, Acting Mayor convened the Council Workshop in accordance with section 6 of the Town of Halton Hills Procedure By-law No. 2015-0060, and noted that the workshop will be held in Closed Session for the purpose of educating and training Members of Council regarding new legislative requirements.

# **2. DISCLOSURES OF PECUNIARY INTEREST/CONFLICT OF INTEREST**

There were no disclosures.

# **3. CONVENE INTO CLOSED SESSION**

## **Resolution No. 2019-0001**

Moved by: Councillor W. Farrow-Reed

Seconded by: Councillor M. Albano

That the Council for the Town of Halton Hills meet in closed session for a Workshop to address the following matters:

For the purpose of educating and training Members of Council in accordance with Section 6 of the Town of Halton Hills Procedure By-law No. 2015-0060, regarding new legislative requirements.

CARRIED

Convened into Closed Session at 1:35 p.m.

# **4. PRESENTATIONS**

- 1. Jeffrey Abrams, Co-Principle of Principles Integrity** made a presentation to Council regarding the new legislative requirements and Council's role and responsibilities related to the new legislative requirements.

**5. RECONVENE INTO OPEN SESSION**

**Resolution No. 2019-0002**

Moved by: Councillor B. Inglis

Seconded by: Councillor M. Johnson

That the Council for the Town of Halton Hills reconvene this Workshop in open session.

CARRIED

Reconvened into Open Session at 4:17 p.m.

**6. STAFF DIRECTIONS**

NIL

**7. ADJOURNMENT**

**Resolution No. 2019-0003**

Moved by: Councillor A. Lawlor

Seconded by: Councillor B. Lewis

That this Council Workshop do now adjourn at 4:18 p.m.

CARRIED

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Rick Bonnette, MAYOR

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Suzanne Jones, CLERK



## MINUTES

### COUNCIL WORKSHOP – LEGISLATED PSAB REQUIREMENTS

**MONDAY, JANUARY 21, 2019**

The Town of Halton Hills Council met this 21<sup>st</sup> day of January, 2019, in the Council Chambers, Town Hall, 1 Halton Hills Drive commencing at 4:00 p.m., with Mayor R. Bonnette in the Chair.

#### MEMBERS

#### PRESENT:

Mayor R. Bonnette  
 Councillor C. Somerville  
 Councillor J. Fogal  
 Councillor M. Albano  
 Councillor J. Hurst  
 Councillor T. Brown  
 Councillor B. Lewis  
 Councillor W. Farrow-Reed  
 Councillor M. Johnson  
 Councillor B. Inglis  
 Councillor A. Lawlor  
 Councillor J. Hurst

#### STAFF PRESENT:

A. B. Marshall, CAO  
 S. Jones, Clerk & Director of Legislative Services  
 C. Mills, Commissioner of Transportation & Public Works  
 J. Linhardt, Commissioner of Planning & Sustainability  
 W. Harris, Commissioner of Recreation & Parks  
 J. Diamanti, Commissioner of Corporate Services  
 H. Olivieri, Chief & Commissioner of Fire Services  
 M.J. Leighton, Manager of Accounting and Town Treasurer  
 G. Cannon, Chief Librarian

**1. OPENING OF THE COUNCIL WORKSHOP**

Mayor R. Bonnette noted that this Council Workshop has been convened in accordance with the Town of Halton Hills Procedural By-law No. 2015-0060, and will be held in Closed Session for the purpose of educating and training members of Council regarding new PSAB legislated requirements that in no way materially advances the business or decision-making of the Council. Members of Council may issue directions to staff, however, no decisions or motions may be made and discussion must confine itself to the subject of the workshop.

**2. DISCLOSURES OF PECUNIARY INTEREST/CONFLICT OF INTEREST**

There were no disclosures.

**3. CONVENE INTO CLOSED SESSION**

**Resolution No. 2019-0004**

Moved by: Councillor M. Albano

Seconded by: Councillor B. Inglis

THAT Council for the Town of Halton Hills convene this Workshop into Closed Session in accordance with the Town of Halton Hills Procedural By-law No. 2015-0060, for the purpose of a Workshop for educating and training members of Council regarding new PSAB legislated requirements.

CARRIED

**4. PRESENTATIONS**

1. **Lois Ouellette of KPMG** made a presentation to Council regarding the new PSAB legislated requirements regarding Related Party Disclosure.

**5. RECONVENE INTO OPEN SESSION**

**Resolution No. 2019-0005**

Moved by: Councillor T. Brown

Seconded by: Councillor W. Farrow-Reed

That Council reconvene this Workshop in Open Session.

CARRIED

The Council reconvened the Workshop into Open Session at 4:39 p.m.

**6. STAFF DIRECTIONS**

NIL

**7. ADJOURNMENT**

**Resolution No. 2019-0006**

Moved by: Councillor C. Somerville

Seconded by: Councillor B. Inglis

THAT this Council Workshop do now adjourn at 4:40 p.m.

CARRIED

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Rick Bonnette, MAYOR

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Suzanne Jones, CLERK



## **MINUTES**

### **COUNCIL MEETING**

**MONDAY JANUARY 21, 2019**

The Town of Halton Hills Council met this 21<sup>st</sup> day of January, 2019, in the Council Chambers, 1 Halton Hills Drive Town Hall, commencing at 6:00 p.m., with Mayor R. Bonnette in the Chair.

**MEMBERS  
PRESENT:**

Mayor R. Bonnette, Councillor C. Somerville, Councillor J. Fogal, Councillor M. Albano, Councillor J. Hurst, Councillor T. Brown, Councillor B. Lewis, Councillor W. Farrow-Reed, Councillor M. Johnson, Councillor B. Inglis, Councillor A. Lawlor

**STAFF PRESENT:**

A. B. Marshall, CAO,  
S. Jones, Clerk & Director of Legislative Services,  
C. Mills, Commissioner of Transportation & Public Works,  
J. Linhardt, Commissioner of Planning & Sustainability,  
W. Harris, Commissioner of Recreation & Parks,  
J. Diamanti, Commissioner of Corporate Services,  
H. Olivieri, Chief & Comm. of Fire Services,  
M.J. Leighton, Manager of Accounting and Town Treasurer,  
G. Cannon, Chief Librarian

**\* Denotes Change From Council Agenda**

**1. OPENING OF THE COUNCIL MEETING**

Mayor R. Bonnette called the meeting to order at 6:00 p.m. in the Council Chambers.

**2. CLOSED MEETING/CONFIDENTIAL REPORTS FROM OFFICIALS**

No Closed Session Items.

**3. RECESS AT THE CALL OF THE CHAIR**

NIL



**4. RECONVENE INTO OPEN SESSION**

NIL

**5. NATIONAL ANTHEM**

**6. ANNOUNCEMENTS**

**7. EMERGENCY BUSINESS MATTERS**

Mayor Bonnette advised that he has written a second letter to the Minister of Transportation advocating strongly for service improvements at the request of local residents. Mayor Bonnette stated that “Metrolinx is tinkering with the GO Train service and it’s simply unacceptable to make changes that so negatively impact Halton Hills residents”.

Mayor Bonnette noted that the letter he wrote speaks to the recent GO Train schedule change that removed the one Kitchener Line express train to Brampton/Mount Pleasant leaving riders no choice but to ‘milk run’ with multiple stops. As a result, commuters have been contacting him with complaints about excessive travel times, impacts on daycare arrangements and long work days.

Mayor Bonnette said that he is hopeful that the Minister will listen to the ‘good feedback from the people we all serve – his riders and my residents!’.

**8. DISCLOSURES OF PECUNIARY INTEREST/CONFLICT OF INTEREST**

1. Councillor J. Hurst declared a pecuniary/conflict of interest regarding the 2019 Preliminary Capital Budget and 2020-2028 Capital Budget and 2019 Operating Budget with respect to the Acton Youth Centre as he is the landlord of the property which houses the Acton Youth Centre and with respect to the Acton BIA and the Community Improvement Program as he is the owner of a building downtown. He did not partake in any discussion or voting on these matters during the Budget Committee Meetings.
2. Councillor M. Albano declared a pecuniary/conflict of interest regarding 2019 Preliminary Capital Budget and 2020-2028 Capital Budget with respect to Longfield subdivision street lighting replacement as he owns property on the street. He did not partake in any discussion or voting on this matter during the Budget Committee Meeting.

**9. COUNCIL DELEGATIONS/PRESENTATIONS**

**9.1 Moya Leighton, Treasurer and Manager of Accounting**

M. Leighton made a presentation to Council regarding the 2019 Budget and the 2018 Accomplishments.

(PowerPoint on file in the Clerk's Office)

**10. RESOLUTION PREPARED TO ADOPT THE MINUTES OF THE PREVIOUS MEETING(S) OF COUNCIL**

**Resolution No. 2019-0007**

**Moved by:** Councillor C. Somerville

**Seconded by:** Councillor A. Lawlor

THAT the following minutes are hereby approved:

10.1 Council Meeting Minutes dated December 17, 2018.

10.2 Special Council Meeting Minutes dated January 14, 2019.

10.3 Confidential Council Meeting Minutes dated December 17, 2018.

**CARRIED**

**11. GENERAL COMMITTEE**

**Resolution No. 2019-0008**

**Moved by:** Councillor T. Brown

**Seconded by:** Councillor J. Fogal

THAT Council do now convene into General Committee.

**CARRIED**

**Councillor B. Inglis assumed the role of Presiding Officer.**

## **11.1 Public Meetings / Hearings**

### **11.1.a 6:30 PM Public Meeting**

Proposed Official Plan and Zoning By-law Amendments to allow for the development of 16 bungalow townhouses at 284 Queen Street East (Acton).

(Refer to Item No. 11.3.a of this agenda, Report No. PLS-2019-0004)

(Public Meeting Minutes 2019-0001)

## **11.2 Delegations/Presentations regarding items in General Committee**

### **11.2.a Alex Fuller, Manager of Communications Opening Remarks and Susan Silver, Senior Advisor, Strategic Planning and Continuous Improvement.**

A. Fuller and S. Silver made a presentation to General Committee regarding the engagement process and survey results regarding retail cannabis.

(PowerPoint on file in the Clerk's Office)

### **11.2.b Leslie Rutherford representing the Catholic Women's League of Canada - Holy Cross Parish**

L. Rutherford presented to General Committee and spoke in support of Opting out of permitting Retail Cannabis.

### **11.2.c John D. Morris, Resident of Halton Hills**

J. D. Morris was not present.

### **11.2.d Sean Pierson, Resident of Halton Hills**

S. Pierson made a presentation to General Committee and spoke in support of Opting in to permit Retail Cannabis.

**11.2.e Kate Downes & Kristin Kowalski representing Green Light for Cannabis**

K. Downes and K. Kowalski made a presentation to General Committee and spoke in support of Opting in to permit Retail Cannabis.

(PowerPoint on file in the Clerk's Office)

**11.2.f Carolina Vandermeer, Resident of Halton Hills**

C. Vandermeer made a presentation to General Committee and spoke in support of Opting out of permitting Retail Cannabis.

**11.3 Municipal Officers Reports to be Considered by General Committee**

**11.3.a REPORT NO. PLS-2019-0004**

PLANNING AND SUSTAINABILITY REPORT NO. PLS-2018-0004, dated January 8, 2019, with respect to the Public Meeting for proposed Official Plan and Zoning By-law Amendments to allow for the development of 16 bungalow townhouses at 284 Queen Street East (Acton)

Recommendation No. GC-2019-0001

THAT Report No. PLS-2018-0004, dated January 8, 2019, with respect to the Public Meeting for proposed Official Plan and Zoning By-law Amendments to allow for the development of 16 bungalow townhouses at 284 Queen Street East (Acton), be received;

AND FURTHER THAT all agency and public comments be referred to staff for a further report regarding the disposition of this matter.

CARRIED

**11.3.b**

**MEMORANDUM NO. ADMIN-2019-0001**

OFFICE OF THE CAO MEMORANDUM NO. ADMIN-2019-0001 dated January 7, 2019 regarding Cannabis Retail Engagement.

Recommendation No. GC-2019-0002

THAT Memorandum No. ADMIN-2019-0001 dated January 7, 2019 regarding Cannabis Retail Engagement be received for information.

CARRIED

**11.3.c**

**REPORT NO. ADMIN-2019-0002**

OFFICE OF THE CAO REPORT NO. ADMIN-2019-0002 dated January 15, 2019 regarding results of public engagement on retail cannabis stores

Recommendation No. GC-2019-0003

THAT Report No. ADMIN-2019-0002 dated January 15, 2019 regarding results of public engagement on retail cannabis stores be received;

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AND FURTHER THAT Halton Hills Town Council recommends opting IN to allow cannabis retail stores to be located in the Town of Halton Hills;

AND FURTHER THAT the Town Clerk be directed to submit notice of resolution regarding the decision to the Alcohol and Gaming Commission of Ontario at [municipal@agco.ca](mailto:municipal@agco.ca) by 11:59 PM EST, January 22, 2019.

CARRIED AS AMENDED

(Recorded Vote held in Council)

**11.3.d**

**MEMORANDUM NO. FIRE-2019-0001**

OFFICE OF THE CAO MEMORANDUM NO. FIRE-2019-0001 dated January 13, 2019 regarding McGibbon Update

Recommendation No. GC-2019-0004

THAT Memorandum No. FIRE-2019-0001 dated January 13, 2019 regarding McGibbon Update be received for information.

**CARRIED**

**11.4 Adjourn back into Council**

**12. REPORTS AND RECOMMENDATIONS FORWARDED FROM GENERAL COMMITTEE FOR APPROVAL**

Resolution prepared to adopt the Recommendations of the General Committee

**Resolution No. 2019-0009**

**Moved by:** Councillor M. Johnson

**Seconded by:** Councillor T. Brown

THAT the recommendations regarding the Reports & Memorandums from the Monday, January 21, 2019 General Committee Meeting are hereby adopted:

GC-2019-0001

GC-2019-0002

GC-2019-0003 (AS AMENDED - RECORDED VOTE)

GC-2019-0004

**CARRIED**

RECORDED VOTE REGARDING

RECOMMENDATION NO. GC-2019-0003

THAT Report No. ADMIN-2019-0002 dated January 15, 2019 regarding results of public engagement on retail cannabis stores be received;

AND FURTHER THAT Halton Hills Town Council recommends opting IN to allow cannabis retail stores to be located in the Town of Halton Hills;

AND FURTHER THAT the Town Clerk be directed to submit notice of resolution regarding the decision to the Alcohol and Gaming Commission of Ontario at [municipal@agco.ca](mailto:municipal@agco.ca) by 11:59 PM EST, January 22, 2019.

**In Favour :** Mayor Bonnette, Councillor Lawlor, Councillor Fogal, Councillor Inglis, Councillor Farrow-Reed, Councillor Lewis, Councillor Somerville, Councillor Albano

**Opposed:** Councillor Hurst, Councillor Johnson, Councillor Brown

**MOTION CARRIED**

**13. REPORTS OF THE STANDING COMMITTEES (ADOPTION / RECEIPT OF MINUTES & RECOMMENDATIONS)**

**Resolution No. 2019-0010**

**Moved by:** Councillor W. Farrow-Reed

**Seconded by:** Councillor B. Inglis

THAT the following items are hereby approved:

- 13.1 Report of the Community and Corporate Affairs Committee meeting held on January 7, 2019.
- 13.2 Report of the Planning, Public Works and Transportation Committee meeting held on January 8, 2019.
- 13.3 Report of the Budget (CAPITAL) Committee meeting held on January 14, 2019.
- 13.4 Report of the Budget (OPERATING) Committee meeting held on January 15, 2019.

**CARRIED**

**14. RECEIPT OF MINUTES OF ADVISORY/SPECIAL COMMITTEES**

**Resolution No. 2019-0011**

**Moved by:** Councillor J. Fogal

**Seconded by:** Councillor W. Farrow-Reed

THAT the following minutes are hereby received for information:

- 14.1 Minutes of the Acton BIA Board of Management Meeting held on September 10, 2018.(Amended)
- 14.2 Minutes of the Acton BIA Board of Management Meeting held on October 15, 2018. (Amended)
- 14.3 Minutes of the Halton Hills Public Library Board Meeting held on November 14, 2018.
- 14.4 Minutes of the Halton Hills Public Library Board Meeting held on December 12, 2018.
- 14.5 Minutes of the Site Alteration Committee Meeting held on December 13, 2018.

CARRIED

**15. PETITIONS/COMMUNICATIONS/MOTIONS**

NIL

**16. ADVANCE NOTICE OF MOTION**

NIL

**17. MOTION TO RECEIVE AND FILE GENERAL INFORMATION PACKAGE**

**Resolution No. 2019-0012**

**Moved by:** Councillor J. Fogal

**Seconded by:** Councillor B. Lewis

THAT the General Information Package dated January 21, 2019 be received.

CARRIED



**18. MOTION TO APPROVE CLOSED SESSION ITEMS**

NIL

**19. CONSIDERATION OF BYLAWS**

**Resolution No. 2019-0013**

**Moved by:** Councillor C. Somerville

**Seconded by:** Councillor M. Johnson

THAT the following Bills are hereby passed by Council;

AND FURTHER THAT the Mayor and Clerk are hereby authorized to execute the said by-laws and affix the seal of the Corporation thereto:

**By-law No. 2019-0002**

A By-law to adopt the proceedings of the Council Meeting held on the 21st day of January, 2019 and to authorize its execution.

CARRIED

**20. ADJOURNMENT**

**Resolution No. 2019-0014**

**Moved by:** Councillor B. Inglis

**Seconded by:** Councillor B. Lewis

THAT this Council meeting do now adjourn at 10:48 p.m.

CARRIED

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Rick Bonnette, MAYOR

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Suzanne Jones, CLERK



## **PUBLIC MEETING-2019-0001**

### **284 Queen Street East (Acton)**

### **Proposed development of 16 residential townhouse units (1.5 storeys) located along a private laneway**

Minutes of the Public Meeting Committee held on Monday, January 21, 2019, 6:39 p.m., in the Council Chambers, Town of Halton Hills, Town Hall, 1 Halton Hills Drive, Halton Hills.

Councillor B. Inglis chaired the meeting.

Councillor B. Inglis advised the following:

The purpose of this Public Meeting is to inform and provide the public with the opportunity to ask questions or to express views with respect to the development proposal. The Councillors are here to observe and listen to your comments; however, they will not make any decisions this evening.

As the Chair, I am informing you that when Council makes a decision, should you disagree with that decision, the Planning Act provides you with an opportunity to appeal the decision to the Local Planning Appeal Tribunal for a hearing, subject to Tribunal validation of your appeal. Please note that if a person or public body does not make oral submissions at a public meeting or written submissions to the Town of Halton Hills before the decision is made, the person or public body is not entitled to appeal the decision of the Town of Halton Hills to the Local Planning Appeal Tribunal. In addition, if a person or public body does not make oral submission at a public meeting, or make written comments to the Town of Halton Hills 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 Local Planning Appeal Tribunal, unless, in the opinion of the Tribunal, there are reasonable grounds to do so. You may wish to talk to Planning staff regarding further information on the appeal process.

The Planning Act requires that at least one Public Meeting be held for each development proposal and that every person in attendance shall be given an opportunity to make representations in respect of the proposal.

The format of this Public Meeting is as follows:

- The Town will generally explain the purpose and details of an application;
- Next, the applicant will present any further relevant information, following which the public can obtain clarification, ask questions and express their views on the proposal.

The applicant and staff will attempt to answer questions or respond to concerns this evening. If this is not possible, the applicant and/or staff will follow up and obtain this information. Responses will be provided when this matter is brought forward and evaluated by Council at a later date.

## **SPECIFIC PROPOSAL**

This Public Meeting involves an application by Astrid J. Clos Planning Consultants to amend the Town of Halton Hills Official Plan and Zoning By-law 2010-0050, as amended and to permit the development of 16 residential townhouse units (1.5-storeys) located along a private laneway.

## **TOWN'S OPPORTUNITY**

The Chair called on the Town's representative, Keith Hamilton, Planner – Policy, to come forward to explain the proposal.

K. Hamilton noted that his purpose tonight is to provide a summary of the Official Plan & Zoning By-law Amendment applications submitted by Astrid J. Clos Planning Consultants for the property at 284 Queen Street East in Acton.

A Public Meeting is required for Official Plan and Zoning By-law Amendments under the Planning Act. This Public Meeting is being held in accordance with the Mayor's Task Force on Public Engagement and the Public Engagement Charter. The Public Engagement Charter speaks to 3 levels of engagement, which are Inform, Consult and Collaborate.

The Proposal is with regards to 284 Queen Street East, located in between Acton's Queen Street Commercial Corridor and the Downtown Area and generally located on the south side of Queen Street East, West of Meadvale Rd; and, East of Longfield Road.

The L shaped lot has an area of approximately 0.57 hectares (1.4 acres), it has roughly 38 metres (126 feet) of frontage along Queen Street East, and 45 metres (148 feet) of frontage along Longfield Road.

The surrounding lands are mainly low density residential, with some commercial to the east heading towards the Queen Street Commercial Corridor. The proposal is for 16 1.5 storey bungalow townhouses on 3 blocks as part of a private condominium with entrances on Queen Street and Longfield Road. In addition to Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications, a Site Plan Application and Plan of Condo will also be required to complete the development. Each unit would have 2 parking spaces (driveway + garage), with 3 additional spaces available for purchase (presumably) and 5 visitor parking spaces are also proposed near the Longfield entrance.

Each unit would also have backyard amenity space and privacy fencing around the site would also be installed. The subject property is designated Low Density Residential Area in the Town's Official Plan, which does not permit townhouse units and restricts the maximum density of development to 15 units per net residential hectare (Section D1.3.1.2). The Official Plan Amendment proposes to re-designate the property as Medium Density Residential Area.

The purpose of the proposed Official Plan Amendment is to allow for townhouses and for the increase in the permitted density from 15 units per net hectare to the 21-50 units permitted in the MDRA. The required density of 27.9 units per net hectare falls within the medium density range of (21-50 units per net hectare)

It should be noted that 284 Queen Street has been identified as a potential infill development site (between the 2016 and 2031 timeframe) through the Town's previous intensification study. The subject lands are zoned Low Density Residential One (LDR1-1 MN), which does not permit private road townhouses (classed as Multiple Dwelling under our ZBA). Despite the property being identified as a potential site for intensification, it was included within the Mature Neighbourhood Area

The Zoning By-law Amendment proposes to rezone the subject lands from Low Density Residential One (LDR1-1 MN) to Medium Density Residential Two (MDR2) Zone to permit the development of the 16 townhouse units. The MDR2 Zone was selected to implement the approved Official Plan designation and permit multiple dwellings as a use, as-of-right. The development proposal complies with the majority of MDR2 Zone standards, however, the proposal would require the following site-specific zoning provisions:

- Define the units as Private Road Townhouses;
- Establish a minimum rear yard setback of 7.5 m;
- Restrict the dwelling height to 1.5 storeys or 8.5 m;

Through further review of the application, staff will assess whether any additional site-specific zoning provisions are required.

The Applications were circulated to Town staff and external agencies for review and comment. The first submission comments were received with none of the departments or agencies objecting to the proposal, however there were comments that need to be addressed to properly evaluate the proposal.

Development Engineering Requires:

- revised drawings to show proper drainage for the private road that will not impact surrounding properties; and
- revised grading plan showing how existing properties around the subject site will drain properly without affecting the proposed development.

Transportation Planning Requires:

A Traffic Brief to identify any potential traffic issues that could arise from the two proposed entrances.

- At the beginning of this year the Applicant provided a resubmission attempting to address these matter
- This resubmission is currently under review by Town and Agency staff

The Town held a Public Information Centre (PIC) on June 18, 2018, at the Acton Arena to introduce the proposal to the community. Notification for the event was circulated to residents within 120 metres of the property and placed in the Acton Tanner on June 7, 2018.

Comments or concerns heard at the meeting included:

- Traffic concerns include increased traffic on Longfield road, increased street parking
- Concerns that there is not enough parking for 16 units
- Concerns about privacy fencing would not be high enough
- The impacts on surrounding property during construction

Other concerns included:

- Height
- Impact of any new streetlights
- Dust from construction
- Preference for fencing to be installed prior to construction

Following the PIC two emails were received, noting similar concerns.

For tonight's public meeting notice was mailed to properties within 120 m of the subject lands on January 2, public notice was posted in the Independent & Free Press and Tanner on January 3, with a courtesy notice published on January 17. To date Planning staff have received one additional comment on affordability of new units

## **APPLICANT'S OPPORTUNITY**

The Chair then called on the applicant to provide further information and details on the proposal.

Astrid Clos, Planning Consultant on behalf of the owner of the property, Charlie Kuiken from Charleston Homes, came forward. A. Clos stated that the previous Town of Halton Hills Intensification Opportunities report identified this property for medium density infill site to be developed.

A. Clos responded to some of the concerns that were brought forward from the Public Information Centre and summarized in the report; including traffic concerns, insufficient visitor parking, height of the bungalow townhomes, privacy fencing being high enough, dust from construction activities and impact of streetlights from development on surrounding residences.

## **PUBLIC'S OPPORTUNITY**

The Chair asked if there were any persons in attendance who have questions, require further clarification or information or wish to present their views on the proposal to come forward.

The following persons came forward:

### **Kathleen Ridsdill, Resident of 47 Longfield Road**

K. Ridsdill stated that she was not present at the last meeting due to work and noted that her property sides onto the proposed development. K. Ridsdill heard from neighbours that were present at the meeting that she was going to lose the hedges on her property. She doesn't want to lose the hedges and she is concerned about the trees and greenery on her property.

She expressed concerns regarding traffic and being able to leave her driveway. She would like to know what is going on.

A. Clos responded stating that there is a tree protection plan that has been submitted to the Town and that a tree on a property line cannot be removed without the landowners consent. A. Clos also noted that a landscape plan has also been prepared.

**Natasha Verdiel, 21 Longfield Road**

N. Verdiel noted that her house is located on the corner and has a pool and stated concerns with dust for her pool equipment and for her young child whom has severe medical allergies to environmental sensitivities. She stated that her child could go into anaphylaxis due to some of the dust that will occur from the development of these lands. She stated that the proposed barrier may not be a solution. She noted she would have to keep her windows closed all of the time.

N. Verdiel expressed further concern about the traffic report stating that it needs to be redone for realistic peak times with respect to the hours of the LCBO. She also advised that the parking proposed for the development is not sufficient and should be reviewed.

N. Verdiel said that there needs to be more consideration for the existing neighbourhood which consists of the elderly and people with young children.

K. Hamilton responded to N. Verdiel's comment regarding the traffic study stating that the traffic study is still under review.

**Harold Eckhardt, 18 Meadvale Road**

Asked if there is a height determined now or is it still up in the air.

K. Hamilton responded to H. Eckhardt by stating that the proposed maximum height will be 8.5 m and will form part of the Zoning By-law Amendment.

**Jim Waldbusser, 5 Ostrander Boulevard, Georgetown**

J. Waldbuser provided some historical information about the property where the proposed development will occur with regards to Sir Donald Mann and his father Hugh Mann.

He proposed that the private laneway, Braida Lane have heritage stones be placed at the entrance way with a historical plaque recognizing Sir Donald Mann and his father Hugh Mann.

**Peter Stasierowski , 8 Margaret Street**

P. Stasierowaki requested that the Town make a proposal that the height of the development not go any higher than the proposed 8.5 m referencing his experience with development that occurred in Mississauga.

P. Stasierowski also asked that Town ensure that the width of the laneway is wide enough for vehicles and delivery trucks.

**Noel Murphy, 6 Karen Drive**

N. Murphy asked why the road would be named Braida Lane.

A.B. Marshall, CAO noted that the Braida Family purchased the land where the proposed development is situated in 1920 and owned the land until it was purchased by the developer.

**FINAL COMMENT FROM STAFF**

The Chair asked if there was any further information which Town Staff wished to provide prior to the conclusion of the meeting.

Town staff had nothing further to add.

**CONCLUSION OF MEETING**

The Chair declared the Public Meeting closed and advised that Council will take no action on this proposal tonight. Staff will be reporting at a later date with a recommendation for Council's consideration.

If you wish to receive further notification of this proposal, please leave your name and contact information with Mr. Hamilton in the foyer outside this Council Chamber, or with the Town Clerk during regular business hours. Only those persons who leave their names and contact information will be provided further notification. If you wish to speak to the proposal when it is brought before Council in the future, you must register as a delegation with the Town Clerk prior to the meeting.

If you wish to make a written submission the deadline for comment is February 15, 2019.

The meeting adjourned at 7:18 p.m.

\_\_\_\_\_  
Rick Bonnette

MAYOR

\_\_\_\_\_  
Suzanne Jones

CLERK



## MEMORANDUM

To: Mayor Bonnette and Members of Council

From: Deanna Locey, Transit Supervisor & Co-chair, Town of Halton Hills  
United Way Committee

Mem No. MEM-ADMIN-2019-0003

Subject: United Way Committee - Soliciting for Items of Donation

Date: January 22, 2019

### PURPOSE OF THE MEMORANDUM:

The purpose of this Memorandum is to set out the understanding of the designated staff to the Town of Halton Hills United Way Committee acting on behalf of the Town of Halton Hills, with respect to its work in support of the United Way North Halton & Hamilton. Specifically, this memo addresses financial reporting and fundraising practices. The purpose and role of the Town's United Way Committee is to be an advocate for the United Way North Halton & Hamilton.

### BACKGROUND:

By way of acceptance of this memorandum, the CAO with agreement from the Mayor and Town Council have therefore advised that the Town's United Way Committee may solicit donations to support fundraising activities. This endorsement is a change from the direction of the previous administration and will support staffs' efforts to engage employees through raffle and auction. Additionally included in this Memorandum are:

- i. An outline of the protocols and principles governing the solicitation of goods and services; and
- ii. The proposed letter of solicitation.



## **COMMENTS:**

### **Protocols & Principles for Solicitation of Goods and Services**

#### **Goals**

1. The United Way Committee is responsible for developing the overall fundraising strategies, including but not limited to, recommending specific campaigns to raise funds and solicit donations to support the United Way North Halton & Hamilton.

#### **Reporting**

2. The United Way Committee shall prepare and present annually to the Senior Management Team the following:
  - a. A report on the activities of the United Way Committee for the previous year;
  - b. An audited list of local business and individuals that have contributed items of donation for raffle and auction; and
  - c. An audited financial statement of the donation funds collected and submitted to the United Way North Halton & Hamilton.
3. The financial year-end of the United Way Committee shall be December 31st.

#### **Fundraising**

4. The United Way Committee shall have, as one of its primary responsibilities, the undertaking of fundraising activities which support the United Way North Halton & Hamilton.
5. The United Way Committee shall solicit local businesses for items of donation in order to raise donation dollars collected annually for the United Way North Halton & Hamilton. Each solicited business shall be provided with a letter of donation as attached in this Memorandum.

#### **Conflict of Interest**

6. The United Way Committee members shall avoid any activity of solicitation which could be construed as an actual or potential conflict of interest with respect to the business of the Town of Halton Hills, which shall include but is not limited to the following:
  - a. there will be no self-dealing or any conduct of private business or personal services between any member of the United Way Committee and except as procedurally controlled to assure openness, competitive opportunity and equal access to inside information;
  - b. no member shall use their position(s) to obtain items of donation for the promise or exchange of business with the Town.

7. In addition, the United Way Committee members acknowledge and comply with the provisions of the Municipal Conflict of Interest Act.

### **Confidentiality**

8. The members of the United Way Committee shall not disclose issues which are of a confidential nature involving the Town and/or the United Way North Halton & Hamilton, which shall include but are not be limited to, all proposed or pending acquisitions, personnel issues, litigation or potential litigation, financial issues, legal issues and property issues.
9. The members of the United Way Committee agree to neither make public statements on issues which impact on nor relate to the Town or the United Way North Halton & Hamilton without prior authorization from the CAO or Manager of Corporate Communications.

### **Understanding**

10. Where specifically provided herein, the attached letter of donation to this Memorandum is part of this Memorandum. This Memorandum constitutes the entire hereto pertaining to the subject matter hereof and supersedes all prior and contemporaneous agreements, undertakings, negotiations and discussions, whether oral or written. There are no warranties, representations or agreements in connection with the subject matter of this Memorandum except as specifically set forth herein.
11. The attached letter of donation may not be amended or modified by the parties except in written instrument executed and approved by the CAO and/or the Manager of Corporate Communications.
12. The parties acknowledge and agree that the Town may, as it deems appropriate and in consultation with the United Way Committee, amend the letter of donation and any amendments made hereinafter.

**CONCLUSION:**

The United Way Committee recognizes the extensive and generous contributions of past and present committee members as well as Town staff. 100% of proceeds raised through the United Way Committee are donated right back into the community to assist the twenty (20) local agencies and the twenty-three (23) programs in Halton Hills that are supported and funded by the United Way North Halton & Hamilton. The overall intention of United Way Committee is to advocate and continue to raise donation dollars in support of the United Way North Halton & Hamilton.

Reviewed and Approved by,

A handwritten signature in black ink that reads "Brent Marshall". The signature is written in a cursive, flowing style.

**Brent Marshall, Chief Administrative Officer**



**United Way**  
**Halton & Hamilton**



February 11, 2019

Dear

Each year, a team of staff members from the Town of Halton Hills organizes and participates in numerous internal initiatives to raise monies for the United Way North Halton & Hamilton. In fact, **100% of all proceeds** raised annually are donated right back into our very own community and distributed to United Way funded agencies in Halton Hills.

Our annual campaign involves multiple draws, activities and raffles throughout the year to raise donation dollars. These campaigns help to encourage and empower employees to participate in this important community fundraising initiative.

The campaign succeeds as a result of the generous donations from local businesses, like yours. The Town of Halton Hills United Way Committee is hopeful that you will be able to donate an item, or items, for use in draws, silent auctions, or raffle prizes. Your business will be recognized with the opportunity to award the prize, and be included on a 'Local Business Support' poster displayed at the Town's annual employee campaign events.

As mentioned, all monies raised through the campaign will be used to assist the 20 local agencies serving Halton Hills and the 23 programs being supported within our community that are all funded by the United Way North Halton & Hamilton. As the Town of Halton Hills grows, so does the need for services from these agencies, which is why it is so important that we continue our efforts to offer *"a hand up, not just a hand out"* within our community.

*Should you be able to support the success of our annual United Way campaign, please advise one of the undersigned campaign members by April 30, 2019.*

On behalf of the Town of Halton Hills United Way Committee, thank you in advance for your consideration and support.

Yours sincerely,

Sherry Farago, Chair  
905-873-2601 ext. 2514  
sherry.farago@haltonhills.ca

Deanna Locey, Co-Chair  
905-873-2601 ext. 2617  
deannal@haltonhills.ca

## **REPORT**

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** S. Jones, Clerk & Director of Legislative Services

**DATE:** February 6, 2019

**REPORT NO.:** ADMIN-2019-0007

**RE:** Boulevard Parking Matters

### **RECOMMENDATION:**

THAT Report ADMIN-2019-0007, dated February 6, 2019 regarding Boulevard Parking Matters, be received;

AND FURTHER THAT the Motion passed by Council on January 14, 2019 to allow Boulevard parking within the Town of Halton Hills continue to remain in effect with the following amendment;

THAT Fire Hydrants and Above Ground Utilities shall be readily available and unobstructed for use at all times.

AND FURTHER THAT staff update the Uniform Traffic Control By-law 84-01 to include boulevard parking and other proposed parking related provisions as part of the other regular amendments;

AND FURTHER THAT staff conduct a detailed review of the existing uniform Traffic Control By-84-1 as amended and provide a new and consolidated Uniform Traffic Control By-law for Council's endorsement which was approved as part of the 2019 Capital Budget.

### **BACKGROUND:**

Upon commencement of the Town's Winter Control Parking Ban, Enforcement staff received numerous complaints from residents on the amount of vehicles being parked on residential boulevards. Particularly the complainants spoke to vehicles hanging over sidewalks and roadways. Through those complaints Parking Control Officers were directed to respond to streets associated with complaints.

Subsequently the Town Clerk and Supervisor of Enforcement were interviewed by the Independent and Free Press regarding boulevard parking restrictions, which led to many residents contacting the Mayor and their respective Member of Council, asking that the rules surrounding boulevard parking be changed in order to allow boulevard parking. On January 14th, at a special meeting of Council, staff presented a motion to Council which outlined a temporary allowance for boulevard parking based on specific criteria. The temporary measure has been put in place to provide time for staff to prepare a more informed recommendation, and additionally, any proposed amendments to the Uniform Traffic Control By-law 84-1.

The motion passed by Council on January 14, 2019 is as follows;

**THAT enforcement staff be directed to allow boulevard parking where the vehicle is;**

- **Parked and fully encompassed on the paved portion of the boulevard with all tires fully on the hard surface**
- **Fully parked on the hard surface between the sidewalk and curb/road edge**
- **Facing the direction of traffic if parked parallel to the road**
- **Parked within the boundaries of the home's projected property line.**

**AND FURTHER THAT enforcement staff continue to enforce boulevard parking infractions where;**

- **Vehicles are parked on the landscaped portion of the boulevard or access the paved portion of the boulevard by driving over the landscaped portions of the boulevard**
- **Any portion of the vehicle is hanging over the sidewalk or curb/road edge**
- **Vehicles interfere with snow plowing efforts**
- **Vehicles are parked less than 30 metres from an intersection.**

**AND FURTHER THAT boulevard parking be allowed for single family, semi-attached homes and townhomes where driveways are facing a Town street;**

**AND FURTHER THAT this motion be in effect until such time as staff bring forward a report to Council with an informed recommendation, and any proposed amendments to the Uniform Traffic Control By-law, based on safety and well-being of residents.**

## **COMMENTS:**

Upon approval of the motion as noted above, Council members and staff have heard from a number of residents. Many are in favour of continuing to allow the boulevard parking, a few have noted that they are not in favour, and a minority of residents have noted that vehicles should be allowed to park on the grassy area of the boulevard as their vehicle will not fit within the confines of a shared driveway. Some mentioned that we do not have enough Parking Control officers monitoring the streets.

Staff has reviewed best practices of other municipalities who have introduced boulevard parking. The following outlines findings;

- Boulevard parking is allowed on the hard-scaped area of the boulevard only
- No part of the vehicle must overhang the sidewalk or roadway
- Boulevard parking allowed only during winter parking ban and/or allowed during winter parking ban, and from 7 p.m. to 7 a.m. remainder of the year
- Offered through paid permit
- Allowed only in specific areas of the city/town, where posted

Enforcement and Transportation and Public Works staff met to review boulevard parking, noted best practices within other municipalities, and further reviewed what other measures are currently in place within various Halton Hills' neighbourhoods where parking was problematic. These measures include;

### **Posted 12 Hour Parking:**

- Danville Avenue, Acton. Numerous townhomes/semis in the area
- Kingham Road, Acton. Mainly townhomes in the area
- Steward McLaren, Georgetown. Mainly townhomes (underground parking not fully utilized by residents)
- Sierra Crescent, Georgetown. Detached, semis and townhomes in the area
- Dominion Gardens Drive, Georgetown. Mainly townhomes

Twelve hour posted parking operates on a first come/first serve basis. These zones are exempted from winter prohibitions, however are not to interfere with snow plowing operations.

### **Posted 15 Hour Parking:**

- Mountainview Road, Georgetown. Posted boulevard parking.

### **Posted 12 Hour Parking through Paid Permit (7 p.m. -7 a.m.):**

- Dominion Gardens. Residents of Dominion Gardens may apply for paid permit parking within Dominion Gardens Park. Parking is signed reserved for permit holders from 7 p.m. – 7 a.m. There are fourteen spots available. Twenty-seven

residents are on the waitlist to receive a permit. Parking is for residential vehicles only – no commercial vehicles.

**Municipal Parking Lots 12 Hour Parking through Paid Permit (7p.m. – 7a.m.)**

- Willow Street South (Acton), Main Street North (Acton), Market Street (Georgetown), Draper Street (Georgetown), Wesleyan Street (Georgetown) and Back Street (Georgetown).

**Comments re. Lack of Parking Control on Town Streets:**

The Town has a contract with Ontario Parking Control (OPC), who are responsible for parking enforcement on Town streets. The contract is based solely on the number of hours OPC is utilized. There is not a per diem payment based on how many parking tickets are written.

During the winter parking ban (November – April) OPC is contracted for a total of 80 hours per week/320 hours for a month. During the remainder of the year OPC is contracted for 70 hours per week/280 hours per month. These hours are divided between various shifts. OPC is responsible for parking enforcement among all Town owned streets throughout Halton Hills. Currently there are 78 streets within town that are on the 'complaint patrol list' (streets where parking is continually problematic with a multitude of complaints received). Dependent on time of year the contract allows for one officer to be on duty per shift. During special events, where there is a need for extra enforcement, the contract allows for two officers.

The Town's parking enforcement is 'patrolled complaint based', meaning when a complaint(s) is received for a specific area, that specific area will be patrolled and all offenders within the area will be ticketed for the said infraction. Officers must also ticket where there is a major safety hazard identified while on their route.

Attached to this report is correspondence forwarded by Council members to staff, which provide comments by residents regarding boulevard parking.

**Comments re. Parking Exemptions:**

The Town has a parking exemption program in place where on-street parking is allowed for up to six occasions (per vehicle) per year for a maximum of 4 days per exemption. This provides a maximum of 24 days where on-street overnight parking per vehicle is allowed. The exemption does become null and void where the parking can interfere with snow removal operations. The exemption can be completed on-line, and day of the week, and immediately sends out a notification to the resident upon submission. Notification of the exemption is also directly sent to parking control staff. The notification notes the dates for which the exemption is valid for.



## NEXT STEPS

Staff has taken into consideration comments received/forwarded to date, and are recommending that the Uniform Traffic Control By-law 84-1 as amended be updated to include boulevard parking and any other proposed parking related provisions as part of the other regular amendments. It is anticipated that this regular update would be completed in the spring.

In addition, as part of the approved 2019 Capital budget, Transportation staff will be conducting a detail review of the existing Uniform Traffic Control By-law 84-1 as amended and preparing a new and consolidated by-law which will include a fulsome review of all parking provisions within the Town's road allowance. This review will be initiated in the fall of 2019 and will ensure that all safety and liability concerns are clearly addressed.

Staff respect all comments received by Town's residents. Staff, when seeking changes to parking control, have to continue to be mindful of needs vs. wants; the intent of driveways and garages being 'parking spaces'; and, convenience vs. safety. Parking is an issue across many municipalities thus there is no easy one size fits all solution.

In the interim staff are recommending that the Motion passed on January 14, 2019 continue to be in effect, with one amendment, until Transportation staff have completed the new and consolidated Uniform Traffic Control By-law. With the proposed amendment the Motion reads as follows;

## MOTION AS AMENDED:

THAT enforcement staff be directed to allow boulevard parking where the vehicle is;

- Parked on the paved portion of the boulevard with all tires fully on the hard surface
- Fully parked on the hard surface between the sidewalk and curb/road edge
- Facing the direction of traffic if parked parallel to the road
- Parked within the boundaries of the home's projected property line; and
  - ***Fire Hydrants and Above Ground Utilities are readily available and unobstructed for use at all times.***

AND FURTHER THAT enforcement staff continue to enforce boulevard parking infractions where;

- Vehicles are parked on the landscaped portion of the boulevard or access the paved portion of the boulevard by driving over the landscaped portions of the boulevard
- Any portion of the vehicle is hanging over the sidewalk or curb/road edge
- Vehicles interfere with snow plowing efforts
- Vehicles are parked less than 30 metres from an intersection.

AND FURTHER THAT boulevard parking be allowed for single family, semi-attached homes and townhomes where driveways are facing a Town street;

AND FURTHER THAT this motion be in effect until such time as staff update the Uniform Traffic Control By-law 84-1 as amended to include Boulevard Parking and other parking provisions as part of the other regular amendments based on safety and well-being of residents.

#### **RELATIONSHIP TO STRATEGIC PLAN:**

This report is administrative in nature and therefore there is not a direct relationship to the Town's Strategic Plan.

#### **FINANCIAL IMPACT:**

Through the approved 2019 Capital Budget, transportation staff will be conducting a detail review of the existing Uniform Traffic Control By-law 84-1 as amended and preparing new and consolidated by-law which will include a fulsome review of all parking provisions within the Town's road allowance.

#### **CONSULTATION:**

Clerks staff have consulted with other departments in preparing this report.

#### **PUBLIC ENGAGEMENT:**

The public has been very engaged and have provided comments through social media, emails, and in-person at the Service Halton Hills counter. These comments have been taken into account during the preparation of this report and will be further taken into account upon the review of and proposed changes to the Town's Uniform Traffic Control By-law. In addition, through the Town's Let's Talk Halton Hills, any additional information will be provided.

**SUSTAINABILITY IMPLICATIONS:**

N/A

**COMMUNICATIONS:**

Upon the adoption of the motion to allow boulevard parking (January 14, 2019) a media release was prepared and the Town's website was updated to provide the public with the rules surrounding boulevard parking. Additionally, visuals were attached to show the proper way to park a vehicle on the boulevard.

Should Council approve the proposed amendment Staff will update the Town's website accordingly, and will work with Communication staff to prepare an enhanced Parking Pamphlet which will include visuals which provide a clearer understanding of the proper way to park a vehicle on the boulevard, different parking permission signage etc.

Public Notice will be provided when a subsequent report will be brought forward to Council.

**CONCLUSION:**

Staff are seeking Council's approval to continue with the allowance of boulevard parking through the amended motion. Transportation staff will be updating the Uniform Traffic Control By-law 84-1 as amended to include boulevard parking and other proposed parking related provisions as part of the other regular amendments in the spring. A new and consolidated Uniform Traffic Control By-law will be initiated in the fall of 2019 which will include a fulsome review of all parking provisions within the Town's road allowance. This will also ensure that all safety and liability issues are clearly addressed.

Reviewed and Approved by,

A handwritten signature in black ink, reading "Brent Marshall". The signature is written in a cursive, flowing style with a large, prominent 'B' and 'M'.

**Brent Marshall, Chief Administrative Officer**

## Suzanne Jones

---

**From:** Mayor of Halton Hills  
**Sent:** Friday, January 18, 2019 1:56 PM  
**To:** Suzanne Jones; Brent Marshall; Councillors  
**Subject:** Fwd: Boulevard Parking

I have [REDACTED] permission to forward her email.  
Mayor

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** January 18, 2019 at 9:18:53 AM EST  
**To:** "Mayor@haltonhills.ca" <Mayor@haltonhills.ca>  
**Subject:** Boulevard Parking

Good Morning Mr. Mayor,

I write to you this morning as it relates to the issue of boulevard parking.

Our family moved to Georgetown 11 years ago and during that time we have witnessed tremendous growth in and around our community. With this, we have seen young school children turned university children and become working members of society, including our own. We have seen our parents downsizing and with a lack of affordable housing for seniors, many are sharing dwellings with their children and many of them also have vehicles. More homes have become multi-generational. More children are opting to stay at home longer as it is near impossible for them to buy a home at today's prices. In many cases, there are three generations of "adults" living under one roof, with the majority of them holding a driver's license.

Houses are getting bigger, however, driveways do not always support the size of the home. Four bedroom homes are built for families. Families have children. Children grow to be self-sufficient and that includes driving. With both parents working, it is sometimes difficult to juggle vehicles and therefore two cars become three, and so on. Add to that those who are now sharing their home with their elderly parents, or their grandchildren, and the issue continues. Lets face it, garages are not built for large vehicles and like most, ours has become the central storage hub for all things inside and out.

For those of us that share our side of the road with the sidewalk, we will always have a shortage of parking spaces. As I stand here today looking at my neighbours driveways and down our street, those across from us have four vehicles, recreational vehicles, boats, trailers, etc. because they can, because they have the extended driveway. They will never receive a \$30 fine, yet they continue to utilize the sidewalk across from them.

I know that I am not telling you anything you have not already heard so my point is that far more consideration needs to be given to this issue as it is not going to go away and I would argue become a larger more chronic issue. Perhaps a permit system is in order and more flexibility for overnight street parking (off of the main roads) during spring, summer and fall. Perhaps builders should consider

additional parking areas within the developments that they build or ensure four plus bedroom homes have adequate size garages and driveways to support the needs of the occupants today and in future.

Thanks for your time.

  
Georgetown South Resident

Sent from Mail for Windows 10

## Suzanne Jones

---

**From:** Moya Johnson  
**Sent:** Thursday, January 24, 2019 9:50 PM  
**To:** Suzanne Jones  
**Cc:** Wendy Farrow-Reed  
**Subject:** Fwd: Boulevard Parking By-Law

Hi Suzanne,

Please find some comments about boulevard parking in the email below. I thought they would be helpful as you investigate a solution.

Moya

Sent from my iPad

Begin forwarded message:

**From:** [REDACTED]  
**Date:** January 24, 2019 at 8:07:15 PM EST  
**To:** <[wfarrowreed@haltonhills.ca](mailto:wfarrowreed@haltonhills.ca)>, <[moyajohnson@haltonhills.ca](mailto:moyajohnson@haltonhills.ca)>  
**Subject:** Boulevard Parking By-Law

Good Evening,

We understand that the Town of Halton Hills is reviewing the boulevard parking by-law and we wanted to share our view on the matter.

We agree that there are issues with individuals parking in the boulevard within the town that need to be addressed. We see three scenarios to this issue.

- 1) Residents are parking their whole vehicle on their lawn
- 2) Residents with sidewalk fronting their property are either blocking the sidewalk, sticking out in the roadway or parking diagonally at the end of the driveway with one set of wheels resting on the grass portion of the boulevard
- 3) Residents who park on the lower portion of their paved driveway without sidewalk

In the first scenario the property starts to look unsightly with the torn-up grass and it poses a safety issue for other vehicles trying to leave their driveway, so we believe that this shouldn't be allowed especially with larger and commercial vehicles.

For the second scenario we don't think blocking the sidewalk or sticking into the road is safe for pedestrians or Town Operations staff especially during snow removal.

In the last situation we don't believe it poses any issues especially when residents are expected to maintain that portion of the driveway and there are no issues associated with this scenario.

We think that these are three separate issues and we respectfully request that the town consider them as such.

We also want to point out that many areas in Halton Hills are newly developed and adequate parking was not considered during the development stage to account for the greater demand for vehicles for dual income families as well as not having public transportation options in the town.

This may also be an opportunity to review how street parking issues are dealt with. Currently parking issues are only addressed when residents report the issue but perhaps having regular patrols will help alleviate the issue and would be able to fund itself. There are residents who regularly disregard the set out rules so we need to ensure that any rules set out are enforced.

We would appreciate to hear your position on this matter.

Thank you for your time.

Thanks,

[REDACTED]

## Suzanne Jones

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**From:** Mayor of Halton Hills  
**Sent:** Friday, January 25, 2019 1:46 PM  
**To:** Councillors  
**Cc:** Suzanne Jones  
**Subject:** Fwd: NO To Boulevard Parking

Here is another opinion on Blvd parking and thoughts.  
Mayor

Sent from my iPad

Begin forwarded message:

**From:** [REDACTED]  
**Date:** January 25, 2019 at 11:52:54 AM EST  
**To:** Mayor of Halton Hills <[rickb@haltonhills.ca](mailto:rickb@haltonhills.ca)>  
**Subject:** Re: NO To Boulevard Parking

Dear Mayor Bonette,

Thank you for your response, and yes please do forward my email on to council, as I was about to write to them as well.

I respect your response into the findings that adult children are staying at home more than before, but this again does not tell the complete story of people choosing not to use their garages for their intended purpose. I am confident, that if complete and thorough research was done on this matter, results would show that even in households where adult children still reside and have their own vehicle, their garage space is not being used correctly, creating this 'need' to park on public property.

In any event, I do hope that if boulevard parking is allowed, that council uses this opportunity as a revenue tool, requiring those who choose this to pay a permit fee for this privilege.

Thank you for your time.

Sincerely,  
[REDACTED]

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**From:** Mayor of Halton Hills <[rickb@haltonhills.ca](mailto:rickb@haltonhills.ca)>  
**Sent:** January 23, 2019 9:59 AM  
**To:** [REDACTED]  
**Subject:** RE: NO To Boulevard Parking

Thank you Jackeline for your email and your thoughts. You are correct that many to have their garages full. But there are also cases in areas where the adult children are still living at homes for affordability and studies are showing this is the trend and will be going into the future. And they have cars to go to



work. We are not caving in as you say as we have and still are ticketing any car that are parking illegally as far as over sidewalks, their trunks of their cars hanging out in the road side, parking on streets affecting snow clearing. The only grace we have done was for cars that can park across the bottom of their driveway and all tires must be on the pavement. Cars parked on the grass by the trees planted by the town will still be ticketed.

With your permission may I send your email to all members of council which includes your councillors.

Thank you

Mayor Bonnette

**From:** [REDACTED]  
**Sent:** January-21-19 2:49 PM  
**To:** Mayor of Halton Hills  
**Subject:** NO To Boulevard Parking

Dear Mr. Mayor,

I am one of the quiet majority of residents who strongly oppose Boulevard parking . As in many debates and issues, the facts are being overlooked and hidden in this matter. Quite frankly, residents using town and public property as their own personal parking spot is simply because they refuse to use their garages for their intended purpose - to park their vehicles. Driving around town or walking as I do daily, I confidently say 9 out of 10 homes use their garages as storage and not to park their vehicles. It is not due to lack of transit that homes have more than one vehicle and have no alternative, it is quite simply that home garages are not being used properly. Why pay for a storage unit, when you can use your home garage free of charge and use town space as parking?

I challenge the town to go around town and conduct proper research and you will find that the majority of these home owners arguing for boulevard parking, are not using their garage properly. If they were, the boulevard issue would not be an issue.

If residents choose to use their garages as storage and not for parking of their vehicles, then they should be required to obtain a permit and pay a substantial fee for the privilege of using public space as their personal private parking spots. I am confident if this is required, residents for boulevard parking will clean out their garages in a hurry and use them for it's intended purpose.

Please Mr. Mayor, do not cave in, nor reward disregard for our town's by-laws and impede on the enjoyment of public space for law abiding residents. To do so, is setting a precedent for further disregard on other issues.

Sincerely,

[REDACTED]

## Suzanne Jones

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**From:** Brent Marshall  
**Sent:** Monday, January 28, 2019 5:13 PM  
**To:** Mayor of Halton Hills  
**Cc:** Councillors; Suzanne Jones; Jane Diamanti; Chris Mills  
**Subject:** Re: Bouvalard parking.....

Thanks for passing this on. Suzanne is taking all of the feedback into consideration.

Brent

Sent from my iPhone

On Jan 28, 2019, at 4:38 PM, Mayor of Halton Hills <[rickb@haltonhills.ca](mailto:rickb@haltonhills.ca)> wrote:

[REDACTED] has given me permission to send this email to councillors and staff.

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** January 28, 2019 at 8:35:26 AM EST  
**To:** "Mayor@haltonhills.ca" <[Mayor@haltonhills.ca](mailto:Mayor@haltonhills.ca)>  
**Subject:** Bouvalard parking.....

Good Morning,

I am writing you this morning in regards to the issue of bouvalard parking.

Our family moved to Georgetown 25 years ago. We've seen tremendous growth in georgetown since. We have experienced our children, and children in our neighbourhood, progress through school and university and become working members of society. We know many families that are sharing dwellings with their children so that those children can save for the dream of owning their own home in Georgetown. This, of course, results to multiple vehicles (i.e. more than 2) per household.

Houses are getting bigger, however, driveways do not always support the size of the home. Garages are not built for large vehicles and for most families are used as storage.

We, like many others, share our side of the road with the sidewalk and as a result have a shortage of parking spaces. Most of my neighbours across the street have four vehicles because they do not have a sidewalk. They will never receive a \$30 fine, yet they continue to utilize the sidewalk across from them.

Far more consideration needs to be given to this issue.

I do not feel it is fair to penalize those of us that happen to have a sidewalk limiting the size of our driveways. From my perspective, parking at the bottom of the driveway (as long as you are not on the boulevard or impeding the sidewalk) should not be ticketed. We pay to pave our driveways (including what is below the sidewalk). The fact that I park a vehicle sideways at the bottom of my driveway is no different than a family that parks their car to the edge of the driveway (vertically).

Thanks for your time.

[REDACTED]

Georgetown South Resident

## Suzanne Jones

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**From:** Bob Inglis  
**Sent:** Sunday, January 27, 2019 2:55 PM  
**To:** Mayor of Halton Hills; Councillors  
**Cc:** Brent Marshall; Chris Mills; Suzanne Jones; Jane Diamanti  
**Subject:** Fwd: Boulevard Parking

Good afternoon,  
I said I would pass on the resident's comments to relevant town staff, and elected officials.  
The resident provides constructive comments in looking at the issue...  
With regards,  
Bob

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** January 27, 2019 at 2:14:52 PM EST  
**To:** 'Bob Inglis' <[BobInglis@haltonhills.ca](mailto:BobInglis@haltonhills.ca)>, <[annl@haltonhills.ca](mailto:annl@haltonhills.ca)>  
**Subject:** RE: Boulevard Parking

Hi Bob, thanks for your prompt reply. I have no issues with you forwarding my email to town staff and Town Councillors (I corrected some minor grammatical errors which are included below).

Obviously during snow storms as we have just experienced boulevard parking can become an issue as ploughs need to be able to push the snow somewhere but if Mountainview Road can deal with this issue and that is a 4 lane road is side street boulevard parking and more or less of an issue? If a car is parked parallel to the road when the plough comes by the driver has to contend with the snow pushed against the side of the vehicle. Maybe a compromise is the vehicle must be at least 2 or 3 feet away from the curb??

I would think most boulevard parking is overnight when there is less traffic on the road, so is sight lines really such a big issue especially on side streets. At least residents are avoiding parking on the street, which causes more of an obstacle.

If the issue is truly about sight lines then I believe the town should review all potential obstacles within their jurisdiction as per my comments/example in paragraph 1 below as signs can easily obstruct/block the view of oncoming traffic when placed too close to intersections and also too close together. The fact that there has not been an accident there can also be applied to any particular case which includes boulevard parking. How many accidents have been attributed to blind spots caused by parking on the boulevard and where were they?

Just some other thoughts that have crossed my mind as I respond.

Thanks again Bob, happy to meet if you wish to discuss further.

[REDACTED]

**From:** Bob Inglis [<mailto:BobInglis@haltonhills.ca>]

**Sent:** January-27-19 10:30 AM

**To:** [REDACTED]

**Cc:** Ann Lawlor

**Subject:** Re: Boulevard Parking

Hi [REDACTED]

I really appreciate your comments and constructive suggestions, in moving forward on this issue. You raise a number of good points, and your suggestions will be forwarded to town staff for taking a serious look at them...

There are a number of homes that have, or still are, using part of the front lawn for parking, and I have personally fielded complaints from neighbours, and addressed those complaints with the authority and by-laws we have in place. Your comments are most noted.

Are you comfortable with me forwarding your e-mail to relevant town staff, and the Town Councillors?

Let me know, and thanks again for your e-mail,

Bob

HH Ward 4 Councillor

905-703-1714

Sent from my iPhone

On Jan 26, 2019, at 6:16 PM, [REDACTED] wrote:

Good day ward 4 councillors,

I am pleased to hear/read that council has approved a motion to review the recent complaints regarding residents who park on the paved areas of their driveways that are considered areas of the boulevard. As one of the town residents who has often had to resort to these measures I wanted to forward my comments to you about this issue so you can include them on my behalf in future discussions the town has on this subject.

- 1) The issue of blind spots on our roads is a legitimate complaint and issue. If you drive around town and surrounding country roads, many intersections have blind spots that are caused by town installed signs. A classic incidence is the intersection of 5<sup>th</sup> sideroad with 6<sup>th</sup> line whilst travelling south and looking west bound. Two town signs interfere with the sight of traffic traveling east bound. Other spots around town have the same issue, town signs and hydro poles in my opinion are too close to intersections and can block the view of oncoming traffic.
- 2) Mountainview road residents are exempt from this bylaw. The bylaw seems to exist so sight lines are not interfered with for traffic travelling along Mountainview Rd and for residents exiting their driveways. This is one of the busiest roads in town and one in which a number of motorists probably exceed the posted speed limit yet when pulling out from Comset Gate onto Mountainview Rd people parking on the Boulevard about 25 metres away on the left side are creating a hazardous blind spot. This seems to contradict the purpose of the bylaw.

- 3) In my particular case I live on a quiet crescent with only local resident traffic and along with many residents, parking at the end of their driveway is the only alternative when necessary. In fact many homes often only have space for one car, maybe two at a push and in today's society where grown kids are still living at home and need their own car, the only available place is on the paved area of the boulevard.
- 4) I have space for two cars on my driveway. My wife and I each have a vehicle. At different times our two adult children come to stay and the only place to park is the paved area of the boulevard. If both children come to stay at the same time we have a serious problem, where do we park?. Sometimes these overnights are arranged at the last minute because as they have come for an afternoon visit and stayed for dinner and had a few drinks. As responsible individuals they have elected not to drive home. It is not possible to get an exemption on an evening or weekend so they have had to take their chances on not getting a parking ticket.

We all know that there is always one person on a street who knows all the town by laws and takes pleasure in calling the enforcement officer of any infraction. In some cases like parking near a fire hydrant it can be justified for obvious reasons but the odd time a resident parks overnight on a side street there is no immediate threat to anyone's safety.

If the town elects to continue to enforce the boulevard parking by law on side streets then it must be made easier to get exemptions at the last minute. In addition the number of exemptions for a given licence plate must be removed.

Maybe one way is to allow residents to get an immediate exemption 24hrs per day by applying on line through the town website and being able to print an exemption certificate that would be displayed on the dashboard of the car in question. An exemption would be processed free of charge so long as the plate number did not have any outstanding unpaid parking tickets issued by the town parking enforcement team. I went to the town website to look at the exemption form and all it has is submit. It does not appear to provide an instant printable certificate. If on review at a later date, the certificate was deemed to have been inappropriate, then staff can take the matter up with the applicant to discuss the circumstances and future options. For those in the town who choose to complain about boulevard parking, having a printed certificate on the dashboard would prevent complaints and save parking enforcement/police time and money investigating unnecessary complaints.

Furthermore, residents should be allowed to apply for exemptions when circumstances require as in the case where there may be up to 4 cars for a residence. A 4 bedroom house could very easily house 2 parents with cars and two adult children living at home both with cars but the original building was only designed for two cars, one in the garage and one on the driveway.

If this issue is not properly resolved, I can for see front gardens being turned into formal areas to park cars and front lawns disappearing. This is very evident in the UK where residents have had to pave over their front lawns to park cars so they are off the streets. This will certainly not enhance the look of properties in our town. It seems unjust that as the majority of residents take pride in their property and maintain

the boulevard by paying to have the boulevard paved, cut the grass and keep the weeds down they now get ticketed for parking on their paved boulevard area.

I look forward to the town acting in a responsible manner based on all the input that seems to have been forwarded to council recently on this topic.

Respectfully,

[REDACTED]

**Suzanne Jones**

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**From:** Ann Lawlor  
**Sent:** Thursday, January 31, 2019 11:33 AM  
**To:** Suzanne Jones  
**Cc:** Mayor of Halton Hills; Brent Marshall  
**Subject:** Fw: Boulevard Parking

Hello Suzanne

This may be a duplicate, but [REDACTED] has asked that I pass this email on to you for future consideration of the parking bylaw.

Thanks,

Ann

Sent from my BlackBerry 10 smartphone on the Rogers network.

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**From:** [REDACTED]  
**Sent:** Wednesday, January 30, 2019 9:09 AM  
**Subject:** Boulevard Parking

Dear Representative

I am directly affected by By Law 84-1 and I hope you will take the time to try and understand how this affects myself and my neighbours. The by law mostly affects those of us in smaller homes with single or shared driveways who realistically have no other options for parking except boulevard parking. Today most families have 2 vehicles and our single small garages universally have children's bikes/toys, and maintenance and recreational vehicles, as well we often find ourselves with adult children and older parents with cars temporarily moving in. None of us want to every night move and park our vehicles parallel to the road (with our tires off the sidewalk and the curb) but we have adapted to what we believe is a safe way to adapt to this situation. Yes many of us do park two tires gently on the grass out of necessity (there is not enough room otherwise on single driveways) but we do so to minimize any damage because we perceive that grass as part of our lawn and my home and want to look after it.

When parked in this way it is a reasonable compromise and very safe , I cannot see how this is a safety problem because it does not block views of



the road for drivers, and actually the vision of the road is better than people without sidewalks with cars filling a driveway at right angles to the road. As well we only ask for this parking at night, so for the vast majority of the day these areas are open, in fact most people are asleep when the cars are parked.

Enforcing 84-1 and giving tickets does not solve a problem for which we have no options but in the future can be prevented with better planning. In fact the original plans of my street people used when they purchased their homes showed the sidewalks were to be on the opposite side of the street.

My neighbours are ordinary good citizens of Halton Hills (I personally have lived here for close to 40 years) who wish to enjoy their homes and find parking.

I propose you allow boulevard parking AT NIGHT (even assign times, say 10pm-8am) but enforce fines who do not take the time to stay off the curb and the sidewalk, BUT it is Very important to allow people to park 2 tires on the VERY small area grass beside their driveway.

Giving tickets is not a fair way to settle this problem, rather reasonable compromise works well for citizens who need parking.



**Georgetown**

*Travel is fatal to prejudice, bigotry, and narrow-mindedness*

**Suzanne Jones**

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**From:** Ann Lawlor  
**Sent:** Friday, February 01, 2019 12:19 PM  
**To:** Suzanne Jones  
**Cc:** Bob Inglis; Jane Fogal; Mayor of Halton Hills  
**Subject:** Fw: Parking in the area between sidewalk and the road

Hello Suzanne

This resident has asked that his comments be passed along to you for review of the parking bylaw.

Thanks

Ann

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** [REDACTED]  
**Sent:** Friday, February 1, 2019 9:02 AM  
**To:** Ann Lawlor; Bob Inglis  
**Subject:** Parking in the area between sidewalk and the road

Mrs. Lawer and Mr. Inglis,

First I would like to thank you for your work on the council.

The reason I am writing is regarding the parking situation that has been in the news recently. Unfortunately, we are one of the families struggling with parking space. I have three sons, all raised in Georgetown, who have all completed post-secondary schooling and are thankfully working. Due the cost of housing they are all staying at home while they save sufficient funds to allow entry into the property market. Due to this we have five cars to park. Two in the garage, two in the driveway and one parallel to the road and sidewalk (the bylaw illegally parked vehicle). To attempt to widen the driveway would be expensive and in my personal view could be unsightly due to there being more driveway than landscape.

I have seen the argument for not parking in the area between the sidewalk and the road is due to safety and for visibility of neighbors leaving their driveway. I would argue that having a car parked parallel to the road in the driveway provides no greater risk to visibility than a car parked on the road. My neighbors across the road have no sidewalk so they park four cars in their driveway. The two cars at the bottom of the driveway surely create the same impediment to visibility for their neighbor as my parked car does, yet he is legally parked. This to me negates the safety argument due to double standard. Also with the current weather conditions I do not see the city coming around and removing the excess snow banks to ensure good visibility when I am coming out of my driveway. As at all times care should be taken when leaving and entering your driveway no matter the weather or surrounding conditions.

I see a lot of my neighbors currently in the same parking situation with young adults living at home due to the high cost of housing. I would ask you to consider supporting changing the parking by-law to allow the young to continue living and contributing in Georgetown.

Thank you for your time.

[REDACTED]  
[REDACTED] Georgetown.

## Suzanne Jones

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**From:** Suzanne Jones  
**Sent:** Friday, February 01, 2019 3:35 PM  
**To:** Suzanne Jones  
**Subject:** FW: Parking Situation - please provide update - waiting over 6 months now!!!  
**Attachments:** [REDACTED]

**From:** [REDACTED]  
**Sent:** Tuesday, January 15, 2019 8:44 AM  
**To:** Jane Fogal  
**Cc:** Mayor of Halton Hills; Suzanne Jones; Moya Johnson; Wendy Farrow-Reed; Matthew Roj  
**Subject:** RE: Parking Situation - please provide update - waiting over 6 months now!!!

And let me also ask why does it matter if the boulevard is all asphalt or part asphalt and grass? Why can we not be included? Please provide explanation on why one is okay and the other is not. This is completely unfair.

[REDACTED]

**From:** [REDACTED]  
**Sent:** January-15-19 8:42 AM  
**To:** 'Jane Fogal' <janefogal@haltonhills.ca>  
**Cc:** Mayor of Halton Hills <rickb@haltonhills.ca>; Suzanne Jones <suzannej@haltonhills.ca>; Moya Johnson <MoyaJ@haltonhills.ca>; Wendy Farrow-Reed <wfarrowreed@haltonhills.ca>; Matthew Roj <MatthewR@haltonhills.ca>  
**Subject:** RE: Parking Situation - please provide update - waiting over 6 months now!!!

Ji Jane

Then nothing has been done by council to resolve the issue that I have been asking about since June of 2018. You get complaints from others just recently in volume so you pass a temporary measure. How is that fair for me? Where am I going to park? Our street is ALWAYS ticketed.

[REDACTED]

**From:** Jane Fogal <janefogal@haltonhills.ca>  
**Sent:** January-15-19 8:30 AM  
**To:** [REDACTED]  
**Cc:** Mayor of Halton Hills <rickb@haltonhills.ca>; Suzanne Jones <suzannej@haltonhills.ca>; Moya Johnson <MoyaJ@haltonhills.ca>; Wendy Farrow-Reed <wfarrowreed@haltonhills.ca>; Matthew Roj <MatthewR@haltonhills.ca>  
**Subject:** Re: Parking Situation - please provide update - waiting over 6 months now!!!

Hello [REDACTED]

This temporary measure does mean that if your car is on the grass it will be ticketed, if there are complaints that bring enforcement officers to your street.

Staff are now going to review the by-law and will be looking at all the issues as well as by-laws from other municipalities.

I have copied the Clerk, Suzanne Jones, so that she is aware of your situation. Also I have copied our traffic Coordinator, Matt Roj. You may wish to submit your concerns directly to them.

Jane

Sent from my BlackBerry 10 smartphone on the Rogers network.

**From:** [REDACTED]  
**Sent:** Tuesday, January 15, 2019 7:15 AM  
**To:** Jane Fogal  
**Subject:** RE: Parking Situation - please provide update - waiting over 6 months now!!!

Hi Jane

This is good news, I just need clarification on what you mean by 'has 4 wheels on the hard surface'.

When I park on my boulevard I do not overhand the road or the sidewalk and I have 2 wheels on asphalt and 2 wheels on grass. Am I going to get a ticket? I hope the answer is no and I am going to assume that is the case unless you advise me otherwise. If it is not the case council has amended a rule for those with very long boulevards, leaving those of us in Dominion Gardens with no solution at all.

Please advise ASAP.

[REDACTED]  
**From:** Jane Fogal <janefogal@haltonhills.ca>  
**Sent:** January-14-19 9:08 PM  
**To:** [REDACTED]  
**Subject:** RE: Parking Situation - please provide update - waiting over 6 months now!!!

Hello [REDACTED]

At a special council meeting this afternoon Council passed a resolution directing enforcement staff to allow boulevard parking where the vehicle has 4 wheels on the hard surface and doesn't overhand the road or the sidewalk. This is a temporary suspension of the by-law until staff comes forward with a recommendation and potential amendments to the by-law. Hope that helps.

Jane

Jane Fogal, Local and Regional Councillor  
Town of Halton Hills and Halton Region  
905 877 5806  
Twitter @JanieFF

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**From:** [REDACTED]  
**Sent:** 12 January 2019 08:55  
**To:** Mayor of Halton Hills; Jane Fogal  
**Subject:** Parking Situation - please provide update - waiting over 6 months now!!!

Good Morning

I hope this email finds you well. I have to say my morning did not start so well. No one has gotten back to me with any type of follow-up on this parking situation and this morning we have a ticket for parking on the boulevard which has never once been ticketed until now. I sent my initial email on June 7<sup>th</sup> and asked for update on October 10<sup>th</sup>. No one has provided any feedback.

Please help us. We are taxpayers and have no viable solution. I have been on the waiting list for parking in Dominion Gardens since June 7, 2018 with no call back so far. There is NO public transit in this bedroom community, thus most every home has 2 vehicles and we only have parking for 1 vehicle in our driveway. We used to park 2<sup>nd</sup> vehicle on the street until we started to get frequent parking tickets. Then we took to parking on the boulevard to avoid tickets. There

were many an occurrences where we saw tickets on vehicles on the street where those on boulevard did not get one. This confirms the parking enforcement saw no issue with parking on boulevard until now. Why the change?

To add insult to injury I tried to obtain an exemption last night on the town website for parking on the street as had vehicle rust proofed yesterday (happy to provide proof) as I didn't want dripping on boulevard and although I filled out the form on town website on 3 different occasions and hit submit button, nothing happened. So I gave up and parked on boulevard and guess what I got a ticket....which I never got before. I am quite familiar with how to fill this out this form as do so when I have company so they don't get a ticket.

Please advise on this matter. Is there any viable solution you can propose?

Your constituent (the person you work for!)

From: [REDACTED]

Sent: October-10-18 1:26 PM

To: 'Mayor of Halton Hills' <[rickb@haltonhills.ca](mailto:rickb@haltonhills.ca)>; Jane Fogal <[janefogal@haltonhills.ca](mailto:janefogal@haltonhills.ca)>

Subject: RE: Parking Situation

Hi Mayor Rick

I sent a follow-up to Jane's response just a moment ago (see attached). I don't know who you forwarded this email to but I have received no response. Please advise....

See attached

From: Mayor of Halton Hills <[rickb@haltonhills.ca](mailto:rickb@haltonhills.ca)>

Sent: June-15-18 12:07 PM

To: [REDACTED] Jane Fogal <[janefogal@haltonhills.ca](mailto:janefogal@haltonhills.ca)>

Subject: RE: Parking Situation

Hi [REDACTED]

I have forwarded your email to staff. The person who handles bylaw has been away all week and should be back on Monday. Sorry for the delay.

Mayor Rick

From: [REDACTED]

Sent: June-15-18 7:43 AM

To: Mayor of Halton Hills; Jane Fogal

Subject: Parking Situation

Good Morning

Have you had a chance to review my email?

I am hoping you have some ideas on resolution.

**From:** [REDACTED]  
**Sent:** June-07-18 2:51 PM  
**To:** 'Mayor@haltonhills.ca' <Mayor@haltonhills.ca>; 'janefogal@haltonhills.ca' <janefogal@haltonhills.ca>  
**Subject:** Parking Situation

Hello Mayor Rick and Councillor Jane Fogal

I own 3 homes in Georgetown and am having a parking ticket issue at one of them, [REDACTED] I have no issue with other properties on Prince Charles Drive and Logan Court. I have been advised numerous times when calling to complain about the money grab that the parking enforcement officers are only coming out to ticket when they have a complaint. On Bradley Drive and other streets in the Dominion Gardens subdivision ticketing is **VERY** frequent so we must have one heck of a complainer. On one side of each street (where there is sidewalk) there is only parking for 1 in the driveway. There is a small section on one of the side roads that allows parking greater than 5 hours (I think about 8 cars) but unless you get home from work early the chances of getting to use these are slim to none.

Many folks have started parking sideways on their boulevard which means dead grass and the area looking more and more like a trailer park every day. How awful.

Today I decided I would bite the bullet and pay for a Dominion Gardens monthly parking pass only to be advised that the town only has access to 13/14 of these spaces and they are all occupied and there is a waiting list.

What are the alternatives for this community? Georgetown does not have public transit thus you can almost guarantee that every home has at minimum 2 cars. The town allowed these small driveways which they should not have knowing we do not have public transit. I am hoping you have some suggestions to solving this issue which is becoming quite expensive for the folks in this subdivision. Are we able to get a bylaw exemption on an as requested basis? I ask as it seems highly unfair that because we purchased a home on the side of street that ended up with a sidewalk that we have 1 less parking space and have to pay \$20 or \$30 tickets frequently just because we have a neighbour with nothing better to do than to complain. I am certain that my taxes are just as high as the person across the street who does not have to deal with the same issue.

Please help  
Thank you  
[REDACTED]

## Suzanne Jones

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**From:** Bob Inglis  
**Sent:** Friday, February 01, 2019 1:03 PM  
**To:** Suzanne Jones  
**Subject:** Fwd: boulevard parking

Hi Suzanne,  
The resident has asked his comments be forwarded to staff for their perusal and consideration...  
Thanks,  
Bob

Sent from my iPhone

Begin forwarded message:

**From:** [REDACTED]  
**Date:** January 31, 2019 at 11:08:47 AM EST  
**To:** 'Bob Inglis' <[BobInglis@haltonhills.ca](mailto:BobInglis@haltonhills.ca)>  
**Subject:** RE: boulevard parking

Bob

Thank you for reply, yes you may forward my comments (as long as I don't get targeted now for tickets !)

Regards  
[REDACTED]

**From:** Bob Inglis <[BobInglis@haltonhills.ca](mailto:BobInglis@haltonhills.ca)>  
**Sent:** Thursday, January 31, 2019 10:44 AM  
**To:** [REDACTED]  
**Subject:** RE: boulevard parking

Hi [REDACTED],  
Thank you for your comments and bringing your situation to my attention.  
We are receiving a number of comments on this issue.

Council have instructed staff to investigate, and take a look at this issue, and what may be best for our municipality.

We are aware of the increase in young adults who drive, living with their parents, and so you have multiple vehicles needed in a single family home.

The issue will be brought forward by staff when all information is received, and a recommendation made to Council regarding the by-law that currently is in place...

May I forward your comments on to the appropriate town staff, and the elected officials?  
Let me know, and thanks again,  
Bob

Bob Inglis  
Councillor  
Ward 4  
905-873-9124  
[bobinglis@haltonhills.ca](mailto:bobinglis@haltonhills.ca)

---

**From:** [REDACTED]  
**Sent:** Thursday, January 31, 2019 10:24 AM  
**To:** Bob Inglis  
**Subject:** boulevard parking

Mr. Inglis

I am writing concerning the issue of boulevard parking. Recently it was in the news that more and more tickets have been given out. What is the problem with parking a car at the bottom of the driveway as long as it is not hanging out over the road or the sidewalk ? I don't believe it to be any more unsightly than having a car parked in the driveway. On my walk with my dog every morning I see several cars parked in the boulevard at the bottom of the driveway, all are parked properly so as not to be on the lawn and not overhanging onto the road or sidewalk. Some households, of which I am one, do not have enough room in the driveway. We have three adults who all work in different locations, we need three cars but only have room for two. In the winter due to snow clearing we are not allowed to park on the road. This is totally understandable, but now if we can't park on the boulevard, where do we park ? I have never received a ticket, but now that it has been in the news, is this going to happen? Do we have to move out of town? I have lived in Georgetown for over thirty years now.

Please bring some reason to the Town on this issue.

Thank you  
[REDACTED]  
[REDACTED]

Georgetown



## **REPORT**

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** Renée Brown, Deputy Clerk – Legislation & Elections

**DATE:** January 7, 2019

**REPORT NO.:** ADMIN-2019-0001

**RE:** Pregnancy and Parental Leave for Members of Council Policy

### **RECOMMENDATION:**

THAT Report No. ADMIN-2019-0001 dated January 7, 2019 regarding Pregnancy and Parental Leave for Members of Council Policy be received;

AND FURTHER THAT Council adopt the Pregnancy and Parental Leave for Members of Council Policy attached as Appendix A to this report.

### **BACKGROUND:**

Section 270 of the Municipal Act, 2001, as revised by Bill 68, requires that the Town adopt and maintain a policy with respect to the pregnancy and parental leaves of Members of Council. This requirement will be proclaimed in force on March 1, 2019.

The Act allows an absence of up to 20 weeks for pregnancy and parental leave, the attached policy (Appendix A) is in accordance with the 20 week proposed absence.

### **COMMENTS:**

The Town of Halton Hills recognizes a member of Council's right to take leave for the Members' pregnancy, the birth of the Member's child or adoption of a child by the Member in accordance with the Municipal Act.

The attached policy sets out the definition of pregnancy or parental leave, the application of the policy and the policy requirements taking into account the statutory role of an elected representative.

The proposed policy recommends that the Council member's pay be continued as Council members do not pay EI premiums and are therefore not eligible to collect these benefits.

**RELATIONSHIP TO STRATEGIC PLAN:**

This report is in keeping with Town's Strategic Goal;

To provide strong leadership in the effective and efficient delivery of municipal services;

Through the Strategic Objective;

To ensure the accountability and transparency of the Town's operations, and that appropriate management policies, practices and procedures are in place.

**FINANCIAL IMPACT:**

There are no direct financial implications related to this report.

**CONSULTATION:**

The Town Clerk and the Manager of Human Resources have been consulted regarding the preparation of a the policy regarding Pregnancy and Parental Leave for Members of Council

**PUBLIC ENGAGEMENT:**

This Pregnancy and Parental Leave for Members of Council Policy is a requirement under the Municipal Act and is administrative in nature and therefore did not require public engagement.

**SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendation outlined in this report is not directly applicable to the Strategy's implementation.

**COMMUNICATIONS:**

This policy will be provided to all Council Members, Human Resources and posted on the Town's internal internet the HUB.

**CONCLUSION:**

The Town of Halton Hills recognizes a member of Council's right to take leave for the Members' pregnancy, the birth of the Member's child or adoption of a child by the Member in accordance with the Municipal Act.

Reviewed and Approved by,

A handwritten signature in black ink, appearing to read "Suzanne Jones". The signature is fluid and cursive, with the first name "Suzanne" written in a larger, more prominent script than the last name "Jones".

**Suzanne Jones, Clerk & Director of Legislative Services**

A handwritten signature in black ink, appearing to read "Brent Marshall". The signature is fluid and cursive, with the first name "Brent" written in a larger, more prominent script than the last name "Marshall".

**Brent Marshall, Chief Administrative Officer**

## POLICY

**POLICY TITLE:** Pregnancy & Parental Leave for Members of Council

**POLICY NUMBER:** PLCY-2019-XXXX

**DATE:** TBD

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### **POLICY STATEMENT:**

The Town of Halton Hills recognizes a Member of Council's right to take a leave for the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with the *Municipal Act, 2001*.

### **PURPOSE:**

This policy provides guidance on how the Town of Halton Hills addresses a member's pregnancy or parental leave in a manner that respects a member's statutory role as an elected representative.

### **SCOPE:**

In accordance with Section 270 of the *Municipal Act, 2001*, this policy applies to Members of Council.

This policy applies to a member of Council absent from meetings of council for three months or more as a result of the member's pregnancy, the birth of the member's child or the adoption of a child by the member.

### **DEFINITIONS:**

Pregnancy and/or Parental Leave – an absence of 20 consecutive weeks or less as a result of a member's pregnancy, the birth of a member's child or the adoption of a child by the member in accordance with Section 259 (1.1) of the *Municipal Act, 2001*.

**POLICY DETAILS:**

1. The Town of Halton Hills supports a member of Council's right to pregnancy and/or parental leave in keeping with the following principles:
  1. A member is elected to represent his or her constituents.
  2. A member's pregnancy and/or parental leave does not require Council approval and his or her office cannot be declared vacant as a result of the leave.
  3. A member will continue to receive communication from the Town as if the member were not on leave.
  4. A member reserves the right to participate as an active member of Council at any time during his or her leave.
  5. A member shall continue to receive all remuneration, reimbursements and benefits afforded to all members of Council.
2. Where a member of Council will be absent due to pregnancy and/or parental leave, the member shall provide written notice to the Town Clerk and the Mayor indicating the expected start and end dates.
3. The Mayor may make temporary appointments to any committees, boards, task forces that are constituted by the Town of Halton Hills and where the member is the only member of Council on that body.
4. Notwithstanding, at any point in time during a member's pregnancy or parental leave, the member may provide written notice to the Town Clerk and the Mayor of their intent to lift any of the temporary appointments to exercise their statutory role. The member shall provide written notice to the Town Clerk and the Mayor of any changes to the return date.

**RESPONSIBILITIES:**

Members of Council and Town staff are responsible for adhering to the parameters of this policy.

Staff are authorized and directed to take the necessary action to give effect to this policy.

**POLICY REVIEW:**

This policy will be reviewed in each term of Council or as required due to legislative changes.



## REPORT

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** Suzanne Jones, Clerk & Director of Legislative Services

**DATE:** January 25, 2019

**REPORT NO.:** ADMIN-2019-0004

**RE:** Codes of Conduct - Members of Council & Local Boards

### RECOMMENDATION:

THAT Report No. ADMIN-2019-0004, dated January 25, 2019 regarding the Codes of Conduct - Members of Council & Local Boards, be received;

AND FURTHER THAT Council adopt the Town of Halton Hills Code of Conduct for Members of Council; and the Code of Conduct for Local Boards;

AND FURTHER THAT staff prepare information, to be posted on the Town's website, which provides information on the Code of Conduct for Members of Council, the role of the Town's Integrity Commissioner, and the Code of Conduct complaint process.

AND FURTHER THAT upon adoption of the Code of Conduct for Local Boards, direct the Town Clerk to advise the Boards and Committees of their duties to adopt their respective Code of Conduct.

### BACKGROUND:

The *Modernizing Ontario's Municipal Legislation Act, 2017* (MOMLA) received Royal Assent on May 30, 2017. The MOMLA introduced amendments to the *Ontario Municipal Act, 2001*; *City of Toronto Act, 2006*; and *Municipal Conflict of Interest Act*, to:

- (1) enhance municipal accountability and transparency,
- (2) promote municipal financial sustainability; and
- (3) help ensure responsive and flexible municipal governments.

It is mandatory (through the MOMLA – Bill 68) for Municipal Councils to establish Codes of Conduct which will contain the prescribed subject matters;

1. Gifts, benefits and hospitality
2. Respectful conduct, including conduct toward officers and employees of the municipality
3. Handling of Confidential information
4. Use of property of the municipality or the Local Board, as the case may be

And further, by March 1, 2019 Municipal Councils must;

1. Establish Codes of Conduct for Council Members and Local Boards
2. Appoint an Independent Integrity Commissioner
3. Assign to the Independent Integrity Commissioner functions relating to;
  - Codes of Conduct for members of council and local boards
  - Application of procedures, rules and policies governing ethical conduct
  - Municipal Conflict of Interest Act provisions
  - Requests for advice under applicable Codes of Conduct
  - Requests for advice governing ethical behavior
  - Requests for advice respecting a member's obligations under the Municipal Conflict of Interest Act
  - Education and training about codes of conduct and the Municipal Conflict of Interest Act

On September 1, 2018 Town Council appointed Principles Integrity to provide Integrity Commissioner Services for the Town of Halton Hills.

#### **COMMENTS:**

Principles Integrity, through its principals Jeffrey Abrams and Janice Atwood-Petkovski have provided staff with draft copies of a Code of Conduct for Members of Council, and a Code of Conduct for Local Boards which include the prescribed, mandatory requirements. Staff updated the drafts to identify particular policies that Council members are required to adhere to, such as the Town's Expense Policy, and the Respect in the Workplace Policy.

Attached to this report is;

- the Code of Conduct for Members of Council (Appendix A)
- the Code of Conduct for Local Boards (Appendix B)

## Code of Conduct for Local Boards (& Committees)

The Code of Conduct for Local Boards is a condensed version of the Code of Conduct for Members of Council, however still outlines the required legislative framework which members of the Town's local boards and committees are responsible to adhere to through their respective roles.

The framework within this code is broken down into non-adjudicative and adjudicative local boards and committees. These include:

### Adjudicative Boards/Committees;

- Committee of Adjustment
- Property Standards Committee
- Election Compliance Audit Committee (joint regional committee)
- Fence Viewers Committee

### Non Adjudicative Boards/Committees;

- Accessibility Advisory Committee
- Heritage Advisory Committee
- BIAs
- Active Transportation Committee
- Site Alteration Committee
- Other advisory committees as formed by Council
- Library Board (optional)\*

\*The Library Board is governed by the Ontario's *Public Libraries Act*, and therefore it is optional for the Library Board to adopt the Town's Code of Conduct. It is highly recommended that the Library Board adopt the Code of Conduct for Local Boards & Committees to maintain a Town-wide consistent approach to accountability and transparency.

## **RELATIONSHIP TO STRATEGIC PLAN:**

This report is in keeping with the Town's Strategic Plan to provide responsive and effective municipal government.

## **FINANCIAL IMPACT:**

This report is administrative in nature and therefore there are no financial impacts associated with the adoption of the Codes of Conduct.



**CONSULTATION:**

The Town Clerk consulted with the Integrity Commissioner regarding the development of the Town of Halton Hills Code of Conduct for Council, and the Code of Conduct for Local Boards and Committees.

An education and training workshop for Council members took place on January 16, 2019, and was led by Mr. Jeffrey Abrams of Principles Integrity. The workshop provided an orientation on Ethics and Integrity.

**PUBLIC ENGAGEMENT:**

As the adoption of the Codes of Conduct are mandatory as per Bill 68, which includes legislative framework as to what is required within a Code of Conduct, the public engagement charter was not utilized for this report. However, the public will be informed, via the Town's website, of the adoption of the Codes of Conduct and will also be provided with the necessary information regarding the role of the Integrity Commissioner.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable

**COMMUNICATIONS:**

Upon the adoption of the Codes of Conduct the Town's website will be updated to include information regarding these documents, the role of the Integrity Commissioner and investigation processes.

For easy reference, a hard copy of the approved Codes of Conduct along with the relevant policies will be provided to Council members and Senior staff.

**CONCLUSION:**

Through the adoption of the Codes of Conduct Town Council will meet its legislative requirements as per the *Modernizing Ontario's Municipal Legislation Act, 2017*, and the statutory provisions of Bill 68.

Reviewed and Approved by,

A handwritten signature in black ink, reading "Brent Marshall". The signature is written in a cursive, flowing style.

**Brent Marshall, Chief Administrative Officer**

# **TOWN OF HALTON HILLS**



## **CODE OF CONDUCT FOR MEMBERS OF COUNCIL FEBRUARY, 2019**

# **Town of Halton Hills Code of Conduct for Members of Council**

**February, 2019**

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## **A. General Introduction**

Members of Halton Hills Council recognize their obligation to serve their constituents and the public in a conscientious and diligent manner understanding that as leaders of the community, they are held to a higher standard of behaviour and conduct.

Members recognize that ethics and integrity are at the core of public confidence in government and in the political process; that elected officials are expected to perform their duties in office and arrange their private affairs in a manner that promotes public confidence, avoids the improper use of influence of their office and conflicts of interests, both apparent and real. They recognize the need to uphold both the letter and the spirit of the law including policies adopted by Council.

This *Code of Conduct* ensures that Members of Council share a common basis and understanding for acceptable conduct of Members of Council, in concert with and beyond the minimum standards of behaviour set out in the existing legislative framework.

This Code of Conduct is consistent with the principles of transparent and accountable government, and reflective of the Town's core values.

## **B. Framework and Interpretation**

1. This *Code of Conduct* applies to all Members of Council ("Members"). It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. As a living document the Code of Conduct will be brought forward for review at the end of each term of Council, when relevant legislation is amended, and at other times when appropriate to ensure that it remains current and continues to be a useful guide to Members of Council.
2. Commentary and examples used in this *Code of Conduct* are illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document by the Integrity Commissioner and supplementary materials may also be produced as deemed appropriate.
3. Where an elected official discloses all known facts to the Integrity Commissioner and as long as those facts remain unchanged, the Member may rely on written advice provided by the Integrity Commissioner. The Integrity Commissioner will be bound by the advice given, as long as the facts remain unchanged, in the event that he or she is asked to investigate a complaint.
4. Elected Officials seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.
5. The *Municipal Act, 2001* is the primary piece of legislation governing municipalities however there are other statutes that govern the conduct of elected municipal officials. It is intended that the *Code of Conduct* operate together with and as a supplement to the following legislation:

- *Municipal Act, 2001*;
- *Municipal Conflict of Interest Act (MCIA)*;
- *Municipal Elections Act, 1996*;
- *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*;
- *Criminal Code of Canada*.

## Definitions

- a. “Family” includes “child”, “parent” and “spouse” as those terms are defined in the *Municipal Conflict of Interest Act* (set out below for ease of reference), and also includes

- step-child and grand-child;
- siblings and step-siblings;
- aunt/uncle, niece/nephew, first cousins
- in-laws, including mother/father, sister/brother, daughter/son
- any person who lives with the Member on a permanent basis.

“Child” means a child born within or outside marriage and includes an adopted child and a person whom a parent has demonstrated a settled intention to treat as a child of his or her family;

“Parent” means a parent who has demonstrated a settled intention to treat a child as a member of his or her family whether or not that person is the natural parent of the child;

“Spouse” means a person to whom the person is married or with whom the person is living in a conjugal relationship outside of marriage;

- b. “Member” means a member of the Council of the Town of Halton Hills, including the Mayor.
- c. “Social Media” means publicly available, third party hosted, interactive web technologies used to produce, post and interact through text, images, video and audio to inform, share, promote, collaborate or network.
- d. “Staff” includes the Chief Administrative Officer, Commissioners, Directors, Managers, Supervisors and all non-union and union staff whether full-time, part-time, contract, seasonal or volunteers.
- e. “Nomination Day” means the last day for filing or withdrawing a nomination as provided for by the *Municipal Elections Act, 1996*.

### **C. Guiding Principles**

1. Members of Council shall serve the public and their constituents in a conscientious and diligent manner.
2. Members of Council should be committed to performing their functions with integrity impartiality and transparency.
3. Members of Council shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.
4. There is a benefit to municipalities when members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

## **D. Specific Rules**

### **Rule No. 1**

#### **Avoidance of Conflicts of Interest**

In this Rule:

- a. “disqualifying interest” means an interest in a matter that, by virtue of the relationship between the Member of Council and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Member of Council could not participate impartially in the decision-making processes related to the matter.
- b. “non-disqualifying interest” means an interest in a matter that, by virtue of the relationship between the Member of Council and other persons or bodies associated with the matter, is of such a nature that reasonable persons fully informed of the facts would believe that the Member of Council could participate impartially in the decision-making processes related to the matter so long as:

The Member of Council fully discloses the interest so as to provide transparency about the relationship; and

The Member of Council states why the interest does not prevent the Member from making an impartial decision on the matter.

1. Members of Council shall not participate in the decision-making processes associated with their office when prohibited to do so by the Municipal Conflict of Interest Act.
2. Members of Council shall not participate in the decision-making processes associated with their office when they have a disqualifying interest in a matter.
3. For greater certainty:
  - a. Members of Council shall not participate in the decision-making processes associated with their office when they have a direct, indirect or deemed pecuniary interest in a matter, except in compliance with the Municipal Conflict of Interest Act.
  - b. Members of Council shall not participate in the decision-making processes associated with their office when they have an interest that though in compliance with the Municipal Conflict of Interest Act, is nevertheless a disqualifying interest by virtue of the nature of the relationship between the Member and other persons or bodies to be affected by the decision.
4. Treatment of Non-Disqualifying Interests:
  - a. Members of Council may participate in the decision-making processes associated with their office when they have a non-disqualifying interest provided they file at their earliest opportunity a Transparency Disclosure in a form and manner established by the Town Clerk acting in consultation with the Integrity Commissioner.



- b. Transparency Disclosures are public documents and shall be available for public viewing on the Town web site.
- c. The determination of whether an actual disqualifying interest or an actual non-disqualifying interest exists, when challenged, is subject to the determination by the Integrity Commissioner of whether a reasonable person fully informed of the facts would believe that the Member of Council could not participate impartially in the decision-making processes related to the matter.

### Commentary

*Members of Council should be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and private conflicts of interest, both apparent and real. Members of Council shall also not extend in the discharge of their official duties, preferential treatment to Family Members, organizations or groups in which they or their Family Members have a direct or indirect pecuniary interest.*

*Members of Council have a common understanding that in carrying out their duties as a Member of Council, they will not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to a Family Member or an individual which is not available to every other individual.*

*Members of Council are governed by the Municipal Conflict of Interest Act (MCIA). The Integrity Commissioner is empowered to investigate and rule on all conflicts of interest, whether pecuniary or non-pecuniary, however, until March 1, 2019, in the event an application under the MCIA is filed with the Court, the provisions of that statute may limit any authority given to the Integrity Commissioner to receive or investigate complaints regarding alleged contraventions under the Municipal Conflict of Interest Act.*

*Members of Council may seek conflict of interest or other advice, in writing, from the Integrity Commissioner. Where members choose to seek external legal advice on conflict of interest or other Code of Conduct issues, these fees will not be reimbursed by the Town of Halton Hills and cannot be charged to any office account.*

*Members may not participate in activities that grant, or appear to grant, any special consideration, treatment or advantage to a Family Member or an individual which is not available to every other individual.*

*When a member, despite the existence of an interest, believes that he or she may still participate in a matter with an open mind, the public interest is best served when the Member is able to articulate the interest, and why the interest does not amount to a disqualifying conflict of interest.*

*Members must remain at arm's length when Town staff or Council is asked to consider a matter involving a Family Member or a person or organization with whom the Member has a real or apparent conflict of interest.*

5. Members who seek advice from the Integrity Commissioner with respect to the application of this Rule may rely on the provisions of Part B. "Framework and Interpretation" (paragraph 3) and the Rule 17, "Acting on Advice of Integrity Commissioner."
6. Members of Council shall avoid any interest in any contract made by him/her in an official capacity and shall not contract with the Town or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.
7. Members of Council, while holding public office, shall not engage in an occupation or the management of a business that conflicts with their ability to diligently carry out their role as a Member of Council, and shall not in any case profit directly or indirectly from such business that does or has contracted with the Town of Halton Hills.

*Commentary: Members of Council may for example teach, or run a business that does not conflict or interfere with their duties*

8. Despite paragraph 7., a Member of Council may hold office or a directorship in an agency, board, commission or corporation where the Member has been appointed by Town Council or by the Council of the Regional Municipality of Halton, or by the Federal or Provincial Government.
9. Despite paragraph 7. a Member of Council may hold office or directorship in a charitable, service or other not-for-profit corporation subject to the Member disclosing all material facts to the Integrity Commissioner and obtaining a written opinion from the Integrity Commissioner approving the activity, as carried out in the specified manner, which concludes that the Member does not have a conflict between his/her private interest and public duty. In circumstances where the Integrity Commissioner has given the Member a qualified opinion, the Member of Council may remedy the situation in the manner specified by the Integrity Commissioner.

#### *Commentary*

*Examples of exceptions include hospital boards, charitable boards, police services boards, community foundations, the Association of Municipalities of Ontario, the Federation of Canadian Municipalities, service clubs such as the Rotary Club, Lions Club and other not-for-profit organizations. Members should exercise caution if accepting such positions if the organization could be seeking a benefit or preferential treatment from the Town at any time.*

*The legislative obligation is set out in the Municipal Conflict of Interest (MCIA). If the Member of Council, or a family member of the Member of Council, sits on a body which has a pecuniary interest in a matter before Council (such as an application for grant, support or other contribution), that Member has a deemed pecuniary interest. The Member of Council should disclose the interest and should not participate in or vote on such matter, in compliance with the obligations of s.5, MCIA.*

*The Code of Conduct captures the broader common law responsibility and requires*

*members to avoid any possible appearance of favoring organizations or groups on which the Member's family members serve. For the same reason that staff are precluded from serving on a board of directors of an affiliated group, it is preferable that Members of Council do not serve in such a capacity.*

*Family members of Members of Council are not precluded, or even discouraged, from serving on not-for-profit organizations or other bodies. However, where family members of Members of Council serve in such a capacity, the Member should declare a conflict of interest whenever there is a matter for Council consideration in which the not-for-profit organization or body has a pecuniary interest.*

***For this reason, the following questions may assist Members in assessing whether they should be a member of the body, or if their family member is a member of the body, when a matter may give rise to a conflict:***

*Is this a corporation created to carry on municipal business on behalf of the Town, or to which I am appointed because I am a Council appointee? In these cases the Municipal Conflict of Interest Act, s.4(h) exempts Members from MCIA disclosure/recusal obligations.*

*If no, is this a body (a board, commission, or corporation) which seeks Town resources such as space, support, funds?*

*If yes, the Member of Council should not serve on the board of directors.*

*If a family member (spouse, sibling, child) of the Council Member is a member of the body, then the Member of Council should declare a conflict of interest any time Council is considering a matter in which the body has a pecuniary interest. In this way, there is no perception that the Council Member is giving preferential consideration to the body on which the Member's family member serves.*

## **Rule No. 2**

### **Gifts, Benefits and Hospitality:**

In this Rule:

- a. "Gift" means money, fee, advance, payment, gift, gift certificate, promise to pay, property, travel, accommodation, entertainment, hospitality or any other personal benefit connected directly or indirectly with the performance of a Member's duties of office, but excludes:
  - i. Compensation authorized by law;
  - ii. Political contributions otherwise reported by law, in the case of Members running for office;
  - iii. Services provided by persons volunteering their time;
  - iv. Contributions of value that are specifically addressed in other provisions of this Code
  - v. Gifts provided to the Town of Halton Hills and which are logged, archived and/or publicly displayed as such.
- b. A Gift provided with the Member's knowledge to a Family Member or to a Member's staff that is connected directly or indirectly to the performance of the Member's duties, is deemed to be a Gift to that Member.
- c. "Token of Appreciation" means such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation, or which are a suitable memento of a function honouring the Member.
- d. "Official Hospitality" means food, lodging, transportation and entertainment provided by Provincial, Regional and local governments or political subdivisions of them, by the Federal government or by a foreign government within a foreign country or at a conference, seminar or event where the Member is either speaking or attending in an official capacity at an official event (such as at meetings of AMO, FCM, or conducted by providers of continuing education).
- e. "Business Hospitality" means food and beverages consumed at banquets, receptions or similar events, if:
  - i. attendance serves a legitimate business purpose;
  - ii. the person extending the invitation or a representative of the organization is in attendance; and
  - iii. the value is reasonable and the invitations infrequent;
- f. "Publications" means communication to the offices of a Member, including subscriptions to newspapers, and periodicals.

1. No Member shall accept any Gift unless expressly permitted by this Rule.
2. No Member shall accept any Gift involving the use of property or facilities, such as a vehicle, office, club membership or vacation property at less than reasonable market value or at no cost. Notwithstanding this prohibition, with specific approval provided by Council, a Member may be sponsored to attend educational site visits connected with an identified project.
3. Gifts identified in Column B of Table '1' may be accepted by a Member provided the Gift is disclosed in accordance with the conditions set out in Column 'C'.
4. Gift Disclosure, where required, is to be accomplished by filing within 30 days of receipt of the gift or reaching the annual limit, a Councillor Information Statement in a form prescribed by the Integrity Commissioner and providing same to the Town Clerk for posting on the Town's web site.
5. Gifts identified in Column B shall not be accepted, without the Integrity Commissioner's specific approval, when the conditions set out in Column 'D' are applicable.
6. In providing advice to a Member about their obligations respecting Gifts, or in considering any inquiry with respect to a Councillor Information Statement or an assertion that this Rule has been breached, or in providing consent, where required, that a Gift may be accepted, the Integrity Commissioner shall determine whether the receipt of the Gift or might, in the opinion of the Integrity Commissioner, create a conflict between a private interest and the public duty of the Member. In the event that the Integrity Commissioner makes that preliminary determination, he/she shall call upon the Member to justify receipt of the gift or benefit.
7. Should the Integrity Commissioner determine the receipt of a Gift was inappropriate, the Integrity Commissioner may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or the Integrity Commissioner may order the Member to forfeit the gift or remit the value of any gift or benefit already consumed to the Town, or a Town agency, board or commission. Any such direction ordered by the Integrity Commissioner shall be a matter of public record.

TABLE '1'  
Gift Treatment and Disclosure

A	B	C	D
<u>Type of Gift</u>	<u>Examples</u>	<u>Gift Disclosure</u>	<u>Gift No Longer Allowable</u>
		<i>Apparent Value at which Gift, or the <b>cumulative</b> value from one source in a calendar year is disclosable</i>	<i>Condition or Actual Value beyond which gift is not allowable (Value assessed on basis of single Gift or cumulative Gift value from one source in calendar year) (without IC approval)</i>
Token of Appreciation	Plaques, Pens, Mugs, Vase, Event Photos, and similar	No need to record - Deemed Zero Value	Actual Value of a single gift is over \$500 (allowable with IC approval)
	Perishable (includes flowers, food)	No need to record - Deemed Zero Value	Excludes Alcohol with actual value over \$100
	Gift to Town	Not a 'Gift'. No need to record. Town staff (identify) to record and take possession unless otherwise on public display. Deemed Zero Value	N/A
Course of Business	Publications	No need to record - Deemed Zero Value	N/A
	Art	\$100	\$500
	Business Meals	\$100	\$500
	Business Hospitality	\$100	\$750 More than two Event Tickets (Golf, Gala, Sporting, Entertainment) per event More than one event per year from the same person or organization (allowable with IC approval)
	Official Hospitality	\$500	No limit

Commentary

*Gifts and benefits are often received by elected officials in the course of their duties and attendance at public functions is expected and is considered part of their role.*

*Business-related entertainment and gift-giving can be a token of respect and admiration for the elected official, but can also be seen as an instrument of influence and manipulation. The object of this rule is to provide transparency around the receipt of incidental gifts and benefits and to establish a threshold where the total value could be perceived as potentially influencing a decision.*

*The practical problems that nominal gifts and benefits create require a Code of Conduct that provides clarity and transparency. Personal integrity and sound business practices require that relationships with developers, vendors, contractors or others doing business with the Town be such that no Member of Council is perceived as showing favouritism or bias toward the giver. There will never be a perfect solution.*

*Members who are members of both Halton Hills Council and Regional Council will be subject to both this Rule and the rules in place for the Region of Halton governing the receipt of gifts, benefits and hospitality. Where a gift, benefit or hospitality offering is made within the **exclusive** scope of the Member's duties as a Member of **either** Regional Council or Halton Hills Council, it will be clear which provision will govern. However, since business or personal interactions with Members of Council are not always specific to a discrete matter easily identified as **either** a Regional or local matter, in many, if not most circumstances, the Member may be subject to both the provisions adopted by both municipalities. In such cases the more stringent provision would govern.*

*Each Member of Council is individually accountable to the public and is encouraged to keep a list of all gifts and benefits received from individuals, firms or associations, with estimated values, in their offices for review by the Integrity Commissioner in the event of a complaint.*

*Use of real estate or significant assets or facilities (i.e. a vehicle, office, vacation property or club membership) at a reduced rate or at no cost is not an acceptable gift or benefit. The purpose of the Code is not to prohibit Members from accepting all invitations to socialize at a vacation property with personal friends at their vacation property, provided the Gift is disclosed in accordance with this Rule.*

*Proper caution and diligence must however be exercised when a social function occurs within close proximity to the individual having an issue before Town Council or staff for approval. It is always prudent to consult with the Integrity Commissioner before accepting or attending at any such engagements. Any doubts about the propriety of a gift should be resolved in favour of not accepting it or not keeping it. It may be helpful to consult with the Integrity Commissioner when a Member chooses to decline a gift as well as when a recipient may opt to keep a gift.*

*An invitation to attend a function with a developer or supplier could be seen as allowing the giver an opportunity to influence the elected official. Such invitations should only be accepted if the invitation is within the scope of permissible gifts and benefits, meaning that Members should not consistently accept invitations from the same individual or corporation and should avoid any appearance of favouritism.*

*For clarification, an invitation to an event celebrating the successful completion of a development or project or the opening of a new business within the Member's ward on the other hand could serve a legitimate business purpose and be seen as part of the responsibilities of office provided the person extending the invitation or that person's representative is in attendance.*

*An invitation to attend a charity golf tournament or fund-raising gala, provided the Member of Council is not consistently attending such events as a guest of the same individual or corporation, is also part of the responsibilities of holding public office. Likewise, accepting invitations to professional sports events, concerts or dinners may serve a legitimate business purpose. Where a Member is uncertain in regards to whether an invitation is or is not appropriate, it may be prudent to consult with the Integrity Commissioner before attending any such event.*

*Regular invitations to lunch or dinner with persons who are considered friends of Members of Council is acceptable in situations where the Member pays their portion of the meal expense and treats it as a personal expense, meaning a claim is not made under the Expense Policy. Proper caution and diligence not to discuss matters before the Town for a decision must be exercised at all times. When in doubt it is prudent to consult with the Integrity Commissioner.*



### **Rule No. 3**

#### **Member's Expenses:**

There are a range of expenses that support a Member's role in community development and engagement activities within their ward. For federal and provincial elected officials, these expenses are often paid for by Riding Association funds. Municipal elected officials do not have this benefit. Members should refer to the *Mayor and Members of Council Technology and Expense Policy* (aka Expense Policy) for guidance of expenses eligible for reimbursement.

1. As community leaders, Members may lend their support to and encourage community donations to registered charitable, not-for-profit and other community-based groups. Monies raised through fundraising efforts shall go directly to the groups or volunteers or chapters acting as local organizers of the group and Members of Council should not handle any funds on behalf of such organizations.

Members of Council routinely perform important work in supporting charitable causes and in so doing, there is a need for transparency respecting the Member's involvement. The following guidelines shall apply:

- a. Members of Council should not directly or indirectly manage or control any monies received relating to community or charitable organizations fundraising;
- b. Members of Council or persons acting on behalf of a Member shall not solicit or accept support in any form from an individual, group or corporation, with any pending significant planning, conversion or demolition variance application or procurement proposal before Town Council, which the Member knew or ought to have known about.
- c. With reference to member-organized community events, Members of Council must report to the Integrity Commissioner, the names of all donors and the value of their donation that supplement the event.
- d. Where a Member of Council sponsors and/or lends support to a community or charitable event, this *Code* recognizes that all donations are subject to the Expense Policy.
- e. No donation cheques should be made payable to a Member of Council or to the Town of Halton Hills. Members of Council may only accept donation cheques made payable to a Business Improvement Association, charity or community group and only for the purpose of passing the cheques on to such group.
- f. Members of Council should not handle any cash on behalf of any charitable organization, not-for-profit or community group, and should always remain at arm's length from the financial aspects of these community and external

events. If a Member of Council agrees to fundraise on behalf of a charity or community group, the Member should ensure that payment is received by a means that does not involve cash, including bank draft, money order, credit card or cheque made payable to the applicable group or organization.

2. Nothing included herein affects the entitlement of a Member of Council to:
  - i) use the Member's office expense (discretionary) budget to champion or support community events subject to the terms of discretionary budget policy
  - ii) urge constituents, businesses or other groups to support community events and advance the needs of a charitable organization put on by others in the Member's ward or elsewhere in the Town;
  - iii) play an advisory ex officio or honorary role in any charitable or non-profit organization that holds community events in the Member's ward; and
  - iv) collaborate with the Town of Halton Hills and its agencies, boards or commissions to hold community events.

#### Commentary

*By virtue of the office, Members of Council will be called upon to assist various charities, service clubs and other non-profits as well as community associations, by accepting an honorary role in the organization, lending their name or support to it or assisting in fundraising. Transparency and accountability are best achieved in today's era by encouraging contributors to make donations to such organizations on-line through a website or where that is not possible through a cheque made payable directly to the organization. Cash should never be accepted.*

## **Rule No. 4**

### **Confidential Information:**

1. No Member shall disclose the content of any such matter, or the substance of deliberations, of the *in-camera* meeting until the Council or Committee discusses the information at a meeting that is open to the public or releases the information to the public.
2. No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except where required by law or authorized by Council to do so.
3. No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.
4. No Member should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of Town property or assets.
5. Members of Council should not access or attempt to gain access to confidential information in the custody of the Town unless it is necessary for the performance of their duties and is not prohibited by Council policy.

### **Commentary:**

*Confidential Information includes information in the possession of, or received in confidence by, the Town of Halton Hills that the Town is either prohibited from disclosing, or is required to refuse to disclose, under the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA"), or any other legislation.*

*MFIPPA restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, information that is personal, and information that is subject to solicitor-client privilege.*

*The Municipal Act, 2001 allows information that concerns personnel, labour relations, litigation, property acquisitions and security of the property of the Town or a local board, and matters authorized in other legislation including MFIPPA, to remain confidential. For the purposes of the Code of Conduct, "confidential information" includes this type of information.*

*As elected officials, Members of Council will receive highly sensitive and confidential information concerning residents who need their assistance. This is consistent with the nature of the Members' duties. In accordance with MFIPPA, Councillor constituency records are at all times under the control of the Member and are not subject to any municipal disclosure requirements.*

*Under the Council Procedure By-law, a matter that has been discussed at an in-camera (closed) meeting remains confidential, until such time as a condition renders the matter public. The following are examples of the types of information that a Member of Council must keep confidential:*

- items under litigation, negotiation, or personnel matters;
- information that infringes on the rights of others (e.g. sources of complaints where the identity of a complainant is given in confidence);
- price schedules in contract tender or request for proposal submissions if so specified;
- information deemed to be “personal information” under the *Municipal Conflict of Interest Act*; and
- statistical data required by law not to be released (e.g. certain census or assessment data)

Where it is clear that a communication was not made in a confidential manner (i.e. copied to others, or made in the presence of others) or the manner of communication undermines the validity of labeling it “Confidential”, such communication will not be given any higher level of confidentiality than any other communication. The words “Privileged”, “Confidential” or “Private” will not be understood to preclude the appropriate sharing of the communication for the limited purpose of reviewing, responding or looking into the subject-matter of the communication.

## Rule No. 5

### **Use of Town Resources:**

1. No Member shall use for personal purposes any Town staff services, property, equipment, services, supplies, websites, webboards, or other Town-owned materials, other than for purposes connected with the discharge of Town duties.
2. No Member shall obtain personal financial gain from the use or sale of Town developed intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations or any other item capable of being patented. Members acknowledge and do not dispute that all such property remains exclusively that of the Town of Halton Hills.
3. No Member shall use information gained in the execution of his or her duties that is not available to the general public, for any purposes other than his or her official duties.

### **Commentary**

*Members, by virtue of their position, have access to a wide variety of property, equipment, services and supplies to assist them in the conduct of their Town duties as public officials.*

*While most of this property is provided within the confines of their office, much of it is transportable or may be provided for home use, given the nature of the demands placed on Members in carrying out their duties and in recognition of the fact that the Town does not provide constituency offices to Members of Council. Members are held to a higher standard of behaviour and conduct and therefore should not use such property for any purpose other than for carrying out their official duties. For clarity, this Rule is intended to prohibit the use of Town resources for purposes such as running a home business. It is not intended to prohibit occasional personal use, but it should be subject to practical limitations.*

*Careful attention should be given to the provisions of the Town's Expense Policy which identifies approvable allowable expenses. During election campaigns, the provisions of Rules 6 and 7 will apply.*

4. No Member shall use the services of Town staff, or make requests for document or information from Town staff, unless such information is required for the purpose of carrying out their duties as public officials.

5. No Member shall include in his or her website, newsletters, E-mails or other printed material, advertising of businesses in the Town, including the distribution of gift certificates, free tickets and compiling a list of businesses located in a ward. Attending and reporting the opening of a new business or a business event in the Town is permissible and a Member may thank verbally or in a newsletter, a business by name or an employee of that business, which contributes to a Town or ward event provided that no such recognition shall constitute an endorsement of such business.

## Rule No. 6

### **Election Campaigns:**

1. Members are required to follow the provisions of the *Municipal Elections Act, 1996* and Members are accountable under the provisions of that statute.
2. No Member shall use the facilities, equipment, supplies, services, staff or other resources of the Town (including Councillor newsletters, individual websites linked through the Town 's website and social media accounts used for ward communication) for any election campaign or campaign-related activities and all such sites shall not use the Town of Halton Hills logo.
  - a) If a member of Council uses any social media account for campaign purposes, such account must not be created or supported by Town resources or use the Town logo. Social media accounts used for campaign purposes must utilize personal cell phones, tablets and/or computers.
  - b) To avoid confusion with any website or social media accounts used for Council Member work, Council members who choose to create or use social media accounts for campaign communications must include, for the duration of the campaign, a clear statement on each campaign website or social media account's home page indicating that the account is being used for election campaign purposes.
  - c) Despite the foregoing, Members are allowed to place campaign phone numbers, websites and E-mail addresses on the election pages on the Town's website, which is available and authorized for use by all candidates for municipal and school board office.
3. In a municipal election year, commencing on Nomination Day until the date of the election, Members may not publish Councillor newsletters or distribute them in municipal facilities. All newsletters distributed through the mail must be post-marked by no later than Nomination Day in an election year. Members of Council may, during such period, use Town facilities to communicate important notifications to the residents of their ward by E-mail in normal Outlook format or by letter on the Councillor's stationery.

4. In a municipal election year, commencing on Nomination Day until the date of the election, no candidate including Members, may directly or indirectly, book any municipal facility for any purpose that might be perceived as an election campaign purpose.
5. Members shall be respectful of the role of the Town Clerk in managing the municipal election process and meeting all statutory requirements in respect thereof. The Town Clerk must ensure all candidates are treated equally and no candidate for elected office should interfere with how the Clerk carries out these duties.

#### Commentary

*Staff should not interpret or provide advice to Members regarding the requirements placed on candidates for municipal office.*

*The restriction on booking facilities ensures that election-related functions, or those that could appear to be election-related, will not occur at any time there is an advance or regular poll at the facility. The need to set up in advance means that election night parties cannot be held in the same facilities that polling stations are located in.*

*Members should not authorize any event that could be perceived as the Town providing them with an advantage over other candidates. It is the personal responsibility of Members to ensure that any use of facilities or the services of municipal staff are carried out in accordance with applicable legislation. Staff are not responsible for monitoring and advising Members or any other candidates, in this regard.*

*The Municipal Elections Act, 1996 clearly states that it is the responsibility of the Town Clerk to conduct the election and take all necessary actions to ensure municipal elections meet all statutory requirements.*

6. No Members shall use the services of persons for campaign related Activities during hours in which those persons receive any compensation from the Town.
7. The Integrity Commissioner may at any time be consulted with regard to complying with any part of Rule 6 and in particular may rule on whether any activity by staff in a Councillor's office during an election year is prohibited election work or permitted activity sufficiently unrelated to the election.



## Rule No. 7

### **Improper Use of Influence:**

1. No member shall use the influence of his or her office for any purpose other than for the exercise of his/her official duties.
2. Members shall not contact members of any tribunal regarding any matter before it, such as the Committee of Adjustment, which is charged with making independent decisions and whose members have been appointed by Council. Members may with prior written notice to the Committee of Adjustment Secretary/Treasurer, infrequently attend meetings to provide the Committee of Adjustment with history and context of an application before the committee. Members may send a letter or E-mail addressed to the Secretary of such tribunal expressing the views of the member on behalf of the community.

If Council has taken a position in an Ontario Municipal Board/Local Planning Appeal Tribunal ("OMB/LPAT") matter and instructed the Town Solicitor to appear at a hearing in support of such position, no member of Council who disagrees with such position, shall give evidence at such hearing or otherwise work against the will of Council in such matter. With the consent of the lawyer assigned to represent the Town at an OMB/LPAT hearing, a member of Council who is in support of the Council instructions to such lawyer, may give evidence at an OMB/LPAT hearing. Notwithstanding the above, if the OMB/LPAT has decided to mediate a dispute between parties in a matter, any member of Council may offer his or her services to assist with such mediation regardless of his or her position in the matter and participate, if approved by the OMB/LPAT mediator.

### **Commentary**

*Examples of prohibited conduct are the use of one's status as a Member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's Family Member, or friends. This would include attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of their constituents as part of their official duties. Also prohibited is the holding out of the prospect or promise of a future advantage through a Member's supposed influence within Council in return for present actions or inaction.*

*Contact with members of tribunals appointed by Council on any case might be viewed as attempts to intimidate the tribunal member. Generally, members of Council should not take part in the proceedings of any other tribunal where the Town is a party unless such participation is approved by the Integrity Commissioner*

3. Pursuant to corporate policy, the Chief Administrative Officer directs Town Commissioners, who in turn direct Town staff. Town Council and not individual Members of Council appropriately give direction to the Town administration.

## **Rule No. 8**

### **Business Relations:**

1. No Member shall allow the prospect of his/her future employment by a person or entity to affect the performance of his/her duties to the Town, detrimentally or otherwise.
2. No Member shall borrow money from any person who regularly does business with the Town unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money, such as a credit union.
3. No Member shall act as a paid agent before Council or a committee of Council or any agency, board or committee of the Town.
4. No Member shall refer a third party to a person, partnership or corporation in exchange for payment or other personal benefit.

## **Rule No. 9**

### **Member Conduct**

#### **Conduct at Council and Committee Meetings:**

1. Members shall conduct themselves at Council and committee meetings with decorum in accordance with the provisions of the *Council Procedure By-law*.
2. Members shall endeavour to conduct and convey Council business and all their duties in an open and transparent manner (other than for those decisions which by virtue of legislation are authorized to be dealt with in a confidential manner in closed session), and in so doing, allow the public to view the process and rationale which was used to reach decisions and the reasons for taking certain actions.

#### **Commentary**

*Members recognize the importance of cooperation and strive to create an atmosphere during Council and committee meetings that is conducive to solving the issues before Council, listening to various points of view and using respectful language and behaviour in relation to all of those in attendance.*

*Various statutes, the Council Procedure By-law and decisions by courts and quasi-judicial tribunals and the Information and Privacy Commission, establish when Town Council can discuss issues in closed session. Transparency requires that Council apply these rules narrowly so as to best ensure that decisions are held in public session as often as possible.*

*Unless prohibited by law, Members should clearly identify to the public how a decision was reached and the rationale for so doing.*

3. Members shall make every effort to participate diligently in the activities of the committees, agencies, boards, commissions and advisory committees to which they are appointed by the Town or by virtue of being an elected official.

#### **Commentary**

*Individual Members are appointed to committees, agencies, boards and commissions based on their various backgrounds and their ability to contribute to matters before them, bringing their expertise and experience. Members shall not be absent from Council or committee meetings, or from those of agencies, boards and commissions to which they are appointed without reasonable justification (for example, illness of the Member, family circumstance, Regional business) for more than three consecutive scheduled meetings or on a regular basis.*

4. Members shall conduct themselves with appropriate decorum at all times.

Commentary

*As leaders in the community, Members are held to a higher standard of behaviour and conduct, and accordingly their behaviour should be exemplary.*

## **Rule No. 10**

### **Media Communications:**

1. Members of Council will accurately communicate the decisions of Halton Hills Council, even if they disagree with the majority decision of Council, and by so doing affirm the respect for and integrity in the decision-making processes of Council.
2. Members of Council will keep confidential information confidential, until such time as the matter can properly be made public.
3. In all media communications, including social media, members will treat each other, staff and members of the public with decorum, dignity and respect, and shall avoid messaging that amounts to abuse, bullying or intimidation.

### **Commentary**

*A Member may state that he/she did not support a decision, or voted against the decision. A Member should refrain from making disparaging comments about other Members of Council or about Council's processes and decisions.*

*When communicating with the media, a Member should at all times refrain from speculating or reflecting upon the motives of other Members in respect of their actions as a Member of Council.*

*While openness in government is critical, governments also must respect confidentiality when a matter must remain, at least for a period of time, confidential. Breaches of confidentiality by Members erodes public confidence.*

*While Members are encouraged to actively participate in vigorous debate, Members should understand that they are part of a democratically-elected representative body and should not engage in social media as if they are outsiders. In this regard, caution should be exercised when blogging, posting, tweeting, re-posting and linking to posts using social media, whether the member is using a personal account or a Town account.*

*Members who post blogs should recognize that the Canadian Association of Journalists has identified the ethical conflict faced by journalists holding elected public office. It is recognized that there is an irreconcilable conflict in holding both roles.*

*While social media can be an excellent tool for communicating quickly with constituents and sharing ideas and obtaining input, social media can breed incivility that generally is avoided in face-to-face interactions. In a world where a transitory comment can become part of the permanent record, Members should exercise restraint in reacting too quickly, or promoting the social media posts of others whose views may be disparaging of Council's decisions or another Member's perspectives.*

## **Rule No. 11**

### **Respect for Town By-laws and Policies:**

1. Members shall encourage public respect for the Town and its by-laws.
2. Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.

#### **Commentary**

*A Councillor must not encourage disobedience of a Town by-law in responding to a member of the public, as this undermines confidence in the Town and in the Rule of Law.*

*Members of Council are required to observe the policies and procedures established by Town Council at all times, and are directed to pay special attention to, and comply strictly with, the Council Procedure By-law and the Expense Policy. In exceptional circumstances, a Member may request Council grant an exemption from any policy.*

## **Rule No. 12**

### **Respectful Workplace:**

1. Members are governed by the Town's *Respect in the Workplace Policies*. All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.
2. All complaints received involving members of Council under the *Respect in the Workplace Policies* shall be referred to the Integrity Commissioner for processing in accordance with both the said policy and the *Council Code of Conduct Complaints Protocol*.
3. The *Ontario Human Rights Code* applies in addition to the Town's *Respect in the Workplace Policies*.

#### **Commentary**

*It is the policy of the Town of Halton Hills that all persons be treated fairly in the workplace in an environment free of discrimination or personal and sexual harassment.*

*The Town of Halton Hills's Respect in the Workplace Policies ensures a safe and respectful workplace environment and provides for the appropriate management of any occurrences of harassment and discrimination as those terms are defined in the policies.*

*The Town of Halton Hills's Respect in the Workplace Policies apply equally to members of staff and Members of Council. It will provide guidance to the Integrity Commissioner when a complaint is received involving a Member.*

## **Rule No. 13**

### **Conduct Respecting Staff:**

1. No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
2. No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
3. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council.
4. No Member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the Town.

### **Commentary**

*Under the direction of the Chief Administrative Officer, staff serve the Council as a whole, and the combined interests of all Members as evidenced through the decisions of Council. Only Council as a whole has the authority to approve the budget committee processes and other matters.*

*Accordingly, Members shall direct requests outside of Council-approved budget, process or policy, directly to Council.*

*In practical terms, there are distinct and specialized roles carried out by Council as a whole and by Councillors when performing their other roles. The key requirements of these roles include dealing with constituents and the general public, participating as standing committee members and as chairs of standing committees, and participating as Council representatives on agencies, boards, commissions and other bodies. Similarly, there are distinct and specialized roles expected of Town staff in both the carrying out of their responsibilities and in dealing with Council. Staff are expected to provide information to Members that they are entitled to.*

*Town staff are accountable to the Chief Administrative Officer who is accountable to Town Council. Sometimes the line between staff duties and activities that are political in nature is not clear. Members of Council must respect the difference between the two in making requests of staff.*

*Members of Council should expect a high quality of advice from staff based on political neutrality and objectivity irrespective of party politics, the loyalty of persons in power, or their personal opinions.*



*The Town's Respect in the Workplace policies apply to Members of Council. Staff and Members of Council are all entitled to be treated with respect and dignity in the workplace.*

*It is inappropriate for a Member to attempt to influence staff to circumvent normal processes in a matter, or overlook deficiencies in a file or application. It is also inappropriate for Members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the Chief Administrative Officer. Any such attempts should be reported to the Integrity Commissioner.*

#### **Rule No. 14**

##### **Employment of Council Relatives/Family Members:**

1. No Member shall attempt to influence the outcome, or to influence any Town employee to hire or promote a Family Member.
2. No Members shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any Family Member.
3. No Member shall supervise a Family Member, or be placed in a position of influence over a Family Member.
4. No Member shall attempt to use a family relationship for his or her personal benefit or gain.
5. Every Member shall adhere to the Town's Recruitment Policy.

##### **Commentary**

If a Family Member of a Councillor is an applicant for employment with the Town or is a candidate for promotion or transfer, the Family Member will proceed through the usual selection process pursuant to the Town's hiring policies, with no special consideration.

## **Rule No. 15**

### **Not Undermine, Work Against Council's Decisions:**

1. Members of Council shall not actively undermine the implementation of Council's decisions.

#### *Commentary*

*The role of elected officials, once a council decision is made, is to support the implementation of that decision, not to work against its implementation, publicly or behind the scenes. Council decisions are arrived at following discussion and debate, reflecting the democratic process. Members are expected to engage in debate with their fellow council members through the democratic process of government. However, once Council has made its decision, Members must recognize that decision as the duly-considered decision of the body of Council. As members of that body of Council, individual members – those who did not agree with the decision - are not to engage in activities that seek to challenge or undermine that decision.*

*Members can express disagreement with Council's decisions, but it is contrary to the ethical behaviour of members of Council to actively seek to undermine, challenge or work against Council's decisions.*

2. Members of Council shall not engage in litigation or other legal challenges against the municipality or Council's decisions.
  - a. Despite this provision, Members may pursue a complaint or request for investigation under any of the oversight, transparency and accountability mechanisms provided under Part V.1 and under section 239 of the Municipal Act.

#### *Commentary*

*When members are allowed to participate in activities to challenge Council's properly considered decisions, such as legal challenges or other forms of litigation, this is contrary to the interests of the municipality as determined by the decision of the democratically elected governing body, Council. It can create challenges to staff as to when and how much information can be provided to Council (legal advice for example) because of the presence of a legal challenge, which may benefit by 'insider knowledge'.*

3. Despite this Rule, Members of Council may seek to have a Council decision reconsidered in accordance with Council's Procedure By-law.

## **Rule No. 16**

### **Reprisals and Obstruction:**

1. It is a violation of the *Code of Conduct* to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.
2. No Member shall threaten or undertake any active reprisal against a person initiating an inquiry or complaint under the *Code of Conduct*, or against a person who provides information to the Integrity Commissioner in any investigation.
3. It is a violation of the *Code of Conduct* to destroy documents or erase electronic communications or refuse to respond to the Integrity Commissioner where a formal complaint has been lodged under the *Code of Conduct*.

## **Rule No. 17**

### **Acting on Advice of Integrity Commissioner:**

1. Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter, as long as all the relevant facts were disclosed to the Integrity Commissioner, and the Member adhered to the advice given.

## **Rule No. 18**

### **Implementation:**

1. Members are expected to formally and informally review their adherence to the Code on a regular basis or when so requested by Council.
2. At the beginning of each term, Members will be expected to meet with the Integrity Commissioner.

### **Commentary:**

*Members are expected to understand the obligations on elected officials set out in this Code of Conduct, and are encouraged to contact the Integrity Commissioner for any clarification required. A Code of Conduct component will be included as part of the orientation for each new term of Council.*

## **COUNCIL CODE OF CONDUCT COMPLAINT PROTOCOL**

### **PART A: INFORMAL COMPLAINT PROCEDURE**

Any person or representative of an organization who has identified or witnessed behaviour or an activity by a member of Council that they believe is in contravention of the *Council Code of Conduct* (the “Code”) may wish to address the prohibited behaviour or activity themselves as follows:

- (1) advise the member that the behaviour or activity contravenes the Code;
- (2) encourage the member to stop the prohibited behaviour or activity;
- (3) keep a written record of the incidents including dates, times, locations, other persons present, and any other relevant information;
- (4) if applicable, confirm to the member your satisfaction with the response of the member; or, if applicable, advise the member of your dissatisfaction with the response; and
- (5) consider the need to pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with another applicable judicial or quasi-judicial process or complaint procedure.

All persons and organizations are encouraged to initially pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that is prohibited by the Code. With the consent of the complaining individual or organization and the member, the Integrity Commissioner may be part of any informal process. However, it is not a precondition or a prerequisite that those complaining must pursue the informal complaint procedure before pursuing the Formal Complaint Procedure in Part B.

### **PART B: FORMAL COMPLAINT PROCEDURE:**

#### **Initial Complaint**

1. (1) A request for an investigation of a complaint that a member has contravened the Code of Conduct (the “complaint”) shall be sent directly to the Integrity Commissioner by E-mail substantially in the form attached to this Protocol as Schedule “A”.
- (2) All complaints shall be submitted by an identifiable individual (which includes the authorized signing officer of an organization).
- (3) A complaint shall set out reasonable and probable grounds for the allegation that the member has contravened the Code.

The complaint should include the name of the member, the provision of the Code allegedly contravened, facts constituting the alleged contravention, the names and contact information of witnesses, and contact information for the complainant during normal business hours.

(4) Election Blackout Period:

No investigation shall be commenced or continued, nor shall the Integrity Commissioner report to Council respecting an investigation, within the election period described within s.223.4 and 223.4.1 of the *Municipal Act*, except as described in those sections.

### **Classification by Integrity Commissioner**

2. (1) Upon receipt of the request, the Integrity Commissioner shall make an initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code and not covered by other legislation, a complaint with respect to the *Municipal Conflict of Interest Act* or other relevant Council policies.

(2) If the complaint, on its face, is not a complaint with respect to non-compliance with the Code or another Council policy governing ethical behaviour or the *Municipal Conflict of Interest Act*, or if the complaint is covered by other legislation, the Integrity Commissioner shall advise the complainant in writing as follows:

(a) if the complaint on its face is an allegation of a criminal nature consistent with the *Criminal Code of Canada*, the complainant shall be advised that if the complainant wishes to pursue any such allegation, the complainant must pursue it with the appropriate police force;

(b) if the complaint on its face is with respect to non-compliance with the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter will be referred for review to the Town Clerk; and

(c) the complainant shall be advised that the matter, or part of the matter, is not within the jurisdiction of the Integrity Commissioner to process, with any additional reasons and referrals as the Integrity Commissioner considers appropriate. The Integrity Commissioner may proceed with that part of the complaint that is within jurisdiction.

- (3) The Integrity Commissioner may assist the complainant in restating, narrowing or clarifying the complaint so that the public interest will be best served were the complaint to be pursued.
- (4) The Integrity Commissioner may report to Council that a specific complaint is not within the jurisdiction of the Integrity Commissioner.
- (5) The Integrity Commissioner shall report annually to Council on complaints not within the jurisdiction of the Integrity Commissioner, but, where possible, shall not disclose information that could identify a person concerned.

## Investigation

- 3. (1) The Integrity Commissioner is responsible for performing the duties set out in this Protocol independently and shall report directly to Council in respect of all such matters. In applying this Protocol, the Integrity Commissioner shall retain the discretion to conduct investigations applying the principles of procedural fairness, and any deviation from the provisions of this Protocol for that purpose shall not invalidate the investigation or result in the Integrity Commissioner losing jurisdiction.
- (2) If the Integrity Commissioner is of the opinion that a complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, or that the pursuit of the investigation would not, in the opinion of the Integrity Commissioner be in the public interest, the Integrity Commissioner shall not conduct an investigation, or, where that becomes apparent in the course of an investigation, terminate the investigation.
- (3) The Integrity Commissioner shall file an annual report to Town Council respecting the advice, education and investigations carried out in the previous year, and developments or recommendations of significance related to the role of the Integrity Commissioner. Other than in exceptional circumstances, the Integrity Commissioner will not report to Council on any complaint described in subsection (2) except as part of an annual or other periodic report.
- (4) Where the Integrity Commissioner rejects or terminates an investigation pursuant to this section, reasons shall be provided.
- 4. (1) If a complaint has been classified as being within the Integrity Commissioner's jurisdiction and not rejected under section 3, the Commissioner shall investigate and may attempt to settle the complaint.
- (2) The Integrity Commissioner may in exceptional circumstances elect to exercise the powers of a Commission under Parts I and II of the *Public Inquiries Act*, as contemplated by Subsection 223.4(2) of the Act.

- (3) If the Integrity Commissioner elects to conduct an inquiry under the Public Inquiries Act, he/she shall report to Council before proceeding, setting out the reasons for the investigation, and providing an estimate of the expected cost and time that the investigation will require, and providing an opportunity for Council to respond to the reasonableness of the expenditure of public funds for the purpose of such Commission.
  - (4) When the *Public Inquiries Act* applies to an investigation of a complaint, the Integrity Commissioner shall comply with the procedures specified in that Act and this Complaint Protocol, but, if there is a conflict between a provision of the Complaint Protocol and a provision of the *Public Inquiries Act*, the provision of the *Public Inquiries Act* prevails.
5. (1) The Integrity Commissioner will proceed as follows, except where otherwise required by the Public Inquiries Act and/or in the context of a particular situation, the principles of procedural fairness:
- (a) provide the complaint and supporting material to the member whose conduct is in question and provide the member with a reasonable opportunity to respond.
  - (2) Except where the Integrity Commissioner determines that it is not in the public interest to do so, the name of the complainant shall be provided as part of the complaint documents.
  - (3) If necessary, after reviewing the written materials, the Integrity Commissioner may speak to anyone relevant to the complaint, access and examine any of the information described in subsections 223.4(3) and (4) of the *Municipal Act*, and may enter any Town work location relevant to the complaint for the purposes of investigation and settlement.
  - (4) The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any member unless the member has had reasonable notice of the basis for and an opportunity to comment on the proposed findings.
  - (5) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction or retaliation encountered during the investigation.
6. (1) The Integrity Commissioner shall report to the complainant and the member generally no later than 90 days after the making of the complaint.
- (2) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall also report to Council outlining the findings, the terms of any settlement, or recommended corrective action.

- (3) Where the complaint is dismissed, other than in exceptional circumstances, the Integrity Commissioner shall not report to Council except as part of an annual or other periodic report.
  - (4) Any recommended corrective action must be permitted in law and shall be designed to ensure that the inappropriate behaviour or activity does not continue.
7. If the Integrity Commissioner determines that there has been no contravention of the Code of Conduct or that a contravention occurred although the member took all reasonable measures to prevent it, or that a contravention occurred that was trivial or committed through inadvertence or an error of judgement made in good faith, the Integrity Commissioner shall so state in the report and shall recommend that no penalty be imposed.
8. The Town Clerk shall process the report for the next meeting of Council.

### **Council Review**

9. (1) Council shall consider and respond to the report within 90 days after the day the report is laid before it.
- (2) In responding to the report, Council may vary a recommendation that imposes a penalty, subject to Section 223.4, subsection (5) of the *Municipal Act*, but shall not refer the recommendation other than back to the Integrity Commissioner.
- (3) Council can terminate the Integrity Commissioner only by a two-thirds vote of all members.
- (4) Upon receipt of recommendations from the Integrity Commissioner, Council may, in circumstances where the Integrity Commissioner has determined there has been a violation of the Code of Conduct, impose either of two penalties:
- (a) a reprimand; or
  - (b) suspension of the remuneration paid to the Member in respect of his/her services as a Member of Council or a local board, as the case may be, for a period of up to 90 days, and may also take the following actions:
    - (c) removal from membership of a committee;
    - (d) removal as chair of a committee;
    - (e) repayment or reimbursement of monies received;
    - (f) return of property or reimbursement of its value;



## **Confidentiality**

10. (1) A complaint will be processed in compliance with the confidentiality requirements in sections 223.5 and 223.6 of the *Municipal Act*, which are summarized in the following subsections.
  - (2) The Integrity Commissioner and every person acting under her or his instructions shall preserve secrecy with respect to all matters that come to his or her knowledge in the course of any investigation except as required by law in a criminal proceeding.
  - (3) All reports from the Integrity Commissioner to Council will be made available to the public.
  - (4) Any references by the Integrity Commissioner in an annual or other periodic report to a complaint or an investigation shall not disclose confidential information that could identify a person concerned.
  - (5) The Integrity Commissioner in a report to Council on whether a member has violated the Code of Conduct shall only disclose such matters as in the Integrity Commissioner's opinion are necessary for the purposes of the report.

**Schedule “A”  
Complaint**

I \_\_\_\_\_ hereby request the Integrity Commissioner for the Town of Halton Hills to conduct an inquiry about whether or not the following member(s) of the Town Council has contravened the Council Code of Conduct or the *Municipal Conflict of Interest Act*:

\_\_\_\_\_

I have reasonable and probable grounds to believe that the above member(s) has contravened the Council Code of Conduct and/or the *Municipal Conflict of Interest Act* by reason of the following (please include date, time and location of conduct, the Rules contravened, and particulars, including names of all persons involved, and of all witnesses, and information as to how they can be reached, (attach additional pages as needed):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

I hereby request the Integrity Commissioner to conduct an inquiry with respect to the above conduct. Attached are copies of documents and records relevant to the requested inquiry.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Name:  
Address:

Email:  
Phone:

Email completed Complaint to Principles Integrity at: [postoffice@principlesintegrity.org](mailto:postoffice@principlesintegrity.org)

# **TOWN OF HALTON HILLS**



## **CODE OF CONDUCT FOR LOCAL BOARDS AND COMMITTEES**

**TOWN OF HALTON HILLS  
CODE OF CONDUCT FOR  
LOCAL BOARDS AND COMMITTEES**

**NON-ADJUDICATIVE & ADJUDICATIVE**

**Part 1**

General Introduction, Framework and Interpretation

Guiding Principles

- 1: Avoidance of Conflicts of Interest
- 2: Gifts, Benefits and Hospitality
- 3: [intentionally left blank – for future addition]
- 4: Confidential Information
- 5: Use of Town Resources
- 6: Election Campaigns
- 7: Improper Use of Influence
- 8: Business Relations
- 9: Member Conduct
- 10: Media Communications
- 11: Respect for the Town By-laws and Policies
- 12: Respectful Workplace
- 13: Conduct Respecting Staff
- 14: [intentionally left blank – for future addition]
- 15: Reprisals and Obstructing
- 16: Acting on Advice of Integrity Commissioner

**Part 2**

[Adjudicative Boards only]

- 17: Additional Requirements for Members of Adjudicative Boards
- 18: Communications with Parties
- 19: Independent Nature of Adjudicative Tribunals

**Part 3**

Complaint Protocol

Consequences of Failure to Adhere to Code of Conduct

## **Part 1**

### **General Introduction, Framework and Interpretation**

This document is a Code of Conduct for members of Local Boards, both adjudicative and non-adjudicative. Local Boards, sometimes referred to as committees or tribunals, are as defined in s.223.1 of the Municipal Act and as identified by the municipality.

Some additional restrictions apply to adjudicative boards and these are specified. The Code of Conduct for Local Boards follows the same organizational structure as the Council Code of Conduct. Definitions and commentary contained in the Council Code of Conduct may apply, where relevant, with necessary modifications and may be referred to for clarification and interpretive assistance in understanding this Code. Provisions of the Council Code of Conduct which are not relevant to members of Local Boards have been eliminated from this document.

#### **Adjudicative Boards & Committees;**

- Committee of Adjustment
- Property Standards Committee
- Fence Viewers Committee
- Election Compliance Audit Committee (joint regional committee)

#### **Non-Adjudicative Boards & Committees;**

- Accessibility Advisory Committee
- Heritage Advisory Committee
- BIAs
- Active Transportation Committee
- Site Alteration Committee
- Other Advisory Committees as appointed by Council
- Library Board (optional – at the direction of the Library Board governed by the *Ontario Libraries Act*)

### **Guiding Principles**

Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

#### **Rule 1: Avoidance of Conflicts of Interest**

Members shall avoid situations of real or apparent conflict of interest or bias.

Members shall avoid participating in or influencing a proceeding when the member, or another person with whom the member has a close personal or professional relationship, has a financial or other private interest that may be affected by the

proceeding or its outcome. Members shall not appear before the Local Board or committee on their own behalf or as a representative on behalf of any party.

*Commentary:* *Members of BIAs will frequently have an ‘interest in common’ as business owners. Care should be taken to recognize an interest, when the Member stands to gain or otherwise benefit, in a manner that can be differentiated from others in the BIA. Where a Member contributes to an event ‘at cost’, no ‘interest’ is deemed to arise by reason only that the Member’s business is a sponsor of the event.*

#### Rule 2: Gifts, Benefits and Hospitality

No Member shall accept any Gift, except for Gifts that are deemed to have zero value in the Council Code of Conduct.

#### Rule 3: [Intentionally left blank – for future addition]

#### Rule 4: Confidential information

Members shall not disclose to any member of the public any confidential information acquired by virtue of their position.

Confidential information includes any discussion that takes place between members of the Local Board or Committee when it is in a closed meeting.

#### Rule 5: Use of Town Resources, Election Campaigns

No member should use municipal equipment or staff, or other municipal services or resources for their own private purposes, or for election campaign purposes.

#### Rule 6: Election Campaigns

No member, while identifying themselves as a member of a Local Board or Committee, shall undertake any election campaign or election-related activities or work on, fund-raise, endorse or otherwise contribute to the election campaign of any person running in the municipal election for the municipality where the member serves on the Local Board and/or committee.

#### Rule 7: Improper Use of Influence, Business Prospects

No member shall use the influence of his or her position for any purpose other than the duties as a member of the Local Board and/or committee.

#### Rule 8: Business Relations

No member shall allow the prospect of future employment by a person or entity to affect the performance of his/her duties as a member of the Local Board and/or committee.

#### Rule 9: Member Conduct

Members shall conduct themselves with decorum at all times.

Members shall maintain proper control over meetings demonstrating respect for everyone who is involved in the meeting.

Members are expected to attend all meetings of the Local Board or Committee. If a member misses more than three (3) meetings during their term, the Chair, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member.

#### Rule 10: Media Communications

Members shall accurately communicate recommendations and proceedings of their Local Board. If a member is contacted directly by the media, the member should refer the media to the Chair, or in the absence of the Chair, to the Vice-Chair.

#### Rule 11: Respect for the Town By-laws and Policies

Members shall adhere to and encourage public respect for the Local Board and/or committee, the municipality and its by-laws, policies and procedures.

#### Rule 12: Respectful Workplace

Members are governed by the relevant workplace harassment & respect in the workplace policies in place for staff.

#### Rule 13: Conduct Respecting Staff

Members of local boards and committees shall be respectful of the role of staff to advise based on political neutrality. Members shall respect the professionalism of staff, and not exert undue influence on staff.

#### Rule 14: [intentionally left blank – for future addition]

#### Rule 15: Reprisals and Obstructing

It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of his/her responsibilities.

It is a violation of this Code of Conduct to engage in any activity in retaliation against any person because he/she has made a complaint to or otherwise communicated with the Integrity Commissioner.

#### Rule 16: Acting on Advice of Integrity Commissioner

Advice given by the Integrity Commissioner is binding on the Integrity Commissioner in the event of a complaint.

### **Part 2**

#### **ADDITIONAL REQUIREMENTS APPLICABLE TO MEMBERS OF ADJUDICATIVE LOCAL BOARDS/COMMITTEES**

Rule 17: In addition to the provisions applicable to Members of Non-adjudicative Local Boards, the following additional requirements are applicable with respect to the referenced rule (Previously mentioned Rules 2, 6, 10) and rules specific to Adjudicative Boards and Committees (Rules 18, 19):

#### Rule 2: Gifts, Benefits and Hospitality

Members should recuse themselves from any hearing, to avoid any perception of bias or conflict of interest which may arise as a result of a gift, benefit or hospitality provided by any of the parties or participants potentially affected by the decision of the Local Board.

#### Rule 6: Election Campaigns

Members of Adjudicative Local Boards are prohibited from fundraising for, endorsing, or otherwise contributing to the election campaign of any person running for a seat on Council.

#### Rule 10: Media Communications



Members of adjudicative boards should generally not comment to the media in relation to any decision made by the board or the rationale behind such decision. On the rare occasion when a comment may be appropriate, only the Chair shall serve as a media contact and all enquiries shall be referred to him/her.

#### Rule 18: Communications with Parties

Written communication to an adjudicative board shall take place only through the Secretary of the board or the appropriate municipal staff assigned to such board, and shall be copied to all parties or their representatives as appropriate. Oral communications with the adjudicative board about current proceedings shall take place only in the presence of or with the consent of all parties.

Where a party is represented by a representative, all communication between the adjudicative board and the party shall be through the representative, with the exception of notices of hearing, which shall be served upon all parties and their representatives known to the adjudicative board as appropriate.

#### Rule 19: Independent Nature of Adjudicative Boards

The Chairs of adjudicative boards should ensure that the actions of any member, as well as Council members and staff attending adjudicative board meetings, are consistent with the arm's-length, quasi-judicial nature of the adjudicative board. Any actions compromising this position should be immediately dealt with by the Chair or panel chair.

Members of adjudicative boards operating at arm's-length from Council should refrain from seeking advice on their roles and responsibilities from Council members. In clarifying their roles and responsibilities, members should seek advice from appropriate staff.

An adjudicative board is required by the applicable laws to operate at arm's-length from and independently of Council. Members should therefore not request members of Council to intervene on applications considered by the adjudicative board. Under the Council Code of Conduct, members of Council are only permitted to communicate to the adjudicative board regarding a matter before the board by a letter addressed to the Secretary of the board which is available to all parties.

### **Part 3**

#### **COMPLAINT PROTOCOL**

The Complaint Protocol contained in to the Council Code of Conduct applies with necessary modifications to complaints regarding members of Local Boards.

#### **CONSEQUENCES OF FAILURE TO ADHERE TO CODE OF CONDUCT**

Members who are found by the Integrity Commissioner to have failed to comply with the Code of Conduct for Local Boards may be subject to the following sanctions:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the member in respect of his or her services as a member of the Local Board (if any).

Members may also be subject to such other remedial actions recommended by the Integrity Commissioner that directly flow from the action or behaviour of the member of the Local Board.

Members are subject to removal from the Local Board, or removal as Chair of the Local Board, by Council.

## REPORT

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** Suzanne Jones, Clerk & Director of Legislative Services

**DATE:** January 30, 2019

**REPORT NO.:** ADMIN-2019-0006

**RE:** Members of Council / Staff Relations Policy

### RECOMMENDATION:

THAT Report No. ADMIN-2019-0006, dated January 30, 2019 regarding the Members of Council / Staff Relations Policy be received;

AND FURTHER THAT Council adopt the Members of Council / Staff Relations Policy;

AND FURTHER THAT upon adoption of the Members of Council / Staff Relations Policy, direct the Town Clerk to post the Policy on the Town's Intranet (HUB) site in order for staff awareness of the Policy.

### BACKGROUND:

The *Modernizing Ontario's Municipal Legislation Act, 2017* (Bill 68) requires all municipalities to have a policy on the relationship between members of council and the officers and employees of the municipality. The deadline to adopt such a policy is March 1, 2019.

The purpose of the Policy is to guide the nature of business interactions between Members of Council and Town Staff.

### COMMENTS:

As outlined under the Guiding Principles within the draft policy, role clarification and sensitivity are fundamental to the success of council and staff's working relationship. Council members and staff are expected to enhance public education about the political process by providing context and information about decision-making. The proposed policy outlines the roles Council and staff play in ensuring a working relationship built on the Town's Core Values.

The policy was drafted by the Town's Integrity Commissioner and was further updated by staff related to the Town's respective procedures and policies.

**RELATIONSHIP TO STRATEGIC PLAN:**

This policy is in keeping with the Town's Strategic Goal of Effective Municipal Government.

**FINANCIAL IMPACT:**

There are no financial impacts associated with this report,

**CONSULTATION:**

The Town Clerk consulted with the Integrity Commissioner on the drafting of this report and policy.

**PUBLIC ENGAGEMENT:**

As this report is administrative in nature, and the policy is a legislative requirement under Bill 68, the public engagement charter was not used in the drafting of this report.

**SUSTAINABILITY IMPLICATIONS:**

Not applicable.

**COMMUNICATIONS:**

Upon the adoption of the Members of Council / Staff Relations Policy, it will be posted for staff's review on the Town's Intranet (HUB) site and made available to Council along with the Codes of Conduct and respective policies.

**CONCLUSION:**

The Members of Council / Staff Relations Policy is not intended to restrict any member of Council's ability to carry out their duties to serve their constituents, or to speak to staff about issues and/or to seek information, but rather to ensure that such communications are carried out in a controlled and respectful way, in keeping with Council and Staff's respective responsibilities and delegated authority.

Reviewed and Approved by,

A handwritten signature in black ink that reads "Brent Marshall". The signature is written in a cursive, flowing style.

**Brent Marshall, Chief Administrative Officer**

## **POLICY**

**POLICY TITLE:** Town of Halton Hills Members of Council / Staff Relations Policy

**POLICY NUMBER:** CORP-2019-0003

**DATE:** February 2019

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### **POLICY STATEMENT:**

The Town of Halton Hills is committed to a respectful and productive relationship between and amongst Council, Members of Council, and the officers and employees of the municipality, in furtherance of their respective roles established by statute, municipal by-laws and policies, corporate administrative direction, and operating conventions. This Policy is made pursuant to s. 270(1)(2.1) of the *Municipal Act*.

### **PURPOSE:**

The purpose of this Policy is to guide the nature of business interactions between Members of Council and Town Staff.

### **GUIDING PRINCIPLES:**

Role clarification and sensitivity are fundamental to the success of council and staff's working relationship. Council members and staff are expected to enhance public education about the political process by providing context and information about decision-making. This Policy outlines the roles Council and staff play in ensuring a working relationship built on the Town's Core Values.

Interpretation of this Policy is to be guided by the statutory and policy framework within which the Town is governed. This framework includes:

A. *Municipal Act* provisions which provide that:

1. it is the role of council:
  - (a) to represent the public and to consider the well-being and interests of the municipality;
  - (b) to develop and evaluate the policies and programs of the municipality;
  - (c) to determine which services the municipality provides;
  - (d) to ensure that administrative policies, practices and procedures and controllership policies, practices and procedures are in place to implement the decisions of council;
  - (d.1) to ensure the accountability and transparency of the operations of the municipality, including the activities of the senior management of the municipality;
  - (e) to maintain the financial integrity of the municipality; and
  - (f) to carry out the duties of council under this or any other Act.”
2. it is the role of the head of council to:
  - (a) to act as chief executive officer of the municipality;
  - (b) to preside over council meetings so that its business can be carried out efficiently and effectively;
  - (c) to provide leadership to the council;
  - (c.1) without limiting clause (c), to provide information and recommendations to the council with respect to the role of council described in clauses [(d) and (d.1) above];
  - (d) to represent the municipality at official functions; and
  - (e) to carry out the duties of the head of council under this or any other Act.
- 2a. as chief executive officer of a municipality, the head of council shall:
  - (a) uphold and promote the purposes of the municipality;
  - (b) promote public involvement in the municipality's activities;
  - (c) act as the representative of the municipality both within and outside the municipality, and promote the municipality locally, nationally and internationally; and
  - (d) participate in and foster activities that enhance the economic, social and environmental well-being of the municipality and its residents.”

3. it is the role of the officers and employees of the municipality:

- (a) to implement council's decisions and establish administrative practices and procedures to carry out council's decisions;
- (b) to undertake research and provide advice to council on the policies and programs of the municipality; and
- (c) to carry out other duties required under this or any Act and other duties assigned by the municipality."

B. Town of Halton Hills Code of Conduct for employees, which provides:

- When representing the Corporation of the Town of Halton Hills high standards of personal and professional conduct are expected to be maintained by employees of the Town of Halton Hills. The trust and confidence bestowed upon staff by the Corporation and the community must be reflected through conduct that demonstrates integrity, competency and impartiality. The Code of Conduct serves as an embodiment of the basic principles of integrity, honesty, impartiality, accountability and common-sense, as well as recognizes that a municipal employee has a responsibility to uphold these principles.
- As the Town's most valuable and significant resource, employees are entrusted with access to a wide range of information and responsibilities which must be used properly, in a manner that recognizes a fundamental commitment to the well-being of the community. Furthermore, as an organization entrusted with public funds, the Town is responsible for ensuring the protection and appropriate use of all of its resources and assets.

C. Town of Halton Hills Workplace Discrimination Prevention Policy the purpose of which is:

- to ensure that every employee is treated fairly in the workplace and ensure an environment free of discrimination and harassment as defined by the Ontario Human Rights Code. The Town of Halton Hills will not condone or tolerate behavior that denies their dignity and respect or is offensive, embarrassing or humiliating.
- to ensure that employees and elected officials are aware that harassment and discrimination are unacceptable practices and are incompatible with the standards of this organization as well as being a violation of the law.
- to define the actions which may be considered discrimination or harassment by their nature.



- D. Town of Halton Hills Workplace Violence & Harassment Prevention Policy, the purpose of which is:
- to foster a respectful and harassment free workplace through the prevention and prompt investigation and resolution of workplace harassment, including sexual harassment complaints
  - to provide a violence free workplace through a program that includes assessing risk and taking proactive measures to address identified risks
  - take every reasonable precaution to protect workers from violence including domestic violence and threats of violence in the workplace.
- E. Town of Halton Hills Code of Conduct For Members of Council, which provides in Rule 13 (Conduct Respecting Staff) that:
1. No Member shall compel staff to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.
  2. No Member shall use, or attempt to use, their authority for the purpose of intimidating, threatening, coercing, commanding or influencing any staff member with the intent of interfering in staff's duties, including the duty to disclose improper activity.
  3. Members shall be respectful of the role of staff to advise based on political neutrality and objectivity and without undue influence from any individual Member or faction of the Council.
  4. No Member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the Town

## DEFINITIONS:

**Staff:** means Leadership and the officers, employees, probationary employees, temporary employees, students and volunteers of the Town or of a local board of the Town, as the case may be.

**Member(s) of Council:** means the individuals elected or appointed to the Council for the Town of Halton Hills who have taken the declaration of office for the current term.

**Member of the Public:** means a person or entity residing and/or having a business, ceremonial or policy interest in the Town of Halton Hills.

**Leadership:** means the Senior Management Team of the Town, consisting of the Chief Administrative Officer (CAO) and the Town's Commissioners.

1 Halton Hills Drive, Halton Hills, Ontario L7G 5G2

**Routine Matter:** means a communication by a Member of Council with a Member of Staff, in person, in writing, by phone, by text, or by other electronic means, which

- a) in the ordinary course of business constitutes a type of communication that would typically occur between a Member of the Public and Staff;
- b) constitutes a request for information that is routinely produced by the member of Staff in the course of their duties; or
- c) constitutes a request for a service that is routinely done by Staff in the course of their duties, and;
- d) which requires no expenditure of unbudgeted resources.

**Non-Routine Matter:** means a communication, request for information or service that is not typically undertaken in the ordinary course of business, and/or for which there is no routine process, procedure, guideline or convention to guide members of Staff.

## **SCOPE:**

This Policy applies to all Staff and elected officials of the Town of Halton Hills.

## **POLICY FRAMEWORK:**

### **Part A**

#### **General Relationship between Staff and Members of Council:**

Council is the policy and decision-making authority for the municipality, and only Council as a whole can direct Staff.

Individual Members of Council have a responsibility to support Council's role to represent the public and to consider the well-being and interests of the municipality, and in that regard have a representative relationship with the citizens and businesses they serve.

Members of Council require advice and information from Staff on a need-to-know basis in order to fulfill their constituent, decision-making and oversight responsibilities.

Communications between Staff and Members of Council, and between Members of Council and Staff, must be courteous and professional. All communications should take into account:

- The author's and the recipient's responsibilities under the respective provision, policy, procedure or code of conduct applicable to the person
- The impact upon any Member of the Public involved
- The legitimate corporate or departmental priority of the matter
- The anticipated length of time it would take to properly comply with a request

Communications, especially communications shared with Members of the Public, should not be disparaging of any person. Legitimately held criticisms shall be stated directly and professionally, clearly identified as the author's own opinion. This Policy does not condone the making of defamatory statements or statements based on conjecture.

Communications made in the course of a matter before a committee or local board, or before Town Council, shall be done in compliance with the applicable procedural by-law.

## **Part B**

### **Members of Council Communications with Staff on Behalf of a Member of the Public:**

When a Member of Council desires to bring a matter to the attention of staff on behalf of a member of the public, such as to ask a question or to act in a representative capacity for a constituent, the Member of Council shall communicate only with a Member of Leadership except in respect of Routine Matters.

When a Member of Council is uncertain or requires assistance to determine which member of Staff would be most appropriate to address a Routine Matter or a Non-Routine Matter, the Member of Council should contact the Chief Administrative Officer or the Town Clerk for advice.

Members of Council shall respect the role of staff and shall refrain from engaging in administrative matters. When a Routine Matter or Non-Routine Matter has been forwarded to Staff, the Member of Council shall refrain from interfering with Staff's carriage of the matter.

This Policy is not intended to inhibit a Member of Council from carrying out their duties. It does require however that prior to communicating directly with a member of Staff on behalf of a Member of the Public, the Member of Council give consideration to the following preferred courses of action:

- It is preferred that the Member of the Public be referred to the appropriate department or member of staff by providing contact information or reference to established corporate or departmental procedures.
- For Routine Matters, where it is necessary to do so in order to provide an appropriate level of customer service to a Member of the Public, the Member of Council may attend at a public counter or provide a personal introduction to a department or a member of Staff normally accessible to Members of the Public. In so doing, The Member of Council should not interfere with Staff nor attempt to influence an outcome.

- For matters that have been referred to an appropriate department or member of Staff, the Member of Council may request, having obtained the consent of the Member of the Public involved, to receive status updates for tracking purposes and for communicating with the Member of the Public.
- For matters that involve the administration of justice, such as by-law enforcement, Members shall refrain from making requests or statements or taking actions which may be construed as an attempt to influence the independent administration of justice.

## **Part C**

### **Staff Communications with Members of Council:**

Routine Matters referred to Staff by a Member of Council should be responded to in accordance with the department's standard operating procedures or conventions.

For matters which have been referred to a department or member of Staff by a Member of Council, Staff may, where the consent of the Member of the Public involved has been obtained, provide status updates to the Member of Council for tracking purposes and for communicating with the Member of the Public. This Policy however does not override confidentiality or privacy requirements that may otherwise apply.

Non-Routine matters brought to the attention of Staff by a Member of Council shall be referred to the appropriate member of Leadership, with the Member of Council being so advised.

When a request involving a Routine or Non-Routine Matter is received by staff from a Member of Council, the member of Council should be advised of the approximate time for resolution based on the type of response required and operational priorities.

## **Part D**

### **Meetings:**

Requests for Staff attendance at meetings organized by a Member of Council shall be made to the appropriate member of Leadership. Notice of at least 3 business days should be provided except in urgent circumstances.

Members of Council shall not attend a Staff meeting, or a meeting involving Staff and Members of the Public, without first seeking permission to attend from the appropriate member of Leadership.

## Part E

### Policy Management

Staff are authorized and directed to take the necessary action to give effect to this policy.

This Policy forms part of the ethical framework for Members of Council and the Integrity Commissioner may at any time be consulted by a Member of Council with regard to interpretation or compliance.

The Town Clerk is delegated the authority to make administrative changes to this Policy that may be required from time to time due to legislative changes or if, in the opinion of the Town Clerk, the amendments do not change the intent of the policy.

## Part F

### Examples of Routine Matters:

<b>Routine Matters</b>	<b>Action</b>	<b><u>Comment</u></b>
Example 1 (facilitating a delegation request to Council through the Clerk's office)	Member should simply provide contact information or direction to the Clerk's Office, but is permitted to accompany resident	If accompanying a resident an appointment should be made with the respective staff member.
Example 2 (assist a resident who is seeking a survey for their property)	Member should simply direct resident to contact the Building Services division for further information,	Member can accompany the resident for introductions. Staff will then handle the matter accordingly.
<b>Non-Routine Matters</b>		
Example 1 (involvement in development negotiations)	Member may not approach Planning Department staff on behalf of developer without seeking permission and direction from CAO	Permission is to be provided in written format.
Example 2 (response to resident regarding a Property Standards complaint)	Member should request the resident contact Supervisor of Enforcement on the matter.	Member can be kept up-to-date on the enforcement matter, upon permission by the resident.
Example 3 (response to snow removal complaint where the constituent notes their car was hit by a plough while parked on the street)	Member should request resident contact the respective Department Leadership or their delegate.	Member can remind resident that information pertaining to snow ploughing operations and Town Parking Ban is outlined on the Town's website.

Of Note:

Members of Council must exercise extreme caution when dealing with by-law enforcement matters. Members cannot supply evidence indirectly, and so constituents should be guided to deal directly with by-law enforcement personnel without a Council member's intervention.

Similarly, Members of Council must not obstruct, interfere, or otherwise attempt to influence staff performing by-law enforcement functions including attempting to discourage filing of a charge; cancellation of a ticket etc.

Please refer to Part B of this Policy (4<sup>th</sup> bullet)



## MEMORANDUM

To: Mayor Bonnette and Members of Council  
From: Renée Brown, Deputy Clerk – Legislation & Elections  
Mem No. ADMIN-2019-0004  
Subject: Conflict of Interest – New Legislative Requirements  
Date: January 23, 2019

### PURPOSE OF THE MEMORANDUM:

To inform Council about the new legislative requirements regarding written disclosure of conflict or pecuniary interests.

### BACKGROUND:

Members of Council, Committees and Local Boards have always been required to declare any pecuniary or conflict of interest items for the public record at meetings. This declaration has traditionally been a verbal declaration made at the appropriate time in the meeting and recorded by the Clerk for that meeting in the minutes.

### COMMENTS:

Through Bill 68 Modernizing Ontario's Municipal Legislation Act, 2017, the Municipal Conflict of Interest Act was amended to require Members of Council, Committees and Local Boards to provide a written statement of disclosure of conflict/pecuniary interest effective March 1, 2019.

According to the Municipal Conflict of Interest Act:

- 5.1 At a meeting at which a member discloses an interest under Section 5, or as soon as possible afterwards, the member shall file a written statement of the interest and its general nature with the clerk of the municipality or the secretary of the committee or local board as the case may be.

- 5.2 (1) Where a member, either on his or her own behalf or while acting for, by, with or through another, has any pecuniary interest, direct or indirect, in any matter that is being considered by an officer or employee of the municipality or local board, or by a person or body to which the municipality or local board has delegated a power or duty, the member shall not use his or her office in any way to attempt to influence any decision or recommendation that results from consideration of the matter.

As in the past the meeting Clerk must record the disclosures in the minutes. However in addition to having the disclosure recorded in the minutes the Clerk must also retain all of the written disclosure and there is also an additional requirement under the Municipal Conflict of Interest Act, Section 6 that every municipality and local board establish and maintain a registry of all disclosures.

Section 6 of the Municipal Conflict of Interest Act states:

- 6.1(1) Every municipality and local board shall establish and maintain a registry in which shall be kept,
- (a) a copy of each statement filed under section 5.1; and
  - (b) a copy of each declaration recorded under section 6.
- (2) The registry shall be available for public inspection in the manner and during the time that the municipality or local board, as the case may be, may determine.

To assist with these requirements the Clerks' office has prepared a disclosure form (Attached as Appendix A) for Council and Committee members to fill out. Staff are also working with IS services to create a registry that can be put on the Town's Website to satisfy the registry requirement.



**CONCLUSION:**

Members of Council, Committees and Local Boards are required to provide a written statement of disclosure of conflict/pecuniary interest effective March 1, 2019 and the Town of Halton Hills is required to establish and maintain a registry of these disclosures. Staff have provided a form for the disclosures and a Registry is being created.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Suzanne Jones".

**Suzanne Jones, Clerk & Director of Legislative Services**

A handwritten signature in cursive script, appearing to read "Brent Marshall".

**Brent Marshall, Chief Administrative Officer**



**DECLARATION OF INTEREST**  
**Municipal Conflict of Interest Act**

**I, Councillor \_\_\_\_\_,**  
**declare a potential (deemed/direct/indirect) pecuniary interest on**

Meeting Type:	
Date:	
Agenda Item No:	
Title:	

**for the following reason:**


\_\_\_\_\_  
**Signature of Councillor**  
**Print Name:**

\_\_\_\_\_  
For an “indirect pecuniary interest” see Section 2 of the *Municipal Conflict of Interest Act*.

\_\_\_\_\_  
For a “deemed” direct or indirect pecuniary interest see Section 3 of the *Municipal Conflict of Interest Act*.



## MEMORANDUM

To: Mayor Bonnette and Members of Council  
From: S. Jones, Clerk & Director of Legislative Services  
Mem No. MEM-ADMIN-2019-0007  
Subject: Update on Court Decision – Illegal Truck Terminal  
Date: February 5, 2019

### PURPOSE OF THE MEMORANDUM:

The purpose of this memorandum is to provide Council with an update on an illegal truck terminal and the successful outcome of this file.

Included with this memorandum is a copy of a letter by Town Counsel, the ruling by the court, and a copy of the Prohibition Order (confidential under separate cover as these pertain to solicitor/client privilege).

### BACKGROUND:

In 2016 the owners of 2331859 Ontario Inc. located at 16917 Steeles Avenue, were found guilty of being in contravention of the Town's Zoning by-law through the operation of an illegal truck terminal. A fine of \$500 was ordered as well as a prohibition order, meaning the court ordered the illegal use to cease.

The owners continued to operate illegally and further orders and charges were laid by the Town, and the matter was once again before the court.

After a lengthy trial which commenced in March of 2018, and was before the justice over several days, the court delivered its final verdict on February 5, 2019. The Court once again found the defendants guilty of the charge of operating a truck terminal contrary to the Town's Zoning By-law. The Court ordered the following fines;

- 1) 2331859 Ontario Inc. – fine of \$75,000
- 2) Director of the Corporation – fine of \$10,000
- 3) Director of the Corporation (who testified before the court) – fine of \$25,000

The total fines amount to \$110,000. The Court ordered swift payment of all fines, providing a timeline of six months for the defendants to make full payment.

Additionally a Prohibition Order was once again issued to cease the operation.

Mr. Caprara, Municipal Law Enforcement Officer for the Town has worked diligently on this complex and labour intensive file.

### **COMMENTS:**

Enforcement staff have been vigilant in investigating and placing orders for compliance on this type of illegal activity, as there have been a number of truck terminals illegally operating within the Town.

Swift action by staff, and Town Counsel's arguments that large fines be imposed to deter others from opening up illegal terminals, has proved to be very successful to date. Shutting down this type of illegal activity will assist in lessening the negative impact these operations pose to the Town, such as truck congestion and the impacts to agricultural lands.

### **CONCLUSION:**

I am very pleased to provide Council with this update as it clearly demonstrates the expertise and hard work performed by staff and the Town's Counsel. Enforcement Officers continue to perform their duties to ensure the safety and welfare of our residents is first and foremost the highest priority.

Respectfully submitted,

A handwritten signature in black ink, reading "Brent Marshall". The signature is written in a cursive, flowing style with a large, prominent 'B' and 'M'.

**Brent Marshall, Chief Administrative Officer**

## REPORT

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** Tony Boutassis, Senior Planner – Development Review

**DATE:** January 14, 2019

**REPORT NO.:** PLS-2019-0006

**RE:** Recommendation Report for Removal of the Holding (H22)  
Provision from 193-197 Mountainview Road North and 111 John  
Street (Georgetown)

### RECOMMENDATION:

THAT Report No. PLS-2019-0006, dated January 14, 2019, with respect to a “Recommendation Report for Removal of the Holding (H22) Provision from 193-197 Mountainview Road North and 111 John Street (Georgetown)”, be received;

AND FURTHER THAT the request to remove the Holding (H22) Provision from Zoning By-law 2010-0050, as amended, for the lands described as Part of Lot 19, Concession 10 and Part of Lot 10, Registered Plan 182, Town of Halton Hills, Regional Municipality of Halton, municipally known as 193-197 Mountainview Road North and 111 John Street (Georgetown), be approved;

AND FURTHER THAT the necessary By-law be enacted to authorize the removal of the Holding (H22) Provision as generally shown in SCHEDULE 3 of this report.

### BACKGROUND:

On December 12, 2016, Council approved Official Plan and Zoning By-law Amendments that provided the necessary land use approvals to allow for a 6-storey retirement residence containing a maximum of 115 suites on the property municipally known as 193-197 Mountainview Road North and 111 John Street in Georgetown; see **SCHEDULE 1 – LOCATION MAP**.

On January 23, 2018, Credit River Ridge Developers Ltd. and Stella Holdings Inc. submitted a Site Plan application (File No. D11SPA18.003) to facilitate the construction of a 6-storey retirement residence containing 109 residential suites; see **SCHEDULE 2 – PROPOSED SITE PLAN**. The review of the Site Plan application by Town staff and

external agencies has generally been completed and Conditions of Site Plan Approval were issued by the Town on December 20, 2018.

The subject lands are designated High Density Residential Area – Special Policy Area 14 and Greenlands – Special Policy Area 5. The High Density Residential Area portion of the property permits the proposed 6-storey seniors residence, while the Greenlands designation will remain protected and undeveloped.

The property is zoned High Density Residential (HDR) Zone, Exception 97, and is subject to the Holding (H22) Provision under Town of Halton Hills Zoning By-law 2010-0050, as amended. The HDR (97) zoning on the property permits the proposed 6-storey seniors residence. The Holding (H22) Provision may be lifted upon:

- i. Approval of a Site Plan application and execution of a Site Plan Agreement in accordance with Section 41 of the Planning Act, for any future development that, among other matters, incorporates:
  - a) Urban Design considerations, including appropriate building elevations, landscaping, fencing, internal road layout, parking and pedestrian connections to the satisfaction of the Town's Administration;
  - b) Appropriate easements and operating agreements for the share access, cross parking and service arrangements between the proposed development located at 193-197 Mountainview/111 John Street and the existing building located at 115 John Street;
  - c) Conformity with the Town's current Green Development Standards;
  - d) Submission of an approved Construction Management Plan; and,
  - e) Provision of securities for completion of off-site works including but not limited to construction, at the applicant's expense, of a continuous sidewalk connecting the Mountainview frontage of the development from a point to be determined by the Town to the existing John Street sidewalk located at the corner of Mountainview Road and John Street.
- ii. Receipt of allocation from the Town of Halton Hills of sufficient servicing allocation and confirmation of this to the Region of Halton.
- iii. Satisfaction by the owner of the Region of Halton's Protocol for Review of Contaminated and Potential Contaminated Sites, including but not limited to the completion of a Phase 2 Environmental Site Assessment and any other assessments recommended therein.

The Owner has applied to the Town of Halton Hills requesting that the Holding (H22) Provision removal process commence for the subject property to allow the Owner to

obtain a Conditional Building Permit to begin construction of the building foundation. The Holding (H22) Provision is required to be lifted prior to the issuance of any type of building permit.

### **COMMENTS:**

The Holding (H22) Provision may be lifted once Council is satisfied the above noted conditions have been met. Town staff is satisfied that the conditions of the Holding (H22) Provision have already been satisfied or will be satisfied through the Site Plan Approval process in the following manner:

#### Site Plan Approval and Execution of a Site Plan Agreement:

Site Plan Approval with Conditions was issued on December 20, 2018. A Site Plan Agreement is currently being completed by Town staff and will need to be executed by the Applicant before Final Site Plan approval can be granted.

#### Urban Design:

The urban design considerations have been satisfied through Town staff's review of the Site Plan application.

#### Reciprocal Easements and Operating Agreement:

Consent applications to grant the required Easements and a Reciprocal Easement and Operating Agreement have been submitted by the Applicant and have been reviewed by Town staff. A revised Reference Plan is required from the Applicant in order for the Consent applications to move forward to approval. The approved Consent applications and the requirement for an executed Reciprocal Easement and Operating Agreement are Conditions of Final Site Plan approval.

#### Green Development Standards:

Conformity with the Town's current Green Development Standards has been satisfied through Town staff's review of the Site Plan application.

#### Construction Management Plan:

A Construction Management Plan has been submitted by the Applicant and was reviewed by Town staff. Additional information is required to be included in the report. A final Construction Management Plan, to the satisfaction of Town staff, is required and is a Condition of Final Site Plan approval.

#### Securities:

Securities for on-site and off-site works will be collected through the execution of the Site Plan Agreement and are listed as Conditions of Final Site Plan approval.

#### Servicing Allocation:

The proposed seniors' residence requires 60 single detached equivalents (SDEs) of servicing allocation. A Report recommending the allocation of the required 60 SDEs of water (Rpt. PLS-2019-0009) was considered by the Planning, Public Works & Transportation Committee on February 5, 2019, and is being considered by Council on February 11, 2019.

#### Phase 2 Environmental Site Assessment:

Confirmation has been received from Halton Region that the Applicant has satisfied the Region's Protocol for Review of Contaminated and Potential Contaminated Sites through their completion of a Phase 2 Environmental Site Assessment.

As per the above, Town staff is satisfied that the conditions of the Holding (H22) Provision have either been satisfied or will be satisfied through the finalization of the Site Plan approval process.

#### **RELATIONSHIP TO STRATEGIC PLAN:**

The lifting of the Holding (H22) Provision is consistent with the Town's strategy to manage growth.

#### **FINANCIAL IMPACT:**

The removal of the Holding (H22) Provision is an administrative matter and has no financial impact.

#### **CONSULTATION:**

Planning staff have consulted with the appropriate Town departments, Halton Region and the Credit Valley Conservation Authority in preparation of this report.

#### **PUBLIC ENGAGEMENT:**

Public consultation is not required prior to the removal of a Holding (H22) Provision.

#### **SUSTAINABILITY IMPLICATIONS:**



The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendations outlined in this report are not applicable to the Strategy's implementation.

### **COMMUNICATIONS:**

Notice of the Town's intention to pass the Holding Removal By-law was completed in accordance with the requirements of the *Planning Act*.

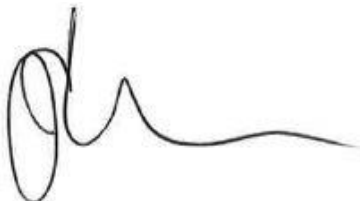
### **CONCLUSION:**

On the basis of the foregoing, Planning staff recommends that Council lift the Holding (H22) Provision from the subject lands by enacting the attached By-law, as generally shown in **SCHEDULE 3 – PROPOSED HOLDING REMOVAL ZONING BY-LAW**.

Reviewed and Approved by,



**Jeff Markowiak, Manager of Development Review**

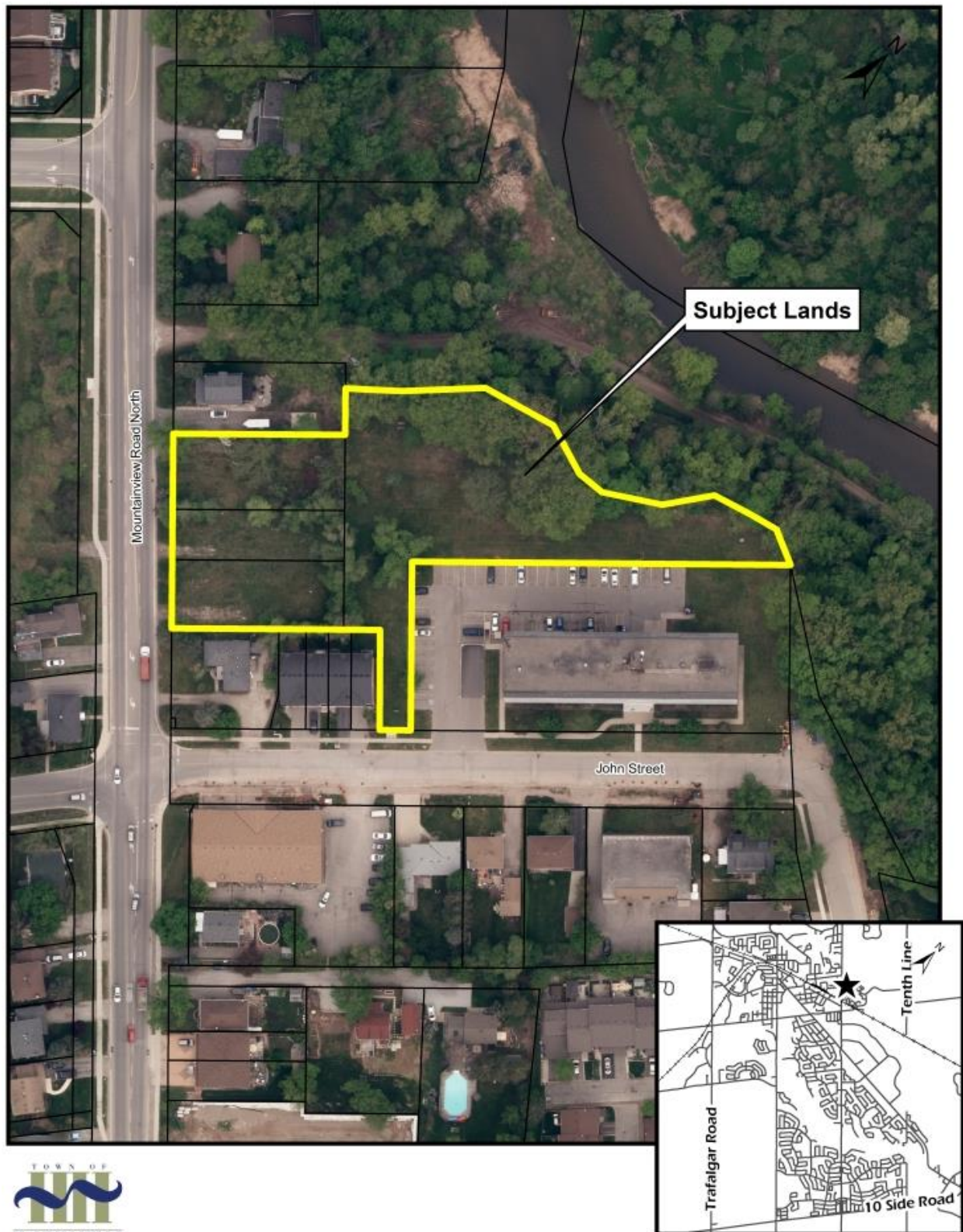


**John Linhardt, Commissioner of Planning and Sustainability**

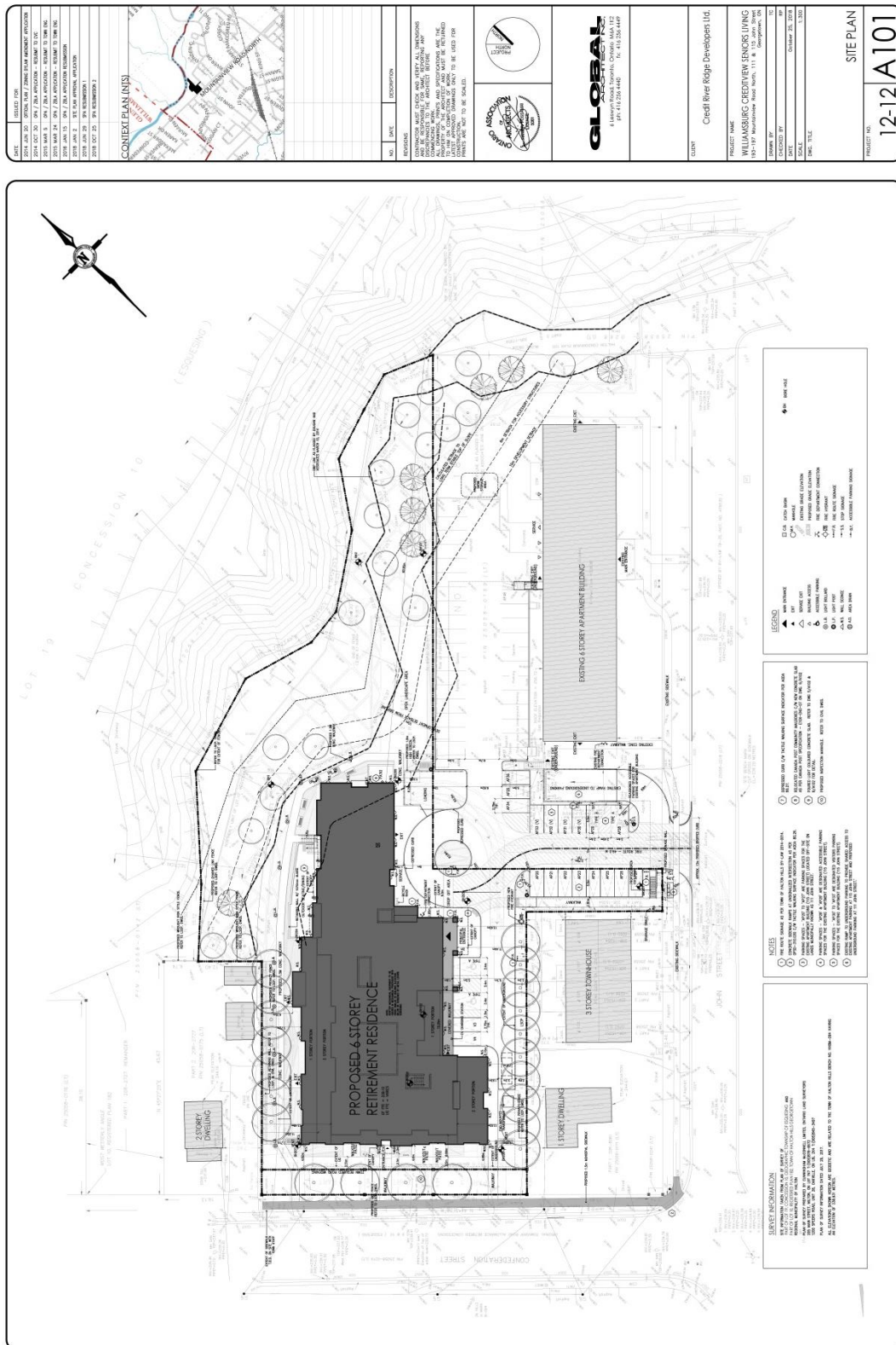


**Brent Marshall, Chief Administrative Officer**

## SCHEDULE 1 – LOCATION MAP



## SCHEDULE 2 – PROPOSED SITE PLAN



### SCHEDULE 3 – PROPOSED HOLDING REMOVAL ZONING BY-LAW



#### BY-LAW NO. 2019-

A By-law to remove the Holding (H22) Provision from Zoning By-law 2010-0050, as amended, for the lands described as Part of Lot 19, Concession 10 and Part of Lot 10, Registered Plan 182, Town of Halton Hills, Regional Municipality of Halton  
193-197 Mountainview Road North and 111 John Street  
(Georgetown)

**WHEREAS** Council is empowered to enact this By-law by virtue of the provisions of Section 36 of the Planning Act, R.S.O. 1990;

**AND WHEREAS** notice of removal of the Holding Provision has been provided in accordance with the provisions of the Planning Act, R.S.O. 1990;

**AND WHEREAS** said By-law conforms to the Official Plan for the Town of Halton Hills;

**AND WHEREAS** Council has recommended that the Holding Provision be removed from Zoning By-law 2010-0050, as amended, as hereinafter set out;

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

1. That Schedule "A3-2" of Zoning By-law 2010-0050, as amended, be amended by removing the Holding (H22) Provision for the lands described as Part of Lot 19, Concession 10 and Part of Lot 10, Registered Plan 182, Town of Halton Hills, Regional Municipality of Halton, as shown on Schedule "1" of this By-law.
2. This By-law shall become effective from and after the date of passing hereof.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this       day of       , 2019.

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MAYOR – RICK BONNETTE


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CLERK – SUZANNE JONES

Schedule '1' to By-law 2019-



Legend

 Holding Provision (H) to be removed.



## REPORT

**REPORT TO:** Mayor Bonnette and Members of Council

**REPORT FROM:** John Linhardt, Commissioner of Planning and Sustainability

**DATE:** January 28, 2019

**REPORT NO.:** PLS-2019-0013

**RE:** Bill 139 Matters: Toronto Rail Deck Park Stated Case

### RECOMMENDATION:

THAT Report No. PLS-2019-0013 dated January 28, 2019 regarding Bill 139 Matters – the Toronto Rail Deck Park Stated Case before Divisional Court by the Local Planning Appeal Tribunal be received;

AND FURTHER THAT Council authorize the Town to seek intervener status jointly with Halton Region and the other participating Local Municipalities in the Stated Case to the Divisional Court as well as the City of Toronto's motion for leave to appeal to the Divisional Court;

AND FURTHER THAT a copy of this report be forwarded to Halton Region, the City of Burlington and the Town of Milton and the Town of Oakville.

### BACKGROUND:

On December 12, 2016, Council endorsed the recommendations of Report No. P&I-2016-0138 dealing with proposed reforms to the Ontario Municipal Board. Specific recommendations identified in this report included the scoping and limiting of appeals, the mediation of disputes as a first solution and limitations on de novo hearings<sup>1</sup>.

On April 3, 2018, Bill 139 was proclaimed in force by the Province. Bill 139 created the Local Planning Appeal Tribunal (LPAT) Act and made a number of amendments to the Planning Act that changed the appeals process, particularly as it relates to Official Plan and Zoning By-law Amendment appeals. In general terms, Official Plan and Zoning By-law Amendment appeals are to be restricted to consistency of a municipal planning

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<sup>1</sup> De novo is a Latin term that means starting anew. As it relates to OMB matters, a de novo hearing is one in which the Board could hear new evidence and overturn a Council decision if it thought the decision constituted good planning. Many such hearings were lengthy and complex and entailed witness testimony, cross examination and oral submissions.

decision with the Provincial Policy Statement and conformity with Provincial Plans and applicable municipal plans.

In addition, Bill 139 eliminated de novo hearings for Official Plan and Zoning By-law Amendment appeals. With these changes, the opportunity to present new evidence beyond that which was before Council at the time of decision has been strictly circumscribed. Also of note, as part an initial hearing, LPAT is only permitted to dismiss the appeal or return the matter back to Council for a new decision if it finds that Council's decision was inconsistent with the Provincial Policy Statement or does not conform to Provincial Plans and municipal Official Plans.

The first LPAT Case Management Conference (CMC) under the new appeal regime created by Bill 139 related to appeals filed against City of Toronto Official Plan Amendment No. 395, referred to as the Rail Deck Park OPA. LPAT's decision and order was released on October 25, 2018. As part of that decision, LPAT determined it would examine planners at the hearing. This raised questions regarding the LPAT's jurisdiction to admit new opinion evidence by affidavit, the examination of witnesses by the Tribunal and the potential cross-examination by the parties flowing from the Tribunal's questioning. In light of these questions, the parties to the appeal have requested that LPAT exercise its powers under subsection 36 (1) of the LPAT Act and ask the Divisional Court to provide guidance on this matter.

In consideration of the forgoing, four questions were developed by the parties to the appeal to be submitted to Divisional Court. The first question that was submitted was whether the Tribunal had jurisdiction to require or permit affidavit evidence, to be submitted as part of responding appeal record. This question was not included in LPAT's decision and has therefore been excluded from the stated case.

The City of Toronto is of the opinion that LPAT made an error in law in its decision and has sought leave to appeal the LPAT decision to Divisional Court. The issue of concern revolves around the absence of what the City is referring to as "the threshold question", namely whether the Tribunal had jurisdiction to require affidavit evidence, including opinion evidence, to be submitted as a mandatory part of an appeal.

Although, a date for the stated case and Toronto's motion for leave to appeal has yet to be set, it is anticipated to occur in the spring of this year. More broadly, the Court's findings on this matter will have ramifications for appeals conducted under the new legislation and proceedings across the Province. To that end, through Report No. LPS15-19 dated December 19, 2018, Regional Council has authorized Regional staff to seek intervener status in the stated case before Divisional Court as well as the City of Toronto's leave to appeal. In addition, the Region's report notes that the Local Municipalities may seek to intervene in these matters. To the extent that the Local Municipalities chose to intervene, coordinating this request through one legal counsel is seen as strengthening the request. A copy of the Region's report is included as Schedule One to this report for reference purposes.

**COMMENTS:**

As set out in the Background section of this report, the outcome of the Divisional Court hearing will have implications for LPAT hearings more generally. The intent of Bill 139 was to move away from costly and expensive de novo hearings. The expectation of many was that the new appeals regime, as it relates to Official Plan and Zoning By-law Amendments, would be a review of Council decisions in accordance with the materials or the record before Council at the time of decision.

Given the foregoing, staff is of the view that joining with the Region and the other Local Municipalities in seeking intervener status on the stated case and the City of Toronto's leave to appeal is a prudent course of action.

**RELATIONSHIP TO STRATEGIC PLAN:**

The Town's Strategic Plan contains nine Strategic Directions complemented by Goals and a number of Strategic Objectives. This report relates most closely to the Strategic Direction pertaining to the provision of responsive, effective municipal government. Some of the more pertinent Strategic Objectives are as follows:

- I.1 Support Council and staff participation in efforts to advocate for issues important to the Halton Hills community.
- I.6 To participate fully in Region-wide initiatives to protect and promote the Town's interests.
- I.7 To foster a greater understanding of the Town's roles and responsibilities with other orders of government.

**FINANCIAL IMPACT:**

There is no immediate financial impact associated with this report. More specifically, the Region is not requesting a financial contribution from the Town as it relates to this matter.

The outcome of the stated case will, however, have ramifications for how future LPAT hearings are conducted as well as the costs associated with the same. For example, if new evidence and examination of witnesses is entrenched in the new system, hearings may begin to resemble de novo hearings, conducted by the OMB under the previous appeal regime.

**CONSULTATION:**

Staff consulted with the Region of Halton on this matter.

**PUBLIC ENGAGEMENT:**

There is no public engagement required for this report.



**SUSTAINABILITY IMPLICATIONS:**

The Town is committed to implementing our Community Sustainability Strategy, Imagine Halton Hills. Doing so will lead to a higher quality of life.

The recommendation outlined in this report is not applicable to the Strategy's implementation.

**COMMUNICATIONS:**

It is recommended that a copy of this report be forwarded to Halton Region, the City of Burlington, the Town of Milton and the Town of Oakville.

**CONCLUSION:**

This report references the results of the first Case Management Conference held under the Bill 139 changes to the Planning Act, being City of Toronto OPA 395 – the Rail Deck Park OPA. The LPAT decision associated with that case is now before the Divisional Court with the City of Toronto seeking leave to appeal.

Given that the matters before the Divisional Court will have ramifications for future LPAT hearings across the Province, it is recommended that the Town join with Halton Region and the other Local Municipalities in seeking intervener status to support the City of Toronto's position and interpretation of the applicable legislation.

Reviewed and Approved by,

A handwritten signature in black ink, reading "Brent Marshall". The signature is written in a cursive, flowing style with a large, prominent 'B' and 'M'.

**Brent Marshall, Chief Administrative Officer**



**The Regional Municipality of Halton**

Report To:	Regional Chair and Members of Regional Council
From:	Art Zuidema, Commissioner, Legislative and Planning Services
Date:	December 19, 2018
Report No. - Re:	LPS15-19 - Bill 139 <i>Building Better Communities and Conserving Watersheds Act</i> , 2017 Update – Stated Case to Divisional Court by the Local Planning Appeal Tribunal

**RECOMMENDATION**

1. THAT Regional Council authorize the Director of Legal Services and Corporate Counsel to seek intervener status, jointly with any Local Municipality that also chooses to do so, in the stated case before the Divisional Court as well as the City of Toronto's Motion for Leave to Appeal and any other proceedings raising these same issues as outlined in Report No. LPS15-19 re: "Bill 139 *Building Better Communities and Conserving Watersheds Act*, 2017 Update – Stated Case to Divisional Court by the Local Planning Appeal Tribunal".
2. THAT a copy of Report No. LPS15-19 re: "Bill 139 *Building Better Communities and Conserving Watersheds Act*, 2017 Update – Stated Case to Divisional Court by the Local Planning Appeal Tribunal" be sent to the City of Burlington, the Town of Halton Hills, the Town of Milton and the Town of Oakville.

**REPORT**

**Executive Summary**

1. The Local Planning Appeal Tribunal ("LPAT") has held its first Case Management Conference under the Bill 139 changes to the *Planning Act*.
2. At that Case Management Conference, the LPAT determined it would call planners as witnesses and indicated it may rely on more than the municipal record.
3. The LPAT's rules and the governing legislation place significant limitations on evidence and information before the LPAT on certain appeals and contemplates these appeals proceeding on the municipal record as a review of Council decisions, rather than trials or hearings with new evidence.

4. On the request of all parties at the Case Management Conference, the LPAT has asked the Divisional Court to interpret legislation governing the LPAT and to provide guidance on the subject of witnesses and additional evidence.
5. The City of Toronto, party to the LPAT hearing at which these matters arose, believes the LPAT made an error in law and jurisdiction in its decision and has sought leave to appeal the LPAT decision.
6. The Divisional Court's interpretation and guidance in this case will impact the Region, and the Local Municipalities, in any matters brought before the LPAT under the Bill 139 regime.
7. The Court's determination of this matter will also impact every appeal across the Province conducted under the new legislation and rules. Staff are recommending seeking intervener status in the stated case in order to support the City of Toronto's position and interpretation of the legislation and also to provide the Court with an understanding of the implications of the legislation and rules on the Region and its role in the land use planning regime, including as an approval authority.
8. Should any of the Local Municipalities also seek to intervene in this matter, the request to intervene will be stronger as one voice from Halton.

### **Background – Bill 139 Advocacy**

When the *Local Planning Appeal Tribunal Act, 2017* ("LPAT Act") was proclaimed on April 3, 2018, it made significant changes to the manner in which specified appeals under the *Planning Act* are dealt with. Through this legislation, the LPAT has implemented rules for the conduct of hearings before it.

The changes from the Ontario Municipal Board to the LPAT have been reported to Council on several prior occasions and Halton and the Local Municipalities, through the Halton Area Planning Partnership, has been actively engaged in Bill 139 issues as noted below.

On November 9, 2016, Regional Council endorsed Report No. LPS118-16 re: "Ontario Municipal Board Review" that highlighted key recommendations in response to the Province's "Review of the Ontario Municipal Board: Public Consultation Document." Three key recommendations endorsed by Council were: 1) Scope appeals and limit appeal matters; 2) Mediate disputes as a first solution; and 3) Limit "de novo" hearings.

Report No. LPS58-17 re: "OMB Reform: Status Update" highlighted Bill 139's proposed legislative changes to implement OMB reform. The proposed changes included replacing the OMB with the LPAT for planning related matters and granting greater weight to municipal decisions.

On January 17, 2018, Council received Report No. LPS18-18 “OMB Reform: Regulations Proposed Under Bill 139” for information. The report provided an overview of the proposed regulations contained in the two public consultation postings regarding transition and procedures and hearings under the proposed legislation.

At that meeting, Regional Council also passed a resolution referred to as “Bill 139 – Transition to LPAT” which requested that the Province adopt transition regulations for Bill 139 that only permit appeals to be heard by the OMB if the appeal was filed prior to First Reading of Bill 139 (May 30, 2017).

On March 28, 2018, Council further endorsed Report No. LPS21-18: “Bill 139 Proposed Regulations: Joint Submission from the Halton Municipalities” which:

- Outlined that the HAPP reviewed the proposed regulations and submitted a joint submission to both Ministries to respond to the request for comments.
- Recommended that the Proclamation Date for Bill 139 should be May 30, 2017, as supported by resolution of Regional Council on January 17, 2018.
- Recommended that the Province provide clear criteria regarding how municipalities are to demonstrate conformity to provincial plans in planning applications and provide further detail on the implementation of the Local Planning Appeal Support Centre to clarify future procedural changes and the requirements that constitute a complete application.

The above referenced reports clearly demonstrate that Halton has had a long standing interest in the transition from the OMB to the LPAT and in how the LPAT will carry out its mandate.

### **Background – Stated Case to Divisional Court**

The first Case Management Conference before the LPAT under the new legislation is an appeal against a City of Toronto Official Plan Amendment, OPA 395, known as the Rail Deck Park OPA. That Case Management Conference took place on September 20-21, 2018, and the decision and order was released on October 25, 2018. At the Case Management Conference, the LPAT determined that it will examine planners at the hearing of the appeal even though the LPAT rules and the governing legislation place limitations on the evidence and information before the LPAT. It is unclear whether this is aligned with the LPAT’s authority and statutory framework and accordingly, the parties jointly requested that the LPAT exercise its powers to ask the Divisional Court for a determination of these issues. The LPAT decision and order is included as Attachment #1.

The request for submission for the Court’s consideration and opinion was accompanied by a list of suggested questions regarding procedure and about how evidence is

presented and tested at LPAT hearings. The specific questions surround the interpretation and application of the terms “examine” and “cross-examine”, the use of information arising from examinations and cross examinations, and the applicability of the principles of procedural fairness and natural justice and are included as Attachment #2.

The City of Toronto is also seeking leave to appeal the LPAT’s order on the basis that the LPAT exceeded its jurisdiction by requiring affidavit evidence, including opinion evidence, to be submitted as a mandatory part of an appeal record. The City of Toronto’s Notice of Appeal is included as Attachment #3.

It is staff’s understanding that the earliest the stated case will be heard by the Divisional Court is March 2019.

The issues raised in the stated case and the City of Toronto’s motion transcend the issues in the Rail Deck Park OPA, and any particular appeal, and will impact every appeal across the Province subject to the new LPAT rules. Accordingly, the interpretation and guidance from the Divisional Court will impact the Region in any matters that are brought before the LPAT under the Bill 139 regime involving the interpretation and application of the Regional Official Plan, and any matter before the LPAT involving the Official Plans of the Local Municipalities, as the Region is the approval authority for such plans.

Without clarity around the rights of examination and cross examination of witnesses, and consideration by the LPAT of affidavit material and *viva voce* evidence, and without any ability for cross examination and testing of such evidence, the process proposed by the LPAT decision is potentially at odds with provisions of the *Statutory Powers Procedure Act* and with the principles of natural justice and procedural fairness. It may also be at odds with the appeal regime put in place by the Bill 139 changes to the *Planning Act* with respect to certain appeals before the LPAT. In staff’s opinion, the *LPAT Act* intended to establish such appeals as reviews of municipal decisions, on the records that were before municipal councils at the time decisions were made. The first interpretation by the courts of this legislative framework will impact every municipality and their rights on appeal before the LPAT.

Given the impact this decision will have on Halton, staff are recommending the Region seek intervener status. As an intervener, Halton Region can support the City of Toronto’s position on the questions before the Court. Should intervener status be granted, Halton can provide the Court with an illustration of the impact on the Region and its roles in the land use planning process, including as an approval authority, of the various interpretations that it will have before it to the statutory and administrative regime in respect of Bill 139 hearings before the LPAT.

It is important to bring any motions to intervene in the matter before the Divisional Court and in the City of Toronto's motion for leave to appeal the LPAT decision as soon as possible, given that the Divisional Court may schedule its hearing as early as March 2019. It is anticipated that some or all of the Local Municipalities may also seek to intervene in these matters and if they do, bringing such requests together, through one representative counsel, strengthens the request. Therefore, if any or all of the Local Municipalities determine they wish to proceed with this matter, joint representation can be pursued, at the earliest opportunity.

## FINANCIAL/PROGRAM IMPLICATIONS

There are no immediate financial implications arising from this request. Funding for this work is provided in the Planning Services budget.

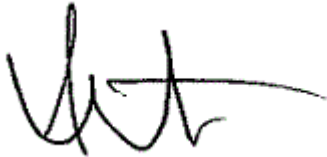
Respectfully submitted,



Curt Benson  
Director, Planning Services and Chief  
Planning Official



Bob Gray  
Director, Legal Services and Corporate  
Counsel



Art Zuidema  
Commissioner, Legislative and Planning  
Services

Approved by



Jane MacCaskill  
Chief Administrative Officer

If you have any questions on the content of this report,  
please contact:

Jody Johnson

Tel. # 7254

Attachments: Attachment #1 – LPAT Decision and Order  
Attachment #2 – LPAT Questions for Divisional Court  
Attachment #3 – City of Toronto Notice of Appeal

**Local Planning Appeal Tribunal**  
Tribunal d'appel de l'aménagement  
local



**ISSUE DATE:** October 25, 2018

**CASE NO(S):** PL180210

The Ontario Municipal Board (the "OMB") is continued under the name Local Planning Appeal Tribunal (the "Tribunal"), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	CRAFT Acquisitions Corp. and P.I.T.S. Development Inc.
Appellant:	Canadian National Railway Company and Toronto Terminals Railway Company Ltd.
Subject:	Proposed Official Plan Amendment No. OPA 395
Municipality:	City of Toronto
LPAT Case No.:	PL180210
LPAT File No.:	PL180210
LPAT Case Name:	Canadian National Railway Company v. Toronto (City)

**Heard:** Case Management  
Conference

September 20-21, 2018, in Toronto, Ontario

**APPEARANCES:**

**Parties**

City of Toronto

CRAFT Acquisitions Corporation  
and P.I.T.S. Development Inc.

**Counsel**

B. O'Callaghan, K. Matsumoto,  
A. Moscovich, and N. Muscat

I.T. Kagan and K. Jennings



Canadian National Railway  
Company and Toronto Terminals  
Railway Company Ltd.

A.M. Heisey and M. Krygier-Baum

**DECISION BY JAMES McKENZIE, SUSAN de AVELLAR SCHILLER, AND  
SARAH JACOBS AND ORDER OF THE TRIBUNAL**

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**INTRODUCTION and CONTEXT**

[1] On December 5, 2017, the City of Toronto Council ("City") adopted Official Plan Amendment No. 395 ("OPA 395" or "Amendment") to create Rail Deck Park, a significant new park and multi-functional open space in Downtown Toronto. Responding to the anticipated effect of substantial population growth and low levels of parkland in the downtown area (as compared to the rest of the city), the Amendment establishes a new secondary plan for the area situated between Bathurst Street (west) and Blue Jay Way (east), on the south side of Front Street. The park's name derives from the fact that it will be located on an engineered platform covering a stretch of the Union Station rail corridor traversing the downtown area. Identified as a "once-in-a-generation opportunity," preliminary budgeting estimates a total cost of \$1.665 billion to construct Rail Deck Park.

[2] Two appeals have been filed against OPA 395 pursuant to subsection 17(24) of the *Planning Act*. The first appeal is collectively filed by CRAFT Acquisitions Corporation ("CRAFT") and P.I.T.S. Developments Inc. ("P.I.T.S."). The second is collectively filed by Canadian National Railway Company ("CN") and Toronto Terminals Railway Company Ltd. ("TTR"). These four interests are the Appellants. The Appellants have property interests within the area affected by the Amendment: CN and TTR own developable air rights above 27 feet above the top-of-rail elevation within the Union Station rail corridor; and CRAFT and P.I.T.S., pursuant to an agreement of purchase and sale with CN and TTR, are under contract to purchase those air rights to develop above the rail tracks. The Appellants have concurrently appealed private applications under other sections of the *Planning Act* to advance their development aspirations.

[3] Given recent changes to planning legislation (discussed below), their private application appeals and the appeals of the Amendment are considered mutually exclusive despite the fact they relate to roughly the same area.

[4] On April 3, 2018, Bill 139 was proclaimed. Among other things, it enacted the *Local Planning Appeal Tribunal Act, 2017* ("LPAT Act"). The LPAT Act fundamentally changes the manner in which specific categories of planning appeals under the *Planning Act* are to be dealt with in a hearing. Those categories, defined in subsections 38(1) and 38(2) of the LPAT Act, include any appeal relating to (1) a municipal decision approving or refusing to approve an official plan or zoning by-law, (2) a municipal decision approving or refusing an amendment to an existing official plan or zoning by-law, (3) the lack of a municipal decision approving or refusing an amendment to an existing official plan or zoning by-law, and (4) the lack of a municipal decision granting or refusing the approval of a plan of subdivision. The appeals of OPA 395 fall in the second category above. Other changes include (1) continuing the Ontario Municipal Board as the Local Planning Appeal Tribunal ("Tribunal"), (2) repealing the *Ontario Municipal Board Act* and replacing it with the LPAT Act, (3) amending the *Planning Act* to prescribe specific tests for the disposition of appeals in the above-noted categories, and (4) removing participatory rights and restricting other rights of parties and participants in hearings dealing with those specific categories of planning appeals. For all other matters under the *Planning Act* and the numerous statutes and regulations from which the Tribunal derives jurisdiction, the hearing process remains a traditional one, with full participatory rights.

[5] The LPAT Act also directs the Tribunal to convene a Case Management Conference ("CMC") for the above-noted categories of planning appeals and itemizes matters to be addressed therein. The requirement to convene a CMC codifies a long-standing and continuing practice of using the prehearing conference process tool to case manage and organise complex appeals. The appeals filed against OPA 395 are the first to proceed to a CMC under the new regime introduced by Bill 139.

[6] This decision implements the results of the Tribunal's consideration of the itemized matters relevant to the appeals at this time as well as other matters arising in connection with the appeals. With respect to itemized matters not specifically addressed in this decision, counsel have been directed to confer and to advise the Tribunal whether any further action is necessary.

#### **PARTIES and PARTICIPANTS**

[7] The statutory parties in this matter are:

- City of Toronto
- CRAFT Acquisitions Corporation
- P.I.T.S Developments Inc.
- Canadian National Railway Company
- Toronto Terminals Railway Company Ltd.

[8] Pursuant to subsections 40(1) and 40(4) of the *LPAT Act*, the participants are:

- Metrolinx – the provincial government agency responsible for public transit and transportation infrastructure in the Greater Toronto and Hamilton Area, and the owner of the ground and air space up to 27 feet above the top-of-rail elevation.
- Grange Community Association Inc. ("Grange") – a community organisation representing local and city-wide interests of residents in the Grange neighbourhood bounded by College Street (north), Queen Street (south), University Avenue (east), and Spadina Avenue (west).

[9] Subsection 42(1) of the *LPAT Act* stipulates that parties are the only persons who can participate in an oral hearing of an appeal described in subsection 38(1), (which includes an appeal made under subsection 17(24) of the *Planning Act*).

Participants cannot take part in an oral hearing. This is a significant departure from the opportunity a participant enjoyed before the proclamation of Bill 139 and continues to enjoy in the hearing of an appeal falling outside of the categories described in subsection 38(1). Despite their status in this case, Metrolinx and Grange acknowledge the restriction on their participation in the hearing. They have each, moreover, provided an undertaking to be available at the hearing to answer questions or otherwise be of assistance to the Tribunal.

### **HEARING and ORDER OF PROCEEDINGS**

[10] The *LPAT Act* has profoundly changed the complexion of a hearing before the Tribunal to determine the merits of any appeal in the categories described in subsections 38(1) and 38(2) — especially regarding the means by which evidence may be obtained from and/or through a witness (addressed below). Given the significance of what Rail Deck Park represents and the magnitude of what is at stake in the consideration of the appeals, it is essential that the Tribunal have the benefit of *viva voce* land use planning evidence. An oral hearing will facilitate that opportunity.

[11] A hearing is scheduled for five consecutive days, beginning at 10:00 a.m. on Monday, May 27, 2019, at:

Local Planning Appeal Tribunal,  
655 Bay Street, 16<sup>th</sup> Floor,  
Hearing Room 16-1,  
Toronto ON M5G 3E1

[12] A procedural order is not required in this matter.

### **ISSUES FOR THE HEARING**

[13] The Issues List for the hearing is appended to this decision as Attachment No. 1.

[14] The Tribunal's *Rules of Practice and Procedure* require statutory parties to each file an appeal record and case synopsis addressing issues for a hearing. In this case, during the CMC, counsel were directed to confer for the purpose of producing an issues list reflecting meaningful substance based on their respective materials. The result is the appended list.

#### **VIVA VOCE EVIDENCE and WITNESSES**

[15] Again, given the magnitude of what Rail Deck Park represents, the Tribunal will exercise its power to examine each party's respective land use planner(s) in the hearing, pursuant to subsection 33(2) of the *LPAT Act*. According to subparagraph (d) thereunder, the Appellants are directed to produce Mr. Ian Graham; and the City is directed to produce Mr. Joe Berridge, Ms. Lynda MacDonald, Ms. Heather Oliver, and Mr. Paul Mulé. This direction includes a requirement to have the planners present on the first day of the scheduled hearing. Each witness is to bring with them and to have in their possession all documents material to the issues for the hearing and on which they relied to formulate their professional planning opinion(s) on the issues. If they have not already done so, each planner is also required to execute an Acknowledgment of Expert's Duty form and provide that to the Tribunal at the outset of their testimony.

[16] In connection with the Tribunal's decision to call and examine the professional planners, counsel advised, on consent, that a court reporter will be retained and present for the oral evidence portion of the hearing. In the event the parties have a change of heart prior to the scheduled hearing, the Tribunal orders that a qualified verbatim reporter attend for the purpose of recording the testimony of each planning witness, in accordance with Rule 26.25 of its *Rules of Practice and Procedure*. The cost of the reporter and the production of transcripts to be provided to the Tribunal shall be borne by the parties.

[17] In terms of the order in which the hearing will proceed — with respect to the sequence that witnesses will be examined by the Tribunal and that submissions will be received by the Tribunal pursuant to subsection 42(3) of the *LPAT Act* and section 2(1) of O.Reg. 102/18 — the Tribunal will first complete all witness examinations and will then receive counsel submissions. Subject to further refinement (including the potential for modification) by the Tribunal to facilitate the efficient and efficacious examination of witnesses, the sequence will be as follows: the Appellants' witness will be examined first, followed by the City's witnesses; then, the Appellants' submissions will be received, followed by the City's submissions.

[18] Counsel for the Appellants have requested a limited right of reply for submissions following the City's submissions. Subsection 2(1)(a) of O.Reg. 102/18 includes no distinction with respect to how prescribed time available to a party for its submissions is to be allocated. In this case, consistent with the convention of an initiating party having a right of reply, the Appellants may, if they wish, reserve some amount of that prescribed time for reply submissions.

## **MEDIATION**

[19] In recognition of the success of the mediation program instituted by the Tribunal's predecessor, the Ontario Municipal Board, and the longstanding and ongoing practice of canvassing opportunities for mediation in prehearing conferences, the Tribunal is now required by subsection 39(2) of the *LPAT Act* in a CMC to discuss opportunities for settlement, including the possible use of mediation. The success of any mediation initiative depends on many things. Consistent with the widely-accepted principle that participation in mediation is a voluntary activity, first among those things is ensuring that each party provides its representatives with a clear mandate and parameters for negotiation in the event mediation is to be pursued.

[20] In the present case, all counsel have indicated a readiness to consider mediation, subject to a number of contextual factors. First, given the fall scheduled municipal election, Mr. O'Callaghan explained that, while he is prepared to recommend mediation to his client, he cannot be in a position to receive a mandate and instructions from Council before its initial meetings following the election, likely sometime in late January or February, 2019. Second, Messrs. Kagan and Heisey reported that, while their respective clients are generally supportive of mediation, they too cannot be in a position to secure a mandate and instructions without first knowing the parameters for mediation set out by Council. The Tribunal understands and, taking into account the scheduled hearing dates set out above, directs the following related schedule for the ongoing consideration of mediation:

- Council is to consider the possibility for mediation and provide direction to Mr. O'Callaghan by a date such that he will report to the Tribunal and the other parties, no later than March 1, 2019, whether the City is willing to enter mediation and, if so, an indication of the general parameters within which the City is prepared to mediate; and then,
- in the event the City is prepared to mediate, the Appellants will have one week to consider mediation and the parameters for doing so indicated by the City, and will report to the City and the Tribunal, no later than March 8, 2019, whether the terms are such that they too are prepared to mediate; and then
- in the event all parties indicate willingness to mediate, the Tribunal will convene a meeting between March 8 and 22, 2019, with the parties to address a schedule and logistics for mediation, including any reconsideration of the May 2019 hearing dates; or,

- in the event any of the parties determine that mediation is not viable and the May 2019 hearing dates are confirmed, all materials for the hearing are to be submitted to the Tribunal no later than April 23, 2019.

[21] Shortly following the issuance of this decision, the Tribunal will issue a separate Order and Notice of Postponement to suspend the applicable timeline set out in subsection 1(1) of O.Reg. 102/18 for disposing of the appeals. That Order will invoke the reason set out in subsection 1(2)1.i. to suspend the timeline, effective the date of this decision.

#### **STATING A CASE TO THE DIVISIONAL COURT**

[22] Following the Tribunal's decision to call and examine the professional planners engaged in this matter, counsel jointly submitted an oral application to have the Tribunal exercise its powers under subsection 36(1) of the *LPAT Act* to "state a case in writing for the opinion of the Divisional Court upon a question of law." That application was accompanied by a long list of suggested questions for the Court's consideration and opinion. The basis for the joint application follows.

[23] The *LPAT Act*, in subsection 42(3)(b), stipulates that "no party or person may adduce evidence or call or examine witnesses" at an oral hearing relating to the categories of planning appeal described in subsections 38(1) and 38(2). As noted, this includes the appeals of OPA 395 made under subsection 17(24) of the *Planning Act*. Calling or examining witnesses at a hearing, moreover, is further controlled by regulation. O.Reg. 102/18, in section 3, provides that "no party or person may call or examine witnesses prior to the hearing of such an appeal."

[24] The elimination of a party's right to adduce evidence or to call or examine witnesses has led to considerable uncertainty in the wake of the Tribunal's decision to itself call and examine planning witnesses in this case. Counsel emphatically



expressed a genuine confusion about each party's ability to access natural justice and procedural fairness rights.

[25] Every appealed planning matter is important to each of the parties involved. When the sheer magnitude of what is at stake in the appeals of OPA 395 is considered through the combined lens of this axiom and the removal of a party's right to adduce evidence or to call or examine witnesses, the profundity of the confusion and the weight of its related burden are palpable and understandable. Engaging the ability to test the logic or challenge the veracity of a professional opinion believed prejudicial to one's interests has long been the *sine qua non* of pursuing one's planning goals in a hearing the Tribunal is obligated to hold under the *Planning Act*. The Tribunal can certainly appreciate, then, why the parties seek the Court's opinion on the subject of examining witnesses.

[26] In making their application, the parties submitted a number of questions for the Tribunal's consideration. Given their collective angst about proceeding without the ability to directly engage witnesses, the panel has undertaken a careful deliberation to distill their initial suggestions, lay bare the essence of their apprehensions, and capture in the following questions what it finds are the key challenges regarding the limitations set out in the *LPAT Act* and O.Reg. 102/18. The questions for an opinion from the Divisional Court are:

1. Since the terms "examine" and "cross-examine" have different meanings under the *Statutory Powers Procedure Act*, does the term "examine" as used in subsection 42(3)(b) of the *LPAT Act* and section 3 of O.Reg. 102/18 preclude the ability of a party to cross-examine a witness?
2. With respect to a hearing pursuant to subsections 38(1) and 38(2) of the *LPAT Act*, do the principles of natural justice and procedural fairness allow the parties an opportunity to ask questions of a witness called and examined by the Tribunal?

2.a. If the answer to Question 2 is "yes," are their questions limited to matters arising from the questions asked by the Tribunal?

3. With respect to a hearing pursuant to subsections 38(1) and 38(2) of the *LPAT Act* and where the Tribunal directs production of affidavits pursuant to subsection 33(2)(c) therein, does the limitation in subsection 42(3)(b) of the *LPAT Act* and in section 3 of O.Reg. 102/18 prevent the cross-examination of an affiant before a hearing and the introduction of a cross-examination transcript in a hearing?

3.a. If the answer to Question 3 is "no," can the evidence obtained in cross-examination be referred to in submissions in a hearing?

[27] The Tribunal grants the parties' joint application to state a case.

[28] The Tribunal's reasons for stating a case follow.

[29] First, the questions are squarely and purely questions of law, thereby satisfying the statutory prerequisite set out in subsection 36(1). They engage the very essence of statutory interpretation relating to a party's ability to access its natural justice and procedural fairness rights in a hearing, and likely would, if answered by the Tribunal, attract a correctness standard of review were answers ever challenged. They reveal, moreover, a genuine confusion about whether there is a conflict between the *LPAT Act* and the *Statutory Powers Procedure Act*.

[30] Second, it is plausible that the Tribunal will avail itself of the right to call and examine witnesses in complex cases where experts have been engaged. In cases, for example, where experts are on near equal footing with respect to their experience, reputation, qualifications, and the quality of the documentation of their analysis and conclusions, how is the Tribunal to draw meaningful distinctions between opinions as a basis for its analysis of such evidence? It is only by the Tribunal itself calling and

examining witnesses that the underpinnings for an expert opinion can be truly accessed and scrutinised as a component of establishing a preference of evidence (upon which a decision might then be based). The issues, ambiguity, and confusion underlying the questions transcend the Rail Deck Park appeals and will arguably manifest in every case where the Tribunal elects to call and examine witnesses. Guidance, therefore, is needed to safeguard transparency, consistency, and predictability.

[31] Third, the parties are *ad idem* and consent to having the questions stated to the Divisional Court. While that on its own is not a sufficient basis for stating a case, it nonetheless has significant bearing on the Tribunal's decision for the simple reason that there is no daylight between the parties regarding how they believe the questions ought to be answered. This is a situation unique from the facts in jurisprudence established by the Tribunal's predecessor, the Ontario Municipal Board, on stating a case to the Divisional Court. In those cases, the parties shared the interest of having a case stated, but differed on how they each wanted the question(s) answered. In this case, the parties' consent is based on both process (having the Court's opinion) and subject (access to question a witness), grounded in the shared belief that having the Court's guidance provides the best opportunity for the fair, just, and expeditious resolution of the merits of the appeals.

[32] Finally, the core of these questions involves the participatory rights of persons in hearings conducted by the Tribunal under its new governing legislation, and the nature of these novel questions falls outside of the Tribunal's many home statutes. The questions also transcend the substantive matter the Tribunal is charged with addressing in the course of adjudicating appeals and the specialised knowledge it applies when doing so. In this case, the Tribunal is required to determine whether OPA 395 is consistent with the Provincial Policy Statement and whether it conforms to the Growth Plan for the Greater Golden Horseshoe. If the Amendment is and does, it comes into full force and effect; if it is not or does not, it will be returned to Council for further consideration. The Court's guidance will establish whether — and, if so, inform how —

the Tribunal may, through questioning by others, access evidence from a witness as additional input to its deliberations and ultimate determination.

[33] Stating a case on the first appeals coming to a CMC is consistent with the modern view of administrative tribunals. Tribunals are showing themselves capable of taking on novel questions of administrative law, and this maturation will continue. Action premised on the modern view, however, must be balanced with modesty. After all, the modern view should not be construed as so modern that it represses a genuinely felt need for guidance, as is the case here.

[34] Nor is stating a case an indication that this Tribunal is acting prematurely or relying too quickly on the discretion to do so. Through its deliberations on the joint application, the panel engaged in a critical interrogation of the first questions submitted by the parties to ensure that the questions the Tribunal is submitting to the Divisional Court are not merely interesting questions of law. They are challenging questions of law that engage fundamental legal considerations which cut to the very core of a party's ability to marshal a case in appeals made in those categories described in subsections 38(1) and 38(2) of the *LPAT Act*. There will always be a view that tribunals must take on difficult legal questions, and appropriate cases for doing so will appear from time to time. This case, however, is not one of them because it represents the first time that restrictive procedures codified in new legislation are being operationalised. Naturally, seeking guidance makes sense.

[35] Shortly following the issuance of this decision, the Tribunal will issue a further and separate Order and Notice of Postponement to suspend the applicable timeline set out in subsection 1(1) of O.Reg. 102/18 for disposing of the appeals. This Order will be distinct from the Order suspending the timeline for the purpose of mediation, and will invoke the reason set out in subsection 1(2)1.ii. to suspend the timeline, effective the date of this decision. A separate order is deemed necessary to accommodate for the likely scenario that the stated case may proceed at a different pace than that for the consideration of mediation.

[36] Upon receipt of the Court's opinion, the Tribunal will convene a teleconference call with the parties to assess whether the assigned hearing duration remains appropriate.

## **ORDER**

[37] The directions set out in this decision are so ordered.

[38] This panel is seized, subject to the Tribunal's ability to effectively manage its hearings calendar with available resources. The Tribunal may be spoken to regarding the ongoing case management of this matter.

*"James McKenzie"*

JAMES MCKENZIE  
ASSOCIATE CHAIR

*"Susan de Avellar Schiller"*

SUSAN de AVELLAR SCHILLER  
VICE-CHAIR

*"Sarah Jacobs"*

SARAH JACOBS  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) to view the attachment in PDF format.

### **Local Planning Appeal Tribunal**

A constituent tribunal of Environment and Land Tribunals Ontario  
Website: [www.elfto.gov.on.ca](http://www.elfto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

## ATTACHMENT 1

# LOCAL PLANNING APPEAL TRIBUNAL

Tribunal d'appel de l'aménagement local

PROCEEDING COMMENCED UNDER subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P. 13, as amended

Case Number:	PL180210
File Number:	PL180210
Municipality:	City of Toronto
Municipal Numbers:	17 152929 STE 20 OZ
Property Location:	Railway Corridor between Bathurst Street and Blue Jays Way
Appellants:	CRAFT Acquisitions Corporation and P.I.T.S. Developments Inc. (collectively "P.I.T.S.") The Toronto Terminals Railway Co. Ltd ("TTR") and Canadian National Railway Company ("CN")

## ISSUES LIST

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1. Is OPA 395 consistent with the following policies in the Provincial Policy Statement 2014, as required by section 3(5) of the Planning Act?
  - a. Policy 1.1.1 (a, b & e)
  - b. Policy 1.1.3, 1.1.3.1, 1.1.3.2, 1.1.3.3, 1.1.3.4, 1.1.3.6
  - c. Policy 1.3.1 (a, b, c & d)
  - d. Policy 1.4.3 (b, d & e)
  - e. Policy 4.7
2. Does OPA 395 conform to the following policies in the Growth Plan 2017, as required by section 3(5) of the Planning Act and section 14(1) of the Places to Grow Act?
  - a. Policy 2.2.1.2 (c)(i-iv)

- b. Policy 2.2.1.3 (b & c)
  - c. Policy 2.2.1.4 (a & c)
  - d. Policy 2.2.3.1 (a-d)
  - e. Policy 2.2.3.2(a)
  - f. Policy 2.2.4 (1, 3c, 6, 9a-c)
  - g. Policy 2.2.6.1 (a-d)
3. Does OPA 395 have regard to the following matters of provincial interest as required by section 2 of the Planning Act?
- a. Section 2(j)
  - b. Section 2(k)
  - c. Section 2(l)
  - d. Section 2(n)
  - e. Section 2(p)
4. Does OPA 395 conform to the following policies of the City of Toronto Official Plan?
- a. Railway Lands West Secondary Plan
    - i. Policy 6.1
    - ii. Policy 6.2
    - iii. Policy 6.7
    - iv. Policy 10.1
    - v. Policy 10.3 and 10.3.1
    - vi. Policy 10.3.2
  - b. Railway Lands Central Secondary Plan
    - i. Policy 10.5.1
    - ii. Policy 10.6, 10.6.1, 10.6.2
5. Should the Tribunal refuse to approve OPA 395 based upon the *Nepean* principle?

### LPAT Questions for Divisional Court

1. Since the terms “examine” and “cross-examine” have different meanings under the *Statutory Powers Procedure Act*, does the term “examine” as used in subsection 42(3)(b) of the *LPAT Act* and section 3 of O.Reg. 102/18 preclude the ability of a party to cross-examine a witness?
2. With respect to a hearing pursuant to subsections 38(1) and 38(2) of the *LPAT Act*, do the principles of natural justice and procedural fairness allow the parties an opportunity to ask questions of a witness called and examined by the Tribunal?
  - 2.a. If the answer to Question 2 is “yes,” are their questions limited to matters arising from the questions asked by the Tribunal?
3. With respect to a hearing pursuant to subsections 38(1) and 38(2) of the *LPAT Act* and where the Tribunal directs production of affidavits pursuant to subsection 33(2)(c) therein, does the limitation in subsection 42(3)(b) of the *LPAT Act* and in section 3 of O.Reg. 102/18 prevent the cross-examination of an affiant before a hearing and the introduction of a cross-examination transcript in a hearing?
  - 3.a. If the answer to Question 3 is “no,” can the evidence obtained in cross-examination be referred to in submissions in a hearing?



Divisional Court File No.  
Ontario Municipal Board File No. PL1180210

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
DIVISIONAL COURT**

IN THE MATTER OF an appeal under Section 37 of the *Local Planning Appeal Tribunal Act, 2017*, S.O. 2017, CHAPTER 23, from the Decision of the Local Planning Appeal Tribunal dated October 25, 2018.

AND IN THE MATTER OF an appeal to the Local Planning Appeal Tribunal of City of Toronto Official Plan Amendment (OPA) No. 395 by CRAFT Acquisitions Corp. and P.I.T.S. Development Inc., Canadian National Railway Company and Toronto Terminals Railway Company Ltd. under Section 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13 as amended.

Court File No.

**ONTARIO  
SUPERIOR COURT OF JUSTICE  
(DIVISIONAL COURT)**

**BETWEEN:**

**CITY OF TORONTO**

**Moving Party  
(Appellant)**

**and**

**CRAFT ACQUISITIONS CORP. and P.I.T.S DEVELOPMENT INC.; CANADIAN  
NATIONAL RAILWAY COMPANY and TORONTO TERMINALS RAILWAY  
COMPANY LTD.**

**Respondents  
(Respondents)**

**NOTICE OF MOTION  
For Leave to Appeal**

**THE MOVING PARTY**, City of Toronto (the "City"), will make a motion to the Divisional Court on a date and time to be fixed by the Registrar at Osgoode Hall, 130 Queen Street West, Toronto, Ontario.

**PROPOSED METHOD OF HEARING:** The motion will be heard orally.

**THIS MOTION IS FOR:**

1. Leave to appeal to the Divisional Court from the Decision of the Local Planning Appeal Tribunal (the "Tribunal"), dated October 25, 2018, LPAT File No. PL180210.
2. Such further and other relief as to this Honourable Court may deem just.

**THE GROUNDS FOR THE MOTION ARE:**

1. The Local Planning Appeal Tribunal (the "Tribunal") erred in law and exceeded its jurisdiction by requiring affidavit evidence, including opinion evidence, to be submitted as a mandatory part of an appeal record for an appeal governed by section 38 of the LPATA;
2. The Tribunal erred in law and exceeded its jurisdiction by permitting affidavit evidence, including opinion evidence, to be submitted as part of a responding appeal record for an appeal governed by section 38 of the LPATA;
3. The Tribunal erred in law and exceeded its jurisdiction by directing affidavit evidence which is contradictory to and inconsistent with the legislation governing section 38 appeals, including but not limited to the prohibition on a party adducing evidence (s. 43(3));
4. At a mandatory case management conference, the parties to the appeal requested the Tribunal to state a case to the Divisional Court seeking guidance on whether the Tribunal has the jurisdiction to direct such evidence and if so, what the consequences of that direction are in light of other limiting provisions of the legislation governing section 38 appeals;
5. The parties to the appeal agreed upon four questions to be submitted to the Divisional Court and jointly presented those questions to the Tribunal;
6. The first question jointly submitted was whether the Tribunal had jurisdiction to require or permit such evidence and as such, was the "threshold question" from which the other three questions derived; in other words, if the first question was

answered in the negative, that the Tribunal did not possess such jurisdiction, the other three questions were irrelevant;

7. The Tribunal agreed to state the case to the Divisional Court but excluded the first question regarding its own jurisdiction to direct the production of affidavits in section 38 appeals;
8. The Tribunal erred in law by excluding the threshold question from the stated case and thus stating a case that eliminates a threshold issue that the parties believed requires judicial review and upon which the remaining questions are based;
9. The Tribunal erred in law by excluding the threshold question from the stated case without giving reasons for doing so;
10. The Tribunal erred in law by asserting in question 3 of the stated case the answer to the threshold question effectively determining that it had the jurisdiction to direct the production of affidavits in a section 38 appeal;
11. The Tribunal erred in law by answering the threshold question without giving reasons for doing so;
12. The Tribunal erred in law by denying procedural fairness to the parties by preventing them from arguing the threshold question as part of the stated case;
13. The Tribunal's decision contains errors of law and is of sufficient importance to warrant the attention of the Divisional Court as the Tribunal's decision will impact the procedure for every section 38 appeal across the Province of Ontario and affect the substantive rights of the parties to those appeals;
14. There is doubt as to the correctness of the Tribunal's decision;
15. The *Planning Act*, R.S.O. 1990 c.P.13, as amended;

16. The *Local Planning Appeal Tribunal Act, 2017*, S.O. 2017, CHAPTER 23; and  
Ontario Regulation 102/18;
17. The *Statutory Powers Procedure Act*, R.S.O. 1990, c. S.22;
18. The LPAT Rules of Practice and Procedure;
19. Rule 61.03 of the *Rules of Civil Procedure*; and
20. Such further and other grounds as counsel may advise and this Honourable Court  
may permit.

**THE FOLLOWING DOCUMENTARY EVIDENCE** will be used at the hearing of the  
motion:

1. The pleadings and proceedings before the Local Planning Appeal Tribunal;
2. Decision of the Local Planning Appeal Tribunal, dated October 25, 2018, LPAT  
File No. PL180210; and .

3. Such further and other materials as counsel may advise and this Honourable Court may permit.

**Dated: November 8, 2018**

**CITY SOLICITOR'S OFFICE**

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*Lawyers for the Moving Party (Appellant)*  
*City of Toronto*

**TO: CRAFT Acquisitions Corp. and P.I.T.S. Development Inc.**

c/o Kagan Shastri LLP  
188 Avenue Road  
Toronto, Ontario  
M5R 2J1

Tel: (416) 368-2100

Fax: (416) 324-4202

Attention: Ira Kagan

Email: [ikagan@ksllp.ca](mailto:ikagan@ksllp.ca)

Kristie Jennings

Email: [kjennings@ksllp.ca](mailto:kjennings@ksllp.ca)

David Winer

Email: [dwiner@ksllp.ca](mailto:dwiner@ksllp.ca)

**Canadian National Railway Company and Toronto Terminals Railway  
Company Ltd.**

c/o Papazian Heisey Myers

121 King Street West

P.O. Box 105

Toronto, Ontario,

M5H 3T9

Tel: (416) 601-2702

Fax: (416) 601-1818

Attention: Alan Heisey

Email: [heisey@phmlaw.com](mailto:heisey@phmlaw.com)

Michael Krygier-Baum

Email: [krygier-baum@phmlaw.com](mailto:krygier-baum@phmlaw.com)

**AND TO: METROLINX**

c/o Devine Park LLP

250 Yonge Street, Suite 2302

P.O. Box 65

Toronto, Ontario

M5B 2L7



Tel: (416) 645-4584  
Fax: (416) 645-4569

Attention: Patrick Devine  
Email: [patrick.devine@devinepark.com](mailto:patrick.devine@devinepark.com)

Jason Park  
Email: [jason.park@devinepark.com](mailto:jason.park@devinepark.com)

**Grange Community Association Inc.**  
78 St. Patrick Street  
TH116  
Toronto, Ontario  
M5T 3K8

Fax: (416) 416-598-1726

Attention: Max Allen  
Email: [mallen6@sympatico.ca](mailto:mallen6@sympatico.ca)

AND TO: **Local Planning Appeal Tribunal**  
655 Bay Street, Suite 1500  
Toronto, Ontario  
M5G 1E5

Tel: (416) 326-6800  
Fax: (416) 326-5370

Attention: Mr. Stan Floras  
Email: [stan.floras@ontario.ca](mailto:stan.floras@ontario.ca)



**REPORT OF THE  
COMMUNITY AND CORPORATE AFFAIRS COMMITTEE  
Minutes No. CCA-02-2019**

Minutes of the Community and Corporate Affairs Committee meeting held on Monday February 4, 2019, at 3:00 p.m., in the Council Chambers, Town Hall.

Members Present: Mayor R. Bonnette, (ex-Officio); Councillor J. Fogal, Chair;  
Councillors C. Somerville, T. Brown, W. Farrow-Reed, A. Lawlor  
Regrets: Councillor J. Hurst  
Staff Present: S. Jones, Clerk & Director of Legislative Services,  
C. Mills, Commissioner of Transportation & Public Works,  
J. Linhardt, Commissioner of Planning & Sustainability,  
W. Harris, Commissioner of Recreation & Parks,  
J. Diamanti, Commissioner of Corporate Services,  
Harry Olivieri, Chief & Commissioner of Fire Services,  
M.J. Leighton, Manager of Accounting and Town Treasurer,  
G. Cannon, Chief Librarian, V. Petryniak, Deputy Clerk  
Others Present: Councillor M. Albano, Councillor B. Lewis, Councillor M.  
Johnson, Councillor B. Inglis,

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**1. CALL TO ORDER**

Councillor J. Fogal called the meeting to order at 3:00 p.m.

**2. DISCLOSURE OF PECUNIARY INTEREST**

Councillor C. Somerville declared a pecuniary interest with respect to Report No. RP-2019-0006 (Item 4f) regarding Municipal Assistance Program requests, as his spouse is a member on the executive of the Acton Agricultural Society. He did not partake in any discussion or voting on the matter.

**3. COMMITTEE DELEGATIONS/PRESENTATIONS**

**a. Lois Ouellette, Senior Manager - Audit, KPMG**

Lois Ouellette, KPMB gave a presentation to Committee regarding the 2018 Audit Planning Report. (Refer to Item 4a)

**b. Damian Szybalski, Manager of Economic Development, Innovation and Culture**

Damian Szybalski, Manager of Economic Development, Innovation and Culture gave a presentation to Committee regarding State of Economy Snapshot - Q4 2018. (Refer to Item 4g)

**c. Dharmen Dhaliah, Corporate Asset Manager**

Dharmen Dhaliah, Corporate Asset Manager and Hans Arisz, RV Anderson gave a presentation to Committee regarding State of Infrastructure. (Refer to Item 4b)

<b>4. REPORTS &amp; MEMORANDUMS FROM OFFICIALS – SEVEN (7) ITEMS FOR RECOMMENDATION</b>
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**a. CORPORATE SERVICES REPORT NO. CORPSERV-2019-0013 dated January 31, 2019 regarding KPMG 2018 Audit Planning Report. (Recommendation No. CCA-2019-0001)**

THAT Report CORPSERV-2019-0013 dated January 31, 2019 regarding the KPMG 2018 Audit Planning Report be received as information.

**CARRIED**

**b. RECREATION AND PARKS REPORT NO. RP-2019-0001 dated February 4, 2019 regarding the Town's CAM Program update and State of Infrastructure Report. (Recommendation No. CCA-2019-0002)**

That Report No. RP-2019-0001 dated February 4, 2019 regarding the Town's CAM Program update and State of Infrastructure Report be received;

AND FURTHER THAT staff report back to Council with progress on the Town Strategic Asset Management Plan (SAMP) in the third quarter of 2019.

**CARRIED**

**c. RECREATION AND PARKS REPORT NO. RP-2019-0002 dated December 19, 2019 regarding Proposal Award P-026-18 for Playground Equipment – Blanket Order. (Recommendation No. CCA-2019-0003)**

THAT Report RP-2019-0002, dated December 19, 2018, regarding the Proposal Award P-026-18 for Playground Equipment - Blanket Order be received;

AND FURTHER THAT the Manager of Purchasing be authorized to issue a purchase order in the amount of \$750,000 plus applicable taxes to PlayPower LT Canada Inc. PO Box 125, Paris Ontario N3L 3E7, as the play equipment supplier for a one year period (commencing in February 2019) with an option to renew for four one-year terms.

AND FURTHER THAT the Manager of Purchasing be authorized to issue a phased purchase order to an upset limit of \$1,250,000 plus applicable taxes to PlayPower LT Canada Inc., for additional playground projects approved by Council as part of future annual capital budgets.

**CARRIED**

**d. RECREATION AND PARKS REPORT NO. RP-2019-0003 dated January 3, 2019 regarding Award of Request for Proposal P-18-160 for Property Appraisal Services. (Recommendation No. CCA-2019-0004)**

THAT Report RP-2019-0003, dated January 3, 2019, regarding Award of Request for Proposal P-18-160 for Property Appraisal Services, be received;

AND FURTHER THAT the contract for Property Appraisal Services be awarded to the following roster at a total estimated amount of \$40,000.00 (plus HST) per year for a two (2) year contract with two (2) one (1) year options to renew based on satisfactory service and price negotiations:

1. Antec Appraisal Group Inc. 1022 Waterdown Road, Burlington, ON L7T 1N3
2. Cushman & Wakefield Ltd. 161 Bay Street, Suite 1500, PO Box 602, Toronto, ON M5J 2S1
3. Jacob Ellen & Associates Inc., 25 Main Street West, Suite 920, Hamilton ON, L8P 1H1
4. Stephen P. Saxe Ltd., 10319 15 Side Road, Halton Hills, ON L7G 4S6

AND FURTHER THAT Council authorize the Manager of Purchasing to issue the necessary purchase orders as required for the two (2) year period and additional renewals if exercised.

**CARRIED**

- e. **RECREATION AND PARKS REPORT NO. RP-2019-0005 dated February 4, 2019 regarding Capital Investment Planning Optimized Decision Making Tool Implementation – Award of Single Source contract. (Recommendation No. CCA-2019-0005)**

THAT Report No. RP-2019-0005 dated February 4, 2019 regarding the Town's Capital Investment Planning Optimized Decision Making Tool Implementation – Award of Single Source Contract be received;

AND FURTHER THAT the Manager of Purchasing be authorized to issue a single source purchase order to GM BluePlan Engineering, 410 Lewis Road, Unit 18, Stoney Creek, ON. L8E 5Y7, to an upset limit of \$61,570 plus HST.

**CARRIED**

- f. **RECREATION AND PARKS REPORT NO. RP-2019-0006 dated January 11, 2019 regarding Municipal Assistance Program Request. (Recommendation No. CCA-2019-0006)**

THAT Report RP-2019-0006 dated January 11, 2019 regarding requests for Municipal Assistance Program be received;

AND FURTHER THAT funding in the amount of \$536.30 for the Georgetown Bread Basket Coldest Night of the Year be derived from the Municipal Assistance Program based on the proposal's own merits as it does not meet the eligibility criteria as outlined in Report RP-2019-0006.

**CARRIED as AMENDED**

- g. **OFFICE OF THE CAO MEMORANDUM NO. MEM-ADMIN-2019-0002 dated January 23, 2019 regarding State of Economy Snapshot – Q4 2018. (Recommendation No. CCA-2019-0007)**

THAT MEM-ADMIN-2019-0002 dated January 23, 2019 regarding State of Economy Snapshot - Q4 2018 be received for information.

**CARRIED**

**5. CLOSED SESSION**

Recommendation No. CCA-2019-0008

THAT the Community and Corporate Affairs Committee hereby convene into Closed Session for the following purposes:

- a. RECREATION AND PARKS REPORT NO. RP-2019-0004 dated January 4, 2019 regarding a proposed or pending acquisition or disposition of land by the municipality or local board. (Trail Connection)

Committee moved into Closed Session at 4:44 p.m.

**CARRIED**

**6. RECONVENE INTO OPEN SESSION**

Recommendation No. CCA-2019-0009

THAT the Community and Corporate Affairs Committee hereby reconvene into Open Session.

Committee reconvened into Open Session at 5:30 p.m.

**CARRIED**

<b>CONFIDENTIAL REPORTS &amp; MEMORANDUMS FROM OFFICIALS – ONE (1) ITEM FOR RECOMMENDATION</b>
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- a. **RECREATION AND PARKS REPORT NO. RP-2019-0004 dated January 4, 2019 regarding a proposed or pending acquisition or disposition of land by the municipality or local board. (Trail Connection) (Recommendation No. CCA-2019-0010)**

THAT REPORT NO. RP-2019-0004 dated January 4, 2019 regarding a proposed or pending acquisition or disposition of land by the municipality or local board, be received;

AND FURTHER THAT staff follow the recommendations as set out in the Confidential Minutes of the Community and Corporate Affairs Committee meeting dated February 4, 2019.

**CARRIED**

**7. ADJOURNMENT**

The meeting adjourned at 5:31 p.m.

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Rick Bonnette, MAYOR

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Suzanne Jones, CLERK



**REPORT OF THE  
PLANNING, PUBLIC WORKS AND TRANSPORTATION COMMITTEE  
Minutes No. PPT-02-2019**

Minutes of the Planning, Public Works and Transportation Committee meeting held on Tuesday, February 5, 2019 at 3:04 p.m., in the Council Chambers Halton Hills Town Hall.

**MEMBERS PRESENT:** Mayor R. Bonnette, Councillor C. Somerville (Chair),  
Councillor J. Fogal, Councillor M. Albano, Councillor B. Lewis,  
Councillor M. Johnson, Councillor B. Inglis

**STAFF PRESENT:** A. B. Marshall, Chief Administrative Officer,  
S. Jones, Clerk and Director of Legislative Services,  
C. Mills, Commissioner of Transportation and Public Works,  
J. Linhardt, Commissioner of Planning and Sustainability,  
W. Harris, Commissioner of Recreation and Parks,  
J. Diamanti, Commissioner of Corporate Services,  
W. O'Donnell, Acting Town Treasurer,  
G. Cannon, Chief Librarian, R. Brown, Deputy Clerk

**OTHERS PRESENT:** Councillor J. Hurst, Councillor T. Brown,  
Councillor W. Farrow-Reed, Councillor A. Lawlor

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**1. CALL TO ORDER**

Councillor C. Somerville called the meeting to order at 3:04 p.m.

**2. DISCLOSURE OF PECUNIARY INTEREST**

There were no disclosures.



**3. COMMITTEE DELEGATIONS/PRESENTATIONS**

**3.a Gabriel Clarke, Manager of Sustainability and Climate Change Presentation to Committee regarding Climate Change Adaptation Plan Update.**

G. Clarke made a presentation to committee regarding the Climate Change Adaptation Plan Update.

**3.b Michael Dean, Senior Sustainability Planner and Energy Coordinator Presentation to Committee regarding Terms of Reference Corporate Energy Plan Update.**

M. Dean made a presentation to the Committee regarding Terms of Reference Corporate Energy Plan Update.

<b>4. REPORTS &amp; MEMORANDUMS FROM OFFICIALS – SEVEN (7) ITEMS FOR RECOMMENDATION AND ONE (1) STAFF DIRECTION</b>
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**a. PLANNING AND SUSTAINABILITY REPORT NO. PLS-2019-0001 dated January 8, 2017 regarding the project update for the Climate Change Adaptation Plan. (Recommendation No. PPT-2019-0001)**

THAT Report No. PLS-2019-0001 dated January 8, 2017 regarding the project update for the Climate Change Adaptation Plan be received.

CARRIED

**Staff Direction:**

(Moved By: Councillor J. Fogal)

THAT the following resolution be added to the Council Agenda for February 11, 2019:

WHEREAS Report PLS-2019-0001 Climate Change Adaptation Plan and the associated report by Klimaat Consulting & Innovation Inc. “Key Climate Indicators for Halton Hills” conclude that a “Business As Usual” scenario will have a significant impact on heat stress-related illness, mortality and productivity especially for vulnerable populations;

AND WHEREAS under a "Business As Usual" scenario building cooling load requirements and costs are estimated to increase three to four-fold;

AND WHEREAS night time cooling is projected to decrease significantly resulting in reduced capacity for urban centres and individual buildings to shed heat at night;

AND WHEREAS these and other associated climate change threats will seriously impact on the quality of life of all Ontarians but most especially today's young people;

AND WHEREAS Halton Hills is investing in a Climate Change Adaptation Plan to protect capital assets from the expected negative impacts of Climate Change and is updating green building and development engineering standards to reduce greenhouse gas emissions and meet climate change targets;

AND WHEREAS the Town of Halton Hills is investing in a Corporate Energy Plan to reduce its greenhouse gas emissions;

THEREFORE BE IT RESOLVED THAT the Mayor write to the Premier of Ontario urging the Province to adopt a robust impactful Climate Action Strategy designed to ensure that Ontario makes a positive contribution towards Canada meeting its Climate Change commitments.

AND FURTHER THAT a copy of the Consultant's Report and the Staff Report accompany the letter to the Premier;

AND FURTHER THAT the Province be urged to reinstate cost sharing with municipalities, businesses and residential home owners to retrofit buildings to achieve energy savings and reduced GHG emissions;

AND FURTHER THAT this resolution be forwarded to Prime Minister Trudeau and Minister of the Environment and Climate Change Catherine McKenna with a letter requesting that Canada fast track measures to address Climate Change and consider making the goal of reducing Canada's GHG emissions more ambitious;

AND FURTHER THAT this resolution be circulated to MPP Ted Arnott, MP Michael Chong, all other Halton Municipalities, AMO and FCM.

CARRIED

- b. PLANNING AND SUSTAINABILITY REPORT NO. PLS-2019-0002 dated January 16, 2019, regarding the Terms of Reference for Updating the Corporate Energy Management Plan. (Recommendation No. PPT-2019-0002)**

THAT Report No. PLS-2019-0002, dated January 16, 2019, regarding the Terms of Reference for Updating the Corporate Energy Management Plan be received;

AND FURTHER THAT Town of Halton Hills Planning, Public Works & Transportation Committee approves the Terms of Reference for the Corporate Energy Management Plan update, attached as Appendix 1 to this report.

CARRIED

- c. PLANNING AND SUSTAINABILITY REPORT NO. PLS-2019-0005 dated December 18, 2018, regarding the final acceptance of the final phase of Brownridge Road (Parts 15, 20R-17282 and Parts 4, 6,37, 51 & 52, 20R-19445) and the adjacent Stormwater Management Facility (Parts 1 & 5, 20R-19445), Town of Halton Hills. (Recommendation No. PPT-2019-0003)**

THAT Report PLS-2019-0005 dated December 18, 2018, regarding the final acceptance of the final phase of Brownridge Road (Parts 15, 20R-17282 and Parts 4, 6,37, 51 & 52, 20R-19445) and the adjacent Stormwater Management Facility (Parts 1 & 5, 20R-19445), Town of Halton Hills, be received.

AND FURTHER THAT staff be authorized to bring forward a by-law to assume the public services, being part of Brownridge Road (Parts 15, 20R-17282 and Parts 4, 6,37, 51 & 52, 20R-19445) and the adjacent Stormwater Management Facility (Parts 1 & 5, 20R-19445), together with their appurtenances for maintenance purposes.

CARRIED

- d. **PLANNING AND SUSTAINABILITY REPORT NO. PLS-2019-0008 dated January 15, 2019, regarding the proposed Tree Canopy & Natural Vegetation Policy for Halton Hills. (Recommendation No. PPT-2019-0004)**

THAT Report No. PLS-2019-0008, dated January 15th 2019, regarding the proposed Tree Canopy & Natural Vegetation Policy for Halton Hills be received;

AND FURTHER THAT the draft Tree Canopy & Natural Vegetation Policy – attached as Appendix One to this Report – be approved.

CARRIED

- e. **PLANNING AND SUSTAINABILITY REPORT NO. PLS-2019-0009 dated January 14, 2019, regarding the “Conditional water allocation for 193-197 Mountainview Road and 111 John Street (60 SDE from the Georgetown residential infill pool)”. (Recommendation No. PPT-2019-0005)**

THAT Report No. PLS-2019-0009, dated January 14, 2019, regarding the “Conditional water allocation for 193-197 Mountainview Road and 111 John Street (60 SDE from the Georgetown residential infill pool)” be received;

AND FURTHER THAT 60 single detached equivalents (SDE) of water system capacity be allocated from the Georgetown residential infill pool to 193-197 Mountainview Road North and 111 John Street (Site Plan D11SPA18.003) conditional on the issuance of building permits within 18 months of the date of Council approval of this report, failing which, Council, may at its discretion, withdraw the respective water allocation.

CARRIED

- f. **PLANNING AND SUSTAINABILITY REPORT NO. PLS-2019-0010 dated January 15, 2019 regarding the Halton Area Planning Partnership comments on the Province’s Housing Supply Action Plan. (Recommendation No. PPT-2019-0006)**

THAT Report No. PLS-2019-0010 dated January 15, 2019 regarding the Halton Area Planning Partnership comments on the Province’s Housing Supply Action Plan be received;

AND FURTHER that the comments contained in the Joint Submission be endorsed and submitted to the Ministry of Municipal Affairs and Housing;

AND FURTHER THAT a copy of this report be forwarded to the Region of Halton, the City of Burlington and the Towns of Milton and Oakville.

CARRIED

**g. TRANSPORTATION PUBLIC WORKS REPORT NO. TPW-2019-0001 dated January 21, 2019, regarding the Draft By-Law to Regulate the Obstruction, Encumbering, Injuring, or Fouling of Highways and Set Fines Approval. (Recommendation No. PPT-2019-0007)**

THAT Report No. TPW-2019-0001, dated January 21, 2019, regarding the Draft By-Law to Regulate the Obstruction, Encumbering, Injuring, or Fouling of Highways and Set Fines Approval, be received;

AND FURTHER THAT the Draft By-Law to Regulate the Obstruction, Encumbering, Injuring, or Fouling of Highways be adopted by Council, as outlined in the attached Appendix A, and to repeal By-Law 90-68;

AND FURTHER THAT Council endorses the proposed set fines, as recommended in Report No. TPW-2019-0001 and direct staff to submit the necessary Set Fine application to the Ministry of the Attorney General for approval;

AND FURTHER THAT the Rates and Fees By-Law bl-CL-2018-0076 be amended to include the Road Occupancy Permit Fees in the amount of \$120.00 for Disposal Containers and Construction Supplies;

AND FURTHER THAT the Rates and Fees By-Law bl-CL-2018-0076 be amended to include an additional fee in the amount of \$240.00 for any Road Occupancy Permits issued in response to non-compliant and illegal placement of Disposal Containers and Construction Supplies.

CARRIED

**5. CLOSED SESSION**

Recommendation No. PPT-2019-0008

THAT the Committee waive the rules of procedure to permit the introduction of a closed session verbal update by the Mayor R. Bonnette and A. B. Marshall, CAO regarding advice that is subject to solicitor-client privilege, including communications necessary for that purpose. (Provincial Matters)

CARRIED

Recommendation No. PPT-2019-0009

THAT the Planning, Public Works and Transportation Committee convene into Closed Session for the following reason:

- a. Verbal Update by Mayor R. Bonnette and A.B. Marshall, CAO regarding advice that is subject to solicitor-client privilege, including communications necessary for that purpose. (Provincial Matters)

CARRIED

**6. RECONVENE INTO OPEN SESSION**

Committee reconvened into Open Session at 5:18 p.m.

No decisions or staff directions resulted from the Closed Session.

**7. ADJOURNMENT**

The meeting adjourned at 5:20 p.m.

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Rick Bonnette, MAYOR

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Suzanne Jones, CLERK



THE CORPORATION  
OF  
THE TOWN OF HALTON HILLS

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Moved by: \_\_\_\_\_ Date: February 11, 2019

Seconded by: \_\_\_\_\_ Resolution No.: \_\_\_\_\_

15.1

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THAT Council for the Town of Halton Hills waive the sign permit fee and give an exemption to the Sign By-law (By-law No. 2003-0065) to CASHh (Cancer Assistance Services of Halton Hills) in order to have lawn signs erected for the last week of March 2019 until the first week of May 2019 for their annual Residential "Give Where you Live" campaign.

\_\_\_\_\_  
Mayor Rick Bonnette



THE CORPORATION  
OF  
THE TOWN OF HALTON HILLS

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Moved by: \_\_\_\_\_ Date: February 11, 2019

Seconded by: \_\_\_\_\_ Resolution No.: \_\_\_\_\_

15.2

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AND WHEREAS Report PLS-2019-0001 Climate Change Adaptation Plan and the associated report by Klimaat Consulting & Innovation Inc. "Key Climate Indicators for Halton Hills" conclude that a "Business As Usual" scenario will have a significant impact on heat stress-related illness, mortality and productivity especially for vulnerable populations;

AND WHEREAS under a "Business As Usual" scenario building cooling load requirements and costs are estimated to increase three to four-fold;

AND WHEREAS night time cooling is projected to decrease significantly resulting in reduced capacity for urban centres and individual buildings to shed heat at night;

AND WHEREAS these and other associated climate change threats will seriously impact on the quality of life of all Ontarians but most especially today's young people;

AND WHEREAS Halton Hills is investing in a Climate Change Adaptation Plan to protect capital assets from the expected negative impacts of Climate Change and is updating green building and development engineering standards to reduce greenhouse gas emissions and meet climate change targets;

AND WHEREAS the Town of Halton Hills is investing in a Corporate Energy Plan to reduce its greenhouse gas emissions.

THEREFORE BE IT RESOLVED that the Mayor write to the Premier of Ontario urging the Province to adopt a robust impactful Climate Action Strategy designed to ensure that Ontario makes a positive contribution towards Canada meeting its Climate Change commitments;



AND FURTHER THAT a copy of the Consultant's Report and the Staff Report accompany the letter to the Premier;

AND FURTHER THAT the Province be urged to reinstate cost sharing with municipalities, businesses and residential home owners to retrofit buildings to achieve energy savings and reduced GHG emissions;

AND FURTHER THAT this resolution be forwarded to Prime Minister Trudeau and Minister of the Environment and Climate Change Catherine McKenna with a letter requesting that Canada fast track measures to address Climate Change and consider making the goal of reducing Canada's GHG emissions more ambitious;

AND FURTHER THAT this resolution be circulated to MPP Ted Arnott, MP Michael Chong, all other Halton Municipalities, AMO and FCM.

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Mayor Rick Bonnette



**BY-LAW NO. 2019-0003**

A By-law to assume the public services, being part of Brownridge Road (Parts 15, 20R-17282 and Parts 4, 6, 37, 51 & 52, 20R-19445) and the adjacent Stormwater Management Facility (Parts 1 & 5, 20R-19445), together with their appurtenances, for maintenance purposes

**WHEREAS** the public services installed within that part of Brownridge Road described as Parts 15, 20R-17282 and Parts 4, 6, 37, 51 & 52, 20R-19445) and the adjacent Stormwater Management Facility (Parts 1 & 5, 20R-19445), together with their appurtenances now meet the requirements of The Corporation of the Town of Halton Hills for final acceptance and assumption.

**AND WHEREAS** on February 5, 20119, Council for the Town of Halton Hills adopted Report No. PLS-2019-0005 dated December 18, 2018, in which certain recommendations were made relating to the assumption of part of Brownridge Road and the adjacent stormwater management pond.

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

1. THAT the public services installed within that part of Brownridge Road described as Parts 15, 20R-17282 and Parts 4, 6, 37, 51 & 52, 20R-19445) and the adjacent Stormwater Management Facility (Parts 1 & 5, 20R-19445), together with their appurtenances, be and the same are hereby assumed by The Corporation of the Town of Halton Hills.

**BY-LAW** read and passed by the Council for the Town of Halton Hills, this 11<sup>th</sup> day of February, 2019.

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MAYOR – RICK BONNETTE

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CLERK – SUZANNE JONES



**BY-LAW NO. 2019-0004**

A By-law to remove the Holding (H22) Provision from Zoning By-law 2010-0050, as amended, for the lands described as Part of Lot 19, Concession 10 and Part of Lot 10, Registered Plan 182, Town of Halton Hills, Regional Municipality of Halton  
193-197 Mountainview Road North and 111 John Street  
(Georgetown)

**WHEREAS** Council is empowered to enact this By-law by virtue of the provisions of Section 36 of the Planning Act, R.S.O. 1990;

**AND WHEREAS** notice of removal of the Holding Provision has been provided in accordance with the provisions of the Planning Act, R.S.O. 1990;

**AND WHEREAS** said By-law conforms to the Official Plan for the Town of Halton Hills;

**AND WHEREAS** Council has recommended that the Holding Provision be removed from Zoning By-law 2010-0050, as amended, as hereinafter set out;

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

1. That Schedule "A3-2" of Zoning By-law 2010-0050, as amended, be amended by removing the Holding (H22) Provision for the lands described as Part of Lot 19, Concession 10 and Part of Lot 10, Registered Plan 182, Town of Halton Hills, Regional Municipality of Halton, as shown on Schedule "1" of this By-law.
2. This By-law shall become effective from and after the date of passing hereof.

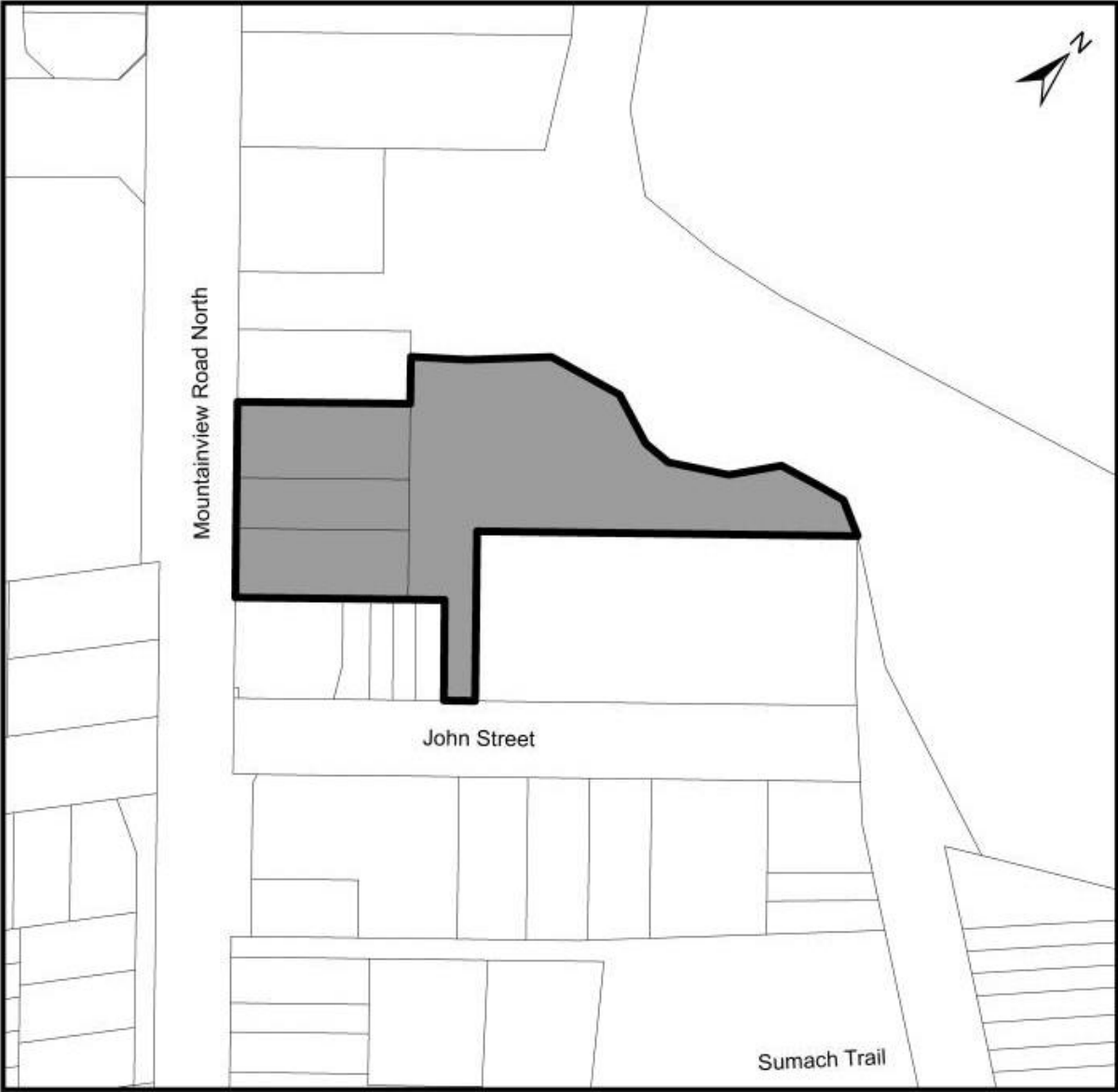
**BY-LAW** read and passed by the Council for the Town of Halton Hills this 11<sup>th</sup> day of February, 2019.

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MAYOR – RICK BONNETTE

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CLERK – SUZANNE JONES



Legend

 Holding Provision (H) to be removed.



**BY-LAW NO. 2019-0005**

A By-law to adopt the proceedings of the Council Meeting held on the 11th day of February, 2019 and to authorize its execution.

**WHEREAS** Section 5(3) of *The Municipal Act*, 2001, c.25, as amended, provides that Council's powers shall be exercised by by-law;

**AND WHEREAS** certain actions of Council do not require the enactment of a specific by-law;

**NOW, THEREFORE, BE IT RESOLVED THAT THE COUNCIL OF THE CORPORATION OF THE TOWN OF HALTON HILLS ENACTS AS FOLLOWS:**

1. Subject to Paragraph 3 of this by-law, the proceedings of the above-referenced Council meeting, including all Resolutions, By-laws, Recommendations, Adoptions of Committee Reports, and all other motions and matters decided in the said Council Meeting are hereby adopted and confirmed, and shall have the same force and effect, as if such proceedings were expressly embodied in this by-law.
2. The Mayor and Clerk are hereby authorized to execute all such documents, and to direct other officials of the Town to take all other action, that may be required to give effect to the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law.
3. Nothing in this by-law has the effect of conferring the status of a by-law upon any of the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied.
4. Any member of Council who complied with the provisions of Section 5 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, Chapter M.50 respecting the proceedings of the Council Meeting referred to in Paragraph 1 of this by-law shall be deemed to have complied with said provisions in respect of this by-law.

**BY-LAW** read and passed by the Council for the Town of Halton Hills this 11<sup>th</sup> day of February, 2019.

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MAYOR – RICK BONNETTE

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CLERK – SUZANNE JONES