

**CITY OF VAUGHAN
COMMITTEE OF THE WHOLE (2)
AGENDA**

Tuesday, April 21, 2020

2:00 p.m.

Council Chamber

2nd Floor, Vaughan City Hall

2141 Major Mackenzie Drive

Vaughan, Ontario

Pages

This is an Electronic Meeting. The Council Chamber will not be open to the public. Public comments can be submitted by email to clerks@vaughan.ca

1. CONFIRMATION OF AGENDA

Note: Addendum items are displayed in italics, and will require two-thirds majority vote of the members present to be added to the agenda.

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(CLOSED)
11. ADJOURNMENT

ALL APPENDICES ARE AVAILABLE FROM THE CITY CLERK'S OFFICE
PLEASE NOTE THAT THIS MEETING WILL BE AUDIO RECORDED
AND VIDEO BROADCAST

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Committee of the Whole (2) Report

DATE: Tuesday, April 21, 2020

WARD: 1

**TITLE: CONMAR DEVELOPMENTS INC. & FENLANDS VAUGHAN INC.
ZONING BY-LAW AMENDMENT FILE Z.19.007
DRAFT PLAN OF SUBDIVISION FILE 19T-19V002
SITE DEVELOPMENT FILE DA.19.072
11110 JANE STREET**

FROM:

Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

To seek approval from the Committee of the Whole for Zoning By-law Amendment, Draft Plan of Subdivision, and Site Development Files Z.19.007, 19T-19V002 and DA.19.072. The Owner seeks permission to rezone the subject lands and for Draft Plan of Subdivision and Site Plan approvals to permit a distribution facility to be developed in two phases, as shown on Attachments 6 to 11.

Report Highlights

- The Owner proposes to rezone the subject lands and seeks Draft Plan of Subdivision and Site Plan approvals to permit the development of a distribution facility to be constructed in two phases on the subject lands
- Phase 1 will have a Gross Floor Area ('GFA') of 51,469m² and Phase 2 includes an 18,839m² expansion
- The Development Planning Department supports the approval of the development as it is consistent with the *Provincial Policy Statement 2014*, conforms to the Growth Plan 2019, the York Region Official Plan 2010 and Vaughan Official Plan 2010 and is compatible with the existing and planned land uses in the surrounding area

Recommendations

1. THAT Zoning By-law Amendment File Z.19.007 (Conmar Developments Inc. & Fenlands Vaughan Inc.) BE APPROVED, to amend Zoning By-law 1-88, to rezone the Subject Lands shown on Attachment 5 from “A Agricultural Zone” to “EM1 Prestige Employment Area Zone”, “EM2 General Employment Area Zone”, “C7 Service Commercial Zone”, “A Agricultural Zone”, and “OS1 Open Space Conservation Zone”, in the manner shown on Attachment 6, together with the site-specific zoning exceptions to Zoning By-law 1-88 identified in Table 1 of this report, and the recommendations in this report.
2. THAT the implementing Zoning By-law include a provision requiring Block 3 to be developed with a Hotel or Office Building use.
3. THAT the Owner be permitted to apply for a Minor Variance Application(s) to the Vaughan Committee of Adjustment, if required, to permit minor adjustments to the in-effect Zoning By-law before the second anniversary of the day on which the implementing Zoning By-law for the Subject Lands comes into full force and effect.
4. THAT Draft Plan of Subdivision File 19T-19V002 (Conmar Developments Inc. & Fenlands Vaughan Inc.) BE APPROVED, to facilitate the Draft Plan of Subdivision shown on Attachment 6, subject to the Conditions of Draft Plan of Subdivision Approval set out in Attachment 1 of this report.
5. THAT Site Development File DA.19.072 (Conmar Developments Inc. & Fenlands Vaughan Inc.) BE DRAFT APPROVED SUBJECT TO THE CONDITIONS included in Attachments 2, 3, and 4 to the satisfaction of the Development Planning Department, York Region and the Toronto and Region Conservation Authority respectively, to permit the development shown on Attachments 6 to 11.
6. THAT prior to the execution of the Site Plan Agreement the Owner (Conmar Developments Inc. & Fenlands Vaughan Inc.), shall successfully obtain approval from the City of Vaughan Committee of Adjustment for a Consent application to create a permanent easement in favour of Conmar Developments Inc. & Fenlands Vaughan Inc. for driveway access over the lands south of the Subject Lands located at 10980 Jane Street. The Committee’s decision regarding the Consent Application shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee.
7. THAT the Owner (Conmar Developments Inc. & Fenlands Vaughan Inc.), enter into an agreement with the City of Vaughan to provide securities and commit to undertaking works based on the preliminary design for the provision of external roads and municipal services, improvements to existing municipal services, and commit to enter into agreement(s) with other landowners and the City to facilitate the development of the Subject Lands. This agreement is to be executed prior to

enactment of the Zoning By-law unless alternative arrangements are made to the satisfaction of the City.

8. THAT the Member's Resolution approved by Vaughan Council on March 11, 2020, supporting a Minister's Zoning Order to reclassify Provincially Significant Wetlands be clarified to include a Provincially Significant Wetland located south of the Subject Lands, as identified in Attachments 2 and 3 of the Resolution.

Background

The subject lands (the 'Subject Lands') shown on Attachment 5 are municipally known as 11110 Jane Street, extend from Highway 400 to Jane Street, and are located north of Teston Road. The surrounding land uses are shown on Attachment 5.

The Subject Lands are vacant and currently being graded. The Development Engineering Department has issued a permit for topsoil stripping and earthworks.

Previous Reports/Authority

The following is the link to the June 4, 2019, Committee of the Whole Public Hearing (Item 6, Report No. 22) for the applications:

<https://pub-vaughan.escribemeetings.com/filestream.ashx?DocumentId=18453>

Public Notice was provided in accordance with the Planning Act and Council's Notification Protocol

The City on May 10, 2019, mailed a Notice of a Public Hearing to all property owners within 150 m of the Subject Lands and the MacKenzie Ridge Ratepayers Association. A copy of the Notice of Public Hearing was also posted on the City's website at www.vaughan.ca and a Notice Sign was installed along the Jane Street frontage of the property in accordance with the City's Notice Signs Procedures and Protocols.

A Committee of the Whole (Public Hearing) was held on June 4, 2019, to receive comments from the public and the Committee of the Whole. Vaughan Council on June 12, 2019, ratified the recommendation of the Committee of the Whole to receive the Public Hearing report of June 4, 2019, and to forward a comprehensive report to a future Committee of the Whole meeting. No individuals appeared before the Committee of the Whole at the Public Hearing.

Since the Public Hearing meeting an email was received by the Development Planning Department from Brookvalley Project Management Inc. on behalf of Janeston Valley Development Ltd. ('Janeston'), the Owners of the lands located immediately north of the Subject Lands. The correspondence stated Janeston are generally satisfied with the realignment of Street 1, but would like to be informed regarding proposed services for the Subject Lands.

Analysis and Options

Zoning By-law Amendment, Draft Plan of Subdivision, and Site Development Applications have been submitted to permit the Development

Conmar Developments Inc. & Fenlands Vaughan Inc. (the 'Owner') has submitted the following applications (the 'Applications') for the Subject Lands to permit a distribution facility to be developed in two phases, including accessory office uses, buildings and structures, and parking for employees, visitors, trailers, tractor trailers, vans, and snow cleaning machinery (the 'Development'). Phase 1 consists of the main distribution facility and accessory buildings having a total GFA of 51,469m² and Phase 2 includes a 18,839m² expansion, as shown on Attachments 6 to 11:

1. Zoning By-law Amendment File Z.19.007 (Conmar Developments Inc. & Fenlands Vaughan Inc.) to rezone the Subject Lands from "A Agricultural Zone" to "EM1 Prestige Employment Area Zone", "C7 Service Commercial Zone" and "OS1 Open Space Conservation Zone", together with the site-specific exceptions to Zoning By-law 1-88 identified in Table 1 of this report.
2. Draft Plan of Subdivision File 19T-19V002 to obtain Draft Plan of Subdivision approval for a Plan of Subdivision ('Draft Plan'), as shown on Attachment 6, consisting of the following:

Blocks	Land Use	Area (hectares)
1 and 2	Employment	34.73
3	Service Commercial	2.15
4 - 9	0.3 m Reserve	0.01
10	Road Widening	0.39
	Streets 1 and 2	1.86
Total		39.14

3. Site Development File DA.19.072 (Conmar Developments Inc. & Fenlands Vaughan Inc.) to obtain site plan approval for the Development consisting of a single use, large-format, warehouse/distribution centre with accessory office, accessory structures, 560 employee/visitor parking spaces, and truck and tractor-trailer parking spaces, as shown on Attachments 6 to 11.

The Development is consistent with the Provincial Policy Statement 2014 and the Provincial Policy Statement 2020, subject to the recommendations in this report

In accordance with Section 3 of the *Planning Act*, all land use decisions in Ontario “shall be consistent” with the Provincial Policy Statement 2014 (the ‘PPS’). The PPS provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include: building strong, healthy communities; the wise use and management of resources; and protecting public health and safety.

The *Planning Act* requires that Vaughan Council’s planning decisions be consistent with the PPS. The Development is consistent with the policies of the PPS, specifically Sections 1.1.1, 1.1.3, 1.3.2.3 and 2.1.1 to provide employment opportunities, diversify the City’s economic base and protect employment areas in proximity to a major goods movement facility.

The new Provincial Policy Statement 2020 (‘PPS 2020’) will come into effect on May 1, 2020. The Development is consistent with the policies of the PPS 2020, specifically Sections 1.1.1, 1.1.3, 1.3.2.6 and 2.1.1.

The Development is a significant employment use providing employment opportunities and includes a mix of uses in a settlement area. The Development is located in proximity to a major goods movement facility (Highway 400), utilizes existing and planned infrastructure, and protects natural features through the use of an Open Space Conservation Zone and Agricultural Zone.

The Development conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019

A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (the ‘Growth Plan’) is intended to guide decisions on a wide range of issues, including economic development, land use planning, urban form, and housing. The Growth Plan encourages population and employment growth within settlement areas and promotes the development of complete communities that offer a mix of housing types, access to local amenities and connections to municipal water and wastewater systems. Council’s planning decisions are required by the *Planning Act* to conform, or not conflict with, the Growth Plan. The Development conforms to policies 2.2.1, 2.2.5 and 4.2.2 of the Growth Plan regarding utilizing existing employment areas and infrastructure and maintaining key natural heritage and hydrological features.

The Development conforms to the policy framework of the Growth Plan as it utilizes the Subject Lands efficiently, is located within a settlement area abutting a 400 series

Highway, the natural heritage features are protected, and it provides employment opportunities supportive of the Growth Plan objectives.

The Owner has requested a Minister's Zoning Order for a portion of the Subject Lands

The Committee of the Whole on March 9, 2020, considered and approved a Member's Resolution supporting a Minister's Zoning Order to reclassify the Provincially Significant Wetlands ('PSWs') to allow the Subject Lands to be developed for Employment Uses. Council on March 11, 2020, ratified the Committee's recommendation. Council's resolution has been forwarded to the Minister of Municipal Affairs and Housing for consideration. Attachments 2 and 3 of the Member's Resolution identified a PSW on lands south of the Subject Lands in Block 34 East. The Member's Resolution, however, is specific to the Subject Lands only. A Recommendation is included in this report to clarify that the Member's Resolution also applies to the PSW south of the Subject Lands.

The Ministry of Natural Resources and Forestry ('MNRF') must confirm the PSWs within Block 1, as shown on Attachment 6, have been reclassified or relocated to form part of the larger natural heritage system in the southern half of Block 34 East to the satisfaction of the City of Vaughan and the Toronto and Region Conservation Authority ('TRCA'). A condition(s) requiring final approval from the MNRF is included in Attachment 1a this report.

Should the PSWs be reclassified or relocated to the satisfaction of the TRCA and the City of Vaughan, a Zoning By-law amendment will be required to rezone these lands from "A Agricultural Zone" to "EM2 General Employment Zone" to implement a consistent zone over the entirety of Block 1. An amendment to the site plan, if approved, would also be required to permit employment uses related to the distribution facility on these lands, to the satisfaction of the City.

The Owner proposes compensation for the PSWs through a wetland relocation/compensation strategy located on lands immediately south of the Subject Lands. The TRCA supports the relocation of the PSWs, as protection of the PSWs in situ would ultimately result in their degradation due to their isolated nature and result in reduced quality contribution to the greater East Purpleville Creek valley system.

The TRCA concurs with the recommendations in the Environmental Impact Study, prepared by Savanta (October 2019), and in the Master Environmental Servicing Plan, prepared by Schaeffers Consulting Engineers (October 2019), to relocate the PSWs to the larger Natural Heritage System ('NHS') located on the land to the south, as this

would result in a more robust system and net ecological gain. A condition is included in Attachment 1c requiring final approval from TRCA for the proposed PSWs relocation/compensation strategy.

The Development conforms to the York Region Official Plan 2010

The York Region Official Plan 2010 (the 'YROP') guides economic, environmental and community building decisions across York Region. The Subject Lands are designated as "Urban Area" on Map 1, "Regional Structure" of the YROP. Figure 2, York Region Strategic Employment Lands, includes the Subject Lands in a Strategic Employment Land area.

YROP 2010 Chapter 4.3 "Planning for Employment Lands" states "it is the policy of Council to protect strategic employment lands". These strategic areas are identified based on their proximity to existing and planned 400-series highways. Major retail is not permitted in strategic employment areas. Section 4.3.11 of the YROP allows for a limited amount of ancillary uses on employment lands, provided that the proposed uses are intended to serve the employment businesses. Ancillary uses cannot exceed 15% of an employment area as defined in the local municipal official plan.

The Development is for employment uses in a strategic employment area abutting Highway 400. The proposed 1.97 ha service commercial block comprises approximately 5% of the area of the Subject Lands and is intended to serve the Highway 400 North Employment Lands and future businesses. The Development conforms to YROP 2010.

The Development conforms to Vaughan Official Plan 2010

Schedule 1 - "Urban Structure" of the Vaughan Official Plan 2010 ('VOP 2010') identifies the Subject Lands as being in an "Employment Area" and includes the "Natural Areas and Countryside" designation. Schedule 13 - "Land Use" of VOP 2010 shows the Subject Lands are located within an area identified as "Lands Subject to Secondary Plans", of Section 11.4 on Schedule 14-A (Volume 2 of VOP 2010).

The Subject Lands are designated "Prestige Areas", "General Employment Area", and "Potential Valley and Steam Corridor" by VOP 2010. The Highway 400 North Employment Lands Secondary Plan ('OPA 637'), an amendment to OPA 450 and OPA 600, relies on the underlying policies of OPA 450 as they relate to the Subject Lands.

Section 3.4.2 of OPA 450, as amended by OPA 637, requires a Block Plan for greenfield development. A Block Plan application (File BL.34E.2014) has been submitted for a portion of Block 34 East and includes the lands located immediately

south of the Subject Lands. The portion of Block 34 East, north of the Subject Lands, comprising three parcels and do not form part of the Block Plan.

A Block Plan application was submitted by the Participating Landowners Group, collectively known as the “Block 34 East Landowners Group”

The City received Block Plan File BL.34E.2014 (‘Block Plan application) on April 12, 2016, and a subsequent revision on March 13, 2019. The Committee of the Whole considered the Block 34 East Plan at a Public Hearing held on February 4, 2020.

Conmar Developments Inc. & Fenlands Vaughan Inc. are non-participating land owners in the Block Plan application process. The Development is being coordinated with the ongoing Block Plan application process to ensure future development is reviewed in a comprehensive manner. It is expected the Owner will form part of the Block Plan application process. The Owner will be required to update the approved Block 34 East Plan to reflect the Development to the satisfaction of the Development Planning Department. In accordance with Section 2.3.3.1 d) iii) of OPA 450, modifications, to the primary or collector road system may occur at the Block Plan stage provided that the overall planning and transportation policies of the Plan are maintained. A condition to this effect is included in Attachment 1a of this report.

To meet the requirements of the Block Plan, the studies submitted in support of the Applications have been prepared to include analysis consistent with a Block Plan review, as set out in VOP 2010, specifically policies 10.1.1.15 through 10.1.1.19 and 10.1.1.23 through 10.1.1.25. This would, if the Applications are approved, allow the information to be included as an addendum to the Block Plan file. These Applications are proceeding concurrent with the processing of the Block Plan submitted by the participating Block 34 East Landowners Group. The Owners will be required to enter into a Developers Group Agreement with the Block 34 East Landowners Group.

The Development provides a significant economic development opportunity for the City of Vaughan, which includes specialized distribution automation technology, and will provide skilled employment opportunities.

Amendments to Zoning By-law 1-88 are required to rezone the Subject Lands to permit the Development

The Subject Lands are zoned “A Agricultural Zone” by Zoning By-law 1-88, which does not permit employment uses. The Owner is proposing to rezone the Subject Lands to “EM1 Prestige Employment Area Zone”, “C7 Service Commercial Zone” and “OS1 Open Space Conservation Zone”.

The Development Planning Department has reviewed the Zoning By-law Amendment application and recommends Blocks 1, 2, and 3 be rezoned to “EM2 General Employment Area Zone”, “EM1 Prestige Employment Area Zone”, “C7 Service Commercial Zone”, and “OS1 Open Space Conservation Zone”, in the manner shown on Attachment 6. This would implement the General Employment Area land use designation of the 400 Employment Lands Secondary Plan and the proposed distribution facility use for Block 1. Staff also recommends the portion of the Subject Lands containing the PSWs and a buffer within Block 1 remain zoned “A Agricultural Zone”, as shown on Attachment 7. This zoning will remain in place until the PSWs are reclassified as discussed in this report.

The landscape buffer in the OS1 Zone includes the proposed headwater drainage feature and upland enhancement area at the southwest corner of the Subject Lands and the minimum 14 metre setback from Highway 400 as required by the Ministry of Transportation Ontario (‘MTO’). The proposed site-specific exceptions to Zoning By-law 1-88 are identified in Table 1 as follows:

Table 1:

	Zoning By-law 1-88 Standard	EM2 General Employment Area Zone Requirements (Block 1)	Proposed Exceptions to the EM2 General Employment Area Zone Requirements (Block 1)
a.	Definition of a Front Lot Line	Front Lot Line means (in part) lot line facing the main entrance of the building	The Front Lot Line for Block 1 shall be the lot line abutting Street 1
b.	Definition of a Distribution Facility and Permitted Uses in an EM2 Zone	Distribution Facility – not defined in By-law 1-88	Permit a Distribution Facility defined as follows: means a building or part of a building used primarily for the storage and distribution of goods and materials, including the outside storage and maintenance of commercial motor vehicles, heavy commercial vehicles and intermodal containers and is also considered to be an employment use
c.	Definition of an Automotive Retail Store	Means a building or part of a building primarily engaged in the retail of vehicle parts, accessories, and tools where accessory uses may include service bays for performing specialized automotive	Automotive Retail Store means a building or part of a building primarily engaged in the retail of vehicle parts, accessories, and tools. No service bays shall be permitted

	Zoning By-law 1-88 Standard	EM2 General Employment Area Zone Requirements (Block 1)	Proposed Exceptions to the EM2 General Employment Area Zone Requirements (Block 1)
		related work, but do not include autobody repair work or paint work	
d.	Definition of a Driveway	Means a vehicular accessway providing access from a public highway to a building or property, a loading space, a parking area or a garage	Means a vehicular accessway providing access from a public highway or completely or partially from an abutting lot to a building or property, a loading space, a parking area or a garage
e.	Definition of Outside Storage	Means the leaving, placing or parking of goods, materials, machinery, equipment or vehicles on a lot and not covered by a structure in the EM2 Zone only	Means the leaving, placing or parking of equipment or vehicles including trucks, trailers, and tractor trailers directly associated with a Distribution Facility
f.	Minimum Parking Requirements	<u>Employment Use</u> 49,110m ² (Phase 1) + 18,839m ² (Phase 2) @ 1.5 spaces/100m ² = 1,020 spaces <u>Accessory Office</u> 2,359m ² @ 2 spaces/100m ² = 48 spaces Total Required Parking: = 1,068 spaces	<u>Employment Use</u> 49,110m ² (Phase 1) + 18,839m ² (Phase 2) @ 0.75 spaces/100m ² = 510 spaces <u>Accessory Office</u> 2,359m ² @ 2 spaces/100m ² = 48 spaces Total Proposed Parking: = 558 spaces
g.	Minimum Landscape Strip Width	6 m	2.5 m (between the employee/visitor parking and the north property line)
h.	Minimum Landscape Strip Width abutting an Open Space or Residential Zone	7.5 m	0 m
i.	Minimum/Maximum Width of a Driveway or Aisle Serving a Loading Facility	6 m/13.5 m	6 m/ 35 m
j.	Min./Max. Driveway Width	5.4 m/7.5 m	7 m/24 m
k.	Minimum Distance Between a Street Line and a Driveway	15 m	0m (truck entrance driveway from Street 1)
l.	Loading and Unloading Requirements	Loading and Unloading shall not be permitted between a building and a street	Loading and Unloading shall be permitted between a building and Street 1
m.	Yard Requirements for Accessory Structures	Accessory buildings or structures shall be subject to	The minimum setback to an accessory building or structure in

	Zoning By-law 1-88 Standard	EM2 General Employment Area Zone Requirements (Block 1)	Proposed Exceptions to the EM2 General Employment Area Zone Requirements (Block 1)
		<p>the same minimum yard requirements as the main building</p> <p>Accessory buildings or structures shall not be located in any yard abutting Highway 400</p>	<p>an interior, exterior or rear yard, shall be 1.5 m</p> <p>Accessory buildings and structures shall be permitted in any yard abutting Highway 400</p>
n.	Accessory Outside Storage Requirements	<ul style="list-style-type: none"> • Max. 30% of the lot area • Not permitted in any front and exterior side yard or between any main building and a street line, and cannot be closer than 20 m to any street • Outside storage cannot exceed 3m in height 	<p>Permit outside storage:</p> <ul style="list-style-type: none"> • maximum 65 % of the lot area • in an exterior or interior side yard • between a main building and a street line and 12 m from Street 1 • having a maximum height of 4.5m

	Zoning By-law 1-88 Standard	C7 Service Commercial Zone Requirements (Block 3)	Proposed Exceptions to the C7 Service Commercial Zone Requirements (Block 3)
a.	Definition of a Front Lot Line	Front Lot Line means (in part) lot line facing the main entrance of the building	The Front Lot Line shall be the lot line abutting Jane Street
b.	Permitted Uses	All C7 Service Commercial Uses	<p>Permit an Automotive Retail Store engaged in the retail sale of vehicle parts, accessories and tools only, no service bays shall be permitted</p> <p>Prohibit the following uses:</p> <ul style="list-style-type: none"> • Car Rental • Parking Garage • Automobile Service Station

The proposed development standards and exceptions to Zoning By-law 1-88 are required to implement the Development. The exceptions to the Outside Storage provisions of Zoning By-law 1-88 are required to accommodate the storage and/or parking of trucks, and tractor-trailers typically accessory to a Distribution Facility. The proposed definition for a Distribution Facility is consistent with the draft definition included in the City's draft comprehensive zoning by-law review.

The site-specific exceptions related to definitions, building setbacks, accessory structures, driveway width, lot line definitions, and landscaping are appropriate and will not impact adjacent properties. The Development Engineering Department have reviewed the Transportation Study in support of the application. The final Transportation Study shall be approved to the satisfaction of the Development Engineering Department.

No exceptions to the EM1 Prestige Employment Area Zone development standards in Zoning By-law 1-88 are proposed, except to clarify the definition of the Front Lot Line for Block 2 to be the lot line abutting Jane Street.

The Service Commercial Block will provide for the needs of the area employees and businesses

The Development Planning Department can support a “C7 Service Commercial Zone” for Block 3 as a Service Node. Service Nodes are not shown on Schedule 2D of the 400 Employment Lands. The Official Plan notes that acceptable Service Node sites will be identified through a site-specific Zoning By-law amendment application and service nodes are generally located at intersections of arterial and/or collector roads, but other conveniently located areas may also be considered.

The Official Plan permits a Service Node to a maximum of 2.4 ha if it is developed in conjunction with a predominant use (e.g. greater than 60% of the total gross floor area of the lot) such as an office building or a hotel. The C7 Block has an area of 2.15 ha. The proposed C7 Service Commercial Zone, permits a hotel and office building. The larger lot size would assist in attracting and developing this Block with a predominant use. The implementing Zoning By-law will include a provision to require Block 3 be developed with a hotel or office building to conform to the Official Plan.

The Development Planning Department does not support the following uses proposed for the C7 Service Commercial Zone:

- Car Rental Use
- Parking Garage
- Automotive Retail Store (with service bays)
- Automobile Service Station
- A Retail Warehouse

A Car Rental use on this Block could result in the outside storage of vehicles, and impact parking availability on this Block. In addition, a Car Brokerage use includes the

sale/leasing and rental of passenger vehicles (within a wholly enclosed building). A Parking Garage, Automobile Service Station, and an Automotive Retail Store (with service bays), is not appropriate along the Jane Street frontage.

The draft Zoning By-law application provided by the Owner proposes to rezone Block 3 to “C7 Service Commercial Zone” to permit the full range of “C7 Service Commercial Zone” uses identified in Zoning By-law 1-88 and a Retail Warehouse use. A Retail Warehouse use is not permitted in the C7 Zone and is identified as a prohibited use in the Highway 400 North Employment Lands Secondary Plan. Accordingly, staff cannot support a Retail Warehouse use in a C7 Zone as it does not conform to the Official Plan. An Official Plan Amendment is required to permit this use.

In consideration of the above, the Development Planning Department supports the proposed “EM1 Prestige Employment Area Zone” for Block 2 and “C7 Service Commercial Zone” for Block 3, subject to the exceptions identified in Table 1 and in the Recommendations in this report. Staff recommends Block 1 be rezoned to “EM2 General Employment Area Zone” and “A Agricultural Zone” as shown on Attachment 6, which conforms with the General Employment Area designation in the 400 North Employment Lands and more appropriately reflects the Distribution Facility use.

The Planning Act permits Vaughan Council to pass a resolution to permit the Owner to apply for a Minor Variance application, if required, within 2 years of a Zoning By-law coming into full force and effect

Section 45 (1.3) of the *Planning Act* restricts a landowner from applying for a Minor Variance Application(s) to the Committee of Adjustment within two (2) years of the day on which a Zoning By-law was amended. The *Planning Act* also permits Council to pass a resolution to allow an Owner to apply for a Minor Variance applications(s) within 2 years of the passing of the zoning by-law amendment. The Development Planning Department supports the inclusion of a resolution to accommodate minor design changes that may occur through the finalization of all plans and construction. A resolution to this effect is included in the Recommendations of this report.

The Development Planning Department has no objection to the approval of the Development, subject to the Recommendations in this report

Draft Plan of Subdivision Design

The Draft Plan shown on Attachment 6, includes three development Blocks, two new public roads with 26 m rights-of-way (‘ROW’), and a road widening of Jane Street. Street “1” is a public mid-block collector road extending from Teston Road to Kirby Road in Block 34 East.

The Development Planning Department supports the proposed Draft Plan, subject to the Recommendations and the Conditions of Draft Plan of Subdivision Approval outlined in Attachment 1 of this report.

Site Plan

The Development shown on Attachments 6 to 11 includes a one-storey distribution facility (to be constructed in two phases) with a building height of 28 m having a total GFA (Phases 1 and 2) of 70,308 m². A two-storey office is located along the south elevation. Administrative offices are located at the southeast corner of the distribution facility.

The main building entrance and the employee/visitor parking lot is located on the east side of the building. A concrete sidewalk provides a pedestrian connection from the employee/visitor parking lot to the administrative offices.

Three driveway entrances to the Subject Lands are located on Street “1” to provide access to the employee/visitor parking lot. Truck traffic will enter and exit the Subject Lands from a driveway located on the east/west portion of Street “1”. Trucks will have controlled access to the Subject Lands via a gatehouse and a weigh scale area located south of the distribution facility. Truck traffic will not have access to the parking lot and drive aisles east of the building. Chain link fencing, 2.43 m in height, with opaque plastic slates is proposed along the north and south side yards to screen truck parking and the loading area from the employee/visitor parking area. The Open Space Zone is located along the Highway 400 property line and is proposed to be enclosed by a 2.43m chain link fence.

An access easement over the lands to the south is required for a truck driveway. The Owner of the lands to the south (10980 Jane Street) must grant an easement in favour of the Subject Lands to facilitate the driveway. Approval from the City of Vaughan Committee of Adjustment for a Consent application is required to create the easement. Prior to the execution of the Site Plan Agreement the Committee’s decision shall be final and binding, and the Owner shall satisfy any conditions of approval imposed by the Committee. A condition to this effect is included in the Recommendations of this report.

Building Elevations and Signage

The proposed building elevations shown on Attachments 10 (Phase 1) and 11 (Phase 2) consist primarily of insulated metal panels, precast concrete insulated panels and moldings. Frosted clear glass curtain walls are being used for the administrative and transport offices on the north, south and east elevations, but are limited on the west elevation.

In accordance with the City-Wide Urban Design Guidelines (Sections 5.3.9 Façade Design Materials and 7.6.4 Employment/Industrial Buildings), staff recommend the Phase 1 and 2 west elevations facing Highway 400 be enhanced by including frosted clear glass aluminum curtain wall panels similar to the treatments provided on the north and south elevations. Staff also recommend the east elevation be enhanced to provide additional glazing at both the south and north corners of the building.

The Phase 1 building includes 40 and 42 prefinished garage doors on the south and north elevations respectively. The Phase 2 building includes an additional 18 garage doors to both the north and south elevations. The Owner will be required to continue to work with the Development Planning Department to finalize the building elevations prior to final approval. A condition to this effect is included in the Recommendations of this report.

Landscape Plan

The proposed Landscape Plan is shown on Attachment 9 and includes an enhanced landscape area abutting Highway 400 to provide a strong visual character and screen the distribution facility. Additional features such as earthen berms, masonry pillars, decorative fencing and native tree species are recommended by staff to provide additional screening along Highway 400. Additional soft and hard landscape islands should be included in the truck parking area and adequate landscaping shall be provided along the street lines to screen parking. Staff also recommend landscaping within the parking area to be used as part of the stormwater management design for the Subject Lands.

Tree Protection Protocol

The Owner is required to enter into a “Tree Protection Agreement” with the City in accordance with the Vaughan Council enacted Tree Protection By-law 052-2018 and the City’s Tree Protections Protocol. A condition to this effect is included in Attachments 1 and 2 of this report.

The Development meets the Bronze Threshold Score with an Overall Application Score of 41 and an Overall Community Score of 41

The Owner has submitted the completed Sustainability Scoring Tool and Summary letter (“Sustainability Metrics Package”), dated October 18, 2019, in support of the Development. The Sustainability Metrics Package demonstrates an Overall application Score of 41 and an Overall Community Score of 41, meeting the Bronze Sustainability Threshold Score.

Policy Planning and Environmental Sustainability have no objections to the Development, subject to Conditions of Approval

Policy Planning and Environmental Sustainability has no objection to the Development, subject to the Owner satisfying their conditions of approval in Attachment 1a of this report.

The Subject Lands are clear of any built heritage or cultural heritage landscapes and archaeological concern

Built Heritage

The Subject Lands are listed under Section 27(1) of the *Ontario Heritage Act* as part of the City of Vaughan's List of Significant Heritage Sites ('LSHS'). The proposed Distribution Facility required the demolition of the remaining heritage structures, a 19th century farmhouse and barn.

The Owner submitted a Cultural Heritage Impact Assessment ('CHIA') in support of a demolition application. The CHIA documented the history of the property and the current condition of the main farmhouse and concluded it was in poor condition. The CHIA recommended the following:

“.....the existing residential building within the subject property is in significantly deteriorated condition, and a structural assessment conducted by Zarefsky Consulting Engineers Inc. dated 23 May 2019, finds that the building is beyond repair and should be demolished.”

Due to the extensive deterioration, in September 2019, a Heritage Clearance was issued and the main farmhouse building and associated barn have been removed from the Subject Lands.

The Subject Lands remain included on the municipal heritage register (i.e. listed under Section 27 of the *Ontario Heritage Act*) and must be de-listed as the property no longer retains its previously identified cultural heritage value. As a condition of final Site Plan approval the Owner must submit an application to de-list the property to be considered by the Heritage Vaughan Committee and Council, as specified by Section 27 of the *Ontario Heritage Act*.

The Development Planning Department recommends that as a condition of subdivision approval that one of the new municipal roads in the Development be named after its historical property owners. Conditions to this effect are included in Attachments 1 and 2 of this report.

Archaeology

The Subject Lands have been declared to be free of archaeological concern, and the standard archaeological clauses shall be included in the conditions of Site Plan approval in the case of accidental discovery or deeply buried archaeological sites:

- i) Should archaeological resources be found on the Subject Lands during excavation and construction activities, all work must cease, and both the Ontario Ministry of Heritage, Tourism, Sport and Culture Industries and the City of Vaughan's Planning Department shall be notified immediately.
- ii) In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner and the Bereavement Authority of Ontario of the Ministry of Government and Consumer Services.

The Development Engineering ('DE') Department have no objections to the Development, subject to conditions of approval.

Transportation Engineering

A Transportation Study ('TS') was submitted in support of the Applications to assess the proposed road network on the Subject Lands and the broader network. The proposed road network on the Subject Lands includes north-south and east-west Major Collector Roads to satisfy the intent of the 400 North Employment Lands Secondary Plan to accommodate a continuous connection between Teston Road and Kirby Road, and a mid-block connection to Jane Street. The alignment and design of the north-south Major Collector Road is generally acceptable and remaining DE comments shall be addressed during detailed design. The Owner shall provide an updated TS to address comments related to the traffic capacity analyses and the parking supply prior to final approval of the Plan. The Owner is required to arrange with the landowner to the south, through a spine services agreement, the requirements to facilitate the design and construction of the Major Collector Road to Teston Road.

Water Servicing

The Subject Lands are located within two separate Pressure Districts ('PD') of the York Water Supply System. The boundary of the PDs splits the Subject Lands in half, with the proposed buildings on the Subject Lands primarily situated in PD8. There is no PD8 watermain infrastructure in the area; only an existing PD7 watermain along Teston Road. York Region's Northeast Vaughan Water & Wastewater Servicing Class Environmental Assessment ('Regional EA') identifies a future pumping station ('PS') to service PD8 on the Block 34 East lands, south of the Subject Lands. The PS is necessary to service the PD8 area as this pressure district has higher water demand

and requires higher water pressures relative to the PD7 area. The Regional EA is considered the ultimate water servicing strategy for Block 34 and Subject Lands.

The Owner is proposing an interim water servicing strategy until the ultimate water servicing strategy can be implemented as outlined in the Regional EA. The interim water servicing strategy requires a new watermain to be looped from the existing Teston Road watermain through the proposed Block 34 East collector roads and Jane Street. The supporting water model provided for the interim water servicing strategy identifies adequate water pressures are available to service the Subject Lands at a preliminary estimated cost of \$2.57 million using City Development Charge unit rates. Jane Street is within the jurisdiction of York Region and the proposed infrastructure may be conveyed to York Region based on the Owner's Water Supply Servicing Memorandum. The acceptance of the interim water servicing strategy is subject to York Region's review and approval. Furthermore, the Owner will be required to arrange with the landowners to the south, through an agreement, to facilitate the design and construction of the future watermain from Teston Road to supply water service to the Subject Lands. The Owner will also be required to pay for all costs toward the additional operation and maintenance and decommissioning costs of the interim water servicing, as necessary, until the ultimate water strategy is implemented by York Region.

Sanitary Servicing

The Subject Lands are currently not serviced by any existing sanitary infrastructure. The Regional EA identifies a future Regional Sanitary Sewer ('RSS') from the northwest corner of Jane Street and Teston Road running south to the existing York-Durham Sewage System ('YDSS') sewer at Jane Street and Rutherford Road. The RSS is intended to service the future development north of Teston Road and is expected to be operational after 2028. The Regional EA is considered as the ultimate sanitary servicing strategy for the Subject Lands.

The Owner contemplates an interim sanitary servicing strategy for the Subject Lands until the RSS on Jane Street is in service. The strategy proposes to direct wastewater flow to an existing sanitary sewer on Mahmood Crescent located immediately south of Teston Road. The existing sanitary sewer network south of Teston Road primarily services residential land uses and did not originally account for any additional contribution to the system from any of the Block 34 East lands (including the Subject Lands). The downstream sanitary sewer analysis prepared by the Owner concluded that the proposed strategy to connect the Subject Lands to Mahmood Crescent would adversely impact the sanitary sewer network south of Teston Road since there is not enough capacity within the existing sewers to receive the additional flow. To address this concern, the Owner proposes to control the additional sanitary flow by constructing

an inline municipal sanitary storage tank upstream of the Mahmood Crescent sewer to regulate the flow release rate.

The DE Department advises the proposed use of an inline sanitary storage tank may cause an increased risk of basement flooding due to surcharging sewers and may cause additional operational and maintenance obligations for the City to ensure service delivery. The Owner's updated Downstream Sanitary Sewer Analysis Memorandum identifies that Block 1 of the Subject Lands can be serviced by upsizing existing downstream sewers at a preliminary estimated cost of \$1.73 million, without the need for the inline storage tank. The approach of upgrading existing downstream sewers is consistent with the past approvals taken by the City for similar developments.

The City initiated an Interim Servicing Strategy ('ISS') Study in 2019 led by the Infrastructure Planning and Corporate Asset Management ('IPCAM') Department for the wastewater collection systems serving the City's new community areas and employment lands in advance of York Region's anticipated infrastructure delivery of 2028. The ISS will reflect the City's anticipated 10-year development forecast for the period of 2019 to 2028 projected to be completed for Spring 2020. As the Subject Lands and Block 34 East lands are within the ISS study area, the interim sanitary servicing solutions recommended by the Owner will need to be evaluated in conjunction with the City's ISS study.

In the absence of the ISS, it is the Owner's responsibility to mitigate any deficiencies identified in the downstream sewers to effectively service the Subject Lands. The City requests that the Owner identify and undertake a sanitary strategy that would conform to City Standards which includes upgrading downstream sanitary sewers. Furthermore, the Owner will be required to make arrangements with the landowners to the south through an agreement to facilitate the design and construction of the future sanitary sewer from Mahmood Crescent to the Subject Lands and the upgrading of sanitary sewers to service the Subject Lands. The Owner will also be required to pay for all costs toward the additional operation and maintenance and decommissioning costs of the upgraded sanitary infrastructure, as necessary, until the ultimate sanitary strategy is implemented by the Region.

Storm Servicing

The Subject Lands are currently not serviced by any existing storm infrastructure and no municipal storm ponds are proposed on the Subject Lands. The Stormwater Management Master Plan for the Block 34 East lands identifies a new municipal stormwater management pond (SWMP), on lands south of the Subject Lands. The City design standards dictate that the SWMP should control the urban stormwater runoff to

the target release rates established in the City's Master Plan and provide water quality treatment and erosion control. The Owner's proposal identifies that the Subject Lands will not facilitate any onsite water quantity control, necessitating oversized municipal storm sewers to convey the additional stormwater flow to the ponds. This approach is inconsistent with previous City decisions undertaken for similar developments requiring onsite water quantity controls. The absence of onsite water quantity controls has the potential to obligate the City to bare additional operational and maintenance and replacement costs for an oversized sewer system that has not yet been established.

The Addendum Submission by the Owner offered justification that the increase in the size of the municipal storm sewer was nominal, and operational and maintenance to be minimal in comparison to the costs of providing the on-site private storm water quantity controls. However, the operational and maintenance costs and future replacement costs of the increased sewer system necessary to verify the pipe diameter sizing were not provided by the Owner. In absence of this information, the DE Department is unable to verify the Owner's justification to permit oversized municipal sewers.

The DE Department requires the appropriate stormwater modelling information and all implementation, operation, maintenance and future replacement costs be supplied to support the Development. As the proposed pond is located on external lands, the Owner will be required to make arrangements with the landowners to the south through an agreement to facilitate the design and construction of the pond and related sewers to service the Subject Lands. The Owner will also be required to pay for all costs toward the additional operation and maintenance and future replacement costs of the oversized storm sewer, as necessary.

Grading Design/Erosion and Sediment Control

The grading, erosion and sediment control design drawings were submitted in support of the Subject Lands. The drawings should show all the services and property required to facilitate the new development, since infrastructure is necessary on external lands to service the Subject Lands, it should be reflected in the submission. This information will enable the City to confirm its operation and maintenance obligations for future municipal infrastructure including retaining walls, soil stability requirements or other proposed structures necessary to facilitate the development of the Subject Lands. The Owner will be required to reduce any impact of private infrastructure on municipal property and shall pay for all costs toward the additional operation and maintenance and future replacement costs, as necessary.

Environmental Engineering

A Phase One Environmental Site Assessment ('ESA') was undertaken and provided in support of the Applications for the Subject Lands. The Phase One ESA was reviewed, and its conclusions recommended a Phase Two ESA to investigate the potential environmental concerns associated with the possible application of pesticides from the farming activities and the historical storage of trucks at the central portion of the Subject Lands. As such, the DE Department noted within the December 2019 memorandum that the Phase Two ESA be undertaken and a copy of the report provided to the City for review, including a reliance letter.

A copy of a Remedial Action Plan ('RAP') was submitted and identified soil impacts at the central portion of the Subject Lands. The RAP indicated that impacted soil would be remediated through excavation, direct truck loading, and offsite disposal at a licensed landfill facility. In accordance with the City's Contaminated Sites policy, the Owner is required to file a Ministry of the Environment, Conservation, and Parks ('MECP') Record of Site Condition ('RSC') on the Environmental Site Registry for the Subject Lands and confirm the successful implementation and remediation of the Subject Lands. It was also noted the Subject Lands will require the development and conveyance of lands external to the Plan for stormwater management and roads. The requirements for ESA reports covering the development lands and the stormwater management pond lands along with the submission of an RSC are included as Conditions of Draft Plan of Subdivision approval.

Noise Impact Study

A Noise Impact Study ('NIS') to review any noise impacts from the development of the Subject Lands was not provided. The Owner shall submit a NIS to the City for review and approval of the Applications. The NIS shall reflect the proposed development of the Subject Lands based on current conditions (surrounded by open space) and future development conditions including the projected traffic volumes on existing and future roads, the impacts of Highway 400, the full buildout of Blocks 34 East and Block 27. Any mitigation measures identified by the NIS shall be implemented by the Owner to the satisfaction of City.

Development Charges apply to the Development

The Owner shall pay to the City the applicable Development Charges in accordance with the Development Charges By-laws of the City of Vaughan, York Region, York Region District School Board and the York Catholic District School Board. A condition to this effect is included in Attachment 1a of this report.

Cash-in-lieu of the Dedication of Parkland is required for the Development

The Owner is required to pay to the City of Vaughan, by way of certified cheque, a cash-in-lieu of the dedication of parkland equivalent to 2% of the value of the Subject Lands, prior to the issuance of a Building Permit, in accordance with Section 42 of the *Planning Act*. The Owner shall submit an appraisal of the Subject Lands prepared by an accredited appraiser for approval by the Real Estate Department, and the approved appraisal shall form the basis of the cash-in-lieu payment.

The cash-in-lieu payment in accordance with Section 42 of the *Planning Act* will not be required as long as the Council Policy waiving such payment remains in effect for industrial land. A condition to this effect is included in Attachment 1a of this report.

The Toronto and Region Conservation Authority has no objection to the Development, subject to Conditions of Approval

The TRCA has no objection to the Applications, subject to their conditions included in Attachments 1c and 4 of this report.

The TRCA supports, in principle, the PSWs being reclassified and relocated as it would result in a more robust system and net ecological gain. Should the PSWs not be reclassified then TRCA is also supportive of the Ministry of Municipal Affairs and Housing issuing an MZO based on a relocation and mitigation/ecosystem compensation strategy for the PSWs endorsed by MNRF, City of Vaughan and the TRCA. The TRCA agrees with the approach to keep the existing "A Agriculture Zone" for the PSWs and buffer lands and zone a portion of these lands "OS1 Open Space Conservation Zone" to accommodate the proposed Headwater Drainage Feature Function Compensation and Upland Enhancement Area. The TRCA's Executive Committee will review the permit application required to facilitate the PSWs relocations under the *Conservation Authorities Act*. A permit approval may be subject to conditions.

Prior to final approval of the Draft Plan the Owner shall provide detailed design drawings for the proposed Headwater Drainage Feature Function Compensation and Upland Enhancement Area to the satisfaction of the City and TRCA.

Alectra Utilities Corporation, Bell Canada and Enbridge Gas Distribution have no objection to the Development, subject to Conditions of Approval

Alectra Utilities Corporation, Bell Canada and Enbridge Gas Distribution have no objection to the approval of the Applications, subject to their Conditions contained in Attachments 1d, 1e and 1f of this report.

Canada Post has no objection to the approval of the Development, subject to Conditions of Approval

Canada Post has no objection to the Development, subject to the Owner installing mailbox facilities and equipment to the satisfaction of Canada Post. Conditions to this effect are included in Attachment 1g of this report.

The Ministry of Transportation Ontario has no objection to the approval of the Development, subject to Conditions of Approval

The Ministry of Transportation Ontario has no objection to the Development, subject to the Owner satisfying their conditions of approval contained in Attachment 1h of this report.

Financial Impact

There are no financial requirements for new funding associated with this report.

Broader Regional Impacts/Considerations

York Region has no objection to the Development, subject to Conditions of Draft Plan of Subdivision and Site Plan Approval

The York Region Community Planning Department has no objection to the approval of the Applications, subject to their Conditions of Draft Plan of Subdivision Approval and Site Plan Approval contained in Attachments 1b and 3.

Conclusion

The Development Planning Department has reviewed Zoning By-law Amendment, Draft Plan of Subdivision and Site Development Files Z.19.007, 19T-19V002 and DA.19.072 in consideration of the applicable policies of the Provincial Policy Statement 2014, A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, the YROP, VOP 2010, the 400 North Employment Lands Secondary Plan, Zoning By-law 1-88, comments from the public, City Departments and external public agencies, and the surrounding existing and planned land use context.

The proposed Development of the Subject Lands is consistent with the policies of the PPS and conforms to the Growth Plan, the YROP, and VOP 2010, specifically the 400 North Employment Lands Secondary Plan. The Development Planning Department can support the approval of the Applications, subject to the Recommendations in this report and the Conditions of Approval set out in Attachments 1, 2, 3, and 4.

For more information, please contact: Carol Birch, Planner, Development Planning Department, ext. 8485.

Attachments

1. Conditions of Draft Plan of Subdivision Approval
2. Conditions of Site Plan Approval (City of Vaughan)
3. Conditions of Site Plan Approval (York Region)
4. Conditions of Site Plan Approval (Toronto and Region Conservation Authority)
5. Location Map
6. Draft Plan of Subdivision File 19T-19V002 & Proposed Zoning
7. Site Plan (Phase 1)
8. Site Plan (Phase 2)
9. Landscape Plan
10. Building Elevations (Phase 1)
11. Building Elevations (Phase 2)

Prepared by

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/FA

ATTACHMENT NO. 1

CONDITIONS OF DRAFT PLAN OF SUBDIVISION APPROVAL

**DRAFT PLAN OF SUBDIVISION FILE 19T-19V002 (THE 'PLAN')
CONMAR DEVELOPMENTS INC. & FENLANDS VAUGHAN INC. (THE 'OWNER')
PART OF LOT THE EAST HALF OF LOT 28, CONCESSION 5, CITY OF VAUGHAN**

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN THAT SHALL
BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF PLAN OF
SUBDIVISION FILE 19T-19V002 (THE 'PLAN'), ARE AS FOLLOWS:**

The Owner shall satisfy the following Conditions of Approval:

1. The Conditions of Approval of the City of Vaughan as set out in Attachment No. 1a).
2. The Conditions of Approval of York Region as set out in Attachment No. 1b) and dated November 20, 2019.
3. The Condition of Approval of the Toronto and Region Conservation Authority as set out in Attachment No. 1c) and dated March 20, 2020.
4. The Conditions of Approval of Alectra Utilities Corporation as set out in Attachment No. 1d) and dated October 29, 2019.
5. The Conditions of Approval of Bell Canada as set out in Attachment No. 1e) and dated November 1, 2019.
6. The Conditions of Approval of Enbridge Gas Distribution Inc. as set out in Attachment No. 1f) and dated November 4, 2019.
7. The Conditions of Approval of Canada Post as set out in Attachment No. 1g) and dated June 28, 2019.
8. The Conditions of Approval of Ministry of Transportation Ontario as set out in Attachment 1h and dated December 3, 2019.

Clearances

1. The City shall advise that the Conditions contained in Attachment No. 1a) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.

2. York Region shall advise that the Conditions contained in Attachment No. 1b) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
3. The Toronto and Region Conservation Authority shall advise that the Conditions contained in Attachment No. 1c) has been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
4. Alectra Utilities shall advise that the Conditions contained in Attachment No. 1d) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
5. Bell Canada shall advise that the Conditions contained in Attachment No. 1e) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
6. Enbridge Gas Inc. shall advise that the Conditions contained in Attachment No. 1f) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
7. Canada Post shall advise that the Conditions contained in Attachment No. 1g) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met.
8. Ministry of Transportation shall advise that the Conditions contained in Attachment No. 1h) have been satisfied and the clearance letter shall include a brief statement detailing how each condition has been met

ATTACHMENT NO. 1 a)

**DRAFT PLAN OF SUBDIVISION FILE 19T-19V002 ('THE PLAN')
CONMAR DEVELOPMENTS INC. & FENLANDS VAUGHAN INC. ('THE OWNER')
PART OF THE EAST HALF OF LOT 28, CONCESSION 5, CITY OF VAUGHAN**

**THE CONDITIONS OF THE COUNCIL OF THE CITY OF VAUGHAN (THE 'CITY')
THAT SHALL BE SATISFIED PRIOR TO THE RELEASE FOR REGISTRATION OF
PLAN OF SUBDIVISION FILE 19T-19V002, ARE AS FOLLOWS:**

CITY OF VAUGHAN CONDITIONS

1. The Plan shall relate to the Draft Plan of Subdivision, prepared by KLM Planning Partners Inc., SWG. No. – 20:1, dated February 28, 2020, (the 'Plan').
2. The lands within the Plan shall be appropriately zoned by a Zoning By-law which has come into effect in accordance with the provisions of the *Planning Act*.
3. The Owner shall pay any and all outstanding application fees to the Development Planning Department, in accordance with the in-effect Tariff of Fees By-law.
4. The Owner shall enter into a subdivision agreement with the City of Vaughan to satisfy all conditions, financial or otherwise of the City, with regard to such matters as the City may consider necessary, including payments of development levies, the provisions of roads and municipal services, landscaping and fencing. The said agreement shall be registered against the lands to which it applies.
5. Any dead ends or open sides of road allowances created by this draft plan of subdivision shall be terminated in 0.3 metre reserves, to be conveyed to the City without monetary consideration and free of all encumbrances, to be held by the City until required for future road allowances or development of adjacent lands.
6. The Owner shall agree in the subdivision agreement that construction access shall be provided only in a location approved by the City and the Region of York.
7. Prior to final approval of the Plan, the Owner shall provide easements as may be required for utility, drainage or construction purposes shall be granted to the appropriate authority(ies), free of all charge and encumbrance.
8. Prior to final approval, a geotechnical report prepared at the Owner's expense shall be submitted to the City for review and approval. The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations including pavement design structure for ideal and non-ideal conditions to the satisfaction of the City.
9. Prior to the initiation of grading, and prior to the registration of this draft plan of

subdivision or any phase thereof, the owner shall submit to the City for review and approval the following:

10. A detailed engineering report that describes the storm drainage system for the proposed development within this draft plan, which report shall include:
 - a. plans illustrating how this drainage system will tie into surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, how external flows will be accommodated, and the design capacity of the receiving system;
 - b. the location and description of all outlets and other facilities;
 - c. storm water management techniques which may be required to control minor and major flows; and
 - d. proposed methods of controlling or minimizing erosion and siltation onsite and in downstream areas during and after construction.

The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations set out in any and all of the aforementioned reports to the satisfaction of the City.

11. The Owner shall agree in the subdivision agreement that no building permits will be applied for or issued until the City is satisfied that adequate road access, municipal water supply, sanitary sewers, and storm drainage facilities are available to service the proposed development.
12. Prior to final approval of the Plan, the Owner shall design and construct, at no cost to the City, any external municipal services, temporary and/or permanent built or proposed, that have been designed and oversized to accommodate the development of the Plan.
13. Prior to final approval of the Plan, the Owner shall make the necessary arrangements at the expense of the Owner for the relocation of any utilities required by the development of the Plan to the satisfaction of the City.
14. The Owner shall agree in the subdivision agreement to design, purchase material and install a streetlighting system in the Plan in accordance with City Standards and specifications. This Plan shall be provided with decorative streetlighting to the satisfaction of the City.
15. The Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing.
16. The Owner shall agree in the subdivision agreement to maintain adequate

chlorine residuals in the watermain within the Plan after successful testing and connection to the potable municipal water system and continue until such time as determined by the City or until assumption of the Plan. In order to maintain adequate chlorine residuals, the Owner will be required to retain a licensed water operator to flush the water system and sample for chlorine residuals on a regular basis determined by the City. The Owner shall be responsible for the costs associated with these activities including the metered consumption of water used in the program.

17. The Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots/blocks within the entire Plan:

- a. "Purchasers and/or tenants are advised that proper grading of all lots in conformity with the Subdivision Grading Plans is a requirement of this subdivision agreement.

The City has taken a Letter of Credit from the Owner (Subdivision Developer) for the security to ensure all municipal services including, but not limited to lot grading, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for lot grading purposes, is NOT a requirement of this subdivision agreement. The City of Vaughan does not control the return of such deposits and purchasers/tenants must direct inquiries regarding this return to their vendor/landlord."

- b. "Purchasers and/or tenants are hereby put on notice that the Telecommunications Act and the CRTC authorize telephone and telecommunication facilities and services to be provided by telecommunication carriers other than traditional carriers for such services and that purchasers and tenants are advised to satisfy themselves that such carriers servicing the lands provide sufficient service and facilities to meet their needs."
- c. "Purchasers and/or tenants are advised that driveway widths and curb cut widths are governed by City of Vaughan By-Law 1-88, as amended."
- d. "Purchasers and/or tenants are advised that the owner/developer will provide the building with its own centralized mail receiving facility. This lock-box assembly must be provided and maintained by the Owner/Developer in order for Canada Post to provide mail service to the tenants of this project. The owner/developer agrees to provide Canada Post with access to any locked doors between the street and the lock - boxes via the Canada Post Crown lock and key system. This encompasses, if applicable, the installation of a Canada Post lock in the building's lobby intercom and the purchase of a deadbolt for the mailroom

door that is a model which can be retro-fitted with a Canada Post deadbolt cylinder.”

- e. “Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the building occupants.”
- f. “Purchasers and/or tenants are advised that fencing and/or noise attenuation features along the lot lines of lots and blocks abutting public lands, including public highway, laneway, walkway or other similar public space, is a requirement of this subdivision agreement and that all required fencing and barriers shall be constructed with all fencing materials, including foundations, completely on private lands and totally clear of any 0.3m reserve, as shown on the Construction Drawings.”
- g. “The City has taken a Letter of Credit from the Owner for security to ensure all fencing including, but not limited to privacy fencing, chain link fencing and acoustic fencing, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for fencing, is not a requirement of this subdivision agreement.”
- h. “Purchasers and/or tenants are advised that fencing along the lot lines of Lots and Blocks abutting public lands is a requirement of this subdivision agreement and that all required fencing, noise attenuation feature and barriers shall be constructed with all fencing materials, including foundations, completely on private lands and totally clear of any 0.3 metre reserve, as shown on the Construction Drawings.

The City has taken a Letter of Credit from the Owner (Subdivision Developer) for the security to ensure all fencing including, but not limited to privacy fencing, chain link fencing and acoustic fencing, are constructed to the satisfaction of the City. Direct cash deposit from the Purchasers to the City and/or Owner, for fencing, is NOT a requirement of this subdivision agreement.

The maintenance of the noise attenuation feature or fencing shall not be the responsibility of the City, or the Region of York and shall be maintained by the Owner until assumption of the services of the Plan. Thereafter the maintenance of the noise attenuation feature or fencing shall be the sole responsibility of the lot owner. Landscaping provided on Regional Road right-of-ways by the Owner or the City for aesthetic purposes shall be approved by the Region and maintained by the City with the exception of the usual grass maintenance.”

- i. "Purchasers and/or tenants are advised that this plan of subdivision is designed to include catchbasins. The catchbasin is designed to receive and carry only clean stormwater. It is the tenant's responsibility to maintain the rear lot catchbasin in proper working condition by ensuring that the grate is kept clear of ice, leaves and other debris that would prevent stormwater from entering the catchbasin. The catchbasins are shown on the Construction Drawings and the location is subject to change without notice."

Any additional warning clause as noted in the subdivision agreement shall be included in all Offers of Purchase and Sale or Lease for all Lots and/or Blocks within the Plan to the satisfaction of the City.

18. The Owner shall enter into an agreement with the City of Vaughan to provide securities and commit to undertaking works based on the preliminary design for the provision of external roads and municipal services, improvements to existing municipal services, and commit to enter into agreements with the external landowners and the City to facilitate the development of the Plan. The said agreement shall be executed prior to enactment of the Zoning By-law amendment and may be registered against the lands to which it applies.
19. The Owner shall enter into a Developers' Group Agreement with the other participating landowners within Block 34 East to the satisfaction of the City. The Agreement shall be regarding but not limited to all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services, including land dedication and construction of any future roads and streets deemed required to service the Subject Lands. This Agreement shall also include a provision for additional developers to participate with the Developers' Group Agreement when they wish to develop their lands, all to the satisfaction of the City.
20. The Owner shall submit a letter from the Block Trustee for Block 34 East Developers' Group Agreement indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 34 East Landowners Cost Sharing Agreement, to the satisfaction of the City.
21. The Owner through the Block 34 East Developers' Group shall enter into an Agreement with the City to satisfy all conditions, financial or otherwise for the construction of the municipal services for the Block, including but not limited to, roads, water, wastewater, storm and storm water management pond(s), land conveyances including the construction of streets and roads south of the Subject Lands or front-end the works and enter into a Agreement with the City to satisfy all conditions, financial or otherwise for the construction of the necessary municipal services, including but not limited to, roads, water, wastewater, storm and storm water management pond, land conveyances including the construction of streets and roads south of the Subject Lands. The Agreements shall be registered against the lands to which it applies and to the satisfaction of the City.

22. The Owner shall agree in the subdivision agreement to convey any lands and/or easements, free of all costs and encumbrances, to the City that are necessary to construct the municipal services for the Plan, which may include any required easements and/or additional lands within and/or external to the draft plan, to the satisfaction of the City.

23. Prior to final approval of the Plan and/or conveyance of land, the Owner shall implement the following to the satisfaction of the City:

- a. Submit a Phase One Environmental Site Assessment (ESA) report and, if required and as applicable, a Phase Two ESA, Remedial Action Plan (RAP), Risk Evaluation, Risk Assessment report(s) in accordance with Ontario Regulation (O. Reg.) 153/04 (as amended) or its intent, for the lands within the Plan. Reliance on the report(s) from the Owner's environmental consultant shall be provided to the City.
- b. Should there be a change to a more sensitive land use as defined under O. Reg. 153/04 (as amended) or remediation of any portions of lands within the Plan required to meet the applicable Standards set out in the Ministry of the Environment, Conservation, and Parks (MECP) document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" (as amended), submit a complete copy of the Record(s) of Site Condition (RSCs) filed on the Environmental Site Registry including the acknowledgement letter from the MECP, covering all the lands within the Plan.
- c. Submit a sworn statutory declaration by the Owner confirming the environmental condition of the lands to be conveyed to the City.
- d. Submit a sworn statutory declaration by the Owner confirming the environmental condition of the lands to be conveyed to the City.

24. Prior to the conveyance of land and/or release of applicable portion of the Municipal Services Letter of Credit, the Owner shall implement the following to the satisfaction of the City:

- a. For all parks, open spaces, landscape buffers, and storm water management pond block(s) in the Plan that are being conveyed to the City, submit a limited Phase Two Environmental Site Assessment (ESA) report in accordance or generally meeting the intent of Ontario Regulation (O. Reg.) 153/04 (as amended) assessing the fill in the conveyance block(s) for applicable contaminants of concern. The sampling and analysis plan prepared as part of the Phase Two ESA shall be developed in consultation with the City. The implementation of the sampling and

analysis plan shall be completed to the satisfaction of the City and shall only be undertaken following certification of rough grading but prior to placement of topsoil placement. Reliance on the ESA report(s) from the Owner's environmental consultant shall be provided to the City.

- b. If remediation of any portions of the conveyance block(s) is required in order to meet the applicable Standards set out in the Ministry of the Environment, Conservation, and Parks (MECP) document "Soil, Ground Water and Sediment Standards for Use under Part XV.1 of the Environmental Protection Act" (as amended), submit a complete copy of Record(s) of Site Condition (RSCs) filed on the Environmental Site Registry including the acknowledgement letter from the MECP, covering the entire conveyance block(s) where remediation was required.
 - c. Submit a sworn statutory declaration by the Owner confirming the environmental condition of the conveyance block(s).
 - d. Reimburse the City for the cost of the peer review of the ESA reports and associated documentation, as may be applicable.
25. Prior to final approval of the Plan, the Owner shall coordinate any telephone or telecommunications service provider to locate its plant in a common trench on future Street(s) to service the proposed Development Block(s) prior to release of the plan for registration, provided such service provider has executed a Municipal Access Agreement with the City. The Owner shall ensure that any such service provider will be able to install its plant so as to permit connection to individual units within the subdivision, at no cost to the City.
26. The Owner shall agree in the subdivision agreement to design and construct at no cost to the City all applicable external municipal infrastructure required that are necessary to benefit the Plan to the satisfaction of the City.
27. The Owner shall agree in the Subdivision Agreement with the City to pay its financial contribution towards any Special Area Charges related to implementation of the interim and ultimate servicing strategies identified through the Block 34 East Master Environmental Servicing Plan and/or the Functional Servicing Report to service the Subject Lands.
28. All proposed watercourse/roadway crossings and subsurface infrastructure including, but not limited to, sanitary, stormwater and water services shall be constructed in conjunction with this development. The timing for construction of these works shall be to the satisfaction of the City.
29. Prior to final approval of the Plan, the Owner shall prepare a comprehensive Traffic Management Plan (TMP) based on updated traffic study. The TMP shall include the details of the future traffic calming measures, future transit routes,

pedestrian network, traffic controls, phasing etc. that reflects the latest road network to the satisfaction of the City. The TMP shall ensure that all roadways as part of the Plan are designed in accordance with the applicable engineering standards and to the satisfaction of the City.

30. Prior to final approval of the Plan, the Owner shall prepare a comprehensive parking justification study to the satisfaction of the City.
31. Prior to final approval of the Plan, the Owner shall retain the services of a qualified Electrical Consultant to provide an updated streetlighting design and photometric analysis as part of the proposed works. The plan/analysis to be submitted to the City and Region for review and approval, shall demonstrate that adequate lighting is available for the sidewalk and roadway, and shall recommend mitigative measures for these issues, to the satisfaction of the City.
32. Prior to final approval of the Plan, the Owner shall ensure all necessary approvals to facilitate the road network in accordance with the Traffic Impact Study (TIS), to the satisfaction of the City. The traffic study is to analyze proposed road network and its impact to existing roadways that are also subject to approval by the Region of York.
33. Prior to final approval of the Plan, the Owner shall retain the services of a qualified Transportation Consultant to provide an updated transportation report/plan outlining the required Regional and City road improvements. The report/plan submitted to the City and Region for review and approval, shall demonstrate that adequate road capacity is available for the proposed development, and shall explain all transportation issues and recommend mitigative measures for these issues. An updated transportation report shall include a traffic management/roadway detour plan for the proposed roadway improvements. The Owner shall agree in the subdivision agreement to implement the recommendations of the updated transportation report/Plan and TMP, to the satisfaction of the City.
34. The Owner shall agree in the subdivision agreement that any additional lands required for public highway purposes, where daylight triangles do not conform to the City Standard Design Criteria, will be conveyed to the City, free of all costs and encumbrances.
35. Prior to final approval of the Plan, a Water Supply Analysis Report shall be submitted to the satisfaction of the City which shall include a comprehensive water network analysis of the water distribution system and shall demonstrate that adequate water supply for the fire flow demands is available for the Plan and each phase thereof. The analysis shall include, but not be limited to, conducting a WaterCAD/InfoWater analysis of the lands in accordance to the recommendations set forth within the Functional Servicing Report. The Owner shall agree in the subdivision agreement to design and construct, at no cost to

the City, all applicable works that are necessary to service the proposed lands to the satisfaction of the City. The Owner shall agree in an agreement with the City to provide a financial security towards operation, maintenance and decommissioning considerations to facilitate the interim water servicing strategy, as necessary, to be held by the City until the ultimate water servicing works are implemented by the Region to service the Subject Lands.

36. Prior to final approval of the Plan, the Owner shall conduct comprehensive sanitary sewer study including, but not limited to, flow monitoring, conveyance capacity analysis of downstream sewers, downstream sanitary sewer design sheets and related drawings to demonstrate that the subject lands can be adequately serviced as proposed and conform to the City's comments on the sewer design. The sanitary sewer analysis shall be completed using the City standards, or alternate design standards to the satisfaction of the Development Engineering Department, as these lands are proposed to connect through an existing sanitary sewer network. The Owner shall agree in the subdivision agreement to design and construct, at no cost to the City, all applicable works that are necessary to service the proposed lands to the satisfaction of the City. The Owner shall agree in an agreement with the City to provide a financial security for operation, maintenance and decommissioning considerations to facilitate the interim water servicing strategy, as necessary, to be held by the City until the ultimate sanitary servicing works are implemented by the Region to service the Subject Lands.
37. Prior to final approval of the Plan, the Owner shall obtain confirmation from the City and Region of York that adequate water supply and sewage treatment capacity are available and have been allocated to accommodate the proposed development.
38. Prior to final approval of the Plan, the Owner shall conduct comprehensive storm sewer study including, but not limited to, conveyance capacity analysis of proposed sewers, downstream storm sewer design sheets, operation and maintenance considerations of any proposed non-standard measures, hydraulic grade line analysis and related design drawings to demonstrate that the subject lands can be adequately serviced as proposed and conform to the City's comments on the sewer design. The stormwater analysis shall be completed using the City standards, or alternate design standards to the satisfaction of the Development Engineering Department, as these lands are proposed to be serviced by a new storm sewer within the Block 34 East lands adjacent to the Subject Lands. The Owner shall agree in the subdivision agreement to design and construct, at no cost to the City, all applicable works that are necessary to service the proposed lands to the satisfaction of the City. The Owner shall agree to provide a financial security or direct financial contribution for operation and maintenance considerations alongside pipe replacement costs for the sewers to the City.

39. Prior to final approval of the Plan and/or commencement of construction within the Plan, the Owner shall submit a detailed hydrogeological impact study that identifies, if any, local wells that may be influenced by construction and, if necessary, outline a monitoring program to be undertaken before, during and after construction of the subdivision.
40. The Owner shall agree in the subdivision agreement to decommission any existing wells and driveways on the Plan in accordance with all applicable provincial legislation and guidelines and to the satisfaction of the City.
41. Prior to the initiation of the grading or striping of top soil and final approval, the Owner shall submit a top soil storage plan detailing the location, size, slopes stabilization methods and time period, for approval by the City. Top soil storage shall be limited to the amount required for final grading, with the excess removed from the site, and shall not occur on either park or school blocks.
42. The Owner shall agree in the subdivision agreement to construct a 1.5-metre-high black vinyl chain link fence along the limits of the Blocks where they abut the open space, valley/woodlot, and/or park blocks to the satisfaction of the City.
43. The Owner shall include following warning clause for all purchasers and/or tenants within the Plan:
- a. abutting or in proximity of any open space, valleylands, woodlots or stormwater facility:
 - “Purchasers and/or tenants are advised that the adjacent open space, woodlot or stormwater management facility may be left in a naturally vegetated condition and receive minimal maintenance.”
 - b. abutting or in proximity of any parkland or walkway:
 - “Purchasers and/or tenants are advised that the lot abuts a “Neighbourhood Park” of which noise and lighting may be of concern due to the nature of the park for active recreation.”
 - c. encroachment and/or dumping
 - “Purchasers and/or tenants are advised that any encroachments and/or dumping from the lot to the school site, park, open space, woodlot and/or storm water management facility are prohibited.”
 - d. gate of access point
 - “Purchasers and/or tenants are advised that the installation of any gate of access point from the lot to the school site, open space,

stormwater management facility, watercourse corridor, woodlot, and/or park is prohibited.”

e. infiltration trench

- “Purchasers and/or tenants are advised that their rear yard lot area has been design to incorporate an infiltration trench or soak-away pit system to achieve groundwater balance. It is the responsibility of the homeowner to maintain the infiltration trench or soak-away pit systems in good operating condition, which may include periodic cleaning of the rear yard catch basin. No planting activity or structures are permitted on the infiltration trenches and soak-away pits.”

44. The Owner shall agree in the subdivision agreement to obtain all necessary permissions to enter from adjacent private properties to facilitate and construct the required facilities necessary to service the Plan, free of all costs and encumbrances, and to the satisfaction of the City.
45. The Owner shall agree in the subdivision agreement that adequate access and municipal services will be available to service the subject Lands or demonstrate that alternative arrangements have been made for their completion to the satisfaction of the City.
46. Prior to final approval of the Plan, the Owner shall submit detailed engineering design plans for the proposed roads within and external to the Subject Lands including, but not limited to, the intersection design with existing municipal and Regional roads, lane widths, lane configurations, curb radii, turning lanes with storage/ taper length, retaining wall details and sidewalk details to the satisfaction of the City and Region.
47. The Owner shall agree in the subdivision agreement to provide information on sustainable transportation, via various media, to all purchasers and/or tenants within the Plan, including pedestrian and cycling facilities.
48. Prior to final approval of the Plan, the Owner shall submit an environmental noise and/or vibration report to the City for review and approval. The preparation of the noise/vibration report shall include the ultimate traffic volumes associated with the surrounding road network and railway to according to the Ministry of Environment Guidelines. The Owner shall agree in the subdivision agreement to carry out, or cause to carry out, the recommendations set out in the approved noise/vibration report to the satisfaction of the City.
49. Prior to initiation of grading or stripping of topsoil and prior to final approval of the Plan, the Owner shall prepare and implement a detailed erosion and sedimentation control plan(s) addressing all phases of the construction of the

municipal services and house building program including stabilization methods, topsoil storage locations and control measures to the satisfaction of the City. The Owner shall prepare the erosion and sediment control plan(s) for each stage of construction (pre-stripping/earthworks, pre-servicing, post-servicing) in accordance with the TRCA Erosion and Sediment Control Guidelines for Urban Construction, dated December 2006 and implement a monitoring and reporting program to the satisfaction of the City.

50. Prior to final approval of the Plan, the Owner shall address and satisfy all comments supplied by the Development Engineering Department, to the satisfaction of the City.
51. The Owner shall agree to notify both the Ministry of Heritage, Tourism, Sport and Culture Industries, and the City of Vaughan Development Planning Department immediately in the event that:
 - a. archaeological resources are found on the property during excavation and construction activities, to which all work must cease; and
 - b. where human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact York Region Police Department, the Regional Coroner and the Bereavement Authority of Ontario of the Ministry of Government and Consumer Services.
52. The Owner shall agree to name one of the new municipal roads after its historical property owners.
53. Prior to final approval, the Owner shall provide a detailed tree preservation study to the satisfaction of the City. The study shall include an inventory of all existing trees, assessment of significant trees to be preserved and proposed methods of tree preservation based on the arborist report recommendations.
 - In addition, the study shall quantify the value of the tree replacements using the Urban Design Tree Replacement Valuation outlined in the City's Tree Protection Protocol
 - The Owner shall not remove trees without written approval by the City
 - The Owner shall enter into a tree protection agreement in accordance with the City Council enacted Tree By-Law 052-2018
54. Prior to the landscape plan review by the Development Planning Department, a fee shall be provided by the Owner to the Development Planning Department in accordance with the in-effect Council approved fee by-laws; i.e. Tariff of Fees for Vaughan Planning Applications – Landscape Plan Review.

- This fee will include staff's review and approval of proposed streetscaping/landscaping within the development (including but not limited to urban design guidelines, landscape master plan, architectural design guidelines, perfect submission landscape architectural drawings, stormwater management pond planting plans, natural feature edge restoration/management plans), and tree inventory/preservation/removals plans
- In addition, a fee will be applied for each subsequent inspection for the start of the guaranteed maintenance period and assumption of the development by the City of Vaughan

55. Prior to final approval, the Owner shall prepare an urban design brief. The document must articulate how the design and concept is consistent with the performance standards outlined in the Vaughan City-Wide Urban Design Guidelines and Vaughan City-Wide Official Plan. The document shall address but not be limited to the following issues:

- Landscape master plan; co-ordination of the urban design/streetscape elements
- The appropriate edge treatment along Jane Street and Highway 400.
- Architectural control design guidelines
- Sustainability design practices/guidelines

56. Prior to final approval, the Owner shall agree in the subdivision agreement that all development shall proceed in accordance with the City of Vaughan Sustainability Metrics program.

- The program shall present a set of metrics to quantify the sustainability performance of new development projects.

57. The Owner shall agree in the subdivision agreement to erect an appropriate fence barrier along limits of the employment block that abut Highway 400 lands to the west, to the satisfaction of the City.

58. The Owner shall agree in the subdivision agreement to provide a soils report for all tree pits and planting beds throughout the subdivision to the satisfaction of the City.

59. The Owner shall update the Block 34 East Plan to reflect the Development to the satisfaction of the Development Planning Department and cause the following to be displayed on the interior wall of the sales office, information approved by the City of Vaughan, prior to offering any units for sale, to be monitored periodically by the City. No Building Permit(s) shall be issued for a sales office or model home, or a residential unit until such information is approved by the City of Vaughan.

- the plan for the broader area, showing surrounding land uses, arterials/highways, railways and hydro lines, etc.;
- the location of street utilities, community mailboxes, entrance features, fencing and noise attenuation features, together with the sidewalk plan approved in conjunction with draft plan approval;
- the location of parks, open space, buffer blocks, stormwater management facilities and trails;
- the location of institutional uses, including schools, places of worship, and community facilities;
- the location and type of commercial sites;
- colour-coded residential for singles, semis, multiples, and apartment units; and
- the following notes in BOLD CAPITAL TYPE on the map:

“For further information, on proposed and existing land uses, please call or visit the City of Vaughan, Development Planning Department, at 2141 Major Mackenzie Drive, Vaughan, ON, L6A 1T1; (905) 832-8585.”

“For detailed grading and berming information, please call the developer’s engineering consultant, (name) at _____.”

“This map is based on information available as of (date of map), and may be revised or updated without notification to purchasers.”

[In such circumstances, the Owner is responsible for updating the map and forwarding it to the City for verification.]

60. Prior to final approval of the Plan, the Owner shall provide detailed design drawings for the proposed Headwater Drainage Feature Function Compensation and Upland Enhancement Area (in accordance with Figure 8 of the Environmental Impact Study – Azuria Condor Lands, prepared by Savanta, dated October 2019) to the satisfaction of the City and TRCA.
61. Prior to final approval of the Plan, the Owner shall prepare a cost estimate for the construction of the proposed Headwater Drainage Feature Function Compensation and Upland Enhancement Area to the satisfaction of the City.
62. Prior to final approval of the Plan, the Owner shall provide the City with a revocable Letter of Credit associated with construction of the Headwater Drainage Feature Function Compensation and Upland Enhancement Area in the

amount determined by the aforementioned cost estimate. The Letter of Credit will be released once the Headwater Drainage Feature Function Compensation and Upland Enhancement Area has been completed to the satisfaction of the City and TRCA.



Corporate Services

November 20, 2019

Mr. Mauro Peverini
Director of Development Planning
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Attention: Carol Birch, Planner

**Re: 2nd Submission Comments/Conditions
Draft Plan of Subdivision 19T-19V002 (SUBP.19.V.0024)
Zoning By-law Amendment Z.19.007 (ZBA.19.V.0058)
11110 Jane Street
Part of the East Half of Lot 28, Concession 5
(Conmar Developments Inc. & Fenlands Vaughan Inc.)
City of Vaughan**

York Region has now completed its review of the above noted revised plan of subdivision prepared by KLM Planning Partners Inc., Project No. P-3050, dated September 11, 2019. The proposed development is located at 11110 Jane Street, north of Teston Road and on the west side of Jane Street, in the City of Vaughan. The draft plan of subdivision will facilitate the creation of two employment blocks, a service commercial block and blocks for road widening, a buffer and a street, within a 39.14 ha site.

Infrastructure Asset Management Branch

Infrastructure Asset Management staff have reviewed the Functional Servicing Report and Stormwater Management Report, prepared by Schaeffers Consulting Engineers Ltd., dated October 2019, and technical comments are attached.

Transportation and Infrastructure Planning

Transportation and Infrastructure Planning staff have reviewed the Transportation Mobility Plan, prepared by Cole Engineering, dated October 2019, and technical comments are attached.

Zoning By-law Amendment

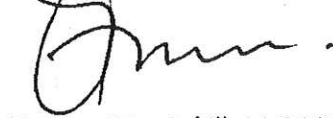
The zoning by-law amendment proposes to rezone the subject lands from "Agricultural A" to "Prestige Employment Area EM1 Zone," "Open Space Conservation OS1," and "Service Commercial C7" with additional exceptions. This is considered a matter of local significance and Regional Planning staff do not have comments on the amendment.

Summary

York Region has no objection to the draft plan of subdivision and zoning by-law amendment subject to the aforementioned comments and the attached Schedule of Clauses/Conditions for the draft plan of subdivision. We request that a copy of the Notice of Decision be forwarded to this office.

Should you have any questions regarding the above, please contact Justin Wong, Planner, at extension 71577 or through electronic mail at justin.wong@york.ca.

Yours truly,



Duncan MacAskill, M.C.I.P., R.P.P.
Manager, Development Planning

JW/

YORK-#10324795-v1-19T-19V002_(2nd_Submission)_-_Regional_Condition_Letter

Schedule of Conditions
19T-19V002 (SUBP.19.V.0024)
11110 Jane Street
Part of the East Half of Lot 28, Concession 5
(Conmar Developments Inc. & Fenlands Vaughan Inc.)
City of Vaughan

Re: KLM Planning Partners Inc., Project No. P-3050, dated September 11, 2019

Conditions to be Included in the Subdivision Agreement

1. The Owner shall agree to provide direct shared pedestrian/cycling facilities and connections from the proposed development to boundary roadways and adjacent developments to support active transportation and public transit, where appropriate.
2. The Owner shall agree where enhanced landscape features beyond street tree planting, sod and concrete walkways are proposed in the York Region right-of-way by the Owner or the area municipality, these features must be approved by Development Engineering and shall be maintained by the area municipality. Failure to maintain these landscape features to York Region's satisfaction will result in the area municipality incurring the cost of maintenance and/or removal undertaken by the Region.
3. The Owner shall agree that, prior to the development approval of Blocks 2 and 3, that access to Blocks 2 and 3 shall be via "Street 2" (the internal road network) and direct access to Jane Street will not be permitted.
4. The Owner shall agree to be responsible for determining the location of all utility plants within York Region right-of-way and for the cost of relocating, replacing, repairing and restoring any appurtenances damaged during construction of the proposed site works. The Owner must review, or ensure that any consultants retained by the Owner, review, at an early stage, the applicable authority's minimum vertical clearances for aerial cable systems and their minimum spacing and cover requirements. The Owner shall be entirely responsible for making any adjustments or relocations, if necessary, prior to the commencement of any construction.

Conditions to be Satisfied Prior to Final Approval

5. The road allowances included within the draft plan of subdivision shall be named to the satisfaction of the City of Vaughan and York Region.
6. The Owner shall provide an electronic set of the final engineering drawings showing the watermains and sewers for the proposed development to the Community Planning and Development Services Division and the Infrastructure Asset Management Branch for record.

7. The Owner shall revise the Transportation Study to address all comments related to the Transportation Mobility Plan, prepared by Cole Engineering, dated October 2019, to the satisfaction of York Region.
8. The Owner shall provide a drawing to show the layout of active transportation facilities and connections internal to the site and to the Regional roads.
9. The Owner shall provide engineering drawings and cost estimates to implement the recommendations of the revised/updated Transportation Study, including TDM measures and incentives, as approved by the Region.
10. The Owner shall have prepared, by a qualified professional transportation consultant, a functional transportation report/plan outlining the required road improvements for this subdivision. The report/plan, submitted to Development Engineering for review and approval, shall explain all transportation issues and shall recommend mitigative measures for these issues.
11. Concurrent with the submission of the subdivision servicing application (MOE) to the area municipality, the Owner shall provide a set of engineering drawings, for any works to be constructed on or adjacent to the York Region road, to Development Engineering, Attention: Manager, Development Engineering, that includes the following drawings:
 - a) Plan and Profile for the York Region road and intersections,
 - b) Grading and Servicing,
 - c) Intersection/Road Improvements, including the recommendations of the Traffic Report,
 - d) Construction Access Design,
 - e) Utility and underground services Location Plans,
 - f) Signalization and Illumination Designs,
 - g) Line Painting,
 - h) Traffic Control/Management Plans,
 - i) Erosion and Siltation Control Plans,
 - j) Landscaping Plans, including tree preservation, relocation and removals,
 - k) Sidewalk locations, concrete pedestrian access to existing and future transit services and transit stop locations as required by York Region Transit/Viva,
 - l) Functional Servicing Report (water, sanitary and storm services),
 - m) Water supply and distribution report,
 - n) Engineering drawings showing plan and profile views of proposed works related to connections to or crossing of Regional watermain or sewer, including the following, as applicable:
 - Disinfection Plan
 - MOECC Form 1- Record of Watermains Authorized as a Future Alteration

- o) Engineering drawings showing plan and profile views of proposed sewers and watermains and appurtenances, including manholes, watermains, valves, hydrants, etc. proposed within the subdivision.
- 12. The Owner shall submit a detailed Development Charge Credit Application to York Region, if applicable, to claim any works proposed within the York Region right-of-way. Only those works located in their ultimate location based on the next planning upgrade for this right-of-way will be considered eligible for credit, and any work done prior to submission without prior approval will not be eligible for credit.
- 13. The Owner shall provide drawings for the proposed servicing of the site to be reviewed by the Engineering Department of the area municipality. Three (3) sets of engineering drawings (stamped and signed by a professional engineer), and MOE forms together with any supporting information shall be submitted to Development Engineering, Attention: Mrs. Eva Pulnicki, P.Eng.
- 14. The location and design of the construction access for the subdivision work shall be completed to the satisfaction of Development Engineering and illustrated on the Engineering Drawings.
- 15. The Owner shall demonstrate, to the satisfaction of Development Engineering, that all existing driveway(s) along the Regional road frontage of this subdivision will be removed as part of the subdivision work, at no cost to York Region.
- 16. The Owner shall demonstrate, to the satisfaction of Development Engineering that elevations along the streetline shall be 0.2 metres above the centreline elevations of the York Region roadway, unless otherwise specified by Development Engineering.
- 17. The Owner shall have prepared, by a qualified Tree Professional, a Tree Inventory and Preservation/Removals Plan and Arborist Report identifying all existing woody vegetation within the York Region right-of-way to be removed, preserved or relocated. The report/plan, submitted to Development Engineering for review and approval, shall adhere to the requirements outlined in the York Region Street Tree and Forest Preservation Guidelines and shall be to the satisfaction of York Region Natural Heritage and Forestry Staff.
- 18. The Owner shall have prepared, by a qualified professional Landscape Architect, landscape design plans detailing landscape works and street tree planting in the York Region right-of-way as required by any and/or all of the following, York Region's Streetscaping Policy, York Region's Street Tree Preservation and Planting Design Guidelines, any prevailing Streetscape Masterplan or Secondary Plan or as required by Urban and Architectural Design Guidelines.

19. The Region requires the Owner submit a Phase One Environmental Site Assessment ("ESA") in general accordance with the requirements of the Environmental Protection Act and O. Reg. 153/04 Records of Site Condition, as amended ("O. Reg. 153/04"). The Phase One ESA must be for the Owner's property that is the subject of the application and include the lands to be conveyed to the Region (the "Conveyance Lands"). The Phase One ESA cannot be more than two (2) years old at: (a) the date of submission to the Region; and (b) the date title to the Conveyance Lands is transferred to the Region. If the originally submitted Phase One ESA is or would be more than two (2) years old at the actual date title of the Conveyance Lands is transferred to the Region, the Phase One ESA will need to be either updated or a new Phase One ESA submitted by the Owner. Any update or new Phase One ESA must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. The Region, at its discretion, may require further study, investigation, assessment, delineation and preparation of reports to determine whether any action is required regardless of the findings or conclusions of the submitted Phase One ESA. The further study, investigation, assessment, delineation and subsequent reports or documentation must be prepared to the satisfaction of the Region and in general accordance with the requirements of O. Reg. 153/04. Reliance on the Phase One ESA and any subsequent reports or documentation must be provided to the Region in the Region's standard format and/or contain terms and conditions satisfactory to the Region.

The Region requires a certified written statement from the Owner that, as of the date title to the Conveyance Lands is transferred to the Region: (i) there are no contaminants of concern, within the meaning of O. Reg. 153/04, which are present at, in, on, or under the property, or emanating or migrating from the property to the Conveyance Lands at levels that exceed the MOECC full depth site condition standards applicable to the property; (ii) no pollutant, waste of any nature, hazardous substance, toxic substance, dangerous goods, or other substance or material defined or regulated under applicable environmental laws is present at, in, on or under the Conveyance Lands; and (iii) there are no underground or aboveground tanks, related piping, equipment and appurtenances located at, in, on or under the Conveyance Lands.

The Owner shall be responsible for all costs associated with the preparation and delivery of the Phase One ESA, any subsequent environmental work, reports or other documentation, reliance and the Owner's certified written statement.

20. Upon registration of the plan, the Owner shall convey the following lands to York Region for public highway purposes, free of all costs and encumbrances, to the satisfaction of the Regional Solicitor:
- a) A widening across the full frontage of the site where it abuts Jane Street of sufficient width to provide a minimum of 18 metres from the centreline of construction of Jane Street,

- b) A 15 metre by 15 metre daylight triangle at the north-west and south-west corners of Jane Street and "Street 2," and
 - c) A 0.3 metre reserve across the full frontage of the site, except at the approved access location, adjacent to the above noted widening, where it abuts Jane Street and adjacent to the above noted widening(s).
- 21. The Owner shall provide a solicitor's certificate of title in a form satisfactory to York Region Solicitor, at no cost to York Region with respect to the conveyance of the above noted lands to York Region.
 - 22. The Owner shall demonstrate, to the satisfaction of Development Engineering that "Street 2" shall be designed to intersect Jane Street at a right angle, or on a common tangent.
 - 23. The Owner shall demonstrate, to the satisfaction of Development Engineering, that the throat width of "Street 2" shall be designed to accommodate the recommendations of the transportation report approved by York Region.
 - 24. The intersection of Jane Street and "Street 2" shall be designed to the satisfaction of Development Engineering with any interim or permanent intersection works including turning lanes, profile adjustments, illumination and/or signalization as deemed necessary by Development Engineering.
 - 25. The Owner shall demonstrate, to the satisfaction of Development Engineering, that all local underground services will be installed within the area of the development lands and not within York Region's road allowance. If a buffer or easement is needed to accommodate the local services adjacent to York Region's right-of-way, then the Owner shall provide a satisfactory buffer or easement to the Area Municipality, at no cost to the Region.
 - 26. The Owner shall provide a copy of the Subdivision Agreement to the Regional Corporate Services Department, outlining all requirements of the Corporate Services Department.
 - 27. The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable in accordance with Regional Development Charges By-law in effect at the time that Regional development charges, or any part thereof, are payable.
 - 28. The Regional Corporate Services Department shall advise that Conditions 1 to 27 inclusive, have been satisfied.



MEMORANDUM – TECHNICAL COMMENTS

Re: 19T-19V002 (SUBP.19.V.0024)
11110 Jane Street
Part of the East Half of Lot 28, Concession 5
(Conmar Developments Inc. & Fenlands Vaughan Inc.)
City of Vaughan

Regional Infrastructure Asset Management and Transportation and Infrastructure Planning staff have reviewed the above noted draft plan of subdivision as well as the supporting documents and offer the following technical comments for the subject development application. These comments are not an approval and are subject to modification. It is intended to provide information to the Owner/Applicant regarding the Regional requirements that have been identified to date.

A. Infrastructure Asset Management

Infrastructure Asset Management staff have reviewed the Functional Servicing Report (FSR) and Stormwater Management Report, prepared by Schaeffers Consulting Engineers Ltd., dated October 2019, and provide the following comments:

- i. The FSR indicates that wastewater and water servicing will be provided to the subject development by proposed City owned infrastructure from the northern extension of "Street 1" as illustrated on Figures 3.1 and 4.2 of the report.
- ii. According to the FSR, there is an interim sanitary tank used to attenuate the peak flows discharging to the Mahmood Crescent sanitary sewer in place until the Regional sewers are constructed. However, the location of the said tank is not shown on the schematic. Please revise accordingly.
- iii. For water servicing, the FSR further states there is not adequate pressure to service the subject subdivision in the fire flow condition through PD7. Therefore, a private storage tank and booster pumps within each site plan will be required to ensure there is adequate water supply during fire flow events.
- iv. The FSR states that in the future, PD8 supply shall be connected through Region's 500mm diameter watermain on Kirby Road west of Jane Street. Please be advised that there is no plan in the Region's ten year capital program, nor in any longer term plans to

construct a 500 mm CPP PD8 watermain along Kirby Road as stated in the FSR. Please revise the text accordingly.

- v. Appendix B: Water Supply Calculations & Modelling of the Functional Servicing and Stormwater Management Report shows the schematics of water system for Phase 1 (Interim) and Phase 2 (Ultimate Condition). Please show the location of the fire storage tank and location of the pressure reducing valves (PRVs) referenced in the text in the FSR. In addition, the label of the blocks on the schematics are incorrect.
- vi. As such Region requires the Owner to revise the water servicing strategy to provide adequate clarification in light of above comments and resubmit prior to final approval.

B. Transportation and Infrastructure Planning

Transportation and Infrastructure Planning staff have reviewed the Transportation Mobility Plan, prepared by Cole Engineering, dated October 2019, and provide the following comments:

- i. The Study shall provide basis such as proxy site data for the anticipated truck traffic at proposed distribution centre.
- ii. The Study shall provide information regarding the validation of the existing condition intersection analysis with the field conditions.
- iii. Table 8.1 Site Trip Generation - shall include detailed information (type and size) on the land use.
- iv. The Study should remove all references and figures of the old site plan from the Appendices.
- v. Peak hour factors (PHF) used in the analysis shall be based on existing traffic counts to ensure the "worst case" conditions are analyzed over a peak hour period. The average PHF based on the existing traffic counts can be applied to the whole intersection, however, if an individual movement or approach has sharp peaking characteristics, a PHF should be calculated and applied for each movement or approach. Additionally, the future proposed intersection peak hour factors should be based on adjacent existing intersections. The Study shall be revised accordingly by applying the PHF estimated using the existing traffic volumes and the same PHF shall be used for all future scenarios. PHF calculations shall be provided in the main report.
- vi. The Study assesses the intersection of City View Boulevard and Teston Road with a westbound dual left turn lane. However, the analysis does consider the single southbound left turn lane at the City View Boulevard and Highway 400 on-ramp

intersection. The merging of vehicles immediately downstream of the dual left turn lane will result in significant operational and safety issues. The intersection of City View Boulevard and Teston Road shall be analyzed with a single westbound left turn lane for all scenarios.

- vii. The Study also analyze Jane Street as 4-lanes at its intersections with Streets 2 and 3. The 4-lane section of Jane Street ends at about 200 meters north of Teston Road and widening of Jane Street to 4 lanes is not in the Region 2019 10-year roads and transit capital construction program. The analyses for the Streets 2 and 3 intersections with Jane Street shall be revised with Jane Street as a two lane cross section unless the Study recommends widening Jane Street to 4-lanes at the proposed intersections.
- viii. Both Streets 2 and 3 connecting to Jane Street shall be aligned with the proposed roadway network of Block 27 on the east side of Jane Street. A drawing shall be added to the Study to show the proposed roadway network located east and west of Jane Street.
- ix. The Transportation Study includes a TDM Section. However, there are no drawings that show the location of the pedestrian and cycling connections, bicycle parking locations or connections to bus stops. The Transportation Demand Management Plan (TDM) should be consistent with York Region's Transportation Mobility Plan Guidelines for Development Applications (November 2016). The TDM Plan shall include a drawing to show the layout of active transportation facilities and connections internal to the site and to the Regional roads, as well as a revised TDM checklist that summarizes the programs and measures, estimated costs and responsibility of the applicant to implement TDM recommendations.
- x. The Study shall include conceptual drawings showing all the physical improvements required at the existing and future intersections to accommodate the development. The storage requirements for the turn lanes (left and right) shall be based on the analysis using peak hour factors estimated from the existing traffic counts to ensure the "worst case" scenario.
- xi. The Study in Section 12.2 provides a long table of mitigation measures. This table shall be divided into multiple tables separating physical improvements such as signalization and lane improvements (left and right) from the signal timing improvements. Additionally, the physical improvements shall be further separated based on the timings/scenarios.
- xii. The Study shall also provide exclusive right-turn and left-turn lanes at all the proposed intersections (existing and future) that will intersect with Regional Roads.

- xiii. A revised/updated Transportation Study to address all comments shall be submitted for review to the satisfaction of York Region.

KEY PLAN

[illegible]

SURVEYOR'S CERTIFICATE

WALSH & LEO INC. IS NOW OPENING AN NEW LEADERSHIP
POSITIONS AND SEARCHING FOR THE RIGHT PERSONS TO JOIN THE TEAM.

CAROL DICKSON
JULY 7, 1968

[illegible]

KLM
PLANNING PARTNERS INC.
DWG. No. - 19:2
PLANNING PARTNERS INC. • Design • Development
16 JAMES DRIVE • SUITE 101 • CLACKAMASH, OREGON 97015
TEL: 503-646-6141 FAX: 503-646-6142 WWW: WWW.KLM-PA.COM

March 20, 2020

ATTACHMENT 1c

CFN 62272

SENT BY E-MAIL (carol.birch@vaughan.ca)

Carol Birch
Development Planning Department
City of Vaughan
2141 Major Mackenzie Drive
Vaughan, Ontario L6A 1T1

Dear Ms. Birch:

**Re: 3rd Revised Conditions of Draft Approval
Draft Plan of Subdivision Application 19T-19V002
Zoning By-Law Amendment Application Z.19.007
Site Plan Application DA.19.072**

**Part of Lot 28, Concession 5
11110 Jane Street
City of Vaughan, Regional Municipality of York
Conmar Developments Inc. & Fenlands Vaughan Inc.**

Please find attached Toronto and Region Conservation Authority (TRCA)'s revised Conditions of Draft Approval as discussed with City Staff.

The purpose of this letter is to provide TRCA staff comments and support of applications for Draft Plan of Subdivision, Zoning By-Law Amendment and Site Plan on the above noted property in the City of Vaughan. A list of the reviewed materials can be found in Appendix 'A.'

TRCA previously provided comments on November 11, 2019 which provided an overview of TRCA's position on the ecology and hydrogeology items. Since these comments were provided, TRCA staff have had the opportunity to meet with the applicant and their technical experts to further discuss engineering aspects. Based on this meeting and an additional technical memo provided to TRCA on November 25, 2019 by Schaeffers Consulting Engineering, TRCA is in the position to provide conditions of approval for the Draft Plan of Subdivision, Zoning By-Law Amendment and Site Plan applications. TRCA staff provided initial conditions of approval on the subject application on January 9, 2020. That letter was subsequently revised on February 14, 2020 to address an amended approach to the application in light of ongoing discussions between the City, applicant and province. TRCA has again been asked to revise its conditions pending further advanced negotiations on the subject site.

It is important to note that TRCA has not yet received confirmation that the Ministry of Natural Resources and Forestry (MNR) has declassified the Provincially Significant Wetlands (PSWs) that are located within the subject development area. Until such time that the PSWs are declassified or a Ministers Zoning Order from the Ministry of Municipal Affairs and Housing has been issued based on a relocation and mitigation/ecosystem compensation strategy for the PSWs endorsed by MNR, City of Vaughan and TRCA, TRCA staff does not support the rezoning of the PSWs (and their 30m buffers) as it is contrary to the Provincial Policy Statement (PPS). It is TRCA's understanding that through the current

revised ZBA the existing zoning of Agriculture 'A' will remain on the majority of the PSWs and buffers and a portion will be zoned Open Space 'OS'. This is an acceptable approach moving forward.

TRCA staff have reviewed the *Environmental Impact Study for the Azuria Condor Lands, Vaughan, ON., prepared by Savanta, dated October 2019*, and greater information provided in the *Master Environmental Servicing Plan Addendums: Block 34 East – Phase 1, prepared by Schaeffers Consulting Engineers, dated October 2019*, and finds the recommendations of relocating the PSWs to the larger NHS located centrally on the southern block would result in a more robust system and net ecological gain. Protection of the individual PSWs in situ would ultimately result in their degradation due to their isolated nature and reduced quality contribution to the greater East Purpleville Creek valley system located West of Highway 400. If the province provides direction and support for the relocation of the PSWs, the actual wetland relocations would be addressed through the conditions in the planning process and via TRCA's permitting process administered under Section 28 of the *Conservation Authorities Act*. Development and interference with wetlands requires permit approval from TRCA and is reviewed in accordance with the Act, Ontario Regulation 166/06 and the policies of TRCA. Notwithstanding TRCA's policies, which do not support interference with PSWs or wetlands greater 0.5ha, TRCA staff would follow provincial direction as it relates to the relocation concept once received for our review and confirmation. In principle, TRCA staff are supportive of the relocation given the overall benefit to the NHS. However, it should be noted TRCA's Executive Committee would make the final decision on the permit application for the wetland relocations. The Executive Committee may approve or refuse the application or approve it subject to conditions.

It is TRCA's understanding that the Block 34E Landowners' Group has provided additional analysis of the PSWs proposed to be relocated to the MNRF and that MNRF will be providing a review and assessment of this information to all parties involved. TRCA staff asks to be copied on this assessment so that we can evaluate the implications under the *Conservation Authorities Act*, Ontario Regulation 166/06 and our policies.

Recommendations

If the City wishes to move these files forward to the Committee of the Whole in advance of MNRF's assessment relating to the relocation of the PSWs, TRCA will only support approval of the applications if the underlying zoning (Agriculture 'A') remains on the lands containing the PSWs and associated 30m buffer which are located within Block 1. TRCA understands a portion of the PSW and associated buffer is proposed to be rezoned Open Space 1 ('OS1'). Given this restrictive zoning, TRCA can support this proposed rezoning from 'A' to 'OS1'. Detailed Conditions of Draft Plan of Subdivision approval are provided in Appendix 'B'. These conditions include provisions relating to the proposed relocation of the wetlands.

Our comments on the zoning by-law amendment application are provided within our conditions of draft plan approval.'

If the City wishes to move forward Site Plan Development Application DA.19.072, TRCA has provided conditions of Site Plan approval in Appendix 'C'. It is important to note that TRCA does have additional comments on the MESP for the Block 34E South lands and Pond 3 which will need to be addressed either through the MESP process and/or detailed design of Pond 3.

Please note that this letter is based on TRCA's current policies and regulation, which may change from time to time. Any future development proposal would be subject to the policies and regulation in effect at the time of application.

TRCA staff will continue to work closely with the applicant and the City to ensure that TRCA's expectations for meeting the comments are met.

Please notify TRCA of any decisions made by the City on these applications, or any appeals made by any party in respect of these applications.

Fees

By copy of this letter, we thank the proponent for submission of the TRCA application fee for Draft Plan of Subdivision (25ha and greater – Major \$57,750 with a per ha fee of \$475/ha * 39.144 ha for a total of \$57,750). An additional clearance fee will be charged prior to registration based on the fee schedule in effect at the time of the clearance request.

We trust this letter is of assistance. We look forward to our continued meetings on this and other projects within the Block 34 East area.

Should you have any questions, please contact the undersigned at extension 5307 or email colleen.bonner@trca.ca

With Regards,



Colleen Bonner
Senior Planner
Development Planning and Permits | Development and Engineering Services

cc: Coreena Smith and Quentin Hanchard - TRCA
Mark Yarranton - KLM Planning Partners Inc.
Sam Morra - Condor

Appendix 'A': List of Materials Reviewed

The following materials were received by TRCA on October 25, 2019

- Draft Plan of Subdivision, East Half of Lot 28, Concession 5, City of Vaughan prepared by KLM, September 11, 2019
- Planning Justification Report., Draft Plan of Subdivision, Zoning by-Law amendment and Site Plan Application., prepared by KLM October 2019
- Tree Inventory and Preservation Plan Report., prepared by Kuntz Forestry Consulting Inc., Sept 27, 2019
- Drafted zoning by-law - 2019
- Master Environmental Servicing Plan Addendum – Block 34E – Phase 1., prepared by Schaeffer Engineering., October 2019
- Functional Servicing and Stormwater Management Report for 11110 Jane Street., prepared by Schaeffers Consulting Engineers., October 2019
- Functional Servicing and Stormwater Management Report for 11110 Jane Street, Block 1., prepared by Schaeffers Consulting Engineers., October 2019
- Memo – 11110 Jane Street Subdivision and Block 1 Discussion, prepared by Schaeffers Engineering., November 25, 2019
- Dwg. Plan of Subdivision GP-1, GR-1R, GR-2R, GR-3R prepared by Schaeffers Consulting Engineers., October 18, 2019
- Dwg. Site Plan D-1, GR-1 through GR-6 prepared by Schaeffers Consulting Engineers., October 18, 2019
- Dwg. Site Plan SC-1 through SC-6 prepared by Schaeffers Consulting Engineers., September 26, 2019
- Dwg. Site Servicing SS-1 through SS-3 prepared by Schaeffers Consulting Engineers., October 18, 2019
- Dwg. Site Plan TA-1, TA-1 prepared by Schaeffers Consulting Engineers., October 18, 2019
- Dwg. Topo Plan of Survey prepared by Schaeffer Dzaldov Bennett Ltd. July 17, 20119
- Dwg. Tree Inventory and Preservation Plan 1a, 1b prepared by Kuntz Forestry Consulting Inc., September 27, 2019

The following materials were received by TRCA on November 25, 2019

- Technical memo provided to TRCA on November 25, 2019 prepared by Schaeffers Consulting Engineering

The following materials were received by TRCA on March 5, 2020

- Circulation letter for Z.19.007, DA.19.073, 19T-19V002 prepared by City of Vaughan, March 4, 2020
- Draft Plan of Subdivision (19T-19V002), Zoning By-law Amendment (Z.19.007) and Site Development Applications for Conmar Developments Inc. Fenlands Vaughan Inc. 11110 Jane Street, City of Vaughan prepared by KLM March 4, 2020
- Proposed Zoning By-Law Number XXX-2020
- Transportation Addendum, Azuria Site, Block 34E prepared by Cole Engineering, February 27, 2020
- Dwg A100 – Warehouse Distribution Centre Site Plan Phase One prepared by GKC Architects, revised March 3, 2020
- Dwg A100 – Warehouse Distribution Centre – Phase two prepared by GKC Architects, revised March 3, 2020

- Draft Plan of Subdivision Part Lot 28, Concession 5, City of Vaughan, Region of York, prepared by KLM Planning Partners Inc., May 6, 2019
-

The following materials were received by TRCA on March 11, 2020

Drafted By-Law number XXX-2020. Scheduled for Council Meeting: April 21, 2020

Appendix 'B': Conditions of Draft Approval 19T-19V002 and Comments on Zoning By-Law Amendment Application Z.19.007

TRCA's Conditions of Draft Plan Approval

TRCA requires the following conditions be included to establish Conditions of Draft Plan of Subdivision Approval for Application 19T-19V002, Part of Lot 28, Concession 2, City of Vaughan, Regional Municipality of York, prepared by KLM, September 11, 2019. TRCA's comments on Zoning By-law Amendment Application Z.19.007 can be found within the conditions of draft plan approval.

1. That this draft plan of subdivision be subject to red-line revision(s) in order to meet the requirements of TRCA's conditions of draft plan approval (Conditions 2 through 14 inclusive) if necessary, to the satisfaction of TRCA.
2. That the existing agricultural ('A') zoning remain in place on the balance of the Provincially Significant Wetlands (PSWs) and the associated 30 metre buffer located within Block 1 to the satisfaction of TRCA and the City of Vaughan. This zoning shall remain in place until such time as written confirmation has been received from the Ministry of Natural Resources and Forestry (MNRF) indicating that the PSWs located within the Block 1 can be relocated to form part of the larger natural heritage system in the southern half of Block 34 East in the City of Vaughan to the satisfaction of the City of Vaughan and TRCA; a relocation, compensation, mitigation and enhancement strategy has been submitted and endorsed by TRCA and the City of Vaughan; and, a permit is approved by TRCA pursuant to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06), as may be amended.
3. That the implementing zoning by-law place the *Compensation and Upland Enhancement Area* (1.35ha), located along the western property boundary and south west valley lands in Block 1, into an open space, or other suitable environmental zoning category, which has the effect of prohibiting development and structural encroachment and ensuring the long-term preservation of the lands in perpetuity, to the satisfaction of TRCA.
4. That the implementing zoning by-law be prepared to the satisfaction of TRCA.
5. That the Owner provide a copy of the approved implementing zoning by-law to TRCA, when available, to facilitate the clearance of conditions of draft plan approval.
6. That prior to any pre-servicing, final grading or registration of this plan or any phase thereof, the Owner shall submit a detailed engineering report (or reports) and plans to the satisfaction of TRCA in accordance with:
 - Master Environmental Servicing Plan Addendums – Block 34 East – Phase 1., prepared by Schaeffers Consulting Engineers., October 2019;
 - Functional Servicing and Stormwater Management Report for 11110 Jane Street., prepared by Schaeffers Consulting Engineers., October 2019; and
 - Technical memo provided to TRCA on November 25, 2019; and prepared by Schaeffers Consulting Engineering.

as may be amended, to the satisfaction of TRCA and the City of Vaughan. This submission shall include:

- a. Authorization from the Block 34E South landowners group for the Stormwater Management Facility (Pond 3) to be constructed on the Block 34E South lands to service the lands subject to Draft Plan of Subdivision Application 19T-19V002;

- b. A description of the storm drainage system (quantity, quality, water balance, and erosion control) to service the proposed development on the subject lands and on external lands, and how it will comply with all related TRCA requirements;
- c. Plans illustrating how this drainage system will tie into surrounding drainage systems, i.e., identifying if it is part of an overall drainage scheme, how external flows will be accommodated, the design capacity of the receiving system;
- d. Appropriate stormwater management techniques which may be required to control minor and major flows;
- e. Appropriate Stormwater Management Practices (SWMPs) to be used during construction, during any periods in which interim servicing is required, as well as permanently, to treat stormwater, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to the natural system, both aquatic and terrestrial;
- f. Appropriate SWMPs to be used to treat stormwater, to mitigate the impacts of development on erosion and siltation on-site and/or downstream areas and/or discharge to wetland areas during and after construction;
- g. Appropriate SWMPs to be used to treat stormwater, to mitigate the impacts of development on the overall site water balance to meet the pre-development water budget to satisfy the Ministry of the Environment, Conservation and Parks (MECP), City of Vaughan, TRCA and CTC Source Protection Plan criteria;
- h. Detailed plans and calculations for the proposed lot-level, conveyance, and end-of-pipe controls to be implemented on the site;
- i. Proposed measures to ensure the integrity of stormwater management pond berms and to determine the need for a liner to limit seepage/piping and groundwater intrusion into the berms for both interim and ultimate stormwater management ponds;
- j. Geotechnical analyses to ensure the integrity of stormwater management pond berms and to determine the need for a liner to limit seepage/piping and groundwater intrusion into the berms for both interim and ultimate stormwater management ponds;
- k. Proposed measures to promote infiltration and maintain water balance for the plan area;
- l. Proposed measures to maintain feature-based water balance and to mitigate impacts to those natural features that have been assessed to be potentially impacted by the development;
- m. A subsurface investigation (including assessment of groundwater levels) at the location of the stormwater management pond and for the final design of site grading. The recommendations of the subsurface assessment will be used to inform the final design and construction plans for both interim and ultimate stormwater management ponds and overall site grading;
- n. An evaluation that addresses the need for groundwater dewatering during construction, including but not limited to details for its disposal, potential impacts to natural features due to groundwater withdrawal, mitigation and any permitting requirements;

- o. Grading plans for the subject lands. These plans must indicate how grade differentials will be accommodated without the use of retaining walls within or adjacent to natural feature blocks or associated environmental buffers;
 - p. All applicable plans illustrating that all works, including all grading, site alterations, construction staging, or materials associated with these activities, will not encroach or be placed on lands owned by TRCA, City of Vaughan, or lands to be conveyed to a public agency as part of this plan of subdivision or on environmental lands adjacent to this plan of subdivision unless in accordance with the approved Master Servicing Plan and/or with prior authorization by TRCA and City of Vaughan;
 - q. Grading cross-sections and details across the site, including but not limited to existing and proposed grades, limits of the natural features and hazards, buffers, stormwater management pond (where applicable), transition to the adjacent tableland areas/lots, interim stabilization of the slopes/disturbed areas, and supporting geotechnical/soils analyses;
 - r. An erosion and sediment control report and plans for the subject lands that includes proposed measures for controlling or minimizing erosion and siltation on-site and/or in downstream areas during and after construction;
 - s. The location and description of all outlets and other facilities or works which may require permits from TRCA pursuant to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06), as may be amended;
 - t. Details relating to and confirming that the external Stormwater Management Facility (Pond 3) is to be fully constructed and operational prior to final Site Plan registration unless another satisfactory arrangement is presented to the satisfaction of the City of Vaughan and TRCA.
7. That prior to site alteration, servicing or pre-servicing, that the Owner provides confirmation of the interim and permanent servicing strategy for the subject property. This strategy must, demonstrate that any necessary extension of servicing to the subject property can be completed without impact to features Regulated by TRCA, unless it has been demonstrated to the satisfaction of TRCA and the City of Vaughan that all options have been explored to avoid impacts to the features, and if impacts are unavoidable, that any impacts are being mitigated to the greatest feasible extent .
8. That prior to the registration of this plan or any phase thereof, the Owner prepare a report and plans to address the relocation of the wetlands and central headwater drainage feature originating on the subject lands to the satisfaction of TRCA and the City of Vaughan. The report and supporting plans should address, at a minimum, location, design, hydrology, restoration planting, wildlife salvage, timing and phasing of the work. The recommendations of the relocation report and plans shall be implemented by the Owner to the satisfaction of TRCA and the City of Vaughan and in accordance with the *Environmental Impact Study for the Azuria Condor Lands, Vaughan, ON., prepared by Savanta October 2019, as may be amended*, prior to topsoil stripping in the area of the existing wetlands and headwater drainage feature.
9. That prior to any pre-servicing, final grading or registration of this plan or any phase thereof, the Owner shall provide authorization from the Block 34E South landowners group for the wetland and headwater relocation plans and report to be constructed on the Block 34E South lands.
10. That prior to the registration of this plan or any phase thereof, the Owner prepare planting plans for the Stormwater Management Facility, stormwater outlet and outflow channels, located on external lands, to the satisfaction of TRCA.

11. That the Owner initiate and continue to undertake the monitoring programs outlined in the Functional Servicing Report and the Environmental Impact Study, as may be amended to the satisfaction of TRCA and City of Vaughan, which includes but is not limited to the submission of monitoring reports and mitigation and adaptive management plans where negative impacts are anticipated or have occurred as a result of development in the plan area, to the satisfaction of TRCA and City of Vaughan. The recommendations of the mitigation and adaptive management plans shall be implemented by the Owner to the satisfaction of TRCA and City of Vaughan.
12. That prior to the registration of this plan or any phase thereof, the Owner obtain all necessary permits from TRCA pursuant to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA.
13. That the Owner agrees in the subdivision agreement, in wording acceptable to TRCA:
 - a. To carry out, or cause to be carried out, to the satisfaction of TRCA, the recommendations of the reports/strategies and details of the plans referenced in TRCA's conditions of draft plan approval;
 - b. That the Owner shall provide confirmation that the proposed subdivision, and current site plan applications will be viable in the event that the lands within Block 1, on which there is currently Provincially Significant Wetlands, are not available for development, to the satisfaction of TRCA and the City of Vaughan;
 - c. To install and maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to TRCA both internal and external to the site;
 - d. To implement all water balance/infiltration measures identified in the water balance study and feature based water balance that is to be completed for the subject property to the satisfaction of TRCA;
 - e. To carry out, or cause to be carried out, to the satisfaction of TRCA, the monitoring programs outlined in the final approved Functional Servicing Report and the Environmental Impact Study, as may be amended to the satisfaction of TRCA and City of Vaughan, which includes but is not limited to the submission of monitoring reports and mitigation and adaptive management plans where negative impacts are anticipated or have occurred as a result of development in the plan area, to the satisfaction of TRCA and City of Vaughan. The Owner agrees to carry out, or cause to be carried out, the mitigation and adaptive management plans to the satisfaction of TRCA and City of Vaughan;
 - f. To obtain all necessary permits from TRCA pursuant to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA;
 - g. To comply with the permits approved under Ontario Regulation 166/06, as may be amended, including the approved plans, reports and conditions to the satisfaction of TRCA;

- h. To erect a permanent fence along the prestige employment lands that abut the open space lands and in other areas as may be required to protect existing and future open space lands from unauthorized/non-programmed entry to the satisfaction of TRCA;
- i. To prohibit grading works within the open space lands unless approved by TRCA;
- j. To prohibit retaining walls in or adjacent to the open space lands unless approved by TRCA.
- k. That if confirmation is not received within five (5) years of the date for draft approval of this plan of subdivision that the Provincially Significant Wetlands located within Block 1 have been relocated to form part of the larger natural heritage system in the southern half of Block 34 East in the City of Vaughan , the Owner agrees and consents to City staff modifying the zoning by-law through the next comprehensive review, or on a site-specific basis to redesignate the lands as Open Space or equivalent, to provide for the permanent protection of the features. And further, the Owner consents that this requirement shall be made binding upon all successors and assigns.

14. That the Owner provide a copy of the fully executed subdivision agreement to TRCA, when available, in order to expedite the clearance of conditions of draft plan approval.

Should any revisions to the draft plan of subdivision application or zoning by-law amendment application be proposed now or in the future, TRCA asks to be given the opportunity to amend our conditions and comments accordingly.

Appendix C: Site Plan Conditions DA.19.072

- 1) That TRCA's Conditions of Draft Plan Approval for Subdivision 19T-19V002, be addressed to the satisfaction of TRCA and the draft plan registered prior to execution of the site plan agreement.
- 2) That prior to development, pre-servicing, or execution of the site plan agreement, the Owner shall submit a detailed engineering report (or reports) and plans to the satisfaction of TRCA for the site plan area in accordance with the Functional Servicing and Stormwater Management Report for 11110 Jane Street, Block 1., prepared by Schaeffers Consulting Engineers., October 2019 and technical memo provided to TRCA on November 25, 2019; prepared by Schaeffers Consulting Engineering, as may be amended to the satisfaction of TRCA and City of Vaughan.
- 3) The Owner agrees in the site plan agreement, in wording acceptable to TRCA:
 - i. To carry out, or cause to be carried out, to the satisfaction of TRCA, the recommendations of the reports/strategies and details of the plans referenced in TRCA's conditions of site plan approval;
 - ii. To install and maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to TRCA;
 - iii. To obtain all necessary permits from TRCA pursuant to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA;
 - iv. To comply with the permits approved under Ontario Regulation 166/06, as may be amended, including the approved plans, reports and conditions to the satisfaction of TRCA.

Should any revisions to the site plan application be proposed now or in the future, TRCA asks to be given the opportunity to amend our conditions and comments accordingly.

ATTACHMENT 1d



Date: October 29th , 2019

Attention: Carol Birch

RE: Request for Comments

File No.: DA.19.072, Z.19.007, 19T-19V002

Related Files:

Applicant: Conmar Developments Inc. & Fenlands Vaughan Inc.

Location Part Lot 28, Concession 5



COMMENTS:

☐

We have reviewed the Proposal and have no comments or objections to its approval.

☒

We have reviewed the proposal and have no objections to its approval, subject to the following comments (attached below).

☐

We are unable to respond within the allotted time for the following reasons (attached) you can expect our comments by _____.

☐

We have reviewed the proposal and have the following concerns (attached below)

☐

We have reviewed the proposal and our previous comments to the Town/City, dated _____, are still valid.

Alectra Utilities (formerly PowerStream) has received and reviewed the submitted plan proposal. This review, however, does not imply any approval of the project or plan.

The owner, or agent, of this proposed plan is required to contact Alectra and discuss all aspects of the above project.

The standard electrical supply to Industrial, Commercial, Institutional and High Rise Condominium projects is via a pad mounted transformer. The proposed transformer shall be located 6m (or more) from windows, doors, vents and any flammable materials on the building site. In the event the 6m clearance cannot be achieved, Alectra will require the installation of a fire/blast wall (6"poured reinforced concrete, 8"solid block, or 12" hollow 85% fill). The transformer must also be located within 3-4.5m of a parking area, driveway or hard surface for access by service vehicles. The access must be from within the customer's property, not from a local roadway or adjacent properties, and must provide adequate access for a line truck. Primary voltage duct bank standards* and the transformer base and grounding standards will be provided to the customer once the primary supply point(s) have been established by Alectra, and the customer's main service size has been established by their Consultant. *(see attachment 4)

All proposed billboards, signs, and other structures associated with the development must maintain minimum clearances to the existing overhead or underground electrical distribution system as specified by the applicable standards, codes and acts referenced.

The transformer precast base cannot be located over parking structures or over an underground parking garage. Where the transformer is to be situated on a graded slope, a notched-out area must be established for the transformer base to be installed, with adequate space to accommodate the grounding requirements and guard post/bollards if required. The primary duct bank cannot be integrated into the poured flooring of the building.

Alectra will require one architectural site plan showing the proposed transformer location, one electrical site plan, and an electrical single-line drawing, both in hard copy (PDF file, P.Eng. approved version) and electronic AutoCAD (latest version), along with the completed and signed Service Application Information Form (SAIF). Additionally, a complete building elevation drawing (including subsurface excavations) is required to ensure the project is not in conflict with any existing overhead or underground components of the electrical distribution system. Alectra also requires a letter from the owner, or the agent, stating that the proposed building-to-existing electrical distribution

system clearances have been checked and are in compliance with the current requirements of the applicable standards, acts and codes referenced below.

In the event that the building commences construction, and the clearance between any component of the building structure and the adjacent existing overhead and underground electrical distribution system violates the Occupational Health and Safety Act, the customer will be responsible for 100% of the costs associated with Alectra making the work area safe. All construction work will be required to stop until the safe limits of approach can be established.

In the event the building is completed, and the clearance between the building and the adjacent existing overhead and underground electrical distribution system violates the any of applicable standards, acts or codes referenced, the customer will be responsible for 100% of Alectra's cost for any relocation work.

Once Alectra has received all proposed details and are satisfied with the design, Alectra will provide the customer with an *Offer to Connect* which will specify all the details and the responsibilities of each party. Once the Offer is signed and full payment received by Alectra, Alectra will start the final design and state and/or obtain the required approvals from the Local Municipality.

The information on the SAIF must be as accurate as possible to reduce unnecessary customer costs, and to provide a realistic In-Service Date. The information from the SAIF is also used to allocate/order materials, to assign a Technician to the project, and to place the project in the appropriate queue.

If the customer intends to use the permanent transformer for providing temporary power during construction, the temporary service requirements on the Application Form must be included. Amperage, voltage and the proposed secondary cable sizes, in order to calculate the cost in the *Offer to Connect*, are to be provided.

When the customer is ready to proceed, they will need to contact the New Connections Call Centre at (905) 417 - 6900 ext. 25713, or toll free 1-877- 963- 6900 ext. 25713 to obtain a Service Application Information Form (SAIF).

(Note to help expedite the request for final connection please ensure the job specific Ref# for your project is on all communication, drawings and Electrical Safety Authority (ESA) Connection Authorization Forms(CA).

The form is to be completed and returned, with the signed copies to the attention of Susan DiBratto. If this proposed development is condominium-related, also contact Alectra Metering Manager, Eddie Augusto at (905) 532 4433 for information about suite metering.

References:

- Ontario Electrical Safety Code, latest edition (Clearance of Conductors from Buildings), attached
- Ontario Health and Safety Act, latest edition (Construction Protection)
- Ontario Building Code, latest edition (Clearance to Buildings)
- PowerStream (Construction Standard 03-1, 03-4), attached
- Canadian Standards Association, latest edition (Basic Clearances)

Service Application Information Form to be completed and returned with the following documentation in order to prepare the Offer to Connect and/or Easements if required:

1. A copy of a current Parcel Register or Abstract of Title to include the property owner's name, address, telephone and fax numbers and pin number.

2. Title documents pertaining to the subject property to include the transfer deed of land, any encumbrances/Certificate of incorporation and any amendments showing the current correct corporate name and address as filed with the appropriate Government Office.

Please ensure that the reference number is included on your Electrical Inspection Certificate.

Regards,

Regards,

Susan DiBratto, C.E.T.

Supervisor, Distribution Design, ICI & Layouts

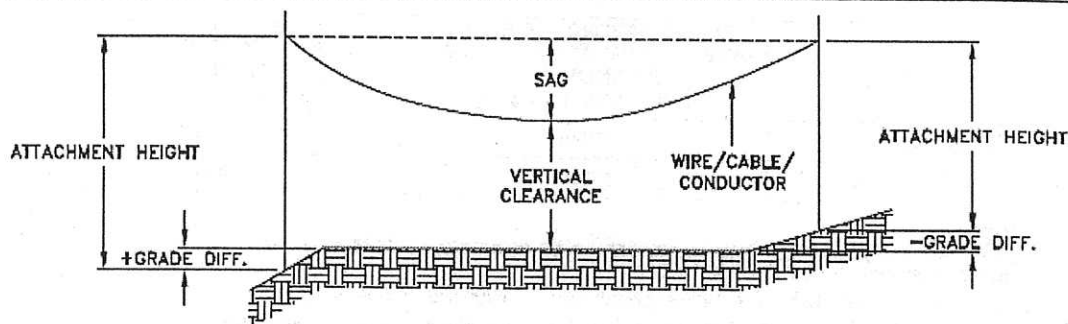
Phone: 1-877-963-6900 ext. 24577

Fax: 905-532-4401

E-mail: susan.dibratto@alectrautilities.com

Service Application Information Form is available by calling 1-877-963-6900 ext. 25713

LOCATION OF WIRES, CABLES OR CONDUCTORS	SYSTEM VOLTAGE			
	SPAN GUYS AND COMMUNICATIONS WIRES	UP TO 600V AND NEUTRAL	4.16/2.4kV TO 27.6/16kV (SEE NOTE 1)	44kV
	MINIMUM VERTICAL CLEARANCES (SEE NOTE 2)			
OVER OR ALONGSIDE ROADS, DRIVEWAYS OR LANDS ACCESSIBLE TO <u>VEHICLES</u>	442cm	442cm	480cm	520cm
OVER GROUND ACCESSIBLE TO <u>PEDESTRIANS</u> AND <u>BICYCLES</u> ONLY	250cm	310cm	340cm	370cm
ABOVE TOP OF RAIL AT <u>RAILWAY CROSSINGS</u>	730cm	730cm	760cm	810cm



MINIMUM ATTACHMENT HEIGHT = MAXIMUM SAG
 + MINIMUM VERTICAL CLEARANCE (FROM ABOVE TABLE)
 ± GRADE DIFFERENCE
 + 0.3m (VEHICLE OR RAILWAY LOCATION)
 + SNOW DEPTH (PEDESTRIAN LOCATION, SEE NOTE 3)

NOTES:

1. THE MULTIGROUNDED SYSTEM NEUTRAL HAS THE SAME CLEARANCE AS THE 600V SYSTEM.
2. THE VERTICAL CLEARANCES IN THE ABOVE TABLE ARE UNDER MAXIMUM SAG CONDITIONS.
3. REFER TO CSA STANDARD C22.3 No.1, ANNEX D FOR LOCAL SNOW DEPTH VALUES.
4. ALL CLEARANCES ARE IN ACCORDANCE TO CSA STANDARD C22.3.

CONVERSION TABLE

METRIC	IMPERIAL (APPROX)
810cm	27'-0"
760cm	25'-4"
730cm	24'-4"
520cm	17'-4"
480cm	16'-0"
442cm	15'-5"
370cm	12'-4"
340cm	11'-4"
310cm	10'-4"
250cm	8'-4"

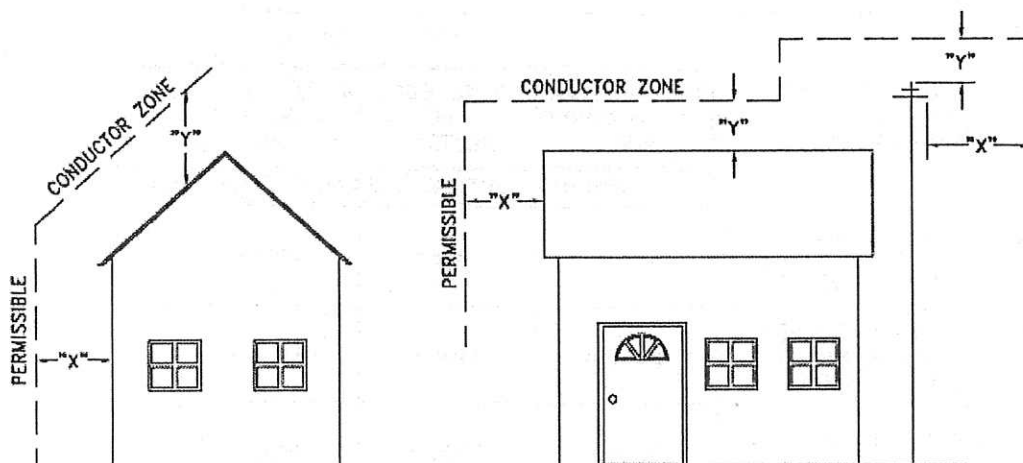
REFERENCES

SAGS AND TENSIONS | SECTION 02

MINIMUM VERTICAL CLEARANCES OF WIRES, CABLES AND CONDUCTORS ABOVE GROUND OR RAILS

ORIGINAL ISSUE DATE: 2010-DEC-24 REVISION NO: R1 REVISION DATE: 2012-JAN-09

Certificate of Approval	
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Joe Crozier, P.Eng.	2012-JAN-09
Name	Date
P.Eng. Approval By:	Joe Crozier



VOLTAGE	MINIMUM HORIZONTAL CLEARNACE UNDER MAXIMUM SWING CONDITIONS DIMENSION "X" (SEE NOTES 1, 3 & 4)	MINIMUM VERTICAL CLEARANCE UNDER MAXIMUM DESIGN SAG CONDITIONS DIMENSION "Y" (SEE NOTES 1, 2, 4 & 5)
0-600V AND NEUTRAL	100cm	250cm
4.16/2.4 TO 44kV	300cm	480cm

NOTES

1. UNDER NO CIRCUMSTANCES SHALL A CONDUCTOR BE PERMITTED TO PENETRATE THE ENVELOPE SHOWN BY THE DOTTED LINE.
2. THE VERTICAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM DESIGN SAG.
3. THE HORIZONTAL CLEARANCES ARE UNDER CONDITIONS OF MAXIMUM SWING, WHERE THE CONDUCTOR SWING IS NOT KNOWN A HORIZONTAL CLEARANCE OF 480CM SHALL BE USED.
4. BUILDINGS THAT EXCEED 3 STOREYS OR 15M IN HEIGHT, THE MINIMUM HORIZONTAL CLEARANCE OF THE SECONDARY CONDUCTORS SHOULD BE INCREASED TO 300cm WHERE IT IS NECESSARY TO ALLOW FOR THE RAISING OF LADDERS BY LOCAL FIRE DEPARTMENTS.
5. IN SITUATIONS SUCH AS MULTI-LEVEL GARAGES, WHERE ROOFS ARE NORMALLY USED BY PERSONS AND VEHICLES, THE VERTICAL CLEARANCES OF POWERSTREAM STANDARD 03-1 SHALL APPLY.
6. DISTRIBUTION LINES CONSTRUCTED NEAR BUILDINGS SHALL BE BUILT TO AVOID OVERHANG WHEREVER POSSIBLE. WHERE LINES MUST BE CONSTRUCTED OVER OR ADJACENT TO BUILDINGS THE APPLICABLE HORIZONTAL AND VERTICAL CLEARANCES SHALL BE AT CONDITIONS OF MAXIMUM CONDUCTOR SWING AND MAXIMUM SAG. THE ABOVE CLEARANCES ARE DESIGNED TO PREVENT PERSONS ON OR IN BUILDINGS AS WELL AS EXTERNAL MACHINERY USED IN CONJUNCTION WITH A BUILDING TO COME IN CONTACT WITH CONDUCTORS. EFFORTS SHOULD BE MADE TO INCREASE THESE CLEARANCES WHERE POSSIBLE.
7. ALL CLEARANCES ARE IN ACCORDANCE TO CSA C22.3 NO.1-06 (TABLE-9).

CONVERSION TABLE	
METRIC	IMPERIAL (APPROX)
480cm	16'-0"
300cm	10'-0"
250cm	8'-4"
100cm	3'-4"

**MINIMUM VERTICAL & HORIZONTAL CLEARANCES
OF CONDUCTORS FROM BUILDINGS OR OTHER
PERMANENT STRUCTURES (CONDUCTORS NOT
ATTACHED TO BUILDINGS)**

Certificate of Approval	
This construction Standard meets the safety requirements of Section 4 of Regulation 22/04	
Debbie Dalwani, P.Eng.	2010-MAY-05
Name	Date
P.Eng. Approval By: <u>D. Dalwani</u>	

ORIGINAL ISSUE DATE: 2010-MAY-05 REVISION NO: REVISION DATE:
TS/Systems Planning and Standards/Standard Design/PowerStream Standard Design/PowerStream Standards working Notes/Section 03-4 R0 May 5, 2010, Issued 5/5/2010 10:20:03 AM, Adobe PDF

75-706 Primary and secondary lines clearances

- (1) The poles that support the phase conductor of a primary line shall be so located and of such height as to afford a clearance of 7 m measured vertically between the conductors under maximum sag conditions and the ground.
- (2) Notwithstanding Subrule (1) for high voltage line installations where plans are submitted for examination to the inspection department, the clearances listed in Table 34 are acceptable.
- (3) The primary line neutral shall be considered a secondary conductor and shall have the same minimum vertical clearance as specified in Subrule (4).
- (4) Conductors of a secondary line shall have a minimum 6.1 m measured vertically between the conductors under maximum sag conditions and the ground.
- (5) Notwithstanding Subrule (1) for high and low voltage line installations on public right of ways, for the purpose of roadway lighting systems or traffic control systems, CSA C22.3 No. 1, Overhead systems, or the Ontario Provincial Standards shall be permitted.

75-708 Clearances of conductors from buildings

- (1) An overhead primary line conductor shall be kept at least 3 m at maximum conductor swing measured horizontally from a building.
- (2) Primary line conductors shall not be installed over buildings unless the installation is lawful under Rule 2-030, and work shall not begin until the plans and specifications for the work are approved in accordance with Rule 2-010.
- (3) No building, mobile home or structure shall be placed or constructed within at least 3 m at maximum conductor swing measured horizontally from the nearest conductor of an overhead primary line.
- (4) Where the conductor swing is not known, a distance of 1.8 m shall be used.
- (5) An overhead secondary line conductor shall be kept at least 1 m measured horizontally from any building except where necessary to connect to the electrical wiring of a building.

75-710 Clearances for other structures

- (1) Notwithstanding Rule 36-110, conductors of a primary line shall
 - (a) not be located closer than 12 m measured horizontally from silos to the closest conductors, with the conductor at rest;
 - (b) not be located over wells from which pump rods may be lifted and come in contact with the conductors;
 - (c) have sufficient clearance from free-standing poles that support flood or area lighting, flagpoles, antennae, or other similar structures so as to permit the structure to fall in an arc, without touching the conductors at rest;
 - (d) not be located within 6 m, measured horizontally from wind-mills or similar structures to the closest conductor, with the conductor at rest; and
 - (e) have a minimum vertical clearance of 3.1 m above fencing at maximum sag.
- (2) Conductors of a secondary line shall not be installed closer than 1 m measured horizontally from structures.
- (3) The poles and equipment associated with a primary or secondary line shall be located and suitably protected so as to avoid the possibility of damage from contact with vehicles.

75-712 Tree trimming

- (1) The owner of a private line shall provide clearance to the line from trees and other forms of woody growth in compliance with a code or standard under a rule or by-law of the supply authority concerning tree trimming.
- (2) Where there is no applicable code or standard under a rule or by-law of the supply authority concerning tree trimming, all trees and woody growth adjacent to a line shall be trimmed so that minimum clearance to the nearest conductor horizontally at maximum conductor swing and vertically at a maximum sag shall be
 - (a) 1 m for secondary lines; and
 - (b) 4 m for primary lines.

Grounding and bonding

75-800 Grounding of equipment mounted on steel poles

- (1) A steel pole shall be permitted to be used as the grounding electrode for equipment mounted on the pole where the steel pole is directly embedded in soil and the portion of the pole in contact with the soil is not coated with any non-metallic coating or covering and such an installation is in accordance with the manufacturer's recommendations.
- (2) Where a pole is used as the ground electrode for the transformer, the transformer shall be bonded to the pole and the neutral in accordance with Specification 44 or 45.

Urban Design Issues

October, 2013

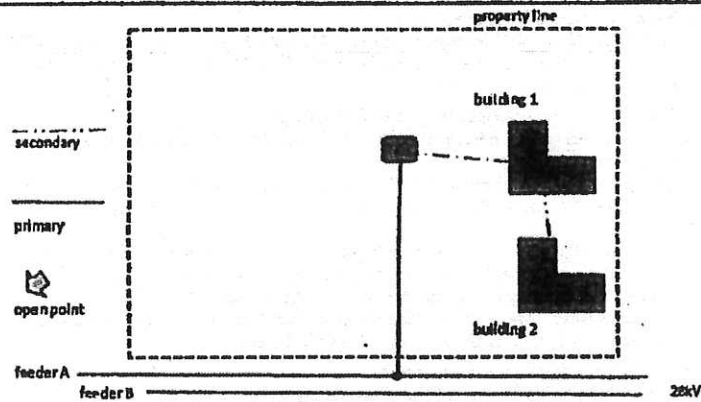


FIGURE 2: 2 BUILDING CONNECTION less than 1,000kVA

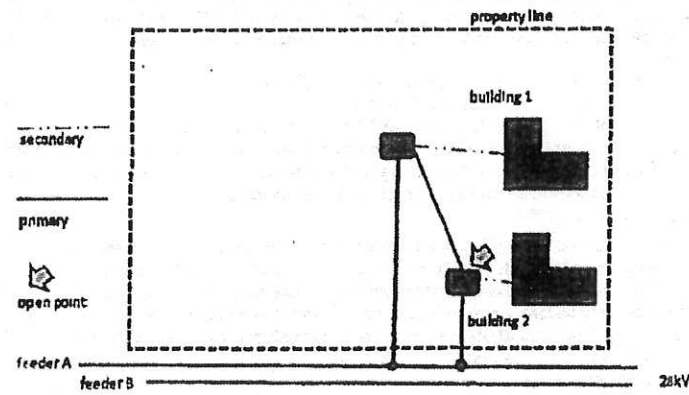


FIGURE 3: 2 BUILDING CONNECTION greater than 1,000kVA

Final Version, October 1, 2013

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October, 2013

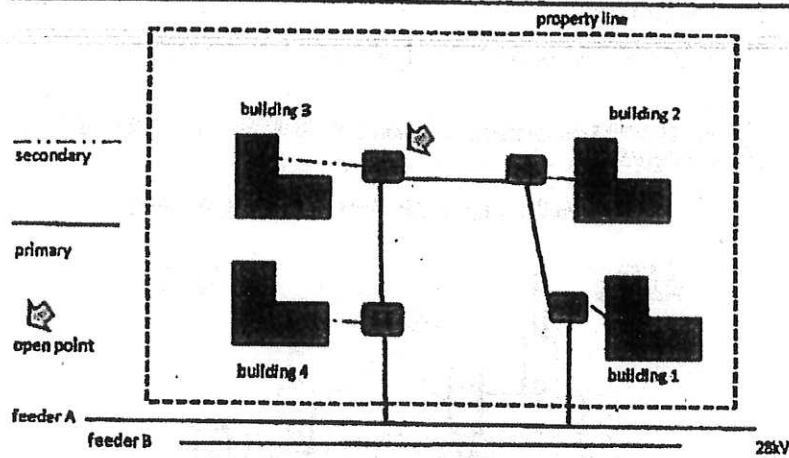


FIGURE 4: MULTI BUILDING CONNECTION greater than 1,000kVA

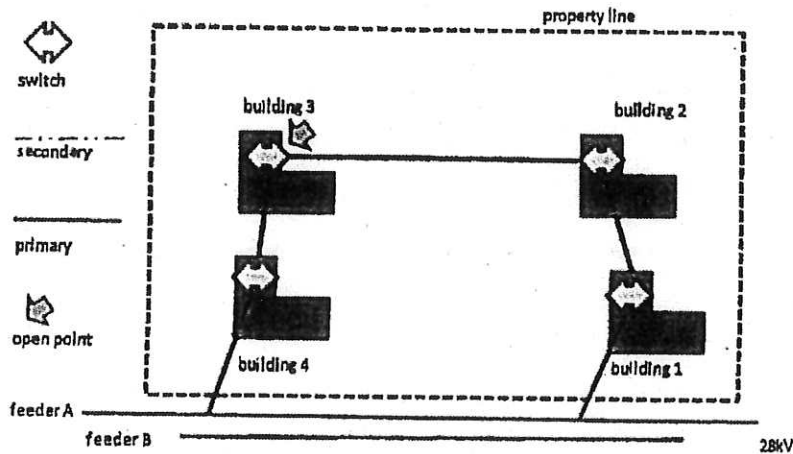
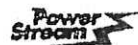


FIGURE 5: DRY TYPE TRANSFORMERS greater than 1,000kVA

Final Version, October 1, 2013



(4) Underground consumer's service raceway entry into a building

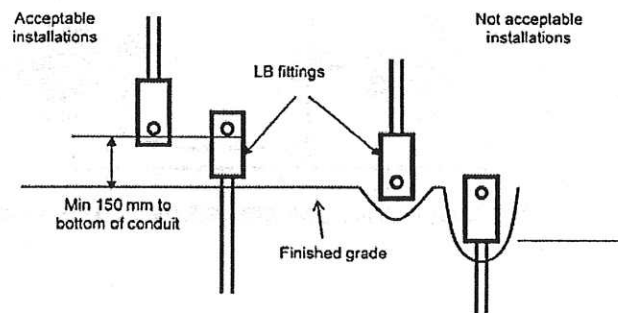
Subrule 6-300(3) requires that an underground consumer's service raceway enter a building above ground where practicable. If it is not practicable, then the raceway must be suitably drained or installed in such a way that moisture and gas will not enter the building.

The intent of the Subrule is to prevent water leaking into either the building or the electrical service equipment and causing damage.

Questions have arisen as to how we determine "above ground" or "above grade".

Above ground or grade will be interpreted as any part of the building that is more than 150 mm above the finished grade. (See Figure B1)

Figure B1 – Interpretation of "above ground"





**Alectra Utilities (Formerly PowerStream Inc.) Distribution
Design Department**

Site Plan and Building Permit Submission Guideline

Version 1.1: March 31, 2017

1. INTRODUCTION

The *Site Plan and Building Permit Submission Guideline* has been developed to assist the site plan applicant, consultant and contractor to achieve approval from Alectra Utilities for the integration of their proposed facility with respect to Alectra Utilities' existing Electrical Distribution System (EDS).

The information that follows will assist the applicant in achieving a satisfactory engineering submission, prior to submitting for a building permit or site application submission, whichever process is applicable.

The applicant shall pre-consult with Alectra Utilities Distribution Design to discuss the submission and to review the project characteristics.

2. ENGINEERING DRAWING REQUIREMENTS

The applicant is to supply one engineering drawing that explicitly depicts the proposed facilities within the property lines and how these facilities will be situated with respect to the existing Alectra Utilities EDS. This drawing shall be submitted as part of the site plan or building permit application to the City, which will be circulated to Alectra Utilities.

The following is a list of general requirements that are required with the submitted engineering drawing:

1. the drawing shall be drawn at 1:200, 1:250, 1:400 or 1:500 scales and supplied in PDF format.
2. all drawing components shall be legible.
3. north arrow shall be prominent.
4. benchmark reference data used shall be indicated.
5. a key plan indicating site location and nearest roads included is required.
6. the name of applicant is to be clearly indicated.

7. municipal planning file reference number and/or building permit number (ie DA-----) shall be clearly indicated.
8. the name, address, fax and phone numbers of the firm preparing the site plan is to be clearly indicated.
9. the site address is to be clearly indicated.
10. the drawing is to be stamped and sealed by the applicable licensed Ontario Professional Engineer.
11. all easements are to be shown.

The following is a list of site specific requirements that form the engineering drawing:

12. a plan view is to be shown that details the perimeter of the facilities to be constructed.
13. a profile view is to be shown that details the perimeter of the facilities to be constructed.
14. municipal roads – show full road allowance widths.
15. sidewalks and walkways are to be shown.
16. property lines (front, back and sides as applicable) to be clearly indicated.
17. driveways to be clearly indicated, and shall be setback a minimum clearance of 1.5 m from all above ground EDS components.
18. lights standards to be clearly indicated.
19. hydro poles and down guys to be clearly indicated.
20. telephone poles and down guys to be clearly indicated.
21. transformers, either pad-mounted or aerial to be clearly indicated and drawn to scale.

22. utility vaults, chambers, pedestals to be clearly indicated
23. trees, bushes and hedges to be clearly indicated.
24. existing structures to be demolished/and or maintained to be clearly indicated.
25. placement of all existing primary wires on the existing poles to be clearly indicated.
26. placement of all existing underground hydro wires are to be clearly indicated.
27. populating and placement of "x", "x₁", "x₂" (and X_n depending on the number required) dimensions that clearly identifies the new facilities and their proximity to existing primary lines and to the property lines. The distances shown must be in compliance with the latest version of relevant legislation (as a minimum, ESA, CSA, Building Code, Alectra Utilities Standards - partial samples are included in the attachments) and must be shown in both the plan and profile drawings. **These are required to explicitly depict the location of these relative to the proposed facilities on the submitted engineering drawing. If the proximity in any direction, as noted in the sample drawing is less than 4m, or if a grading change is within the 4m limit, then close scrutiny of the project will be initiated.**
28. providing details of proposed grade changes that will affect existing hydro poles, transformers or switchgear (all drawn to scale). This includes the cases where existing equipment may lay just outside the limits of the development, but will be affected by the boulevard grading on roads adjacent to the development. These should be clearly shown on the drawing with its own profile, showing both the existing and proposed grades.

See the sample drawing enclosed for greater clarity.

3. NOTES FOR PREPARATION OF THE SUBMISSION

1. All construction work shall be in accordance with the requirements of the Occupational Health & Safety Act.

2. The applicant shall retain the services of the consultants to resolve any conflict issues that may arise between the existing EDS and the proposed facilities.
3. For design purposes, all components of the existing Alectra Utilities EDS are to be accurately located and measured for proximity to proposed facilities. In accordance with Regulations, prior to commencing excavation, locates must be performed.

4. ADDITIONAL INFORMATION

1. In the event that the drawing is not submitted or not adequately submitted, Alectra Utilities will not provide its approval to the Municipality, and the Site Plan and/or Building Permit Approval process will be delayed.
2. If the information provided by the applicant is found to be incorrect, and there are costs associated with remediation for code compliance, 100% of the costs shall be borne by the applicant.
3. Any costs associated with remediation of conflicts with Alectra Utilities existing services will be paid for by the Applicant, with the work being performed by Alectra Utilities. Full cost of the required funds must be provided prior to any design work commencing.
4. After approval of the drawing submission for the site plan application or building permit process, the applicant is required to contact Alectra Utilities' New Connections department to create a project reference number and to discuss the project servicing needs with Distribution Design. This includes, but is not limited to, submission of the Service Information Application Form, submission of full site plans, architectural drawings, full elevations, building electrical loads, required voltage and metering needs.
5. After the Consultant's design is complete for the electrical service to the property, and Alectra Utilities has approved the design, Alectra Utilities will supply the applicant with an Offer to Connect. As part of this process, any and all exclusive customer costs and work to resolve conflicts (noted in 3 above) must be completed.

ATTACHMENTS

3.1.17.3.

2006 Building Code

Ontario

3.1.19. Above Ground Electrical Conductors

3.1.19.1. Clearance to Buildings

- (1) Where a *building* is to be *constructed* in proximity to existing above ground electrical conductors of a voltage not less than 2.5 kV and not more than 46 kV,
 - (a) the *building* shall not be located beneath the conductors, and
 - (b) the horizontal clearance between the *building* and the maximum conductor swing shall be not less than 3 m.
- (2) Where a *building* is to be *constructed* in proximity to existing above ground electrical conductors of a voltage more than 46 kV, the clearances between the *building* and the conductors shall conform to the requirements of CAN/CSA-C22.3 No.1, "Overhead Systems".

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ELECTRICAL SAFETY CODE

- 75-312 Clearances of Conductors from Buildings
 - (1) An overhead primary line conductor shall be kept at least 3 m at maximum conductor swing measured horizontally from a building.
 - (2) Primary line conductors shall not be installed over buildings unless the installation is lawful under Rule 2-030, and work shall not begin until the plans and specifications for the work are approved in accordance with Rule 2-010.
 - (3) No building, mobile home or structure shall be placed or constructed within at least 3 m at maximum conductor swing measured horizontally from the nearest conductor of an overhead primary line.

© Canadian Standards Association

Overhead systems

5.3 Vertical design clearances and separations

5.3.1 Vertical design clearances of wires and conductors above ground or rails

5.3.1.1 Basic clearances

The minimum vertical clearances of wires and conductors above ground or rails shall be as specified in Clause 5.2 and Tables 2 and 4, except that

- (a) the clearances over roadways or other areas where vehicles are expected to be used are based on a combined vehicle and load height of 4.15 m. For provinces and territories that permit the combined vehicle and load height to exceed 4.15 m, the applicable clearance specified in Tables 2 and 4 shall be increased by the amount by which the allowable combined vehicle and load height exceeds 4.15 m;
- (b) for altitudes exceeding 1000 m and where voltages exceed 50 kV, the clearances specified in Table 2 shall be increased by 1% for each 100 m increase in excess of 1000 m above mean sea level;
- (c) because the rail level of a railway where ballast is used is not fixed, when any line that crosses a railway is constructed or altered, an additional 0.3 m of vertical clearance above rails shall be provided, unless a lesser amount is mutually agreed upon, to permit normal subsequent ballast adjustments without encroaching on the specified minimum clearance;
- (d) when a line that crosses or will cross any public thoroughfare likely to be travelled by road vehicles is constructed or altered, an additional 0.225 m of vertical clearance shall be provided to permit the

July 2010

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SAMPLE DRAWING SUBMISSION

PLAN VIEW

PROFILE VIEW: "A-A"

NOTES:

1. "C" DIMENSION REPRESENTS MINIMUM CLEARANCES. ACTUAL DIMENSIONS WILL BE PROVIDED BY CUSTOMER OR CUSTOMER'S AGENT. MUST BE ADHERED TO.
2. THE FOLLOWING CODES MUST BE ADHERED TO:
 - 2.1. ONTARIO BUILDING CODE (LATEST EDITION (CLEARANCE TO BUILDINGS))
 - 2.2. ONTARIO ELECTRICAL CODE (LATEST EDITION (CLEARANCE OF CONDUCTORS FROM BUILDINGS))
 - 2.3. ONTARIO MECHANICAL & SAFETY ACT (LATEST EDITION (CONSTRUCTION PROTECTION))
 - 2.4. POWERSTREAM (CONSTRUCTION STANDARD 03-4)
 - 2.5. CANADIAN STANDARDS ASSOCIATION LATEST EDITION (BASIC CLEARANCES)

PROJECT PROPOSAL: COMPANY NAME: ADDRESS: PHONE: FAX: EMAIL:	DRAWN BY: CHECKED BY: DATE:	ARCHITECTURAL ENGINEERING STAMP
	MUNICIPALITY NAME: ADDRESS OF PROJECT: PLANNING FILE REF. NO.:	SCALE: DWG. FILE: DWG. TITLE: PROJECT NO.:

Introduction

The Building Plan Submission Guideline has been developed to assist the applicant in achieving approval from Alectra Utilities for their proposed facility with respect to Alectra Utilities' existing Electrical Distribution System (EDS).

Requirements

The applicant is required to survey the lands outside the property lines to accurately locate existing hydro facilities and to explicitly depict the location of these relative to the proposed facilities on the submitted engineering drawing. If the proximity in any direction, as noted in the sample drawing, is less than 4m, or if a grading change is within the 4m limit, then a submission to Alectra Utilities is required.

This is to be accomplished by providing the information below, on both the plan and profile views:

1. populating and placement of "x₁" and "x₂" dimensions that clearly identifies the new facilities and their proximity to existing primary lines and to the property lines. The distances shown must be in compliance with the latest version of relevant legislation (as a minimum, ESA, CSA, Building Code, Alectra Utilities Standards - a sample of each is included in the attachments) and must be shown in both the plan and profile drawings. This applies to both above and below ground facilities.
2. providing details of proposed grade changes that will affect existing hydro poles, transformers or switchgear, both within the property and adjacent to it. This includes the cases where existing equipment may lay just outside the limits of the development, but will be affected by the boulevard grading on roads adjacent to the development. These should be clearly shown on the drawing with its own profile, showing both the existing and proposed grades.

For design purposes, all components of the existing Alectra Utilities EDS are to be accurately located and measured for proximity to proposed facilities. In accordance with Regulations, prior to commencing excavation, locates must be performed.

In the event that the drawing is not submitted or not adequately submitted, Alectra Utilities will not provide its approval to the Municipality, and the Building Permit Approval process may be delayed.

Any costs associated with remediation of conflicts with Alectra Utilities existing services will be paid for by the Applicant, with the work being performed by Alectra Utilities. Full cost of the required funds must be provided prior to any design work commencing.

In the event where the applicant requires a new service, or changes to their existing service, after approval of the drawing submission for the building permit application process, the applicant is required to contact Alectra Utilities Customer Care to create a project file and to discuss the project servicing needs with Distribution Design. This includes, but is not limited to, submission of the Service Information Application Form, submission of full site plans, architectural drawings, full elevations, building loads, required voltage and metering needs.

After the design is complete for the electrical service to the property, Alectra Utilities will supply the applicant with an Offer to Connect: As part of this process, any and all exclusive customer costs and work to resolve conflicts must be completed.

Birch, Carol

From: circulations@wsp.com
Sent: Friday, November 01, 2019 7:59 AM
To: Birch, Carol
Subject: ZBLA (Z.19.007) and Draft Plan of Subdivision (19T-19V002) , East of Highway 400, Vaughan

2019-11-01

Carol Birch

Vaughan

, ,

Attention: Carol Birch

Re: ZBLA (Z.19.007) and Draft Plan of Subdivision (19T-19V002) , East of Highway 400, Vaughan; Your File No. Z.19.007,19T-19V002,DA.19.072

ur File No. 85778

Dear Sir/Madam,

We have reviewed the circulation regarding the above noted application.

The following paragraph is to be included as a condition of approval:

"The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements".

We hereby advise the Developer to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.

As you may be aware, Bell Canada is Ontario's principal telecommunications infrastructure provider, developing and maintaining an essential public service. It is incumbent upon the Municipality and the Developer to ensure that the development is serviced with communication/telecommunication infrastructure. In fact, the 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems (Section 1.6.1).

The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to

enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. Please note, however, that **all responses to circulations and other requests, such as requests for clearance, come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

As of June 1, 2019, Meaghan Palynchuk will be taking maternity leave and returning in the first quarter of 2020. In my absence please contact Ryan Courville for any matters concerning this file.

Yours truly,

Ryan Courville
Access Network Provisioning Manager
Municipal Relations
Phone: 416-570-6726
Email: planninganddevelopment@bell.ca

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Enbridge Gas Inc.
500 Consumers Road
North York, Ontario M2J 1P8
Canada

November 4, 2019

Carol Birch
Planner
City of Vaughan
Development Planning Department
2141 Major Mackenzie Drive
Vaughan, ON L6A 1T1

Dear Carol,

Re: Draft Plan of Subdivision (Revised), Site Plan Application (New), Zoning By-law Amendment (Revised)
Conmar Developments Inc. & Fenlands Vaughan Inc.
Part Lot 28, Concession 5, Jane Street
City of Vaughan
File No.: 19T-19V002, DA-19-072, Z-19-007

Enbridge Gas Inc. does not object to the proposed application(s).

This response does not constitute a pipe locate or clearance for construction.

The applicant shall contact Enbridge Gas Inc.'s Customer Connections department by emailing SalesArea30@Enbridge.com for service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping (including, but not limited to: tree planting, silva cells, and/or soil trenches) and/or asphalt paving.

If the gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phase construction, all costs are the responsibility of the applicant.

In the event that easement(s) are required to service this development, the applicant will provide the easement(s) to Enbridge Gas Inc. at no cost.

The applicant will grade all road allowances to as close to final elevation as possible, provide necessary field survey information and all approved municipal road cross sections, identifying all utility locations prior to the installation of the gas piping.

Enbridge Gas Inc. reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in cursive script that reads 'Alice Coleman'.

Alice Coleman
Municipal Planning Coordinator
ENBRIDGE GAS INC.
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com
Safety. Integrity. Respect.



DELIVERY PLANNING
 200 – 5210 BRADCO BLVD
 MISSISSAUGA, ON L4W 2G7
 CANADAPOST.CA

June 28, 2019

City of Vaughan – Planning Department

To: Carol Birch

Reference: **File: 19T-19V002 related files: Z.19.007**
 Part Lot 28, Concession 5
 Warehouse distribution Centre with attached office building.

Canada Post Corporation appreciates the opportunity to comment on the above project. In order to provide mail service to the Warehouse Distribution Centre and an attached Office Building at this development, Canada Post requests that the owner/developer comply with the following conditions:

The owner/developer will provide the building with its own centralized mail receiving facility. This lock-box assembly must be provided and maintained by the Owner/Developer in order for Canada Post to provide mail service to the tenants of this project.

The owner/developer agrees to provide Canada Post with access to any locked doors between the street and the lock - boxes via the Canada Post Crown lock and key system. This encompasses, if applicable, the installation of a Canada Post lock in the building's lobby intercom and the purchase of a deadbolt for the mailroom door that is a model which can be retro-fitted with a Canada Post deadbolt cylinder.

Buildings with 100 or more units would require a back-fed mailroom. The developer/owner must supply, install and maintain a centralized mailbox facility to Canada Post's specifications.

The specifications can be found in our Delivery Standards Manual, which can be downloaded from this link:

https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf

As the project nears completion, it is requested that the Developer contact me directly for a Postal Code as any existing postal coding will not apply and new postal codes will be issued for this development.

Sincerely,

Lorraine Farquharson

Lorraine Farquharson
 Delivery Services Officer | Delivery Planning - GTA
 200 – 5210 Bradco Blvd, Mississauga, ON L6W 1G7
 416-262-2394
 lorraine.farquharson@canadapost.ca

Ministry of
Transportation
Corridor Management Section
Central Region
7th Floor, Bldg. D
159 Sir William Hearst Ave
Downsview, ON M3M 0B7
Tel (416) 235- 4269
Fax (416) 235-4267

Ministère des
Transports
Section de la gestion des couloirs routiers
Région du Centre
7^e étage, édifice D
159 Avenue Sir William Hearst
Downsview ON M3M 0B7
Tél: 416 235-4269
Télé: 416 235-4269



City of Vaughan
2141 Major Mackenzie Drive
Vaughan, ON
L6A 1T1

December 3, 2019

File: Z.19.007, 19T-19V002

RE: Hwy 400/Teston Rd. East Z. 19.007 and Draft Plan of Subdivision 19T-19V002, Lot 28 Con 5 City of Vaughan.

Attention: **Carol Birch,**

We have reviewed the above mentioned applications and have following comments:

Zoning By-law Amendment:

Ministry has no concerns with the proposed Amendment.

Draft Plan of Subdivision:

Ministry requires that any new buildings/structures (including internal roads) above and below ground (including detention ponds) be setback a minimum distance of 14 m from the Hwy 400 property line.

The owner must be made aware that Ministry permits are required for all buildings located within 46m from Highway 400 property line and the radius of 396m from the centrepont of Highway 400 and Teston Road interchange, prior to any construction being undertaken. Permits must be obtained from our office. Applications are also available on our web site at:
www.mto.gov.on.ca/english/engineering/management/corridor

As a Conditions of Draft Plan Approval, we will require the following:

1. Prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a copy of Stormwater Management Report, for the entire Block, Site Grading and Servicing Plan, addressing the intended treatment of the calculated runoff.
2. Prior to final approval, the owner shall submit to the Ministry of Transportation for review and approval a copy of a detailed and comprehensive Traffic Impact Study, for the entire Block, prepared in accordance to the Ministry guidelines, addressing the anticipated

traffic volumes and their impact on Hwy 400/Teston Road interchange.

3. Prior to final approval, the owner must submit to the Ministry of Transportation for review and approval a copy of the proposed site Lighting Design and Calculation in the isometric format, using AGI-32 and Auto- lux.
4. If the earth berm along Hwy 400 is anticipated, the berm (toe of slop) must be 0.3m setback from the highway property line and it must be approved by MTO.
5. If the development is constructed in phases, each phase will require a separate clearance letter from the Ministry.
6. Once all the above conditions are addressed to the Ministry satisfaction, the Clearance Letter will be issued to the City and then the owner can register the plan and apply for Ministry permits.

Please forward a copy of this letter to the proponent.

If you have any questions or require further clarification, please contact me at the number listed above at your earliest convenience

Sincerely,

Margaret Mikolajczak, CET
Senior Project Manager

cc. Kevin Scholz
Mark Yarranton KLM

Attachment 2 – Conditions of Site Plan Approval (City of Vaughan)

Site Development File DA.19.072 (Conmar Developments Inc. & Fenlands Vaughan Inc.) Conditions of Approval:

The Development Engineering Department recommends that Site Development File DA.19.072 be draft approved subject to the following conditions:

1. That prior to the execution of a Site Plan Agreement:
 - a. the Development Engineering Department shall approve the final grading plan, servicing plan (including interim and ultimate strategies), erosion and sediment control plan, Functional Servicing and Stormwater Management Report, Geotechnical Investigation Report and Transportation Studies;
 - b. the Owner shall have provided the updated downstream sanitary design sheets and related drawings to demonstrate that the Subject Lands can be adequately serviced for sanitary sewage, to the satisfaction of the Development Engineering Department;
 - c. the Owner shall have provided the updated water servicing analysis and related drawings to demonstrate that the Subject Lands can be adequately serviced by water, to the satisfaction of the Development Engineering Department;
 - d. the Owner shall have provided the updated storm servicing analysis and related to demonstrate that the Subject Lands can be adequately serviced for storm water, to the satisfaction of the Development Engineering Department;
 - e. the Owner shall have entered into a Developers' Group Agreement with the other participating landowners within Block 34 East to the satisfaction of the City. The agreement shall be regarding but not limited to all cost sharing for the provision of parks, cash-in-lieu of parkland, roads and municipal services within Block 34 East. This agreement shall also include a provision for additional developers to participate with the Developers' Group Agreement when they wish to develop their lands, all to the satisfaction of the Development Engineering Department.
 - f. the Owner shall submit a Letter from the Trustee for Block 34 East indicating that the Owner has fulfilled all cost sharing and other obligations of the Block 34 East Developers' Group Agreement, to the satisfaction of the Development Engineering Department;

- g. the Owner shall submit a draft reference plan to the Development Engineering Department for review prior to deposit for the conveyance of lands required for the creation of all required stormwater management ponds, any necessary municipal roads and municipal right-of-way(s) south of the Subject Lands, and shall arrange to prepare and register the associated reference plan at their expense, to the satisfaction of the Development Engineering Department;
- 2. The Site Plan Agreement shall include the following clauses:
 - a. The Owner shall convey to the City, the lands required for the creation of all required stormwater management blocks, any necessary municipal roads and municipal right-of-way(s) south of the Subject Lands, and shall prepare and register the associated reference plan at their expense, all to the satisfaction of the Development Engineering Department;
 - b. Following the creation of municipal roadway and right-of-way or when requested by the City, any temporary access driveways (i.e. access from Teston Road and Jane Street as shown on the civil engineering drawings) shall be removed complete with boulevard and road restoration to the satisfaction of the City and Region. The Owner shall agree to provide the necessary financial security in the form of a Letter of Credit, for this work, all to the satisfaction of the Development Engineering Department; and
 - c. The Owner shall decommission any temporary services constructed for the development and provide the necessary financial security in the form of a Letter of Credit for this work, all to the satisfaction of the Development Engineering Department.

Warning Clauses

- 1. "Should archaeological resources be found on the Subject Lands during construction activities, the Owner must immediately cease all construction activities and immediately notify the Ontario Ministry of Heritage, Tourism, Sport and Culture Industries and the City of Vaughan Development Planning Department"
- 2. "In the event that human remains are encountered during construction activities, the Owner must immediately cease all construction activities. The Owner shall contact the York Regional Police Department, the Regional Coroner, the Bereavement Authority of Ontario of the Ministry of Government and Consumer Services."

Attachment 3 – Conditions of Site Plan Approval

York Region Conditions of Approval for Site Development File: DA.19.072 (Conmar Development Inc. & Fenlands Vaughan Inc.)



Corporate Services
Community Planning and Development Services

November 22, 2019

Carol Birch
City of Vaughan Planning Department
2141 Major Mackenzie Drive
City of Vaughan, ON L6A 1T1

Dear Ms Birch:

**Re: First Site Plan Submission Comments
Conmar Developments Inc. and Fenlands Vaughan Inc.
11110 Jane Street**

City of Vaughan

**Town File No.: DA.19.072
Our File No.: SP.19.V.0268**

This is a preliminary letter, not an approval and it is subject to modification. It is intended to provide information to the applicant regarding the Regional requirements and comments that have been identified to date. By copy of this letter, feedback regarding the status of this application is being provided to the owner / municipality.

General Comments:

1. Please note that York Region will not issue site plan approval ahead of the subdivision registration and that engineering approval for the improvements to Jane Street is required as a condition of Subdivision registration.
2. A written response matrix is required explaining how each comment has been addressed. The resubmission shall consist of one digital copy only, and it shall be sent directly to York Region Development Services at developmentservices@york.ca
3. In order for York Region to be able to complete its review, the owner or applicant must submit the following information:

- ❑ Review Fee (minimum \$1,500.00 for Environmental clearance)
- ❑ Revised drawings based on comments below
- ❑ Survey Information indicating existing topography and current property lines, including existing widenings and reserves.
- ❑ Detailed Cost Estimate for all works in the Region's right of way
- ❑ Complete a Subsurface Utility Engineering (SUE) investigation to Quality Level B and as required Quality Level A. SUE Quality Levels as defined in CI/ASCE 38-02 –

The Regional Municipality of York | 17250 Yonge Street, Newmarket, Ontario L3Y 6Z1 1-877-464-9675 | york.ca

Standard Guideline for the Collection and Depiction of Existing Subsurface Utility Data. Show the results of the SUE Investigation on all pertinent civil drawings.

- ❑ Pavement Marking & Signage Drawings (existing and proposed)
- ❑ Permanent Signing Plans
- ❑ Revised Transportation Study (see comments below)
- ❑ Revised Functional Servicing Report (FSR) as per comments below
- ❑ Draft Reference Plan for Property Conveyance and Lifting Reserves (see comments below)
- ❑ Traffic Management Plan
- ❑ Construction Notes for works on Regional Road (see attached)

Development Engineering Comments:

4. Development Engineering has reviewed the subject application, and has red-lined all pertinent plans. See attached marked-ups **GR-1R**, **GR-2R**, and **GR-4**, and please address all comments prior to resubmission.
5. The Owner must obtain a Road Occupancy Permit from Corridor Control and Safety with the Roads and Traffic Operations Branch, prior to commencing any work on **Jane Street**. The Road Occupancy Permit will be released once the contractor has supplied proof that the Region is in receipt of securities and the Certificate of Insurance to the satisfaction of the Commissioner of Finance. A Road Occupancy Permit will be required as a condition of site plan approval. Details regarding the Road Occupancy Permit will be provided upon submission of the revised plans
6. Please note the following minimum requirements for working within a York Region Road allowance unless dictated otherwise on the Traffic/Construction Management Plan and Road Occupancy Permit:
 - i. No lane closures are permitted on weekdays between the hours of 5:00 a.m. to 9:30 a.m. and 3:30 p.m. to 9:00 p.m.;
 - ii. Any lane closures or lane encroachments that occur must be signed in accordance with the Ontario Traffic Manual (OTM) Book 7 "Temporary Conditions";
 - iii. Safe pedestrian access must be maintained at all times by the Owner's contractors. As such, safe passage for all pedestrians, including pedestrians with disabilities (blind, hearing impaired, on wheelchairs, etc.), must be ensured by the Owner's contractors.
 - iv. 24-hour contacts must be available throughout the duration of the project;
 - v. The characteristic and placement of all signs and traffic control or management shall conform to the standards of the Ontario Traffic Manual (OTM) Book 7 "Temporary Conditions" and as per the Occupational Health and Safety Act;

- vi. The manufacture and the erection of all signs for the Traffic Management Plan shall be the responsibility of the Contractor.
- vii. Paid Duty officers will be required for proposed or existing signalized works within intersections.
- 7. As per plan of Subdivision conditions of approval, ultimate property line grades shall be 0.2 metres above the centreline elevations of **Jane Street**.
- 8. This application is subject to payment of the Region's development review fees identified in York Region Fee By-law 2010-15, as amended. **The fee for application review is \$3,200.00 minimum or 7% of the estimated cost of works on the York Region road allowance, whichever is greater.** The minimum fee must be submitted so we can proceed with the review. Please forward a **certified cheque** in the amount **\$3,200.00 or 7% whichever is greater** to the Community Planning and Development Services Branch, payable to "The Regional Municipality of York", to the attention of the Development Review Coordinator.

The Region acknowledges receipt of the minimum review fees for \$3,200.00

- 9. Upon final review York Region shall advise the Owner of any other property, financial, legal, insurance, technical, notification and other requirements, which will become part of the conditions of approval for the subject application.
- 10. The Owner agrees that no portion of the building structure above or below ground or associated footings and construction shoring system shall encroach within the Regional right of way and or 0.3 metre reserve. Any unauthorized encroachment of the building structure above or below ground or associated footings and construction shoring system shall be removed at the owner's expense.
- 11. All exterior walls of building(s) shall be set back a minimum of 2 metres from the ultimate Regional right of way in order to avoid steps, retaining walls or doorways that may encroach onto the Regional right of way.
- 12. Please be advised York Region is protecting a **36 metre** right-of-way for this section of **Jane Street**. As such, York Region requests that all municipal setbacks be referenced from a point **18 metre(s)** from the centreline of construction of **Jane Street**.
- 13. The Owner shall convey the following lands, along the entire frontage of the site adjacent to **Jane Street**, to The Regional Municipality of York, free of costs and encumbrances:
 - sufficient property to provide an **18.0 metres setback from the centreline of construction of Jane Street**;

- sufficient property to provide 15.0 metre by 15.0 metre daylighting triangles at the **north-west and south-west** corners of **Jane Street and Road “2”**;
 - A **0.3** metre reserve across the full frontage of the site, except at the approved access location, adjacent to the above noted widening, where it abuts **Jane Street** and adjacent to the above noted widening(s), and
 - An additional **2** metre widening, **70** metres in length, together with a **80** metre taper for the purpose of a southbound right turn lane at the intersection of **Jane Street** and **Road “2”**.
12. **Prior to the execution of a site plan agreement**, the Owner shall provide a solicitor’s certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of the above referenced lands to York Region. Alternatively, the Owner shall submit documentation to York Region confirming that the existing streetline represents sufficient right-of-way as required by York Region Official Plan.

Transportation Services Comments:

13. Transportation Planning staff have reviewed the proposed development along with the supporting Transportation Mobility Plan (the Study) dated October 2019 prepared by Cole Engineering. The following comments are provided:
- a. The Study shall provide basis such as proxy site data for the anticipated truck traffic at proposed distribution centre.
 - b. The Study shall provide information regarding the validation of the existing condition intersection analysis with the field conditions.
 - c. Table 8.1 Site Trip Generation - shall include detail information (type and size) on the land use.
 - d. The Study should remove all references and figures of the old site plan from the Appendices.
 - e. Peak hour factors (PHF) used in the analysis shall be based on existing traffic counts to ensure the “worst case” conditions are analyzed over a peak hour period. The average PHF based on the existing traffic counts can be applied to the whole intersection, however, if an individual movement or approach has sharp peaking characteristics, then a PHF should be calculated and applied for each movement or approach. Additionally, the future proposed intersection peak hour factors should be based on adjacent existing intersections. The Study shall be revised accordingly by applying the PHF estimated using the existing traffic volumes and the same PHF shall be used for all future scenarios. PHF calculations shall be provided in the Main report.
 - f. The Study assesses the intersection of City View Boulevard and Teston Road with a westbound dual left turn lane. However, the analysis does consider the single southbound left turn lane at the City View Boulevard and Highway 400 On-Ramp

intersection. The merging of vehicles immediately downstream of the dual left turn lane will result in significant operational and safety issues. The intersection of City View Boulevard and Teston Road should be analyzed with a single westbound left turn lane for all scenarios.

- g. The Study also analyze Jane Street as 4-lanes at its intersections with Street 2 and 3. The 4-lane section of Jane Street ends at about 200 meters north of Teston Road and widening of Jane Street to 4 lanes is not in the Region 2019 10-year roads and transit capital construction program. The analyses for the Street 2 and 3 intersections with Jane Street shall be revised with Jane Street as a two lane cross section unless the Study recommends widening Jane Street to 4-lanes at the proposed intersections.
- h. Both Street 2 and 3 connecting to Jane Street shall be aligned with the proposed roadway network of Block 27 on the east side of Jane Street. A drawing shall be added to the Study to show the proposed roadway network located east and west of Jane Street.
- i. The Transportation Study includes a TDM Section. However, there is no drawings that show the location of the pedestrian and cycling connections, bicycle parking locations or connections to bus stops. The Transportation Demand Management Plan (TDM) should be consistent with York Region's Transportation Mobility Plan Guidelines for Development Applications (November 2016) . The TDM Plan shall include a drawing to show the layout of active transportation facilities and connections internal to the site and to the Regional roads, as well as a revised TDM checklist that summarizes the programs and measures, estimated costs and responsibility of the applicant to implement TDM recommendations.
- j. The Study shall include conceptual drawings showing all the physical improvements required at the existing and future intersections to accommodate the development. The storage requirements for the turn lanes (left and right) shall be based on the analysis using peak hour factors estimated from the existing traffic counts to ensure the "worst case" scenario.
- k. The Study in Section 12.2 provides a long table of mitigation measures. This table shall be divided into multiple tables separating physical improvements such as signalization and lane improvements (left and right) from the signal timing improvements. Additionally, the physical improvements shall be further separated based on the timings/scenarios.
- l. The Study shall also provide exclusive right-turn and left-turn lanes at all the proposed intersections (existing and future) that will intersect with Regional Roads.
- m. Implement both left and right turn lanes on Jane Street at the proposed access to accommodate turning traffic generated by the development to the satisfaction of York Region.
- n. The Owner shall agree to provide direct shared pedestrian/cycling facilities and connections from the proposed development to boundary roadways and adjacent developments to support active transportation and public transit, where appropriate. A drawing shall be provided to show the layout of active transportation facilities and connections internal to the site and to the Regional roads.

- o. A revised/updated Transportation Study to address the above comments shall be submitted for review to the satisfaction of York Region.
- 14. The Transportation study must provide proposed short and long term road improvements for all entrances, including left and right turn lanes, illumination and signalization, pedestrian and transit considerations.
- 15. Confirmation must be provided that entrances on the opposite side of the roadway will be aligned with the proposed site entrances.

Environmental Services Comments:

- 16. **Prior to approval of the Temporary Construction Access and/or issuance of conditional building permits** from the local municipality, a dewatering plan must be submitted for review. If dewatering discharge is proposed to Regional or local infrastructure, then a dewatering discharge permit is required from the Region's Environmental Service Department. A dewatering permit application is available on line at www.york.ca/seweruse; or by contacting 905-830 4444 x 75097.
- 17. Infrastructure Asset Management (IAM) has reviewed the subject site plan application in conjunction with the Functional Servicing Report (FSR) and Stormwater Management Report prepared by Schaeffers Consulting Engineers Ltd. dated October 2019. The purpose of the draft plan is to facilitate the development of a warehouse distribution centre, a private public road, buffer area and regional road widening (Jane Street) in Block 34 East area. IAM does not have any objection to the approval of the draft plan subject to the following comments:
 - a. The FSR indicates that wastewater and water servicing will be provided to the subject development by proposed City-owned infrastructure from the northern extension of 'Street 1', as illustrated on Figures 3.1 and 4.2 of the report.
 - b. According to the FSR, there is an interim sanitary tank used to attenuate the peak flows discharging to the Mahmood Crescent sanitary sewer in place until the Regional sewers are constructed. However, the location of the said tank is not shown on the schematic. Please revise accordingly.
 - c. For water servicing, the FSR further states there is not adequate pressure to service the subject subdivision in the fire flow condition through PD7. Therefore a private storage tank and booster pumps within each site plan will be required to ensure there is adequate water supply during fire flow events.
 - d. The FSR states that in the future, PD8 supply shall be connected through Region's 500mm diameter watermain on Kirby Road west of Jane Street. Please be advised that there is no plan in the Region's ten year capital program, nor in any longer term plans to construct a 500 mm CPP PD8 watermain along Kirby Road as stated in the FSR. Please revise the text accordingly.

- e. Appendix B: Water Supply Calculations & Modelling of the Functional Servicing and Stormwater Management Report shows the schematics of water system for Phase 1 (Interim) and Phase 2 (Ultimate Condition). Please show the location of the fire storage tank and location of the pressure reducing valves (PRVs) referenced in the text in the FSR. In addition, the label of the blocks on the schematics are incorrect.
 - f. As such Region requires the Owner to revise the water servicing strategy to provide adequate clarification in light of above comments and resubmit prior to final approval.
18. The Environmental Legal Section has reviewed the Phase 1 ESA and have the following comments:
- a. Once the Phase 2 ESA investigation is complete, please provide a copy of the report to the Region for review.
 - b. Provide the Region with status (and any related records) of decommissioning the identified onsite well as per Reg. 903.
 - c. Please confirm if there is an existing septic tank on site.
 - d. A “pipe from the ground” is identified in Appendix I, page 6 of 8. Provide further information on this pipe as it is not noted anywhere in the report (e.g., where its located, is it buried, type of pipe, etc.).
 - e. The Region requires a reliance letter in our standard attached format.
19. **Prior to the execution of a site plan agreement**, the Owner shall provide a solicitor’s certificate of title in a form satisfactory to the Regional Solicitor, at no cost to the Region, with respect to the conveyance of the above lands to York Region. Alternatively, the Owner shall submit documentation to York Region confirming that the existing streetline represents sufficient right-of-way as required by York Region Official Plan.
20. Water Resources does not have any objections/concerns subject to the following comments with the Site Plan application as it relates to Source Protection policy:
- a. Should the proposal change and/or the application be amended, Water Resources will require recirculation for comment and/or approval.
 - b. Please note the property is located within a Significant Groundwater Recharge Area (SGRA) and Wellhead Protection Area Q (WHPA-Q). As such the CTC Source Protection Plan water quantity recharge policy and York Region Official Plan Low Impact Development policy 2.3.41 will apply. The proponent should maximize infiltration at the site using best management practices. The use of the following resource is encouraged: Low Impact Development Stormwater Management Planning and Design Guide by Credit Valley Conservation Authority. The contact person for this requirement is Quentin Hanchard at TRCA.
 - c. As the site is within a vulnerable area, Water Resources does encourage the use of best management practices during construction and post construction with respect to the handling and storage of chemicals (such as used oil, degreasers and salt) on site. It is strongly recommended that Risk Management Measures are put in place

with respect to chemical use and storage including spill kits, secondary containment, a spill response plan and training.

- d. As the site is within a vulnerable area, Water Resources recommends the use of a contractor who is certified by Smart About Salt, and use of best management practices identified in the TAC Synthesis of Best Management Practices for Salt and Snow are followed:

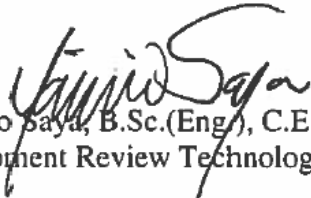
<https://www.tac-atc.ca/sites/tac-atc.ca/files/site/doc/resources/roadsalt-1.pdf>.

If the proposed development includes a parking lot, Water Resources recommends following the Parking Lot Design Guidelines:

[https://www.lsrca.on.ca/Shared%20Documents/reports/Parking-Lot-Design- Guidelines-Salt-Reduction.pdf](https://www.lsrca.on.ca/Shared%20Documents/reports/Parking-Lot-Design-Guidelines-Salt-Reduction.pdf)

If there are any questions in regards to the above noted application, please contact me at extension 75758.

Sincerely,


Mauricio Sayer, B.Sc.(Eng.), C.E.T.
Development Review Technologist

MS

Copy to: Mark Yarranton, KLM Planning Partners Inc. (e-mail)

Ivan Gonzalez, Construction Coordinator Development Engineering (e-mail)

Sami Butorsky, Water and Wastewater Engineer Environmental Services (e-mail)

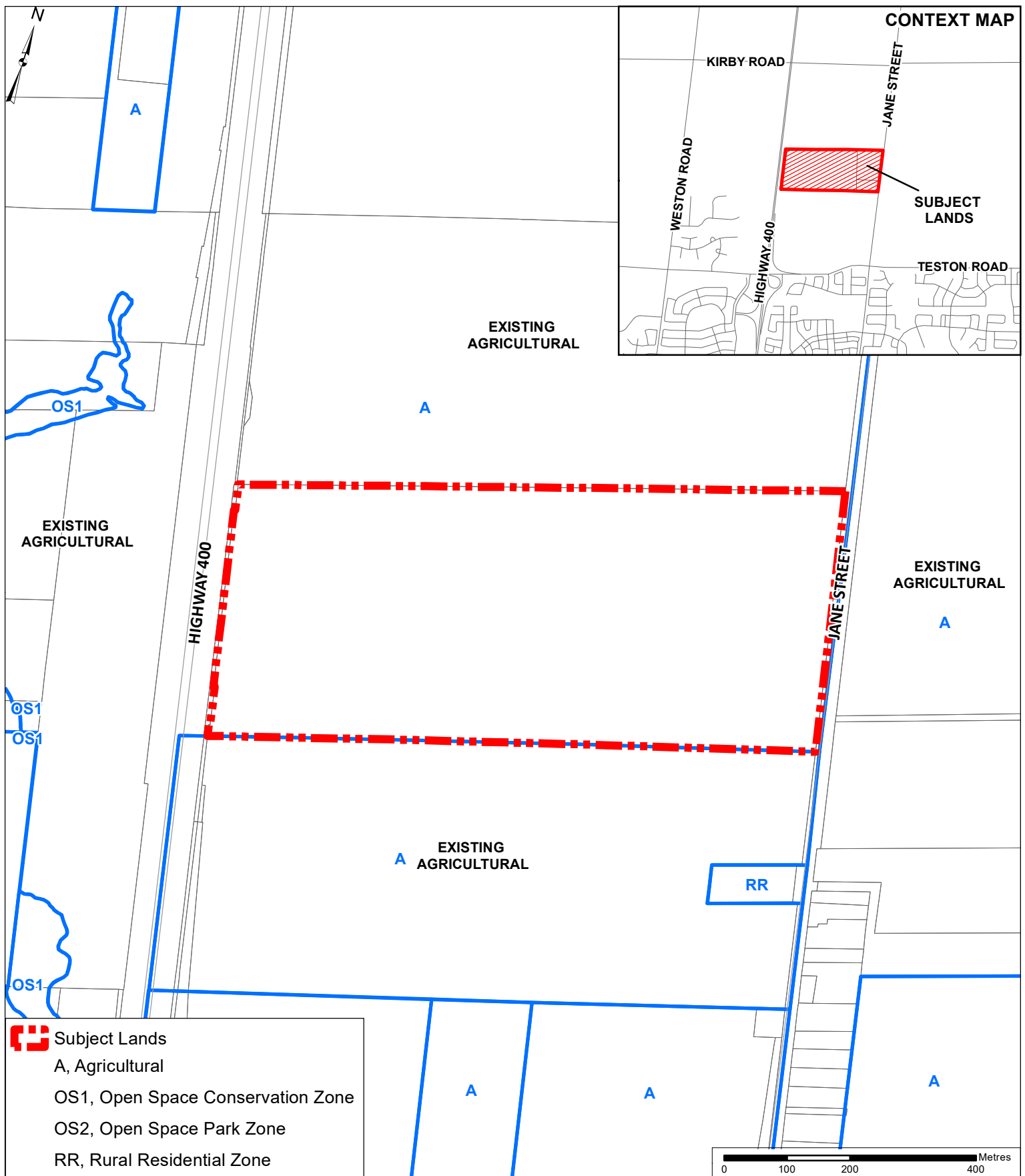
YORK-#10325726-v1-Letter-SP_19_V_0268-November_20_2019-Conmar_Developments_Inc_-11110_Jane_Street-
First_Site_Plan_Submission_Comments_

Attachment 4 – Conditions of Site Plan Approval (Toronto and Region Conservation Authority – ‘TRCA’)

Site Development File DA.19.072 (Conmar Developments Inc. & Fenlands Vaughan Inc.) Conditions of Approval:

- 1) That TRCA's Conditions of Draft Plan Approval for Subdivision 19T-19V002, be addressed to the satisfaction of TRCA and the draft plan registered prior to execution of the site plan agreement.
- 2) That prior to development, pre-servicing, or execution of the site plan agreement, the Owner shall submit a detailed engineering report (or reports) and plans to the satisfaction of TRCA for the site plan area in accordance with the Functional Servicing and Stormwater Management Report for 11110 Jane Street, Block 1., prepared by Schaeffers Consulting Engineers., October 2019 and technical memo provided to TRCA on November 25, 2019; prepared by Schaeffers Consulting Engineering, as may be amended to the satisfaction of TRCA and City of Vaughan.
- 3) The Owner agrees in the site plan agreement, in wording acceptable to TRCA:
 - i. To carry out, or cause to be carried out, to the satisfaction of TRCA, the recommendations of the reports/strategies and details of the plans referenced in TRCA's conditions of site plan approval;
 - ii. To install and maintain all stormwater management and erosion and sedimentation control structures operating and in good repair during the construction period, in a manner satisfactory to TRCA;
 - iii. To obtain all necessary permits from TRCA pursuant to the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 166/06), as may be amended, to the satisfaction of TRCA;
 - iv. To comply with the permits approved under Ontario Regulation 166/06, as may be amended, including the approved plans, reports and conditions to the satisfaction of TRCA.

Should any revisions to the site plan application be proposed now or in the future, TRCA asks to be given the opportunity to amend our conditions and comments accordingly.



Location Map

LOCATION:
Part of Lot 28, Concession 5

APPLICANT:
Conmar Developments Inc. & Fenlands Vaughan Inc.



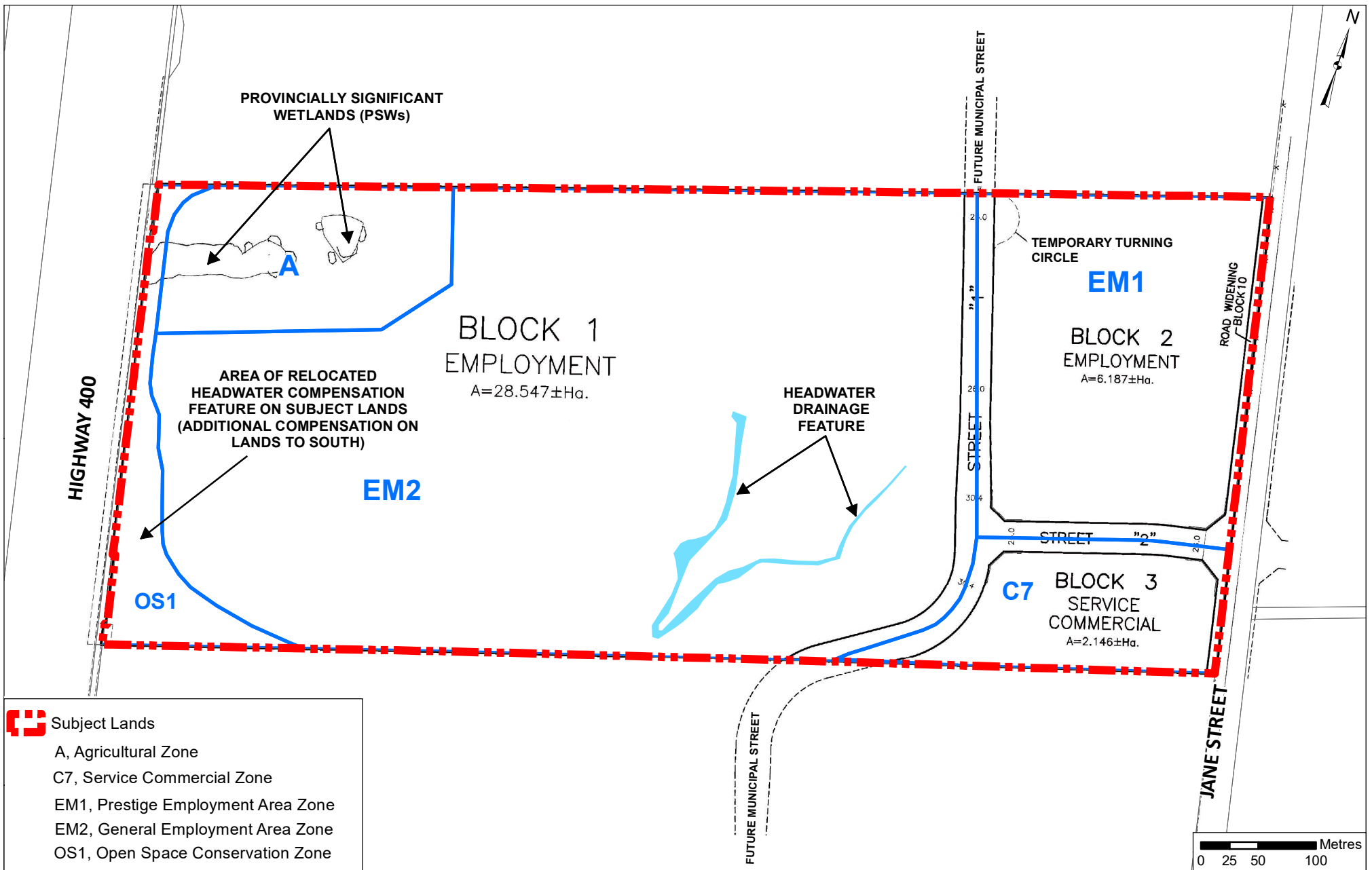
107

Attachment

FILES:
Z.19.007,
19T-19V002 & DA.19.072

DATE:
April 21, 2020

5



Draft Plan of Subdivision File 19T-19V002 & Proposed Zoning

LOCATION:

Part of Lot 28, Concession 5

APPLICANT:

Conmar Developments Inc. & Fenlands Vaughan Inc.

Document Path: N:\GIS_Archive\Attachments\Z\2015-2019\Z.19.007\Circulation\Z.19.007_CW_Subdivision&Zoning_2.mxd



109

Development Planning

Attachment

FILES:

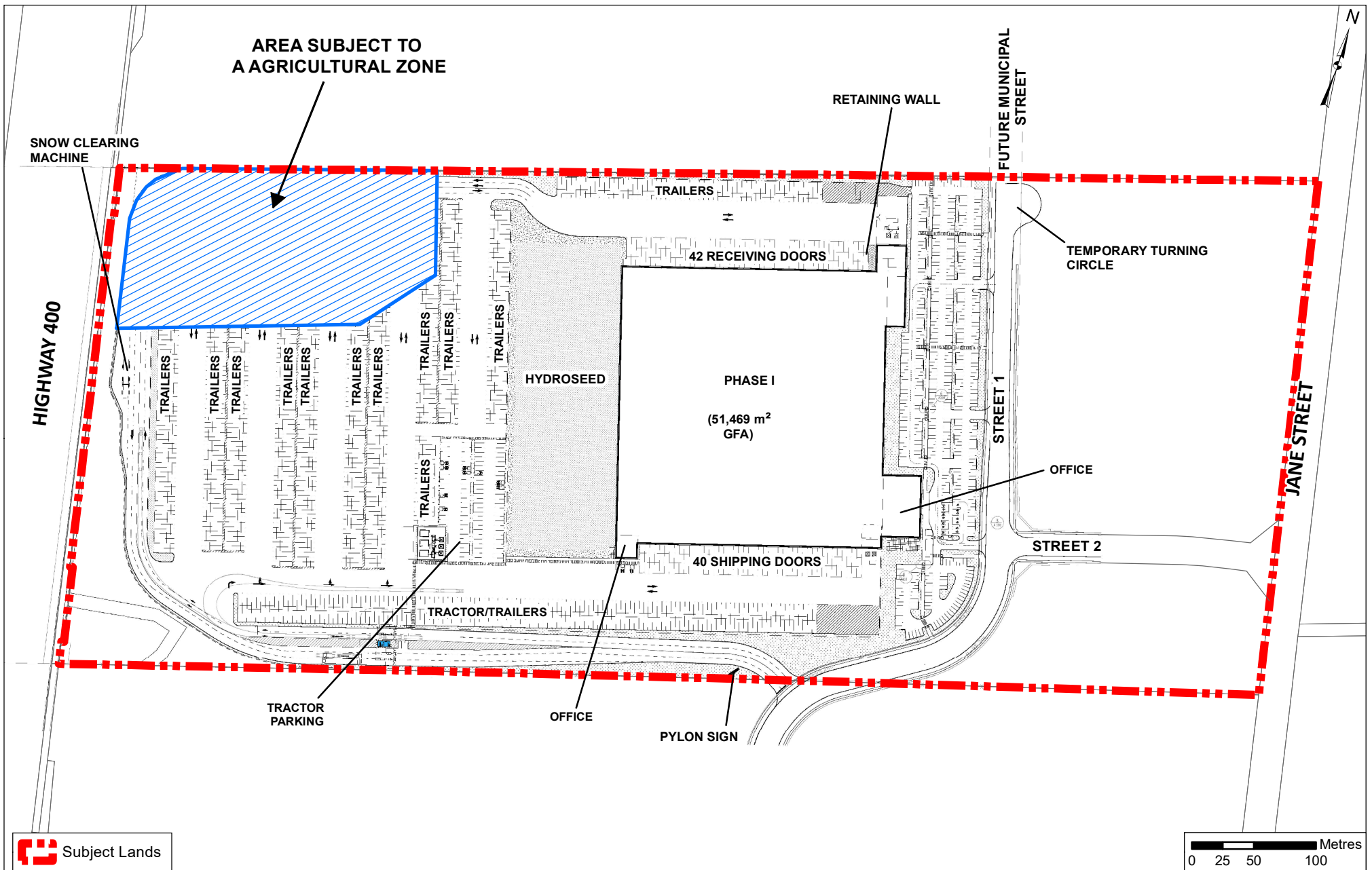
Z.19.007,
19T-19V002 & DA.19.072

DATE:

April 21, 2020

6

Created on: 3/31/2020



Site Plan (Phase 1)

LOCATION:
Part of Lot 28, Concession 5

APPLICANT:
Conmar Developments Inc. & Fenlands Vaughan Inc.



111

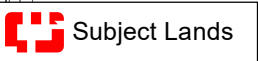
Development Planning

Attachment

FILES:
Z.19.007,
19T-19V002 & DA.19.072

DATE:
April 21, 2020

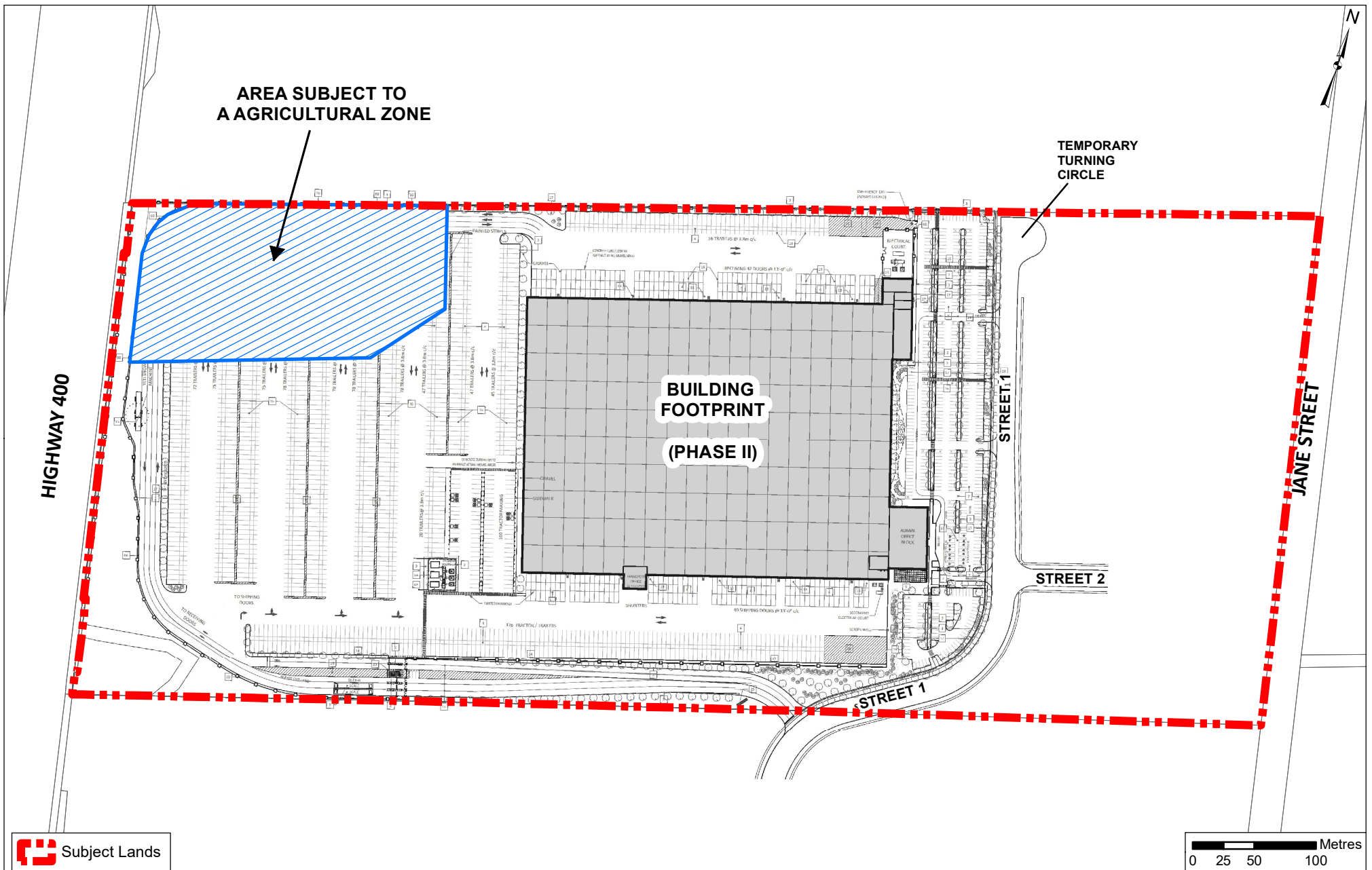
7



Attachment

FILES:
Z.19.007,
19T-19V002 & DA.19.072

DATE:
April 21, 2020



Landscape Plan

LOCATION:
Part of Lot 28, Concession 5

APPLICANT:
Conmar Developments Inc. & Fenlands Vaughan Inc.

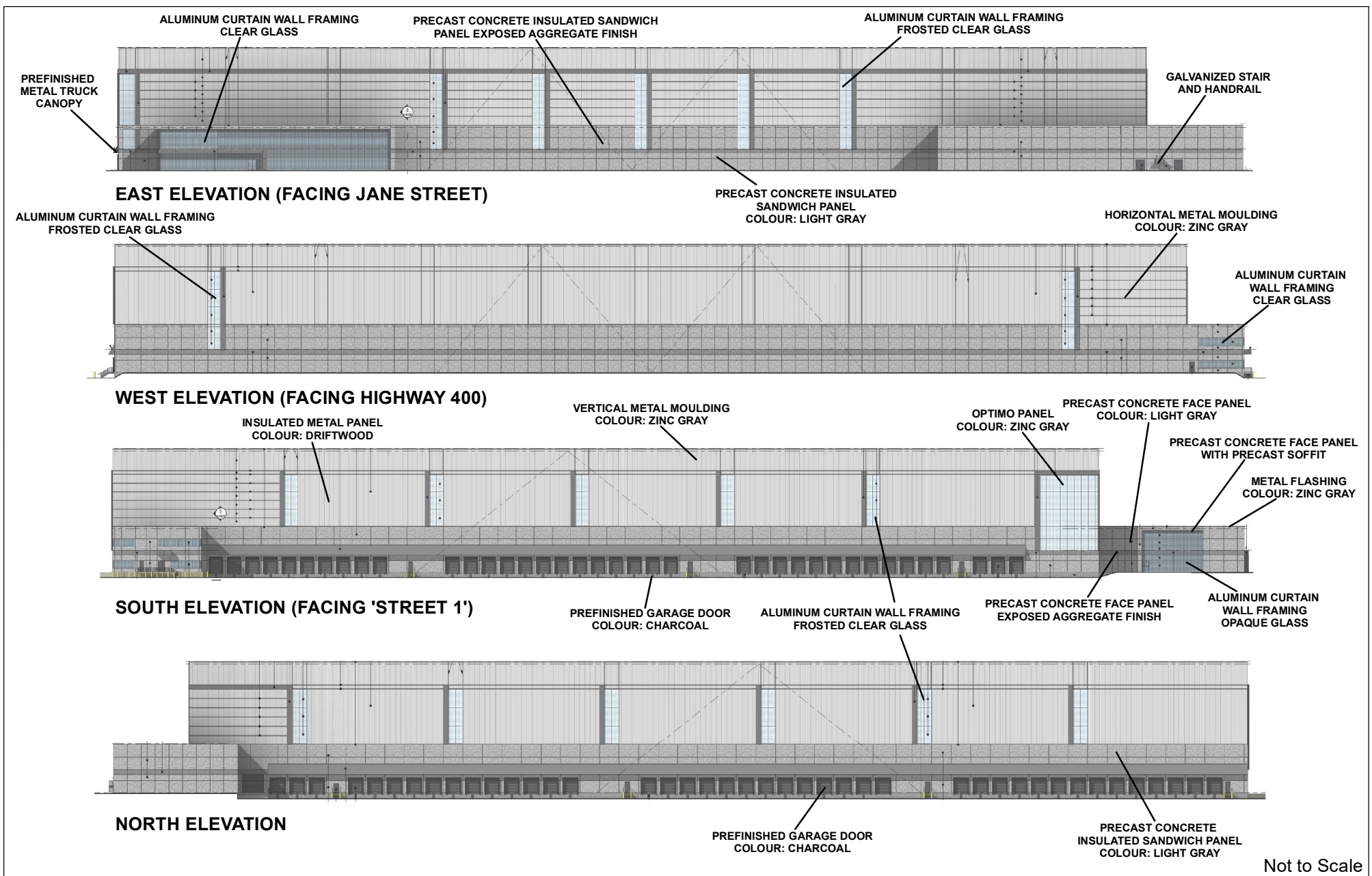


115

Attachment

FILE:
Z.19.007
RELATED FILES:
DA.19.072 & 19T-19V002
DATE:
April 21, 2020

9



Building Elevations (Phase 1)

LOCATION:
Part of Lot 28, Concession 5

APPLICANT:
Conmar Developments Inc. & Fenlands Vaughan Inc.



117

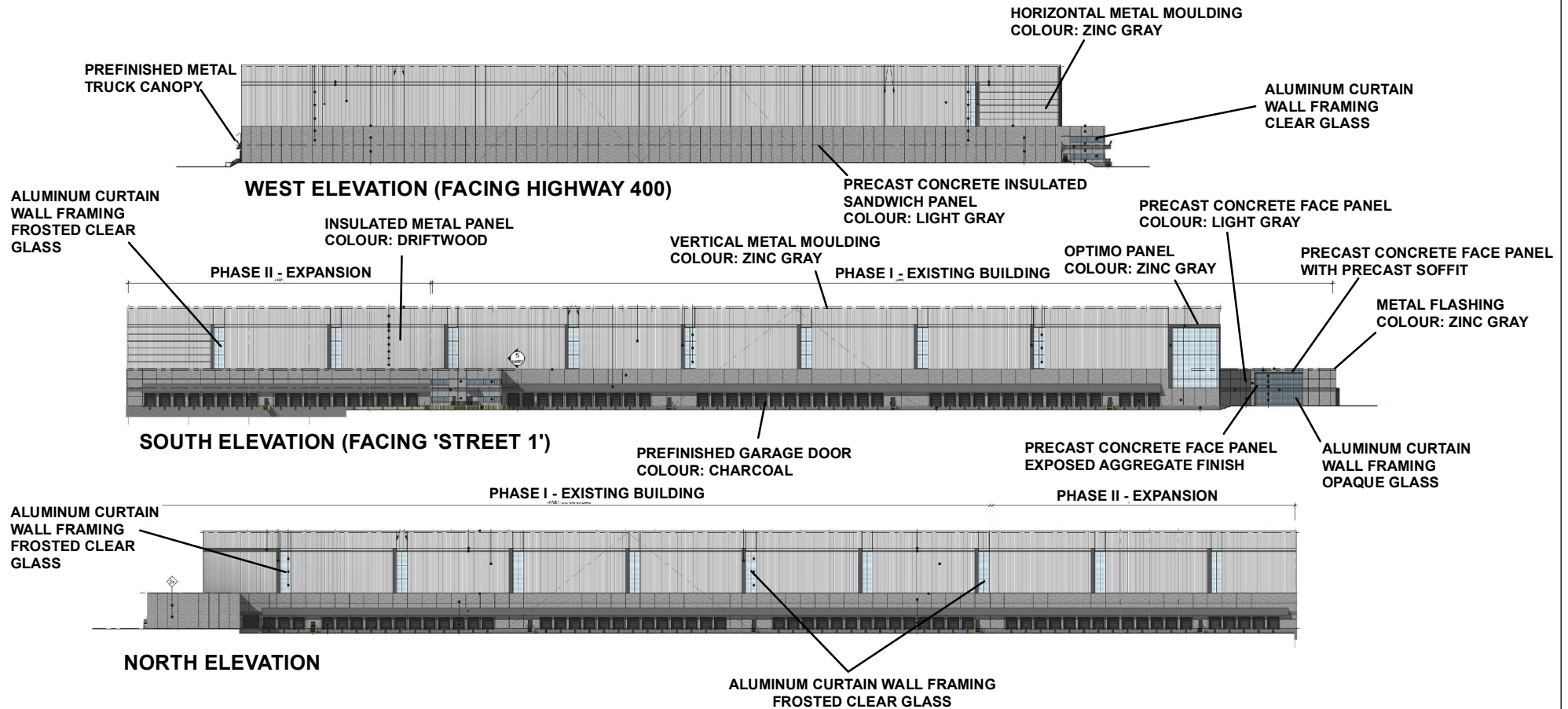
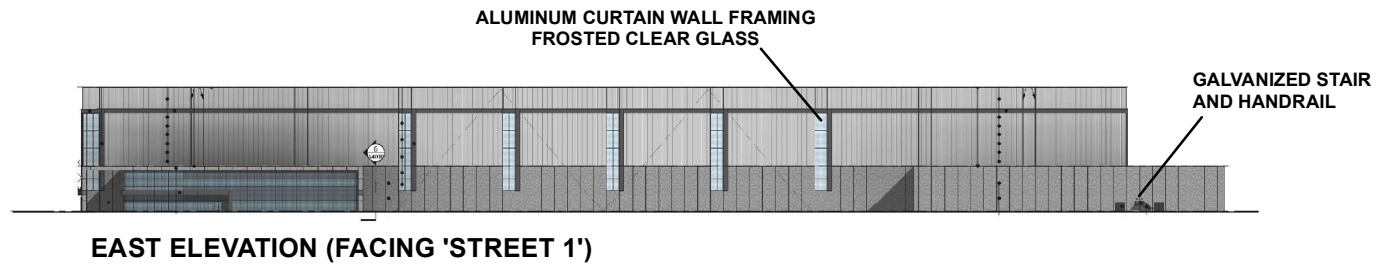
Development Planning

Attachment

FILES:
Z.19.007,
19T-19V002 & DA.19.072

DATE:
April 21, 2020

10



Not to Scale

Building Elevations (Phase 2)

LOCATION:
Part of Lot 28, Concession 5

APPLICANT:
Conmar Developments Inc. & Fenlands Vaughan Inc.



119

Attachment

FILES:
Z.19.007,
19T-19V002 & DA.19.072

DATE:
April 21, 2020

11

Committee of the Whole (2) Report

DATE: Tuesday, April 21, 2020

WARD(S): ALL

TITLE: NORTH MAPLE REGIONAL PARK PHASE 2 DEVELOPMENT

FROM:

Nick Spensieri, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To seek approval to move forward with procurement for Phase 2 park development at North Maple Regional Park (NMRP) including site preparation, grading, servicing and related studies. *NOTE: Infrastructure Development Portfolio staff are positioned to continue delivering projects through Alternative Work Arrangements (AWA).*

Completion of design assignments such as this will ensure that construction projects are “shovel-ready” and eligible for infrastructure grant funding and partnership support, and that will serve as a catalyst in the City’s recovery efforts to help kickstart local economic growth and job creation for Vaughan, York Region and GTA following the current pandemic crisis.

Report Highlights

- NMRP has become a popular destination for Vaughan residents and visitors with many eagerly awaiting the start of Phase 2.
- The first part of Phase 2 park development involves preparing a large area of undeveloped parkland with major site grading, servicing (water, sanitary, electrical, storm water) and restoration of the pond and wetland areas which are provincially significant.
- An RFP procurement process is proposed to secure a Technical Advisor and consultant team followed by a procurement for a Design Build contractor to oversee detailed design and construction.
- It is anticipated that design and technical studies will be completed over the balance of 2020 with construction to follow in 2021.

Recommendations

1. That staff be authorized to initiate procurement for Phase 2 site preparation, grading, servicing and related studies at North Maple Regional Park and report back as soon as practicable with an update on the results of the first RFP process to secure a Technical Advisor and consultant team.

Background

In April 2018, Council endorsed the 900-acre vision for NMRP to create a nationally significant public sports, recreation and cultural venue as a legacy project for Vaughan residents and visitors. In September 2018, Phase 1A park development (artificial turf fields, driveway, parking and pathways) was completed and the park officially opened for use. Phase 1B park development (washrooms, changerooms, shade shelters and event preparations) was completed in 2019 with the first Canada Day event held at NMRP on July 1, 2019 with over 18,000 visitors attending.

Advancing the 900-acre vision for NMRP is identified as a Term of Council priority project. With completion of Phase 1 NMRP has become a popular destination for Vaughan residents and visitors with many eagerly awaiting the start of Phase 2 park development.

Previous Reports/Authority

[NORTH MAPLE REGIONAL PARK APRIL 2018 REPORT](#)

Analysis and Options

The Phase 2 Concept Plan (appended as Attachment 1) outlines the next areas of park development works. The Phase 2 work area measures over 130 acres (53ha) in size and at full build-out is planned to include many programs and facilities for the local and greater community that align with previous park plans, community consultations and recommendations of the Active Together Master Plan, the City's strategic plan for parks, recreation and libraries. Many more park programs and facilities are possible at NMRP as future phases of the park are implemented and additional lands are made ready for public use.

The Phase 2 Concept Plan will be used to guide the delivery of park grading, site preparation and installation of site servicing including water, sanitary, electrical, storm water. Restoration and enhancement of the existing provincially significant pond and wetland area will also be completed as per staff discussions with regulatory authorities including the Ministry of Natural Resources and Forestry (MNR) and Toronto Region Conservation Authority (TRCA). Opportunities to leverage grant funding, community

programs and in-kind services related to restoration of the pond and wetland area will be explored as this project progresses.

An RFP procurement process is proposed to secure a Technical Advisor and consultant team followed by a procurement for a Design Build contractor to implement detailed design and construction. It is anticipated that the majority of design work and technical studies will be completed over the balance of 2020 with construction to follow in 2021.

A project plan is currently proposed as follows:

- Step 1** Issue a Request for Proposals (RFP) to select a Technical Advisor and consultant team to support staff with the completion of 30% design and to undertake technical studies for Phase 2 site preparation, grading, servicing and the completion of Record of Site Condition studies.
(Timing: May 2020)
- Step 2** Evaluate proposals and report back to Council with a project update.
(Timing: August 2020)
- Step 3** Project initiation and implementation of 30% design and technical studies.
(Timing: August 2020 to February 2021)
- Step 4** Report back to Council with a project update.
(Timing: December 2020)
- Step 5** Issue a Request for Prequalification (RFPQ) and/or Request for Proposals (RFP) for a Design Build contract for the completion of Phase 2 detailed design, site preparation, grading, servicing and related works.
(Timing: March 2021)
- Step 6** Evaluate proposals and report back to Council with a project update
(Timing: May 2021)
- Step 7** Project initiation and implementation of detailed design and construction.
(Timing: June 2021)

The purpose of the Technical Advisor RFP is to secure a project team with multi-disciplinary expertise to perform the completion of a 30% Reference Concept Design (RCD) based on Phase 2 concept plan. The RCD will lead to development of a Project Specific Output Specification (PSOS), Owner's requirements and related design and planning activities that will inform the Design Build RFPQ and/or RFP.

The major deliverables of the Technical Advisor assignment are planned to include:

1. Site Servicing Feasibility Study and Design Strategy
2. Traffic Analysis and Design Strategy
3. Parking Analysis and Design Strategy
4. Phase 1 and 2 Environmental Assessment and Record of Site Condition Studies
5. Environmental Impact Study
6. Storm Water Management Feasibility and Design Strategy
7. Architectural and Landscape Architectural Control Guidelines
8. Geotechnical Site Studies, Analysis and Design Strategy
9. Bulk Grading Analysis and Implementation Strategy
10. Other Studies as required

The Technical Advisor will also assist with procurement support and evaluation for the Design Build contract and will provide contract administration, technical compliance oversight and advisory role during construction.

Financial Impact

Funding in the amount of \$2,515,909 is available in approved Capital Project PK-6636-19 for the completion of this project, including labour recovery for staff time.

Approximately 3 full-time staff plus supplementary staff from across multiple departments can deliver this project on AWA. Source of funding is 90% DC Reserve Fund and 10% Non-DC/Taxation, which cannot be reallocated for other purposes.

Funding for Phase 2 detailed design and construction will be identified for Council consideration as part of the 2021 Budget process.

Broader Regional Impacts/Considerations

Completion of the NMRP project requires continued discussion and coordination with a variety of external agencies and stakeholders including York Region, TRCA, City of Toronto, MECP and MNRF.

Conclusion

Advancing the 900-acre vision for NMRP is identified as a Term of Council priority project. With the completion of Phase 1 park development in 2018 and 2019, public

interest in advancing future phases of park development continues to grow. In effort to advance Phase 2 park development as efficiently and effectively as possible, staff recommend undertaking a procurement process to secure a Technical Advisor and consultant team followed by a procurement for a Design Build contractor to implement detailed design and construction. Following Council approval, it is anticipated that design work will be completed over the balance of 2020 with construction to follow in 2021.

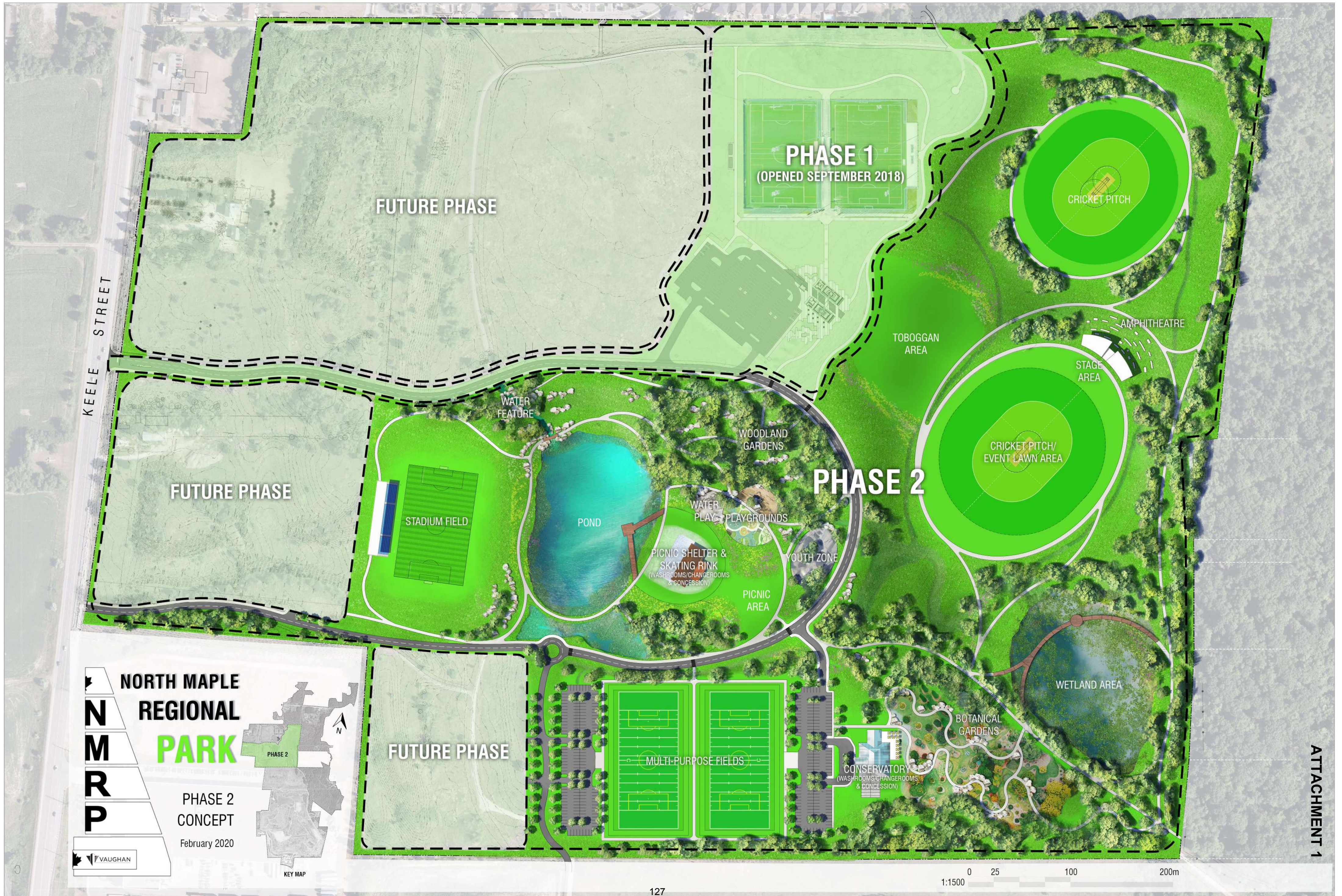
For more information, please contact: Jamie Bronsema, Director of Parks Delivery ext. 8858

Attachments

1. NMRP Phase 2 Concept Plan, February 2020

Prepared by

Jamie Bronsema, Director of Parks Delivery ext. 8858
Brett Lucyk, Project Manager ext. 8099



**NORTH MAPLE
REGIONAL
PARK**

**PHASE 2
CONCEPT**
February 2020

KEY MAP

VAUGHAN

Committee of the Whole (2) Report

DATE: Tuesday, April 21, 2020

WARD(S): 2

TITLE: CAPITAL BUDGET AMENDMENT - WOODBRIDGE AVENUE IMPROVEMENTS

FROM:

Nick Spensieri, Deputy City Manager, Infrastructure Development

ACTION: DECISION

Purpose

To obtain Council approval for a budget amendment to Capital Project ID-2063-20 for the Woodbridge Avenue Improvement Project in order to proceed with design in 2020.

Report Highlights

- The road, watermain and sanitary sewer rehabilitation identified for Woodbridge Avenue will be undertaken with the proposed streetscape works
- Amendments to the Municipal Class Environmental Assessment (MCEA) process occurred in late 2019
- Following the MCEA process amendments, the Woodbridge Avenue Class Environmental Assessment can be combined with a design assignment and undertaken as a single procurement
- Advancing the design budget (previously identified for 2021), in the sum of \$1,539,174, is needed to further advance the project

Recommendations

1. That Council approve a budget amendment to Capital Project ID 2063-20 for the Woodbridge Avenue Improvement Project in the amount of \$1,539,174.

2. That inclusion of this matter on a Public Committee or Council agenda with respect to amending capital budgets, as identified in this report, be deemed sufficient notice pursuant to Section 2(1)(c) of By-Law 394-2002, as amended.

Background

Growth and redevelopment continue to occur within the Woodbridge Village

For many years, Woodbridge Avenue has functioned as a commercial centre and/or the heart of what is known as the Woodbridge Village. The Woodbridge Avenue corridor and surrounding area has been rapidly changing in the last decade with high density development, including residential and mixed-use buildings, resulting in intensification of a larger urbanized area.

Following an extensive review of the infrastructure on Woodbridge Avenue, road, watermain and sanitary sewer rehabilitation works have been identified

As asset management processes are maturing within the organization, staff can now evaluate asset level risks for linear pipe and pavement assets. An extensive review of the infrastructure on Woodbridge Avenue was undertaken to prioritize all asset upsizing, renewal and rehabilitation requirements. To minimize disruption to local businesses, citizens and drivers, the following infrastructure investments were identified:

- road rehabilitation, from Kipling Avenue to Islington Avenue, as part of the Pavement Management Program
- replacement and upsizing of the existing metallic watermain pipe from Clarence Street to Islington Avenue, and
- replacement and upsizing of a section of sanitary sewer west of Clarence Street

Once the improvements have been undertaken, the infrastructure within Woodbridge Avenue will appropriately service the existing and future residents within the Woodbridge Village.

The Woodbridge Heritage District Urban Design Streetscape Plan Study was undertaken and completed in 2017

The Woodbridge Heritage Urban Design Streetscape Plan Study was undertaken to address the need to revitalize the area and increase the public realm space. One

element of the study identified narrowing the roadway from Clarence Street to Islington Avenue that included reducing pavement widths and shrinking roadway intersections.

The Streetscape Plan Study along with the Woodbridge Illustrative Urban Design Guide and Woodbridge Avenue Streetscape Design and Guidelines (Volumes 1 and 2) were approved by Council on April 11, 2018. These documents are intended to be a comprehensive toolkit to provide design guidance on how to implement the approved Woodbridge Heritage Conservation District Plan and the Woodbridge Centre Secondary Plan policy frameworks.

Capital funding for the Woodbridge Avenue Improvements Project was submitted for consideration and approved as part of the 2020 Budget Deliberations

The scope of work for the Woodbridge Avenue Improvements Project combined the infrastructure improvements (road, watermain and sanitary sewer rehabilitation) with the streetscape work as a single project. Based on the full scope of work, staff identified that if started in 2020, project completion would occur by 2023, projected as follows:

- Class Environmental Assessment (EA): 2020
- Design: 2021
- Construction: 2022 - 2023

Capital Project ID-2063-20 for the Woodbridge Avenue Improvements Project EA was submitted for consideration and approved as part of the 2020 Budget Deliberations. The EA study will determine the feasibility of narrowing Woodbridge Avenue from Clarence Street to Islington Avenue, as per the approved Streetscape Plan Study. The project plan identified the design to commence following completion of the EA and funding for design would be submitted for consideration as part of the 2021 Budget Deliberations.

Previous Reports/Authority

https://www.vaughan.ca/council/minutes_agendas/AgendaItems/CW0616_15_17.pdf
https://www.vaughan.ca/council/minutes_agendas/Extracts/16ws0409_18ex_1.pdf

Analysis and Options

Recent amendments to the Municipal Class Environmental Assessment (MCEA) have made the process less onerous

In December 2019, amendments to the Municipal Class Environmental Assessment Process were proposed to eliminate duplication and simplify and streamline certain EA

processes. The changes should result in less onerous processes as well as require less time to complete. One of the changes includes projects with a proposed road narrowing, which can now be completed in accordance to a Schedule A+ project.

As a result of the amendments to the MCEA, there is an opportunity to advance the design for the Woodbridge Avenue Improvements Project

Following the amendments to the MCEA process, staff have reviewed the requirements as they pertain the Woodbridge Avenue Improvements Projects. Based on the reduced timelines needed for the EA, there is an opportunity to advance the design process to 2020 and combine the engineering services assignment for the EA and design into a single procurement. Staff have also reviewed the project plan and if the budget amendment is approved, the project completion date would be revised to 2022, projected as follows:

- EA and Design: 2020 - 2021
- Construction: 2021- 2022

Financial Impact

Funding approved in 2020 for the Woodbridge Avenue Improvements Project EA, Capital Project ID-2063-20, totaled \$209,027 (from the DC Engineering Reserve).

To commence design in 2020, a budget amendment is needed. The funding needed to support a design total of \$1,539,174, inclusive of administration recovery and applicable taxes would be apportioned as noted in Table 1 below. A total funding of \$1,748,201 is required.

Table 1 - Project Funding Summary (ID-2063-20)	
Approved 2020 Capital Budget (for EA)	\$ 209,027
Requested Budget Amendment (for design)	
• DC Engineering Reserve - \$1,182,279	
• Sewer Reserve - \$118,965	
• Water Reserve - \$237,930	
Budget Amendment (Sub Total)	\$1,539,174
Total Funding	\$1,748,201

There is sufficient funding available in the Sewer, Water and DC Engineering Reserves to advance the \$1,539,174 in 2020 and staff recommend that this allocation be approved to proceed with the design of the Woodbridge Avenue Improvements Project.

Broader Regional Impacts/Considerations

The Regional Municipality of York was previously engaged during the Woodbridge Avenue Streetscape Study. Further consultation will be required during the design process for any improvements along the Woodbridge Avenue / Islington Avenue intersection as Islington Avenue falls within the jurisdiction of the Region of York. Consultation with York Region Transit will also be required with respect to Woodbridge Avenue Bus Route #10.

Conclusion

Following amendments to the Municipal Class Environmental Assessment process, staff have determined that the Woodbridge Avenue Improvements Project can proceed with the EA and design processes together in 2020, resulting in a faster and more cost-efficient delivery of the project.

The design of the road, watermain, sewer and streetscape will incorporate the long-term vision for Woodbridge Avenue as per the Streetscape Study Plan.

For more information, please contact: Jack Graziosi, Director, Infrastructure Delivery, Ext. 8201

Attachments

1. Location Map

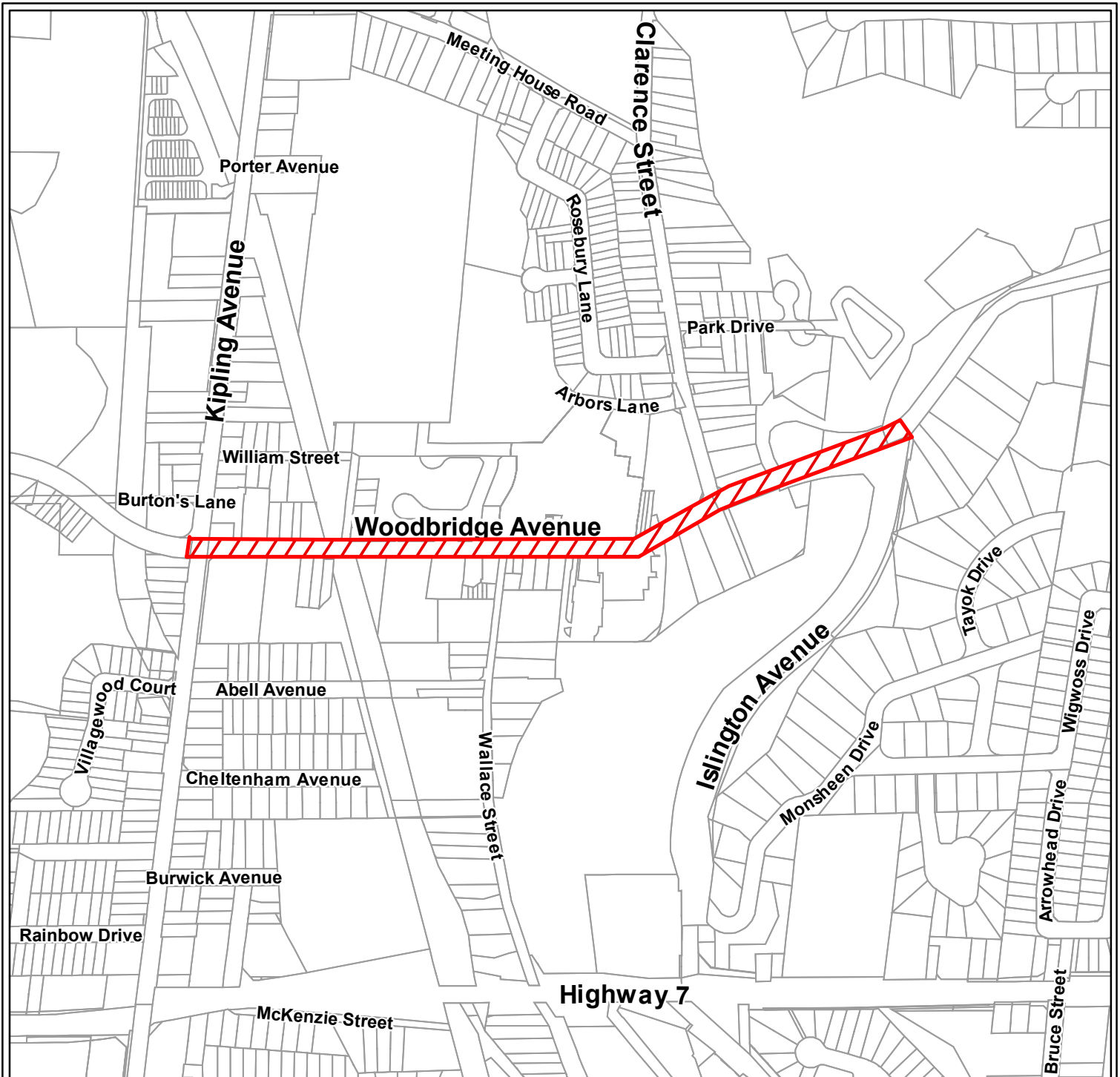
Prepared by

Pat Marcantonio, Project Manager, Ext. 8468

Salima Jivraj, Manager, Design and Construction, Ext. 8446


Jack Graziosi, Director, Infrastructure Delivery, Ext. 8201

LOCATION MAP



Woodbridge Avenue Improvements

LEGEND

 SUBJECT AREA



NOT TO SCALE

Committee of the Whole (2) Report

DATE: Tuesday, April 21, 2020

WARD(S): 4

**TITLE: PROPERTY MATTER
COMMENCEMENT OF EXPROPRIATION
FORMER EDGELEY HALL LANDS**

FROM:

Nick Spensieri, Deputy City Manager, Infrastructure Development
Wendy Law, Deputy City Manager, Administrative Services and City Solicitor
Bill Kiru, Acting Deputy City Manager, Planning and Growth Management

ACTION: DECISION

Purpose

Council approval is required to file an application to expropriate a fee simple property interest in land on which the former Edgeley Community Hall stood (the “**Edgeley Hall Lands**”). The City is currently the owner of the adjacent lands known as the Edgeley Pond and Park, and the Edgeley Hall Lands are required for the Edgeley Pond and Park.

Report Highlights

- Commencement of expropriation of the Edgeley Hall Lands is required to secure the property that is required for part of the future Edgeley Pond and Park.

Recommendations

1. THAT Council authorize an Application for Approval to Expropriate the lands set out in Attachment 1, for the construction of the Edgeley Pond and Park, in the City of Vaughan within the Vaughan Metropolitan Centre.

2. THAT for the purposes of this Application, the Mayor and Clerk be authorized to take any and all necessary actions and proceedings required by the Expropriations Act (the “**Act**”), including the execution, publication and service of Notices of Application for Approval to Expropriate Land (the “**Notice**”), with the assistance of Legal Services.
3. THAT the Clerk be authorized to forward to the Chief Inquiry Officer for Ontario any requests for an inquiry that are received, and Legal Services be directed to represent the City, as necessary, at any such Inquiry (Hearing of Necessity) or proceeding held under the Act.
4. THAT staff report back to Council in the event a report is received from an Inquiry Officer pursuant any Hearing of Necessity held under the Act.
5. THAT Council, as approving authority, approve the expropriation of the lands set out in Attachment 1 where no Hearing of Necessity is requested, or such request is withdrawn in accordance with the Act. Council approval is deemed to be given 31 days following the first publication of the Notice where no Hearing of Necessity is requested in accordance with the Act.
6. THAT Where approval to expropriate the lands set out in Attachment 1 is given, the following steps are authorized to be taken with respect to the expropriation:
 - a. The Clerk be authorized and directed to sign and execute on behalf of the City a Certificate of Approval and to execute and serve any document or notice required under the Act;
 - b. That a plan of expropriation be prepared and registered in the proper land registry office in accordance with the Act;
 - c. That a Notice of Expropriation be served together with a Notice of Election as to the date of the assessment and compensation and a Notice of Possession as to the date the expropriating authority requires possession of the expropriated lands which shall be at least three months after the date of service of the Notice of Possession, all in accordance with the Act;
 - d. That an appraisal report be obtained in respect of the market value of the expropriated lands and, if applicable, damages for injurious affection and other compensation, all in accordance with the Act;
 - e. That an offer of full compensation and an offer for immediate payment of 100 per cent of the market value of the expropriated lands as estimated by

the expropriating authority be served, together with a copy of the appraisal report, all in accordance with section 25 of the Act;

f. That compensation be paid to the owner(s) of the expropriated lands following the acceptance of the offer made pursuant to section 25 of the Act; and

g. That all necessary steps be taken to obtain possession of the expropriated lands.

7. THAT where approval to expropriate the lands set out in Attachment 1 is given, Council authorize the introduction of the necessary bylaw(s) to give effect to these recommendations.

Background

The City is the registered owner of the Edgeley Pond and Park lands, located in the Vaughan Metropolitan Centre on Jane Street. Adjacent to the Edgeley Pond and Park lands are the Edgeley Hall Lands, a small parcel on which the Edgeley Hall once stood. A map showing the approximate locations of the Edgeley Hall Lands and the Edgeley Pond and Park lands is attached as Attachment 2.

Edgeley Hall was originally built in 1877 in the Village of Edgeley. It was used by a range of community groups and was managed by trustees elected for that purpose. Edgeley Hall was moved three times owing to disputes within the community and inability to obtain a grant of land. It was moved to its final location in 1917 and three trustees on behalf of the Edgeley Hall received a grant of land in 1928 from Carson Smith, a farmer who owned land on the east side of Jane Street.

The three trustees of the Edgeley Hall died between 1934 and 1949. In 1965, part of the land on which Edgeley Hall stood was expropriated for the widening of Jane Street and Edgeley Hall was demolished. Since 1965, the Edgeley Hall Lands have been vacant and have been treated as part of the adjacent Edgeley Pond and Park lands.

The City's vision for the Edgeley Pond and Park includes utilising the Edgeley Hall Lands. A presentation made by the City at a stakeholder meeting for the Edgeley Pond and Park on September 28, 2017 shows the Edgeley Hall Lands being used as an access point to the Edgeley Pond and Park. Slide 10 from the presentation is attached as Attachment 3.

In or around 2016, the City discovered that it was not the owner of the Edgeley Hall Lands. Since that time, the City has pursued ownership to the Edgeley Hall Lands by

attempting a tax sale of the Edgeley Hall Lands, researching genealogical descendants of the registered owners and requesting an order from the Office of the Public Guardian and Trustee to transfer the Edgeley Hall Lands to the City, all without success.

In addition to the requirement of Edgeley Hall Lands for the development of the Edgeley Pond and Park, a condominium development is currently under construction north of the Edgeley Hall Lands and a condition of approval of said condominium development requires the owner to enter into a Limiting Distance Agreement with the City, the adjacent owner to the south, to comply with requirements under the *Building Code*. The required agreement cannot be entered into with respect to the Edgeley Hall Lands until ownership has been established.

Previous Reports/Authority

Not applicable.

Analysis and Options

The Edgeley Hall Lands are part of the City's current plans for the Edgeley Pond and Park vision, which includes the development of the park itself and retrofitting the existing pond. Obtaining title to the Edgeley Hall Lands is necessary for these uses. City staff have exhausted all avenues available to them to acquire the Edgeley Hall Lands without resorting to an expropriation process. Expropriating the Edgeley Hall Lands will ensure that the City obtains title to the Edgeley Hall Lands for the Edgeley Pond and Park as envisioned.

Expropriating in a timely manner will also ensure that any ORDERS that may have been issued by the Building Standards Department in regard to spatial separation and these adjacent lands can be rescinded by the Chief Building Official.

In the event that a confirmable owner of the Edgeley Hall Lands responds to the requisite newspaper publications, staff will commence negotiations and discussions throughout the expropriation process.

Approval by Council is required at three stages in the expropriation process in accordance with the Act, which include: (1) authorization of an application for approval to expropriate lands; (2) approval of the expropriation itself; and, (3) approval of the offer of compensation made to the expropriated owner of the lands.

In effort to ensure possession of the lands in a timely manner, the first, the second and third steps in the Council approval process have been combined for purposes of this

report.

Financial Impact

The funding required to complete the land acquisition that is the subject of this report is included in an approved capital project (DE-7114-16) funded by City wide Development Charges.

Under section 25 of the Act, the City is obligated to serve offers of compensation upon expropriated owners within three months of the registration of the expropriation plan. Market value for the Edgeley Hall Lands has been appraised at \$45,000. Injurious affection, disturbance damages and business loss are unknown and uncertain, and claims in this manner, should they arise, will be the subject of a future report to Council.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

Authorising expropriation will allow the City to obtain title to the Edgeley Hall Lands, which is required as part of the City's plan for the development of the Edgeley Pond Park and retrofitting of the existing pond, and required at this time to meet the condition of approval for the condominium development north of the Edgeley Hall Lands.

Staff recommend that Council approve the recommendations outlined in this report.

For more information, please contact Colin Lyon, Legal Counsel, extension 8829 or Finuzza Mongiovi, Legal Counsel, extension 8047.

Attachments

1. Legal description of Edgeley Hall Lands.
2. Approximate map of Edgeley Hall Lands.
3. Presentation slide showing Edgeley Pond and Park.

Prepared by

Colin Lyon, Legal Counsel, extension 8829

Finuzza Mongiovi, Legal Counsel, extension 8047

Cynthia Patterson, Real Estate Appraiser/Negotiator, extension 8840

Attachment 1

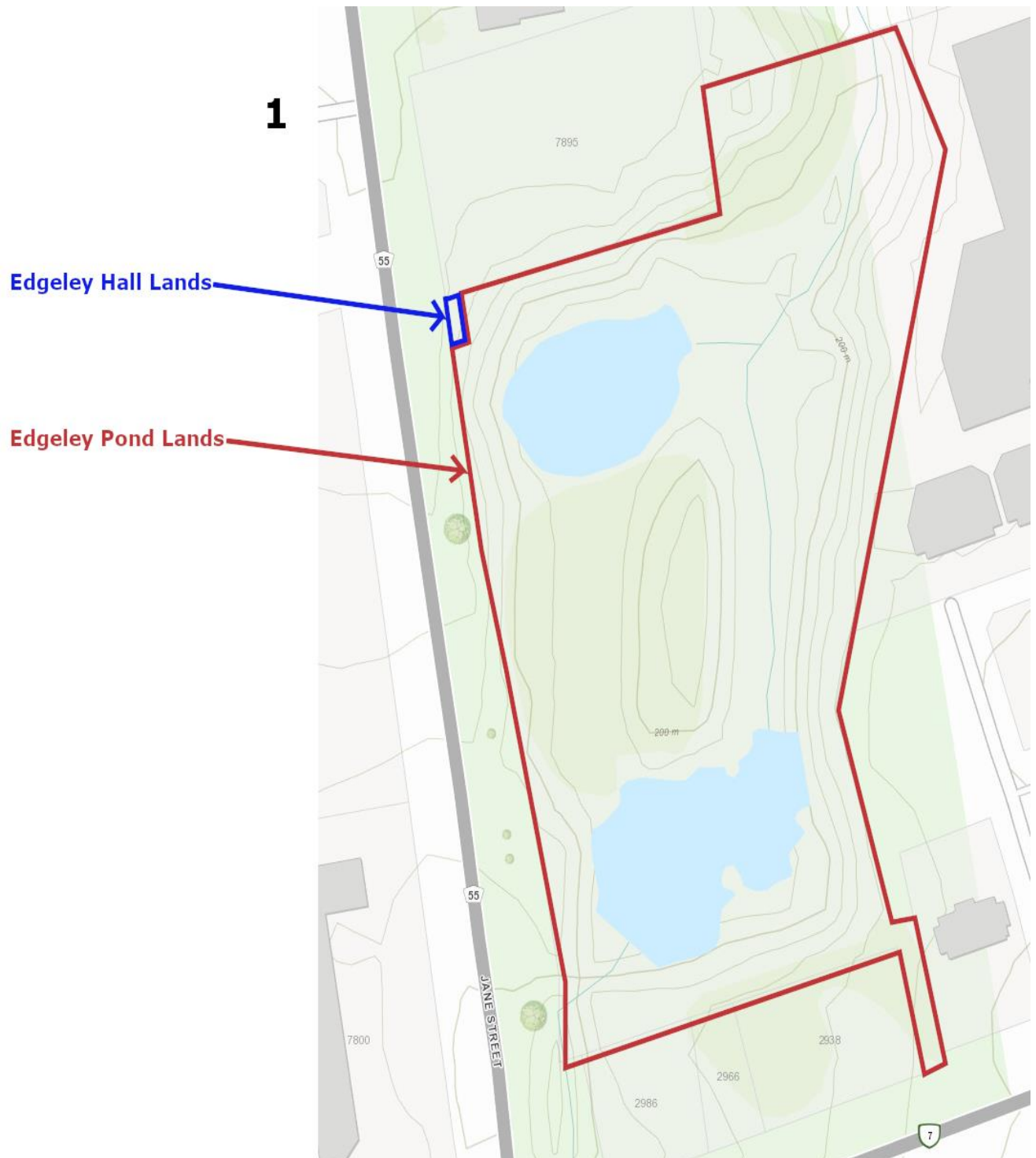
Description of Lands

Expropriation of Land - City of Vaughan

PIN: 03276-0498 (LT)

Part of Lot 6, Concession 4 (formerly Township of Vaughan) as in VA15071,
Save and Except Part 13 on Expropriation Plan VA54904,
City of Vaughan,
Regional Municipality of York.

Attachment 2



Attachment 3

Design Concept Phase One

Construction summer 2018:

- Urban Plaza (Jane + Hwy 7)
- Iconic landforms
- Open water body
- Enhanced Black Creek and aquatic planting
- Maintain existing island and mature vegetation
- Enhanced ecology and meadow planting
- Two SWM LID's
- Walking + cycling trails
- Flexible lawn area
- Strata park - separate contract, timing TBD

10



Committee of the Whole (2) Report

DATE: Tuesday, April 21, 2020

WARD(S): ALL

**TITLE: NEW CONSOLIDATED ANIMAL CONTROL BY-LAW AND
LICENSING BY-LAW AMENDMENTS**

FROM:

Mary Realì, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

This report seeks approval for the repeal of the current Animal Control By-law and its amendments and its replacement with a new consolidated Animal Control By-law that reflects evolving social attitudes and recent legislative changes. In addition, this report also seeks approval for the licensing of dog walkers in the interest of health and safety, consumer protection and nuisance control.

Report Highlights

- In line with the City of Vaughan By-law Strategy, the City is continuing to consolidate all by-laws to create relevant, effective, accessible and transparent regulations.
- A new Animal Control By-law and proposed changes to the Licensing By-law include strengthened animal care provisions, further restrictions on the commercialization of animals, more effective enforcement powers, licensing of dog walkers and revised provisions for kennels, pet shops and pet grooming establishments.

Recommendations

1. THAT the changes, as substantially provided in Attachment 1 of this report, be incorporated into a new consolidated Animal Control By-law;

2. THAT the current Animal Control By-law and its related amendments be repealed;
3. THAT the amendments to the Licensing By-law 315-2005, as amended, as substantially provided in Attachment 2 of this report, be approved;
4. THAT the amendments to the Fees and Charges By-law 171-2013, as amended, as substantially provided in Attachment 3 of this report, be approved;
5. THAT the amendments to the Parks By-law 134-95, as amended, as substantially provided in Attachment 4 of this report, be approved; and
6. THAT staff be authorized to undertake any other actions required to implement the recommendations of this report, including any consequential amendments to other by-laws, in a manner acceptable to the City Solicitor.

Background

As part of the City's By-law Strategy, staff have been conducting reviews to ensure that the City's regulatory by-laws continue to meet the current and future needs of residents, businesses and visitors. To this end, reviews are driven by the goal of ensuring that regulatory by-laws are accessible, transparent and outcome based, while continuing to serve the needs of our community.

The City's Animal Control By-law has been in place since 2002 and has been amended numerous times to address specific issues as they arise. In addition to changing needs arising from development and demographic changes across the city, recent legislative changes, in particular the introduction of the Provincial Animal Welfare Services ("PAWS") Act, have prompted staff to undertake a wholesome and comprehensive review of the City's animal control regulations.

Jurisdictional comparison

Staff have reviewed existing regulations and conducted a cross-jurisdictional scan, comparing animal control by-laws in six municipalities, including those of Toronto, Mississauga, King, Vancouver, Markham and Oakville. This comparative review, in addition to identified needs and stakeholder and public input, revealed additional areas of regulation that are needed to strengthen and benefit the City's Animal Control By-law, as outlined below.

Stakeholder engagement

Staff have undertaken an internal and external stakeholder engagement process to develop a fulsome understanding of the current situation, concerns and recommendations with respect to the animal control regulations in Vaughan.

Staff have engaged extensively with members of the public, businesses, interest groups and animal services, including:

- members of the public;
- dog walkers;
- pet shops;
- pet grooming establishments;
- kennels;
- other pertinent organizations with interest (municipal animal shelters, SPCA or affiliates, registered humane societies);
- City of Vaughan staff;
- Vaughan Animal Services; and
- other municipalities.

The engagement process included:

- staff meetings;
- stakeholder meetings;
- providing information on the website;
- online web survey; and
- cross-jurisdictional research.

Staff meetings

Numerous staff meetings and discussions were held with other engaged departments and portfolios such as Vaughan Animal Services, Public Works, Parks Planning, Parks Operations and Legal Services. These meetings identified some general issues and opportunities, as well as corresponding recommendations and relevant initiatives.

Stakeholder meetings

Three stakeholder consultations were conducted with four separate stakeholder groups: individual dog walkers or companies, representatives of pet shops, pet grooming establishments and kennels. The consultations took place in November and December 2019. The meeting format of the consultations included a background presentation on the Animal Control By-law review, including information about areas being considered, outlined the consultation process, concerns, opportunities and relevant initiatives, as well as a participative question-and-answer period. All of the stakeholders were also engaged by email, encouraged to send their feedback by answering specific questions and sharing their concerns, interests and recommendations.

Online web survey

An online survey was launched on November 15 and ran until December 31, 2019. The respondents were asked to share their opinion on such topics as: prohibiting retractable leashes, limiting leash length, limiting the number of dogs a person can walk at a time, regulating the dog walking industry, prohibiting leaving animals tethered and unattended, prohibiting circuses and filming involving prohibited animals, greater

restrictions on animal trapping, prohibiting selling of animals by individuals and obligatory spaying and neutering of animals by pet shops.

Survey results

A total of 20 surveys were completed and answers were analyzed. Sixty-five percent of respondents were Vaughan residents. Thirty-five percent of respondents were representatives of dog walking businesses, others were not involved in any animal related business. The respondents remain undecided on such issues as filming involving exotic animals, prohibiting retractable leashes or limiting leash length. Sixty-five percent of respondents (including 61% of residents) believe circuses with exotic animals should be prohibited in Vaughan. Majority of survey participants believe dog walking industry should be regulated and that dog numbers should be limited (dog walking business representatives agreed with these opinions 85% and 71% respectively). Sixty-nine percent of responding residents wanted to prohibit unlicensed selling of animals by individuals. A majority of respondents agreed that pet shops should offer only spayed and neutered animals for adoption (77% of residents).

Website

Staff published information on the Animal Control By-law Review on the official website of the City of Vaughan By-law and Compliance, Licensing and Permit Services Department, vaughan.ca/bylaw. Stakeholders were also provided with the link to the review and were encouraged to revisit the site for ongoing updates.

Concerns about Animal Control Regulations

Staff heard the following from stakeholders:

- **Lack of off-leash dog parks in Vaughan, more signage and regulations in dog parks:** The Local Off-Leash Dog Area Strategy and community consultation kicked off in September 2019. The aim of the strategy is to locate and pilot local off-leash dog areas within existing neighbourhoods. Since the launch of the strategy, focus group workshops with dog owners, ratepayer groups and City staff had been conducted, as well as over 10 pop-up booths to promote the strategy, solicit feedback and identify possible locations for review and consideration. In addition, an online survey has recorded over 700 responses to date and will be available until March 31, 2020. By the help of this review, City is aiming to receive feedback on draft site selection criteria, level of service, and pilot locations.

In the course of the review of the Animal Control By-law and relevant amendments, residents and representatives of dog walking businesses in Vaughan raised concerns around the lack of amenities for dogs in the city. Some of the parks being used for dog walking are: Concord dog park, Bindertwine Park, and Boyd Conservation area. Residents also asked for stricter regulations

set in place to ensure safety of both dogs and humans in the dog parks, specifically more signage: 1) that no children under the age of 12 be allowed in the dog off-leash area; 2) educational signs around conduct with unfamiliar dogs (dangerous situations for kids); 3) signage that unaltered (not neutered) dogs not be allowed in off-leash zones (to mitigate the aggressive behavior of such dogs); 4) informational signage around the risks of bringing toys to dog parks (fights because of possessive behavior). All the received information and concerns were shared with the Parks Planning Department;

- **Increase in the number of dogs a person can walk at a time including dog off-leash area:** Many dog walking business representatives asked to increase the number of dogs in off-leash areas and that the number of dogs a person can walk at a time be within the range of 6 to 8. At the same time, other dog owners expressed their view that the number of dogs should be in the range of 3 to 4. However, some of the respondents suggested that the number should depend on the weight of the dog or a dog walker's experience. Some dog walkers asked to have no limits on the number of dogs in off-leash area for certain times, such as when such areas are mostly used by professional dog walkers (9am-5pm);
- **Dog walkers should be licensed:** respondents stated that there are a lot of benefits in licensing of dog walkers, and there should be relevant requirements for their licences, such as insurance, age limit, background check, etc.;
- **No rabies vaccination for cats kept indoors:** Some residents raised concerns that cats kept indoors do not need rabies vaccination because of the alleged risk of cancer connected with such vaccines;
- **Proper vaccination for pets kept in kennels, pet shops and pet grooming establishments:** Some of the respondents suggested that specific types of vaccines be obligatory in pet shops, pet grooming establishments and kennels, such as: Bordetella Bronchoseptica vaccine, rabies, vaccine for Distemper, Hepatitis, Parvo and Parainfluenza viruses; for cats - Feline Viral Rhinotracheitis, Calicivirus and Panleukopenia;
- **Staff per dog ratio for pet grooming establishments, pet shops, kennels:** Business representatives mostly agreed that there should be a sufficient number of competent staff at pet grooming establishments, pet shops and kennels in order to limit the potential risk of accidents;
- **Illegal home-based boarding:** Residents asked for more severe penalties, control and enforcement of illegal home-breeding and selling of pets;
- **Changing the licensing requirements for pet grooming establishments with respect to police clearances for employees:** Business representatives asked to change these requirements for their employees, especially at the time of renewal, as it was seen as an additional cost and time with no added value, as they know their employees and are ultimately responsible for their actions.

The current changes in the Animal Control By-law are also intended to address the recent changes in the provincial animal control regulations. Up until recently, Animal welfare law enforcement services in Ontario used to be provided by the Ontario Society for the Prevention of Cruelty to Animals (“OSPCA”) under the OSPCA Act. The OSPCA officially stopped providing those services on June 28, 2019. On December 5, 2019, the provincial government passed new animal welfare legislation – the Provincial Animal Welfare Services (“PAWS”) Act which according to the Province is creating the first fully provincial government-based animal welfare enforcement system in Canada with the strongest penalties in the country for people who violate animal welfare laws.

However, as the new system still needs time to be tested and is not yet fully operational, there exist some potential gaps in services needed to support responsible pet ownership in Vaughan. The City can address these gaps by providing greater authority to Animal Control Officers on seizure, impoundment of animals and inspections, including stricter regulations against obstruction of an Officer. The proposed changes are also intended to bring Vaughan in line with other municipalities.

The suggested amendments of the Animal Control By-law will help to provide improved animal care and responsible pet ownership through the enhancement and introduction of provisions regarding tethering, control, protective care and requirements for enclosures. Introduction of such provisions are also connected with the cessation of services previously provided by the OSPCA.

These proposed changes will support the new legislative requirements, while providing the necessary abilities to Vaughan Animal Services to ensure responsive service to community needs.

Licensing of Commercial Dog Walkers

The proposed amendments will amend three by-laws: the Animal Control By-law, the Licensing By-law and the Fees and Charges By-law. These amendments are a result of the introduction of a commercial dog walkers licence. Some of the biggest municipalities in Ontario, including Toronto and Mississauga, already license this type of business. The City’s current Animal Control By-law does not regulate the number of dogs a person can walk except when in an off-leash zone. Many dog walkers from other municipalities use this gap to their advantage by coming to the Vaughan to walk numerous dogs in our parks and open spaces. Along with increasing the number of dogs a commercial dog walker can walk simultaneously, staff are proposing to limit the number of dogs walked by one person.

Dogs on Commercial or Industrial Property

Commercial or industrial property occupants sometimes use dogs as a measure of securing premises. These dogs are often unattended overnight and even over

weekends. Staff are proposing that where such dogs are found, the property be adequately signed with the contact information of the occupant. Such information could be used and would provide immediate contact information for emergency services personnel, the public or City staff in the event of any emergency, incident or complaint. These steps will assist in safeguarding responders (emergency and none emergency), members of the public, welfare of the animals (dogs) and the property owner.

Redemption period

The *Animal for Research Act* states that the minimum period for redemption of a dog or cat that has been impounded is three days, excluding the day on which it was impounded and not counting holidays. Current provisions under the Animal Control By-law give owners five days to claim an animal after receiving a notice of seizure or impoundment. In order to bring the requirement in line with provincial regulations, it is recommended that the minimum number of days to claim such animals be amended to three business days.

Improvements for public safety

Some of the proposed amendments focus on improving public safety. For example, the requirement for the owners or custodians of dogs to have control of their dogs at all times will help to minimize the danger that might be caused by menacing or biting dogs, prevent entanglements and other dangerous situations. In 2019, Animal Services got 223 complaints regarding incidents involving bites or aggressive behavior, 10 of them were followed by orders pursuant to the Dog Owners Liability Act. As a part of the Animal Control By-law Review, Animal Services will now recognize a designation issued by another municipality for dogs that have bitten but were relocated to the City of Vaughan. This measure will allow the City to impose necessary conditions on incoming dogs with a biting history.

Fosters

New amendments will repeal exceptions on the number of animals provided for fosters. Whether animals are owned or being fostered temporarily, the number needs to be regulated under the same rationale. Foster animals are inherently high risk and require more time and attention, relating to medical or behavioural challenges that they often present.

Excessive Barking

Current Animal Control By-law provisions do not address the instances when dogs may be barking excessively, from both a nuisance perspective (i.e., disturb residents' peace) and an animal protection perspective (i.e., an animal in distress). Recommendations would prohibit owners from allowing their dog to bark, whine, cry or cause noise, which is constant, persistent, or excessive. This provision is in line with the Noise By-law and will provide more protection both to residents and animals.

New licensing requirements for pet shops, pet grooming establishments and kennels

Proposed amendments to the Licensing By-law, with respect to pet shops, pet grooming establishments and kennels, include stricter requirements for: vaccination, licences and tags, the number of employees to provide care of animals, maintenance of facilities, temperature requirements, maintaining of appropriate records, durable and impervious surfaces in enclosures, sufficient number of qualified personnel, and posting of instructions.

Circuses involving exotic animals

In line with humane animal welfare practices and in accordance with public opinion (65% of respondents), staff recommend prohibiting circuses involving exotic animals in Vaughan. This amendment will not only protect animals and reduce animal cruelty but also ensure public safety in cases when such animals may end up at large. Along with current practices, most circuses are moving to non-animal productions. The public benefit and benefit to animal welfare of such a restriction out-weighs any potential commercial interest of circuses who may wish to attend Vaughan in the future. There is no record of any circuses in Vaughan in the last 5 years.

Previous Reports/Authority

- [Item No. 3 of Report No. 3](#) of the June 24, 2014 the Priorities and Key Initiatives Committee: *City of Vaughan By-law Strategy* (approved by Council on June 24, 2014).
- [Animal Control By-law 53-2002](#) (approved by Council on February 11, 2002) and its following amendments: [By-law 272-2006](#) (approved by Council on June 26, 2006), [By-law 2-2010](#) (approved by Council on January 18, 2010), [By-law 118-2010](#) (approved by Council on June 8, 2010), [By-law 52-2014](#) (approved by Council on April 8, 2014), [By-law 016-2015](#) (approved by Council on January 20, 2015), [By-law 196-2015](#) (approved by Council on December 15, 2015), [By-law 124-2016](#) (approved by Council on September 20, 2016), [By-law 053-2017](#) (approved by Council on June 5, 2017), [By-law 044-2018](#) (approved by Council on March 20, 2018).

Analysis and Options

Animal Control By-law amendments

No.	Current regulation	Recommendation	Benefit
1	The Animal Control By-law 53-2002 has nine separate amendments (272-2006, 2-2010, 118-2010, 52-2014, 16-2015, 196-2015, 124-2016, 53-2017, 044-2018) that require consolidation.	Consolidate the Animal Control By-law and repeal all the previous amendments.	Will provide more clarity to the public for ease of understanding, support voluntary compliance and will make the regulations more effective and efficient for use by staff.
2	The Animal Control By-law does not define <i>Control</i> .	Add a definition of <i>Control</i> .	Will provide more clarity to the public for ease of understanding, support voluntary compliance and will make the regulations more effective and efficient for use by staff.
3	The Animal Control By-law does not define <i>Commercial Dog Walker Licence</i> .	Add a definition of <i>Commercial Dog Walker Licence</i> .	Will provide more clarity to the public for ease of understanding, support voluntary compliance and will make the regulations more effective and efficient for use by staff.
4	The Animal Control By-law does not define <i>Stray</i> .	Add a definition of <i>Stray</i> .	Will provide more clarity to the public for ease of understanding, support voluntary compliance and will make the regulations more effective and efficient for use by staff.
5	The Animal Control By-law has a definition of <i>Dwelling</i>	Add a definition of <i>Premises</i> . Amend the related corresponding	Will provide greater access to Animal Control Officers and

No.	Current regulation	Recommendation	Benefit
	<i>Unit</i> , that shall be changed to <i>Premises</i> .	provisions in the Animal Control By-law.	greater protection to animals.
6	The Animal Control By-law does not define <i>Protective Care</i> .	Add a definition of <i>Protective Care</i> .	Will provide more clarity to the public for ease of understanding, support voluntary compliance and will make the regulations more effective and efficient for use by staff.
7	The Animal Control By-law does not define <i>Tether</i> .	Add a definition of <i>Tether</i> .	Will provide more clarity to the public for ease of understanding, support voluntary compliance and will make the regulations more effective and efficient for use by staff.
8	The Animal Control By-law does not define <i>Extreme Weather</i> .	Add a definition of <i>Extreme Weather</i> .	Will provide more clarity to the public for ease of understanding, support voluntary compliance and will make the regulations more effective and efficient for use by staff.
9	The Animal Control By-law does not define <i>Mitigating Factor</i> , though in the provision on vicious and menacing dogs it is stated that no owner shall permit the dog to bite or attack without provocation a person or domestic animal.	Add a definition of <i>Mitigating factor</i> .	Will provide greater clarity to the public, provide greater protection both for the public and for the animals and make the regulations more effective and efficient for use by staff.
10	The Animal Control By-law does not define <i>Custody (Custodian)</i> .	Add a definition of <i>Custody</i> (where	Will provide more clarity to the public for ease of understanding, support

No.	Current regulation	Recommendation	Benefit
		<i>Custodian</i> has the same meaning).	voluntary compliance and will make the regulations more effective and efficient for use by staff.
11	The Animal Control By-law does not address the range of existing enclosures for different animals or requirements for these enclosures.	Delete the defined term of <i>Enclosed pen</i> , add a definition of <i>Enclosure</i> and change the wording in the By-law.	Will provide greater protection to animals and better animal care.
12	The Animal Control By-law does not define <i>Abandoned Animal</i> .	Add a definition of <i>Abandoned animal</i> .	Will provide more clarity to the public for ease of understanding, support voluntary compliance and will make the regulations more effective and efficient for use by staff.
13	The Animal Control By-law does not define <i>Distress</i> .	Add a definition of <i>Distress</i> .	Will provide more clarity to the public for ease of understanding, support voluntary compliance and will make the regulations more effective and efficient for use by staff.
14	The Animal Control By-law does not define <i>Menace</i> and <i>Menacing</i> .	Add definitions of <i>Menace</i> and <i>Menacing</i> .	Such definition will have broader application, provide better public service, consumer protection and animal care.
15	The Animal Control By-law had definitions of <i>Wild Animal</i> or <i>Wildlife</i> which are not consistent with provincial regulations.	Amend the definition of <i>Wild Animal</i> or <i>Wildlife</i> .	This amendment will define specific terms in line with provincial regulations and provide

No.	Current regulation	Recommendation	Benefit
			more transparency for the public.
16	The Animal Control By-law does not define <i>Relocate</i> .	Add a definition of <i>Relocate</i> .	Will provide more clarity to the public for ease of understanding, support voluntary compliance and will make the regulations more effective and efficient for use by staff.
17	The Animal Control By-law does not define a <i>Live Trap</i> .	Add a definition of <i>Live Trap</i> .	Will provide more clarity to the public for ease of understanding, support voluntary compliance and will make the regulations more effective and efficient for use by staff.
18	The Animal Control By-law has a definition of <i>Microchip Implant</i> , stating that it is an approved Canadian standard encoded identification device.	Amend the definition of <i>Microchip Implant</i> by calling it <i>Microchip</i> and replacing the words “ <i>Canadian standard</i> ” by “ <i>universal</i> ”.	Such definition will have broader application, provide better public service, consumer protection and animal care.
19	The Animal Control By-law calls aggressive and dangerous dogs <i>Vicious and Menacing</i> .	Amend the name of definition of <i>Vicious Dog</i> to <i>Biting Dog</i> and amend the relevant Part on <i>Vicious and Menacing Dogs</i> by renaming such dogs <i>Biting and Menacing</i> .	The word <i>Biting</i> gives a specific characteristic of a dog’s behaviour and is more objective than <i>Vicious</i> . It provides greater clarity for the public and enhanced public safety.
20	The Animal Control By-law has some definitions that are not used in the By-law.	Repeal the definitions of <i>Purebred</i> , <i>Police Work Dog</i> , <i>Pound</i> and <i>Supervisor</i> .	Will simplify the by-law and create greater transparency for the public.

No.	Current regulation	Recommendation	Benefit
21	The fees listed in <i>Schedule A</i> of the Animal Control By-law do not correspond to the fees listed in the last amendment to the Fees and Charges By-law.	Repeal <i>Schedule A</i> with fees and charges prescribing that any fees shall be addressed in the Fees and Charges By-law.	Will provide greater clarity for the public and further ensures consistency between the Animal Control By-law and the Fees and Charges By-law.
22	The Animal Control By-law does not have a separate part on seizure and impoundment of animals specifying under what circumstances this should apply.	Add a separate Part called <i>Seizure and Impoundment</i> prescribing seizure and impoundment of animals under specific circumstances.	Will give authority to Animal Control Officers to seize and impound animals under specific circumstances. It will provide enhanced public safety and protection of animals.
23	The Animal Control By-law does not have a separate part on seizure and impoundment of prohibited animals.	Add a provision in Part <i>Seizure and Impoundment</i> on seizure and impoundment of prohibited animals.	Will give broader authority to Animal Control Officers to seize and impound prohibited animals that may cause danger to the public. It will provide enhanced public safety and protection of exotic animals.
24	The Animal Control By-law has a specific number of days (five) for an owner to claim a dog or a cat after receiving a notice.	Amend the minimum number of days specified for claiming a dog or a cat after being seized or impounded to three business days.	Will align requirements with the minimum redemption period in <i>Animal for Research Act</i> , which regulates municipal pound facilities. This provision will give more clarity to the public and the proposed time period is a common practice.
25	The Animal Control By-law states that an Animal	Repeal the provision that states that an	In accordance with current regulations and

No.	Current regulation	Recommendation	Benefit
	Control Officer shall give notice of the seizure to the owner of the dog or cat if such animals have a tag or a microchip.	Animal Control Officer shall give notice of seizure or impoundment to the owner of dog or cat if such animals have a tag or a microchip.	provincial legislation, Animal Control Officers will take all reasonable steps to find and notify the owner of a dog or cat that has been impounded.
26	The Animal Control By-law states that the Poundkeeper (i.e. the Director of By-law and Compliance) is responsible for seizure and impoundment of livestock at large.	Repeal the Part <i>Poundkeeper</i> and add a provision in the Part <i>Seizure and Impoundment</i> that the Director, or his or her designate, is responsible for seizure and impoundment of animals found at large.	The term <i>Poundkeeper</i> is not transparent to the public. Also, putting all these provisions under one section, makes it easier for the public to navigate through the by-law.
27	The Animal Control By-law has provisions on seizure and impoundment of animals running at large in Part 3 <i>Animals Running at Large</i> .	Repeal sections on seizure and impoundment of dogs and cats running at large and add them to the new Part <i>Seizure and Impoundment</i> .	Will provide greater clarity to the public, better align related provisions into newly proposed section for seizure and impoundment of all animals.
28	The Animal Control By-law does not specify that the owner or custodian shall have control of his or her dog at all times.	Add a provision to the Animal Control By-law specifying that the owner or custodian shall have control of his or her dog at all times.	Will ensure greater public safety, help mitigate against risk, supports responsible pet ownership and minimize situations that can lead to injury of people and pets.
29	The Animal Control By-law has a Part called <i>Animals Running at Large</i> which regulates animals at large and dogs in park and in off-leash zones.	Amend the Part <i>Animals Running at Large</i> by renaming it <i>Control of Animals</i> . Add provisions prohibiting having	Will help provide more protection both for the public and for the animals.

No.	Current regulation	Recommendation	Benefit
		animals not under control and off-leash.	
30	The Animal Control By-law has specific limitations for animals in an off-leash zone that are addressed to dog owners only.	Amend the provisions in Part <i>Control of Animals</i> stating that every owner or custodian of a dog shall comply with certain provisions when in an off-leash zone.	Will introduce enhanced regulations and requirements for the off-leash-zones that help provide more protection both for the public and for the animals.
31	The Animal Control By-law does not define that a commercial dog walker can walk with more than three dogs simultaneously.	Add a provision to the Animal Control By-law that no person shall have custody of more than three dogs at any time unless they have a Commercial Dog Walker Licence. If it is a licensed Commercial Dog Walker, that person can have custody of up to six dogs, except for the off-leash zones.	Will increase the number of dogs a person with a commercial dog walker licence can responsibly walk, as such people have professional experience in managing dogs and preventing dangerous situations. It will ensure public safety and enhanced animal care.
32	The Animal Control By-law does not define inspection. There is no provision specifying the reasons for Animal Control Officers to enter a property for an inspection.	Create a Part called <i>Inspections and Right of Access</i> stating that, in accordance with the <i>Municipal Act</i> , an Animal Control Officer may enter premises at any reasonable time for the purpose of carrying out inspections with respect to compliance to the by-law.	Will clarify and enhance Animal Control Officers' powers to inspection, enhance the protection to the animals and ensure better animal care.
33	The Animal Control By-law does not have specific requirements for entering a dwelling unit for inspection,	Create a provision in Part <i>Inspections and Right of Access</i> with specific exceptions and	Will references section 437 of the <i>Municipal Code</i> and provides specific requirements

No.	Current regulation	Recommendation	Benefit
	which are defined in the <i>Municipal Code</i> .	requirements when entering a dwelling unit.	for Animal Control Officers when entering a dwelling unit.
34	The Animal Control By-law does not have specific requirements for giving a notice when entering a dwelling unit for inspection, which are defined in the <i>Municipal Code</i> .	Create a provision in Part <i>Inspections and Right of Access</i> with specific requirements for a notice.	Will reference section 435(2) of the <i>Municipal Code</i> and provides specific requirements for giving a notice for entering a dwelling unit.
35	The Animal Control By-law does not have a provision that gives authority to the Animal Control Officers to issue orders.	Add a provision that an Animal Control Officer may make an order requiring any person who contravened the By-law, or who caused or permitted the contravention to discontinue the contravention.	Will provide additional powers to Animal Control Officers, enhance protection to the animals and ensure better animal care.
36	The Animal Control By-law does not have a provision that gives authority to the Animal Control Officers to issue orders.	Add a provision that Animal Control Officers may make orders requiring the work to be done to correct the contravention of the By-law.	Will provide additional powers to Animal Control Officers, enhance protection to the animals and ensure better animal care.
37	The Animal Control By-law does not define inspection and what are Animal Control Officers allowed to require for an inspection.	Add a provision prescribing powers of an Animal Control Officer or any other designated person authorized by the City to require for the purposes of an inspection (documents, things relevant for inspection and information from any person relevant to	Will provide additional powers to Animal Control Officers, enhance protection to the animals and ensure better animal care.

No.	Current regulation	Recommendation	Benefit
		the inspection; make examinations, take tests, samples, photographs necessary for the purposes of the inspection).	
38	The Animal Control By-law does not have provisions about obstruction.	Add obstruction provisions as done within other by-laws, stating that any person who hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this By-law is guilty of an offence.	Will provide additional powers to Animal Control Officers, enhance protection to the animals and ensure better animal care.
39	The Animal Control By-law provides exception on the allowed number of dogs and cats for kennels, rescue groups, fosters, pet shops and pet grooming facilities.	Amend the provision in Part <i>Number of Animals</i> that provides exception on the allowed number of dogs and cats by repealing such exception for fosters.	Will provide enhanced animal care and protection. According to the Animal Services, foster animals are inherently high risk because of illnesses and behavioral issues, and controllable numbers are prudent.
40	The Animal Control By-law does not define protective care, reasons for taking an animal for the purpose of providing protective care, who is allowed to do that and the period of providing it.	Add a separate Part <i>Protective Care</i> , stating that the City can take an animal for the purpose of providing protective care, specifying the reasons for that and a specific time period (10 days).	Will provide enhanced protection for the animals, improve public service and emergency situations management.
41	The Animal Control By-law has no specific requirements for tethering.	Add specific requirements for a tether such as: no	Will ensure more humane treatment of animals and will ensure

No.	Current regulation	Recommendation	Benefit
		choke collar, choke chain or pronged collar; no rope, cord or chain directly around a dog's neck.	protection from potential injuries or theft.
42	The Animal Control By-law has no specific requirements for tethering.	Add a provision to the Animal Control By-law that an animal must not be left unattended while tethered.	Will ensure more humane treatment of animals and will ensure protection from potential injuries or theft.
43	The Animal Control By-law has no specific requirements for tethering.	Specify that an animal shall have access to water and shelter while tethered.	Will ensure more humane treatment of animals.
44	The Animal Control By-law prescribes that an owner of a vicious or a menacing dog may be asked to provide proof of a microchip to the Director without specifying the time period for that.	Amend the provision in the Part <i>Vicious and Menacing Dogs</i> by prescribing that, in case of a menacing or a biting dog, an owner may be required to provide proof of microchip's implantation to the Director within certain time period, i.e. 14 days.	Will provide greater clarity to the public, enhance the powers to require microchipping, support responsible pet ownership and provide greater protection for the public.
45	The Animal Control By-law does not prescribe that an owner or a seized or impounded dog or cat shall provide proof of a microchip to the Director.	Add a provision that, in case of a seized or impounded dog or cat, an owner may be required to provide proof of microchip's implantation to the Director within certain time period, i.e. 14 days.	Will provide greater clarity to the public, enhance the powers to require microchipping, support responsible pet ownership and provide greater protection for the public.
46	The Animal Control By-law prescribes non-compliance	Add a separate Part <i>Recovery of Expenses</i>	Will facilitate the collection of expenses.

No.	Current regulation	Recommendation	Benefit
	with this by-law, specifying the maximum sum of a fine without other specifications.	prescribing that the expenses may be added to the tax roll in the same manner as municipal taxes.	
47	The Animal Control By-law does not prescribe consequences for failing to obtain a licence for a dog for previous years of ownership.	Add a provision stating that an owner, who fails to provide a proof of licence for any preceding years of ownership of a dog, shall be required to pay a fee for each of these years prior to obtaining a licence for a current year.	Will require greater accountability and responsibility pet ownership.
48	The Animal Control By-law does not prescribe consequences for failing to obtain a licence for a cat for previous years of ownership.	Add a provision stating that an owner, who fails to provide a proof of licence for any preceding years of ownership of a cat, shall be required to pay a fee for each of these years prior to obtaining a licence for a current year.	Will require more responsibility from the owners of cats.
49	The Animal Control By-law has no specific size characteristics of an enclosure.	Amend the provision about enclosures and add their size characteristics (an animal shall be able to spread legs, wings and body, stand, turn, sit, lie down and perch).	Will ensure more humane treatment of animals.
50	The Animal Control By-law specifies the distance of an enclosure from a property	Amend the provisions on animal enclosures by deleting the distance of	All enclosures must meet requirements established by any other applicable law,

No.	Current regulation	Recommendation	Benefit
	line - not less than 1.4 metres.	an enclosure from the property line.	including but not limited to Zoning regulations and requirement under the Ontario Building Code. This amendment will put the regulatory responsibility on the appropriate legislation and provide greater consistency for the public.
51	The Animal Control By-law specifies that an animal enclosure shall be in sanitary condition without other recommendations.	Amend the provisions on animal enclosures by adding that they shall be: weather proof, in good state of repair, air ventilated, insulated, in a sanitary condition, not exposed to noxious odours and sounds, shall be escape proof, of such nature and condition that the animal would not be harmed, and its health would not be negatively affected. Every reptile, fish, and amphibian shall be provided with an enclosed space adequate for the needs of the species. Also, every animal shall be readily observed.	Will ensure more humane treatment of animals, lessen the opportunity for an animal to escape thereby improving public safety and emergency situation management.
52	The Animal Control By-law has no provision that an animal must not be left outdoors during extreme	Add a provision stating that no person is allowed to keep an animal outdoors during extreme weather unless	Will ensure more humane treatment for the animals.

No.	Current regulation	Recommendation	Benefit
	weather unless in an enclosure.	it has access to an enclosure that meets the requirements of this by-law.	
53	The current List of Prohibited Animals (Schedule B) in the Animal Control By-law is incomplete and lacks certain types of animals.	Add additional species to the List of Prohibited Animals (Schedule B).	Will provide more protection both for the public and for the animals and supporting deterring the illegal animal trade.
54	The Animal Control By-law provides an exception on keeping of certain prohibited domestic animals on the lands zoned agricultural.	Add a provision giving exception on keeping of certain domestic animals specified in subsection (3)(g) to the following premises: Akachi Farms, Woodbridge Fall Fair grounds at their current locations.	Will maintain the traditional rights of these properties to keep certain domestic animals.
55	The Animal Control By-law provides an exception on keeping of certain prohibited domestic animals on the lands zoned agricultural.	Add a provision giving exception on keeping of certain domestic animals (horses) to the City of Vaughan and other public authorities.	Will maintain the traditional rights of public authorities to keep certain domestic animals (e.g. Police Mountain units).
56	The Animal Control By-law does not have any provisions on dogs kept on commercial or industrial property.	Add a separate part to the Animal Control By-law <i>Dogs on Commercial or Industrial Property</i> prescribing that an owner of a dog on industrial or commercial property shall post a warning notice (600m ²) with a contact number at every entrance to the premises.	Will provide more protection for the public, provide greater necessary information to Animal Control Officers for cases regarding dangerous dogs and/or situations relating to emergency management.

No.	Current regulation	Recommendation	Benefit
57	The Animal Control By-law contains provisions with the word provocation that should be amended to mitigating factor.	Change the word <i>provocation</i> to <i>mitigating factor</i> through the Animal Control By-law.	Will give more clarity to the public and allow for clarity and consistency relating to animal investigations.
58	The Animal Control By-law states that an Animal Control Officer may impound a cat that is causing damage to owner's or tenant's property.	Repeal the provision stating that an Animal Control Officer may capture and impound a cat that is causing damage to owner's or tenant's property.	Will delete an unnecessary provision, which is already covered by the provision regulating animals running at large.
59	The Animal Control By-law states that the owner of a biting dog shall comply with specific provision without prescribing cases when a dog has bitten in another municipality.	Amend the existing provision by adding that the same provisions apply when the Director receives a notification from another municipality, government agency, or public authority regarding a biting dog.	Will provide enhanced protection for the public.
60	The Animal Control By-law has no provision around abandonment of animals.	Add a provision stating that abandonment of animals is prohibited.	Will ensure more humane treatment for the animals, create a deterrent and penalty, and will reduce number of cases of abandonment.
61	The Animal Control By-law has no provision about causing distress to an animal.	Add a provision stating that no person shall cause an animal to be in distress.	Will ensure more humane treatment for the animals.
62	The Animal Control By-law has no provision for seizure and impoundment of animals in distress or abandoned animals.	Add a provision stating that an Animal Control Officer can seize and impound animals in distress or abandoned animals.	Will ensure more humane treatment for the animals.

No.	Current regulation	Recommendation	Benefit
63	The Animal Control By-law does not give Animal Control Officers the authority to enter the premises where in his or her opinion animal in distress is kept.	Add a provision stating that, subject to the <i>Municipal Act</i> , an Animal Control Officer can enter onto premises at any reasonable time when he or she deems appropriate if in his or her opinion an animal kept there is in distress and needs immediate treatment or attention. This provision shall give authority to Animal Control Officers to take custody of the animal and arrange for food, water, shelter, care and veterinary treatment for it. Also, specify that all the costs associated with the transportation, impoundment and veterinary care are borne by the owner of the animal.	Will ensure more humane treatment for the animals, provide more authority to Animal Control Officers and establish a method of cost recovery.
64	The Animal Control By-law has no provisions around excessive barking.	Add a separate Part <i>Excessive Barking</i> prescribing that no custodian shall allow his or her dogs to bark, whine, cry or cause noise, which is constant, persistent, or excessive.	Will better align with the Noise By-law and provides enhanced animal care and safety.
65	The Animal Control By-law allows dog owners to request an appeal of any	Amend the provisions in Part 10 <i>Biting and Menacing Dogs</i> stating that an owner of a dog	Will align with the <i>Municipal Act</i> , which allows dog owners to

No.	Current regulation	Recommendation	Benefit
	orders issued regarding biting and menacing dogs.	may request an appeal only to the muzzling requirement of an order.	appeal muzzling requirement.
66	The Animal Control By-law provides an exception on keeping of prohibited animals in circuses for a temporary period with certain requirements.	Repeal the provision that allows keeping of prohibited animals in circuses.	Will ensure more humane treatment of animals, public safety and is in line with public opinion.
67	The Animal Control By-law provides an exception on keeping of prohibited animals for filming for a temporary period with certain requirements.	Add a requirement for keeping of prohibited animals for filming stating that Animal Control Officers may enter upon such areas at any reasonable time for inspection, subject to the provisions of the <i>Municipal Act</i> .	Will ensure more humane treatment of animals and will provide more authority to Animal Control Officers.
68	The Animal Control By-law does not specify administrative monetary penalties.	Add a separate Part <i>Administrative Monetary Penalties</i> stating that Animal Control Officers may issue administrative monetary penalties instead of laying charges. Also, specify the amount of such penalty - \$200.	Will allow the application of administrative monetary penalties, providing enhanced public service.
69	The Animal Control By-law has no information about farm animals' disposal.	Add a separate Part <i>Livestock Disposal</i> stating that a dead farm animal must be disposed of by a method set out in a relevant section of provincial regulations.	Will give more clarity to the public, support and align with the relevant provincial regulations.

No.	Current regulation	Recommendation	Benefit
70	The Animal Control By-law prohibits only leg hold traps.	Amend the Part <i>Leg Hold Traps</i> by renaming it <i>Animal Traps</i> . Adding no person shall leave a killing or restraining trap or snare that may cause injury in any place outdoors whereby any person, wild or domestic animal may come into contact with it.	Will ensure more humane treatment of animals, improve public safety and reduce potential danger both to the public and animals.
71	The Animal Control By-law does not prohibit relocation of trapped animals.	Add a provision to the Part <i>Animal Traps</i> stating that no person shall relocate any trapped animal.	Will ensure more humane treatment of animals and improve public safety, as trapped animals are dangerous and shall be managed by professional representatives of Animal Services.
72	The Animal Control By-law has no provision for animals trapped in live traps.	Add a provision to the Part <i>Animal Traps</i> stating that no person shall leave an animal in a live trap for any extended period of time that can cause distress to the trapped animal.	Will ensure more humane treatment of animals.
73	The Animal Control By-law does not prescribe any exceptions on animal trapping for people authorized under provincial regulations.	Add a provision to the Animal Control By-law stating that animals may be trapped or relocated by persons authorized under other provincial regulations.	Will bring regulations in line with <i>The Fish and Wildlife Conservation Act</i> .
74	The Animal Control By-law does prescribe the selling of animals by individuals.	Add a provision to the Animal Control By-law stating that no one can	Will reduce home breeders and decrease the risks associated

No.	Current regulation	Recommendation	Benefit
		sell animals, except for licensed kennels where breeding take place.	with the so-called "puppy mills".
75	The Animal Control By-law requires proof of rabies vaccination while applying for a pet license only.	Add a provision to the Animal Control By-law stating that every owner of a cat, dog or ferret three months of age or over shall ensure that the cat, dog or ferret is immunized against rabies.	Will ensure public safety and bring regulations in line with <i>Health Protection and Promotion Act</i> .
76	The Animal Control By-law does not require rabies vaccination of domestic animals.	Add a provision to the Animal Control By-law stating that every owner of a horse, cow, bull, steer, calf or sheep shall ensure that each such animal is immunized against rabies in accordance with provincial regulations.	Will ensure public safety and bring regulations in line with <i>Health Protection and Promotion Act</i> .

Licensing By-law amendments

No.	Current regulation	Recommendation	Benefit
1	The Licensing By-law does not define commercial dog walker licences.	Add a definition of <i>Commercial Dog Walker Licence</i> .	Will define commercial dog walkers, provide new type of licence and regulate this business. Such licence holders with experience in animal care will be allowed to walk with

No.	Current regulation	Recommendation	Benefit
			more dogs simultaneously. Licence holders will be obliged to meet certain requirements.
2	The Licensing By-law does not define commercial dog walker licence and application requirements for such licences.	Create a separate Part called <i>Commercial Dog Walker Licence</i> . Add requirements for commercial dog walker licence and renewal thereof to the Licensing By-law, including personal identification, fee, application form, criminal background check, insurance, age limit and vehicle information.	Will define commercial dog walkers, provide new type of licence and regulate this business. Additional requirements for such licence holders will ensure better animal care and public safety.
3	The Licensing By-law does not define commercial dog walker licence and the characteristics of such licences.	Add a provision to the Part <i>Commercial Dog Walker Licence</i> in the Licensing By-law stating that such person can walk up to six dogs at a time, except when in an off-leash zone.	Will give exceptions on the number of dogs a person can walk in public places for commercial dog walkers. Additional requirements for such licence holders will ensure better animal care and public safety.
4	The Licensing By-law does not define commercial dog walker licence and requirements for the holders of such licences.	Add a provision to the Part <i>Commercial Dog Walker Licence</i> in the Licensing By-law stating that such person shall ensure that every dog in his or her possession wears a current municipal licence tag or other	Will provide more protection to the animals.

No.	Current regulation	Recommendation	Benefit
		visible identification with owner's contact information.	
5	The Licensing By-law does not define commercial dog walker licence and requirements for the holders of such licences.	Add a provision to the Licensing By-law stating that commercial dog walkers are required to ensure that all dogs in their custody have current rabies vaccination. Also, all dogs in their custody are required to be currently vaccinated against Distemper, Hepatitis, Parvo and Parainfluenza viruses.	Will be consistent with relevant provincial regulations. Also, such provision will ensure better animals care and public safety.
6	The Licensing By-law does not define commercial dog walker licence and requirements for the holders of such licences.	Add a provision to the Licensing By-law stating that such person shall display his or her licence at all times.	Will make it easier for the Animal Control Officers to check if the person is licensed and will ensure public and animal safety.
7	The Licensing By-law does not require pet grooming establishments to ensure all dogs and cats in such premises have proper vaccination.	Add a provision to the Licensing By-law stating that pet grooming establishments are required to ensure that all cats and dogs kept in their premises have current rabies vaccination. Also, all dogs kept in such premises are required to be currently vaccinated against	Will be consistent with relevant provincial regulations and will provide enhanced protection for the animals, improve consumer protection and will benefit pet grooming establishments.

No.	Current regulation	Recommendation	Benefit
		Distemper, Hepatitis, Parvo and Parainfluenza viruses. All cats kept in these premises are required to be currently vaccinated against Feline Viral Rhinotracheitis, Calicivirus and Panleukopenia.	
8	The Licensing By-law does not require pet grooming establishments, pet shops and kennels to have sufficient number of competent employees.	Add a provision to the Licensing By-law stating that pet grooming establishments, pet shops and kennels are required to have adequate number of employees competent in the care of dogs and cats to properly care for every dog and cat in such premises.	Will put the regulations in line with provincial regulations, it will provide more protection for the animals, improve consumer protection, reduce the risk of accidents in such premises, and will benefit these businesses.
9	The Licensing By-law does not require pet grooming establishments and kennels to ensure all pets kept in their premises have licences and wear tags.	Add a provision to the Licensing By-law stating that pet grooming establishments and kennels are required to ensure all pets kept in their premises have licences and wear tags.	Will provide more protection for the animals, improve consumer protection, emergency and public service.
10	The Licensing By-law does not limit the number of animals kept in the same enclosure in kennels.	Add a provision to the Licensing By-law stating that kennels shall not keep more than one animal in the same enclosure without	Will ensure more humane treatment of animals.

No.	Current regulation	Recommendation	Benefit
		prior consent of the owner of that animal.	
11	The Licensing By-law does not require pet grooming establishments, pet shops and kennels to keep appropriate records on animals.	Add a provision to the Licensing By-law stating that pet grooming establishments, pet shops and kennels are required to keep appropriate records on animals (owner's information, emergency contacts, information on animals, dates of arrival and departure) and provide them to the Animal Control Officers in case of inspection.	Will provide more protection for the animals, provide consumer protection and ensure public safety.
12	The Licensing By-law does not require pet grooming establishments, pet shops and kennels to isolate ill animals.	Add a provision to the Licensing By-law stating that pet grooming establishments, pet shops and kennels are required to isolate animals from other animals or people in case of contagious disease.	Will provide more protection for the animals and people.
13	The Licensing By-law does not require pet grooming establishments, pet shops and kennels to ensure the enclosures for animals are made of proper materials.	Add a provision to the Licensing By-law stating that pet grooming establishments, pet shops and kennels are required to ensure that enclosures have durable and impervious surfaces.	Will ensure more humane treatment of animals.

No.	Current regulation	Recommendation	Benefit
14	The Licensing By-law does not require pet grooming establishments, pet shops and kennels to ensure that enclosures have the right temperature.	Add a provision to the Licensing By-law stating that pet shops, pet grooming establishments and kennels should ensure enclosure's temperatures are species appropriate.	Will ensure more humane treatment of animals.
15	The Licensing By-law does not require pet grooming establishments and kennels to ensure that any area containing dogs is secured.	Add a provision to the Licensing By-law stating that pet grooming establishments and kennels should ensure that any area containing dogs is secured and closed at all times.	Will provide more protection both for the public and for the animals.
16	The Licensing By-law does not require pet grooming establishments, pet shops and kennels to have skilled personnel.	Add a provision to the Licensing By-law stating that pet shops, pet grooming establishments and kennels should ensure that their personnel are competent in animal care and have knowledge of characteristics, care and handling of animals.	Will provide more protection for the animals.
17	The Licensing By-law does not require pet grooming establishments, pet shops and kennels to post specific instructions for personnel.	Add a provision to the Licensing By-law stating that pet shops, pet grooming establishments and kennels should keep posted in conspicuous places instructions for	Will provide more protection for the animals.

No.	Current regulation	Recommendation	Benefit
		handling of emergency situations.	
18	The Licensing By-law requires kennels, pet shops and pet grooming establishments to provide police clearance for their employees.	Amend the provisions in the Licensing By-law with requirements for kennels, pet shops and pet grooming establishments by requiring police clearance only for owners of such businesses at the time of initial application and at every renewal.	Will put the regulations in line with licensing requirements for other types of businesses and will provide enhanced consumer protection and safety both for the public and for the animals.
19	The Licensing By-law does not require pet shops to ensure dogs and cats are spayed or neutered and have current vaccination before being adopted or sold.	Add a provision to the Part <i>Pet Shops</i> stating that no dog or cat shall be offered for adoption or sale at a pet shop unless the animal has been spayed or neutered and has current rabies vaccination. Also, all dogs offered for adoption are required to be currently vaccinated against Distemper, Hepatitis, Parvo and Parainfluenza viruses. All cats offered for adoption are required to be currently vaccinated against Feline Viral Rhinotracheitis, Calicivirus and Panleukopenia.	Will put the regulations in line with relevant provincial regulations and in line with the best industry practices. Also, such provision will prevent illegal home-breeding and help control population of unwanted animals, ensure better animals care and public safety.

Fees and Charges By-law amendments

No.	Current regulation	Recommendation	Benefit
1	The Fees and Charges By-law has a licensing fee for vicious or aggressive dogs.	Amend the name of the licensing fee in the Fees and Charges By-law from <i>vicious or aggressive dogs</i> to <i>biting or menacing dogs</i> .	Will make the name of the fee consistent with the provisions of the Animal Control By-law.
2	The Fees and Charges By-law does not have application and renewal fee for Commercial Dog Walker Licence.	Add a separate fee for application and renewal of the Commercial Dog Walker Licence (\$150 for a business and \$25 for each additional dog walker under that licence).	Will introduce a fee for a new type of licence.

Parks By-law amendments

No.	Current regulation	Recommendation	Benefit
1	The Parks By-law does not allow to use any park or its facilities for commercial or business purposes.	Add a provision to the Parks By-law giving exception to use parks for the walking of dogs for licensed Commercial Dog Walkers.	Will regulate the activity of licensed Commercial Dog Walkers.

Financial Impact

There are no anticipated financial impacts as a result of the recommendations of this report.

Broader Regional Impacts/Considerations

The proposed amendments contribute to the Regional Municipality of York's 2019 to 2023 Strategic Plan priority to support community health, safety and well-being.

Conclusion

In accordance with City of Vaughan's By-law Strategy, and in order to achieve greater efficiency in the administration of animal control regulations in the City, staff are making

a number of recommendations, including the repeal of the current Animal Control By-law and the introduction of a new consolidated Animal Control By-law that includes enhanced provisions in addition to the existing regulations. Development, growth, changing social opinions and legislative changes have created a strong need for the review of the City's animal care and control regulations. Complementary amendments are also proposed for the City's Licensing By-law, Fees and Charges By-law and Parks By-law. The proposed amendments support the Term of Council Strategic Priority of Active, Safe and Diverse Communities.

For more information, please contact: Gus Michaels, Director and Chief Licensing Officer, By-law and Compliance, Licensing and Permit Services, ext. 8735

Attachments

1. Proposed enhancements in the new consolidated Animal Control By-law
2. Proposed amendments to the Licensing By-law
3. Proposed amendments to the Fees and Charges By-law
4. Proposed amendments to the Parks By-law

Prepared by

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Proposed Enhancements

Animal Control By-law:

1. Consolidate the Animal Control By-law and repeal all the previous amendments.
2. Add a definition of *Control* to the Animal Control By-law to read as follows:

“Control” means the act of preventing an animal from creating a hazard to any person or domestic animal or damage to property.
3. Add a definition of *Commercial Dog Walker Licence* to the Animal Control By-law to read as follows:

“Commercial Dog Walker Licence” means written permission or written authorization issued by the Director under the Licensing By-law, as amended or its successor by-law, which allows a person to walk up to 6 dogs.
4. Add a definition of *Stray* to the Animal Control By-law to read as follows:

“Stray” means a domestic animal that is wandering at large or is lost.
5. Repeal the definition of *Dwelling Unit* from the Animal Control By-law, add a definition of *Premises* and change the wording in the Animal Control By-law. The definition is to read as follows:

“Premises” means any land, building, structure, place or part thereof and, in a multiple occupancy premises, each single occupancy shall be considered separate premises.
6. Add a definition of *Protective Care* to the Animal Control By-law to read as follows:

“Protective care” means the temporary custody of an animal by the City, as a result of an eviction, incarceration, medical or fire emergency or any other situation that the Director deems appropriate.
7. Add a definition of *Tether* to the Animal Control By-law to read as follows:

“Tether” means a rope or chain or similar restraining device that prevents an animal from moving beyond a localized area; “Tethered” and “Tethering” have a corresponding meaning.
8. Add a definition of *Extreme Weather* to the Animal Control By-law as follows:

“Extreme Weather” means a cold warning, heat warning or other weather warning alert issued by Environment Canada for weather in the City of Vaughan including but not limited to extreme cold or hot weather, snow storms, freezing rain, heavy rainfall, hurricanes, tornadoes and/or strong winds.
9. Add a definition of *Mitigating factor* to the Animal Control to read as follows:

“Mitigating factor” means any activity which, in the opinion of the Animal Control Officer acting in his or her absolute discretion, may be expected to cause a dog to bite or menace a person, dog or other animal engaging in such activity.

10. Add a definition of *Custody* to the Animal Control By-law to read as follows:

“Custody” means temporary or permanent possession of an animal; “Custodian” has a corresponding meaning.

11. Delete the defined term of *Enclosed pen*, add a definition of *Enclosure* and change the wording in the Animal Control By-law. The definition is to read as follows:

“Enclosure” means an enclosed place for the keeping of animals and includes, but is not limited to, bird lofts, bird cages, pigeon coops, dog runs, dog pens, doghouses, rabbit hutches, catteries and reptile tanks; but the rear yard of a residential property where fencing has been erected on or along the property lines for the purposes of enclosing, in whole or in part, the rear yard itself, shall not be deemed to be an enclosure.

12. Add a definition of *Abandoned animal* to read as follows:

"Abandoned animal" means an animal that:

- (a) is found unattended in rental premises after apparent expiration or termination of the tenancy agreement in respect of the rental unit, or
- (b) is left for more than 24 hours without adequate food or water or shelter, or
- (c) if a person agreed to care for the animal, is not retrieved from that person within 4 days following the end of that agreement.

13. Add a definition of *Distress* to the Animal Control By-law as follows:

“Distress” means the state of being in need of proper care, water, food or shelter or being injured, sick or in pain, suffering, or being abused or subject to undue or unnecessary hardship, privation or neglect.

14. Add a definition of *Menace* to read as follows:

“Menace” means any intimidating, aggressive or threatening behaviour towards any person or animal, without a mitigating factor, including but not limited to making physical contact, approaching, chasing, growling or snarling; “Menacing” has a corresponding meaning.

15. Amend the definition of *Wild Animal* or *Wildlife* to read as follows:

“Wild Animal” or “Wildlife” means an animal that belongs to a species that is wild by nature, and includes game wildlife and specially protected wildlife, in line with the Fish and Wildlife Conservation Act, 1997, S.O. 1997, c. 41.

16. Add a definition of *Relocate* to read as follows:

“Relocate” means to remove an animal outside the owner’s property on which it was trapped, unless under the direction of Vaughan Animal Services.

17. Add a definition of *Live Trap* to read as follows:

“Live Trap” means any box, cage or other structure which can trap and hold an animal without injuring it.

18. Amend the definition of *Microchip Implant* in the Animal Control By-law by calling it *Microchip* and replacing the words “*Canadian standard*” to “*universal*” to read as follows:

“Microchip” means an approved universal encoded identification device implanted into an animal, which contains a unique code that permits or facilitates access to owner information, including the name and address of the owner of the animal.

19. Amend the name of the definition of *Vicious Dog* to *Biting Dog* in the Animal Control By-law and amend the relevant provision in Part 6 *Vicious and Menacing Dogs* in the Animal Control By-law by renaming such dogs *Biting and Menacing*.
20. Repeal the definitions of *Purebred*, *Police Work Dog*, *Pound* and *Supervisor*.
21. Repeal Schedule A of the Animal Control By-law on fees and charges mentioning that any fees shall be addressed in the Fees and Charges By-law.
22. Add a separate Part *Seizure and Impoundment* in the Animal Control By-law mentioning seizure and impoundment of animals under specific circumstances.
23. Add a provision to Part *Seizure and Impoundment* in the Animal Control By-law on seizure and impoundment of prohibited animals.
24. Amend the minimum number of days specified for claiming a dog or a cat after being seized and impounded in Part *Seizure and Impoundment* of the Animal Control By-law to three business days.
25. Repeal Part 3 section (5) of the Animal Control By-law that states that an Animal Control Officer shall give notice of seizure or impoundment to the owner of the dog or cat if such animals have a tag or a microchip.
26. Repeal Part *The Poundkeeper* of the Animal Control By-law and add a provision in Part *Seizure and Impoundment* that the Director, or his or her designate, is responsible for seizure and impoundment of animals found at large.
27. Repeal sections (4), (6), (7), (8) on seizure and impoundment of dogs and cats running at large from Part 3 *Animals Running at Large* of the Animal Control By-law and add them to the new Part *Seizure and Impoundment*.
28. Add a provision to the Animal Control By-law specifying that the owner or custodian shall have control of his or her dog at all times.
29. Amend the Part *Animals Running at Large* by renaming it *Control of Animals*. Add provisions prohibiting having animals not under control and off-leash.
30. Amend provisions in Part *Control of Animals* of the Animal Control By-law stating that every owner or custodian of a dog shall comply with certain provisions when in an off-leash zone.

31. Add a provision to Part *Number of Animals* of the Animal Control By-law that no person shall have custody of more than three dogs at any time unless authorized by a Commercial Dog Walker Licence. If authorized, a person can have in his or her possession up to six dogs, except when in an off-leash zone.
32. Add a separate Part *Inspections and Right of Access* to the Animal Control By-law stating that, in accordance with the *Municipal Act*, an Animal Control Officer may enter a premises within the City of Vaughan at any reasonable time for the purpose of carrying out inspections to determine whether the following are being complied with this By-law or a notice or order issued in accordance with this By-law.
33. Create a provision in Part *Inspections and Right of Access* with specific exceptions and requirements when entering a dwelling unit, which include consent of the occupier of the dwelling unit, obtaining an order or a warrant, instances when the delay would result an immediate danger to the health or safety of any person, or when the City has given notice to enter a dwelling unit and the entry is required to take remedial action.
34. Create a provision in Part *Inspections and Right of Access* with mentioning that a notice for entering a dwelling unit shall be given to the occupier of dwelling unit by personal service within a reasonable time before the power of entry is exercised.
35. Add a provision to the Part *Inspections and Right of Access* in the Animal Control By-law stating that an Animal Control Officer may make an order requiring any person who contravened the By-law, or who caused or permitted the contravention to discontinue the contravention.
36. Add a provision to the Part *Inspections and Right of Access* in the Animal Control By-law stating that an Animal Control Officer may make an order requiring the work to be done to correct the contravention of the By-law.
37. Add a provision to the Part *Inspections and Right of Access* of the Animal Control By-law stating that an Animal Control Officer or any other designated person authorized by the City is allowed to require for the purposes of an inspection documents, things relevant for inspection and information from any person relevant to the inspection and is allowed to make examinations, take tests, samples, photographs necessary for the purposes of the inspection.
38. Add a provision to the Part *Inspections and Right of Access* of the Animal Control By-law stating that any person who hinders or obstructs or attempts to hinder or obstruct any person exercising a power or performing a duty under this By-law is guilty of an offence.
39. Amend Part 4 Section (5) of the Animal Control By-law that provides exception on the allowed number of dogs and cats for fosters and rescue groups by repealing such exception for fosters.
40. Add a separate Part *Protective Care* to the Animal Control By-law, stating that the City can take an animal for the purpose of providing protective care, specifying the reasons for that and a specific time period (10 days).
41. Add specific requirements for a tether in Part *Care of Animals* of the Animal Control By-law such as: no choke collar, choke chain or pronged collar; no rope, cord or chain directly around a dog's neck.

42. Add a provision in Part *Care of Animals* of the Animal Control By-law, stating that an animal must not be left unattended while tethered.
43. In Part *Care of Animals* of the Animal Control By-law, specify that an animal shall have access to water and shelter while tethered.
44. Amend Subsection (2) v) of Part 6 *Vicious and Menacing Dogs* of the Animal Control By-law mentioning that, in case of a menacing or a biting dog, an owner may be required to provide proof of microchip's implantation to the Director within certain time period, i.e. 14 days.
45. Add a provision to Part *Seizure and Impoundment* of the Animal Control By-law stating that, in case of a seized or impounded dog or cat, an owner may be required to provide proof of microchip's implantation to the Director within certain time period, i.e. 14 days.
46. Add a separate Part *Recovery of Expenses* mentioning that the expenses may be added to the tax roll in the same manner as municipal taxes.
47. Add a provision in Part *Licensing of Dogs* of the Animal Control By-law stating that an owner, who fails to provide a proof of licence for any preceding years of ownership of a dog, shall be required to pay a fee for each of these years prior to obtaining a licence for a current year.
48. Add a provision in Part *Licensing of Cats* of the Animal Control By-law stating that an owner, who fails to provide a proof of licence for any preceding years of ownership of a cat, shall be required to pay a fee for each of these years prior to obtaining a licence for a current year.
49. Add a provision in Part *Care of Animals* of the Animal Control By-law with the size characteristics of an enclosure - an animal shall be able to spread legs, wings and body, stand, turn, sit, lie down and perch.
50. Amend Part 5 *Care of Animals* Section (2) of the Animal Control By-law by deleting the distance of an enclosure from the property line.
51. Add a provision in Part *Care of Animals* of the Animal Control By-law mentioning that an animal enclosure shall be: weather proof, in good state of repair, air ventilated, insulated, in a sanitary condition, not exposed to offensive odour and sound, shall be escape proof, of such nature and condition that the animal would not be harmed and its health would not be negatively affected. Every reptile, fish, and amphibian shall be provided with an enclosed space adequate for the needs of the species. Also, every animal shall be readily observed.
52. Add a provision to Part *Care of Animals* of the Animal Control By-law stating that no person is allowed to keep an animal outdoors during extreme weather unless it has access to an enclosure.
53. Amend the List of Prohibited Animals (Schedule B) of the Animal Control By-law by:
 - a) Adding such orders to the Birds class:
BIRDS

Gruiformes (such as cranes, rails)
Phoenicopteriformes (such as flamingos)
Sphenisciformes (such as penguins)

- b) Replacing the order Squamata in Reptiles class by following:

Squamata

Such as anacondas, amethystine and scrub pythons, Indian pythons, Indian rock pythons, Burmese pythons, African rock pythons, Reticulated pythons, varanus niloticus, crocodile monitors, water monitors, lace monitors, perenties, Komodo dragons, true vipers, fea's vipers, night adders, rattlesnakes, cobras, mambas, kraits, coral snakes, sea snakes, coral reef snakes, boomslang snakes, twig snakes, keelbacks, burrowing vipers, mole vipers, South American green racers, gila monsters, beaded lizards.

All other snakes which are venomous.

- c) Adding such order to the Reptiles Class:

Testudines

Such as terrapins, tortoises, turtles (except turtles derived from a self-sustaining captive population).

54. Add provisions to Part *Prohibited Animals* of the Animal Control By-law giving exception on keeping of certain domestic animals specified in section (3)(g) to the following premises: Akachi Farms and Woodbridge Fall Fair grounds at their current locations.
55. Add a provision to Part *Prohibited Animals* of the Animal Control By-law giving exception on keeping of horses to the City of Vaughan and other public authorities.
56. Add a separate Part *Dogs on Commercial or Industrial Property* in the Animal Control By-law with provisions stating that an owner of a dog on industrial or commercial property shall post a warning notice of no less than 600m² with a contact number at every entrance to the premises.
57. Change the word *provocation* to *mitigating factor* through the Animal Control By-law.
58. Repeal Section (4) in Part 2 *Licensing of Cats* of the Animal Control By-law which states that an Animal Control Officer may capture and impound a cat that is causing damage to owner's or tenant's property.
59. Amend Section (2) in Part 6 *Vicious and Menacing Dogs* of the Animal Control By-law by adding that the same provisions apply when a Director receives notification from another municipality regarding a biting or menacing dog.
60. Add a provision to Part *Care of Animals* of the Animal Control By-law stating that abandonment of animals is prohibited.
61. Add a provision to Part *Care of Animals* of the Animal Control By-law stating that no person shall cause an animal to be in distress.
62. Add a provision to Part *Seizure and Impoundment* stating that an Animal Control Officer can seize and impound animals in distress or abandoned animals.

63. Add a provision to Part *Enforcement and Right of Access* of the Animal Control By-law stating that, subject to the *Municipal Act*, an Animal Control Officer can enter onto premises at any reasonable time when he or she deems appropriate if in his or her opinion an animal kept there is in distress and needs immediate treatment or attention. This provision shall give authority to Animal Control Officers to take custody of the animal and arrange for food, water, shelter, care and veterinary treatment for it. Also, specify that all the costs associated with the transportation, impoundment and veterinary care are borne by the owner of the animal.
64. Add a separate Part *Excessive Barking* in the Animal Control By-law mentioning that no custodian shall allow his or her dogs to bark, whine, cry or cause noise, which is constant, persistent, or excessive.
65. Amend the provisions in Part *Biting and Menacing Dogs* stating that an owner of a dog may request an appeal to the muzzling requirement of an order.
66. Repeal the provision in Part *Prohibited Animals* that allows keeping of prohibited animals in circuses.
67. Add a requirement for keeping of prohibited animals for filming stating that Animal Control Officers may enter upon such areas at any reasonable time for inspection, subject to the provisions of the *Municipal Act*.
68. Add a separate Part *Administrative Monetary Penalties* stating that Animal Control Officers may issue administrative monetary penalties instead of laying charges. Also, specify the amount of such penalty - \$200.
69. Add a separate Part *Livestock Disposal* stating that a dead farm animal must be disposed of by a method set out in a relevant section of provincial regulations.
70. Amend the Part *Leg Hold Traps* by renaming it *Animal Traps*. Add there that no person shall leave a killing or restraining trap or snare that may cause injury in any place outdoors whereby any person, wild or domestic animal may come into contact with it.
71. Add a provision to the Part *Animal Traps* stating that no person shall relocate any trapped animal.
72. Add a provision to the Part *Animal Traps* stating that no person shall leave an animal in a live trap for any extended period of time that can cause distress to the trapped animal.
73. Add a provision to the Animal Control By-law stating that animals may be trapped and relocated by persons authorized under other provincial regulations.
74. Add a provision to the Animal Control By-law stating that no one can sell animals, except for licensed kennels where breeding take place.
75. Add a provision to the Animal Control By-law stating that every owner of a cat, dog or ferret three months of age or over shall ensure that the cat, dog or ferret has current rabies vaccination.
76. Add a provision to the Animal Control By-law stating that every owner of a horse, cow, bull, steer, calf or sheep shall ensure that each such animal has current rabies

vaccination in accordance with provincial regulations.

Proposed Amendments

Licensing By-law:

1. Add a definition of *Commercial Dog Walker Licence* to the Licensing By-law to read as follows:

“Commercial Dog Walker Licence” means written permission or written authorization issued by the Director under this By-law, which allows a person to walk up to 6 dogs.
2. Add a Part called *Commercial Dog Walkers*. State that when applying for such licence a person shall: be no younger than 19 years old, come in person, provide a personal identification, pay a certain fee, provide a completed application form, provide a criminal background check, provide information on dog walker’s vehicle and provide evidence of Commercial General Liability Insurance coverage in the amount of \$2,000,00.
3. Add a provision to the Part *Commercial Dog Walker Licence* stating that such person can walk up to six dogs at a time, except when in an off-leash zone.
4. Add a provision to the Part *Commercial Dog Walker Licence* stating that such person shall ensure that every dog in his or her custody wears a current municipal licence tag or other visible identification with owner’s contact information.
5. Add a provision to the Part *Commercial Dog Walker Licence* stating that commercial dog walkers are required to ensure that all dogs in their custody have current rabies vaccination. Also, all dogs in their custody are required to be currently vaccinated against Distemper, Hepatitis, Parvo and Parainfluenza viruses.
6. Add a provision to the Part *Commercial Dog Walker Licence* in the Licensing By-law stating that such person shall display his or her licence at all times.
7. Add a provision to the Licensing By-law stating that pet grooming establishments are required to ensure that all cats and dogs kept in their premises have current rabies vaccination. Also, all dogs kept in such premises are required to be currently vaccinated against Distemper, Hepatitis, Parvo and Parainfluenza viruses. All cats kept in these premises are required to be currently vaccinated against Feline Viral Rhinotracheitis, Calicivirus and Panleukopenia.
8. Add a provision to the Licensing By-law stating that pet grooming establishments, pet shops and kennels are required to have adequate number of employees competent in the care of dogs and cats to properly care for every dog and cat in such premises.
9. Add a provision to the Licensing By-law stating that pet grooming establishments and kennels are required to ensure all pets kept in their premises have licences and wear tags.
10. Add a provision to the Licensing By-law stating that kennels shall not keep more than one animal in the same enclosure without prior consent of the owner of that animal.
11. Add a provision to the Licensing By-law stating that pet grooming establishments, pet shops and kennels are required to keep appropriate records on animals, such as:

owner's information, emergency contacts, information on animals, dates of arrival and departure. Also, such businesses are required to provide these records to the Animal Control Officers in case of inspection.

12. Add a provision to the Licensing By-law stating that pet grooming establishments, pet shops and kennels are required to isolate animals from other animals or people in case of contagious disease.
13. Add a provision to the Licensing By-law stating that pet grooming establishments, pet shops and kennels are required to ensure that enclosures have durable and impervious surfaces.
14. Add a provision to the Licensing By-law stating that pet shops, pet grooming establishments and kennels should ensure enclosure's temperatures are species appropriate.
15. Add a provision to the Licensing By-law stating that pet grooming establishments and kennels should ensure that any area containing dogs is secured and closed at all times.
16. Add a provision to the Licensing By-law stating that pet shops, pet grooming establishments and kennels should ensure that their personnel are competent in animal care and have knowledge of characteristics, care and handling of animals.
17. Add a provision to the Licensing By-law stating that pet shops, pet grooming establishments and kennels should keep posted in conspicuous places instructions for handling of emergency situations.
18. Amend the provisions in the Licensing By-law with requirements for kennels, pet shops and pet grooming establishments by requiring police clearance only for owners of such businesses at the time of initial application and at every renewal.
19. Add a provision to the Part *Pet Shops* stating that no dog or cat shall be offered for adoption or sale at a pet shop unless the animal has been spayed or neutered and has current rabies vaccination. Also, all dogs offered for adoption or sale are required to be currently vaccinated against Distemper, Hepatitis, Parvo and Parainfluenza viruses. All cats offered for adoption or sale are required to be currently vaccinated against Feline Viral Rhinotracheitis, Calicivirus and Panleukopenia.

Proposed Amendments

Fees and Charges By-law:

1. Amend the name of the licensing fee in the Fees and Charges By-law from *vicious or aggressive dogs* to *biting or menacing dogs*.
2. Introduce a fee for Commercial Dog Walker Licence to the Fees and Charges By-law. The annual cost of licence for a business shall be \$150 and the cost of each additional dog walker on that licence shall be \$25.

Proposed Amendments

Parks By-law:

1. Add a provision to the Part *Commercial Enterprises* in the Parks By-law giving exception to use parks for the walking of dogs for licensed Commercial Dog Walkers pursuant to the City's Licensing By-law.

Committee of the Whole (2) Report

DATE: Tuesday, April 21, 2020

WARD(S): ALL

**TITLE: STUDY OF POTENTIAL REGIONALIZATION OF YORK REGION
FIRE SERVICE**

FROM:

Mary Reali, Deputy City Manager, Community Services

ACTION: DECISION

Purpose

To seek Council's consideration to support a study for the potential creation of a Regional Fire Service as requested by the Regional Municipality of York.

Report Highlights

- Regionalization of fire services in the Regional Municipality of York (York Region) has been considered and studied several times since 1996.
- Vaughan Council is being requested to determine whether the study of a regional fire service is warranted.

Recommendations

1. That Council consider supporting a study to determine the potential amalgamation of all eight York Region Fire Services within the nine York Region municipalities; and
2. That Council's decision be forwarded by the City Clerk to The Regional Municipality of York.

Background

At its meeting of February 27, 2020, York Region Council adopted the following motion:

WHEREAS the consolidation of Aurora and Newmarket fire services into Central York Fire Service has resulted in efficiencies through enhanced levels of fire service and cost efficiencies;

WHEREAS a Regional Fire Service may achieve further operating efficiencies, improved department structure, increased service level(s), and cost avoidance opportunities;

BE IT RESOLVED THAT the Regional Clerk share this motion with local municipal Councils requesting a resolution by May 29, 2020 indicating whether they support proceeding with a study on the potential creation of a Regional Fire Service.

In an effort to consider the most efficient and effective ways of delivering vital services to City of Vaughan residents, a recommendation from Regional Council has been proposed to study the regionalization of eight fire services in York Region within the nine York Region municipalities.

In 1996 and again in 2002, regionalization in York Region was considered at a number of levels; including (1) *a regional model which envisaged local fire departments consolidated into one regional fire service*, (2) *a regional fully integrated model which included the ambulance service with the regional fire service model*, (3) *a regional/local model which included communications (dispatch), training, fire prevention and maintenance combined at a regional level, with fire suppression and emergency response remaining at a local level incorporating automatic aid* (City of Vaughan 1996).

The proposed study will review financial implications (including collection of development charges and cost avoidances), the governance model, labour implications, standardization of fire prevention, public education and training, standards of cover, key findings and other service delivery impacts.

York Region fire services have long standing **mutual aid agreements** (with no additional cost) in place when there is a surge in required suppression response.

Consultant Reports - Key Points

The summary below outlines the key points from various reports, including consultant's reports since 1997.

1997 ARA Consultants Group/Tri Data Corporation (ARA):

- The recommended structure for the consolidation of fire services in York Region was the Urban-Rural option which consolidated the urban fire departments of

Markham, Vaughan, Richmond Hill, Aurora, and Newmarket into one fire department and leaves the rural fire services in their current configuration.

- Operational and financial advantages were identified that would result from the consolidation of fire services.
- Human resources implications could have a negative impact on the use of volunteers in the rural areas.

Two options for a governance model:

- a) Use of a joint fire service board was recommended in the ARA study as the governance model for the consolidated urban fire department;
- b) Delegate the responsibility for the consolidated fire department to the Region and the Region would assume full authority and accountability for the delivery of the services.

At the April 10, 1997 meeting Regional Council endorsed the recommendations of the ARA study and referred the report to the area municipalities for consideration and development of implementation plans.

2001 Report No. 1 of the Regional Fire Services Committee:

- A recommendation to provide the Regional Municipality of York with the authority and accountability of the consolidated fire services which would serve all the residents of York Region.
- ARA projected that the Fully Consolidated option would start to accrue savings after the first year, mainly due to lower staff requirements in the areas of fire suppression, communications and administration.
- The recommendations identified in the 1997 ARA study to consolidate fire services are still valid.

2002 Consolidations of Newmarket and Aurora Fire Services:

- Central York Fire Services (CYFS) was formed by the consolidation of Newmarket and Aurora Fire Departments.
- Richmond Hill withdrew from discussions due to anticipated decrease in service levels.
- Additional concerns by Richmond Hill included potential increase in compensation and benefits, and the collection and use of development charges should they consolidate with other municipalities.

2013 Vaughan Council Meeting of April 23, 2013 (CW, Report 14, Item 35):

- That the City of Vaughan study and conduct a pilot project for a two-year period to implement automatic aid, being reciprocal fire, rescue, and emergency response support, with the City of Markham and the Town of Richmond Hill in response to emergencies.

2016 Dillon Consulting – Study for Richmond Hill Fire consolidating with CYFS:

- Limited opportunity to reduce already constrained staff resources.
- Opportunity for one Fire Chief (cost savings).
- Opportunity to increase non-unionized positions.
- Limited short-term opportunity to save money through staggered hiring of fire prevention staffing.
- Some opportunity for cost savings, enhanced flexibility for scheduling training and more training opportunities in the Training Division.
- No operational improvement for initial response capabilities in any of the municipalities.
- Limited depth of response improvement along the Richmond Hill/Aurora municipal border.
- Potential loss in revenue as CYFS contracts RHFS to provide their dispatch in the Communications Division.
- Additional costs required to standardize equipment.

May 2019 Finance, Administration and Audit Committee (FAA) - Provincial Regional Government Review Maintaining the City of Vaughan's Existing Governance Framework:

- Scenario 1: Amalgamation, the creation of One Single-Tier municipality for all of York Region (p.20). The analysis would suggest the potential to achieve significant cost savings over the medium to long-term for Fire Services.

There are opportunities to explore changes to the delivery of fire services. Aurora and Newmarket currently have a joint-fire service. Vaughan has had initial discussions with Markham and Richmond Hill on opportunities to leverage joint purchasing, joint training and an option of combining a communication centre.

Previous Reports/Authority

1997 ARA Consultants Group/Tri Data Corporation

[Report No. 1 of the Regional 9-1-1 Operating Committee Meeting held on March 7, 2001](#)

[Report No. 2 of the Regional 9-1-1 Operating Committee Meeting held on May 31, 2001](#)

[Deputation of the Region of York for the Establishment of a Steering Committee \(2011\)](#)

[Ottawa Community and Protective Services Committee, June 23, 2011.](#)

[Vaughan Council Meeting Minutes of April 23, 2013](#)

[Markham Fire Services Automatic Aid Pilot Project with the City of Vaughan and the Town of Richmond Hill May 27, 2013](#)

[Richmond Hill Staff Report for Fire Consolidation Study Council Advisory Committee Meeting October 25, 2016](#)

[Richmond Hill Staff Report for Fire Consolidation Study Council Advisory Committee April 18, 2018](#)

[Regional Governance Review – City of Vaughan and York Region Fiscal Impact Analysis](#)

[Review of Regional Government – Scenario Impact Analysis](#)

Analysis and Options

Historically there have been several studies conducted in York Region, and Vaughan Council will determine whether further investigations will yield different results, whereby the potential improvements to service levels outweighs the financial costs. The Fire Services in York Region have a track record for collaboration to ensure efficiencies are realized by the separate entities, and a decision is required to be made on whether a study is required to determine if additional benefits could be realized by the regionalization of the fire services within York Region.

- a) City of Vaughan Council will determine if there is support to study the benefits of a consolidated fire service in York Region.
- b) Vaughan Council's resolution will be forwarded by the Clerk to the Regional Council.

Financial Impact

The Region has not advised of any potential financial implications for the City of Vaughan related to the proposed study of the regional consolidation of fire services.

Broader Regional Impacts/Considerations

There are a number of implications to any establishment of regional service. If there is a support for regionalization of fire services, items that must be considered are: the type of taxation and its equality, political accountability, service levels, feasibility, resource utilization and distribution, standardization, economies of scale, labour relations, and standards of cover.

Conclusion

Although a Regional Fire Service has not been understudied, it has been some time since a regional study has been performed. From a City of Vaughan perspective, the growth and addition of infrastructure like the Vaughan Metropolitan Centre (VMC) and Mackenzie Vaughan Hospital have created future challenges that this and future Councils will continue to face. If a study was to be performed, a portion of the scope should be ensuring current investments (personnel and equipment) will remain with those municipalities who have shown leadership in providing investment and planning for a particular level resourcing and service level.

Attachments

None

Prepared by

Deryn Rizzi, Fire Chief, Vaughan Fire & Rescue Service, ext. 6301

Committee of the Whole (2) Report

DATE: Tuesday, April 21, 2020

WARD(S): ALL

TITLE: INDEMNIFICATION BY-LAW AMENDMENTS (REFERRED)

FROM:

Wendy Law, Deputy City Manager, Administrative Services and City Solicitor

ACTION: DECISION

Purpose

Referred report from the Council meeting of March 11, 2020, Report No.11, Item No. 14, which was referred to Committee of the Whole meeting of April 7, 2020. This report is now referred to the Committee of the Whole meeting of April 21, 2020, as the April 7, 2020 Committee of the Whole meeting was cancelled due to the COVID-19 pandemic crisis.

This report provides an overview of staff's suggested revisions to the City's Indemnification By-law to implement the policy options discussed by the Integrity Commissioner in her reports to Committee of the Whole and to provide some overall updates and changes.

Report Highlights

- If Council chooses to adopt the policy recommendations contained in the Integrity Commissioner's reports, the City's Indemnification By-law will need to be revised.
- The revised Indemnification By-law would provide indemnification for legal fees incurred by Members of Council and Local Boards ("Members") related to Code of Conduct complaints.
- Indemnification of legal fees for Members will be funded from corporate contingency in 2020, and will be budgeted as in the corporate budget for 2021 and going forward.
- Staff are proposing additional amendments to the Indemnification By-law, and the Code Complaint Protocol to give effect to the changes and to address existing gaps.

Recommendations

Council, at its meeting of March 11, 2020, (Committee of the Whole, Report No. 11, Item 14) adopted the following recommendation:

Recommendation of the Council meeting of March 11, 2020:

- 1) That communication C25 from Regional Councillor Ferri, dated March 8, 2020, be received.

Recommendation of the Committee of the Whole meeting of March 9, 2020:

- 1) That consideration of this matter be deferred to the April 7, 2020 Committee of the Whole (1) meeting.

Report and Recommendations of the Deputy City Manager, Administrative Services and City Solicitor, dated March 9, 2020:

1. That a new Indemnification By-law, substantially in the form as Attachment #3 to this report be enacted.
2. That the Code of Ethical Conduct for Members of Council and Local Boards and related Complaint Protocol included as attachments #1 and #2 to this report be confirmed by by-law.
3. That any amounts incurred/to be incurred in 2020 to indemnify Members of Council and Local Board for Legal Proceedings that are not funded by the City's insurer be funded from the corporate contingency in 2020, and that such expenses be budgeted in the corporate budget for 2021 budget and going forward.

Report dated March 9, 2020

Background

At its meeting on January 28, 2020, Council received staff's communication on "2019 Indemnification By-law Amendments" and asked that a further report be brought back to Council from staff and the Integrity Commissioner on the issues identified therein. Both staff and the Integrity Commissioner prepared further reports, which were before Council on February 11, 2020. Staff now seek approval from Council to repeal the current Indemnification By-law 91-2011, as amended, and replace it with a new consolidated Indemnification By-law addressing the matters set out herein.

Previous Reports/Authority

[By-law 91-2011](#)

[By-law 013-2019](#)

[Council Report - Addendum Item 1 - February 11, 2020 - Suzanne Craig, Integrity Commissioner & Lobbyist Registrar](#)

[Communication - January 27, 2020 - 2019 Indemnification Bylaw](#)

[Communication - February 10, 2020 - Reimbursement of Legal Expenses for Council](#)

Analysis and Options

The *Municipal Act*, and section 14 of the *Municipal Conflict of Interest Act* (“MCIA”) set out the circumstances in which a municipality may indemnify its employees and members of Council and Local Boards. In particular, sections 279 and 283 of the *Municipal Act* allow a municipality to indemnify current and former employees, and members of Council and Local Boards, for expenses, such as legal fees (including damages awards and costs awards) incurred as a result acts or omissions done in the individual’s capacity as employee or member.

Section 14 of the MCIA confirms that a municipality may indemnify a member of Council or Local Board for legal fees incurred in respect of a legal proceeding under the MCIA, so long as the member has not contravened section 5, 5.1 or 5.2 of the MCIA.

In light of the regulatory framework as well as the Integrity Commissioner’s comments in respect of the Code of Conduct regime, and to address certain gaps in the existing By-law, staff are recommending certain amendments be made to the Indemnification By-law. Below is an overview of the proposed changes:

1. Enact one new Indemnification By-law that incorporates indemnification provisions of By-law 91-2011, as amended, with necessary amendments, together with the new provisions as provided in this report. This way, all matters of indemnification are dealt with in one document.
2. As set out as an option for Council to consider by the Integrity Commissioner in her report to Committee of the Whole dated March 9, 2020, if Council agrees to proceed with the option, add indemnification for actual and reasonable legal fees incurred by a Member of Council and Local Board related to a Code of Conduct complaint filed with the Integrity Commissioner for an investigation under section

223.4 or 223.4.1 of the *Municipal Act, 2001*, as amended (a “Code Complaint”), where the Integrity Commissioner has found that:

- i. there has been no Code contravention; or
 - ii. a Code contravention has occurred by reason of inadvertence, or
 - iii. a Code contravention has occurred by reason of a bona fide error in judgment; or
 - iv. the referral of the matter is frivolous, vexatious or not made in good faith and the Integrity Commissioner dismisses the complaint without an investigation, or that there are no grounds or insufficient grounds for an investigation; or
 - v. where it becomes apparent in the course of an investigation that there are insufficient grounds to continue the investigation, the Integrity Commissioner terminates the investigation and dismisses the complaint.
3. Clarify that unless the City Solicitor determines there is a conflict in representation and the City cannot represent a person who is eligible for indemnification (“Eligible Person”), the City (or the City, through its insurer) will assume carriage of the defence on behalf of the Eligible Person. Further clarify that Eligible Persons are required to aid the City in the defence of the Legal Proceeding. While this is already the practice at the City, as is in many other municipalities, and assuming carriage of a defence is generally required by the insurer, amendments to the By-law can provide further clarity in this respect.
4. Where an individual is required to retain their own counsel, such as in the case of a Code Complaint filed with the Integrity Commissioner, the individual can submit a request for indemnification to the City Solicitor, and such request may also include a request that actual and reasonable legal fees incurred be reimbursed/paid in advance of a final disposition being made. The existing sections of the Indemnification By-law relating to the process surrounding indemnification will continue to apply, including the current requirements for approval of legal counsel and budget, and the assessment of reasonableness of fees as submitted etc.
5. Where an individual’s legal fees are paid in advance of a final disposition of a Legal Proceeding, and if it is subsequently determined that the individual is not entitled to indemnification in accordance with the By-law, the individual shall repay the Corporation within 90 days of such determination. Where an individual requests more than 90 days to reimburse the City, the City Solicitor shall bring a report to Council for direction.

6. If an Eligible Person receives a payment through a costs award or settlement in respect of a Legal Proceeding for which the City has indemnified the Eligible Person, such amounts must be paid to the City upon receipt by the Eligible Person.

The requirement for an individual to reimburse the City for indemnification expenses paid where the conduct in question is: (i) not related to the individual's capacity as an employee/Member, or (ii) was not done or made in good faith, or (iii) was not based on the reasonable belief that such acts or omissions were lawful and in the best interests of the corporation, are necessary pursuant to the *Municipal Act* and related case law. Likewise, the requirement for an Eligible Person to pay the City amounts received through costs awards or settlements are also necessary pursuant to the *Municipal Act* and related case law.

7. Any advance payment by the Corporation of reasonable legal fees incurred by an Eligible Person in a Legal Proceeding under the By-law shall be capped at \$25,000. For advance reimbursement requests of any amounts exceeding \$25,000 prior to the final disposition of the Legal Proceeding, the City Solicitor shall bring a report to Council for direction.

This is one of the options for Council's consideration that the Integrity Commissioner provided in her report to Council dated February 10, 2020. Rather than only applying the reimbursement cap of \$25,000 to Code Complaints before the Integrity Commissioner, it is recommended that this rule be generally applied for all cases of advance payment so that there is consistency in approach. Any request for advance payment of legal fees reasonably incurred by the Eligible Person in a legal proceeding shall be subject to a \$25,000 cap, unless Council determines otherwise. (For clarity, this does not apply where the City assumes the defence of the Eligible Person itself or through its insurer.)

8. Clarify that proceedings related to the *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched., as amended do not qualify for indemnification. This is consistent with the language of the *Municipal Act, 2001* and related case law.
9. Under the proposed By-law, the administration of the Indemnification By-law will be managed through the City Solicitor's office. This will streamline the process around indemnification and is similar to how other municipalities have structured their Indemnification By-laws. The By-law will also clarify that any issues of uncertainty relating to indemnification will be brought back to Council for determination.

10. Extend indemnification coverage of the By-law to members of the City's local boards, which would include the Vaughan Public Library Board. The prior Indemnification By-law provided indemnification for current/former members of Council as well as salaried officers employees. Members of the City's local boards were not included. The City has insurance liability coverage for members of local boards which covers members in the event they are named in a lawsuit as a result of their duties as it pertains to the board. Staff are therefore recommending that members of local boards be indemnified under the new Indemnification Bylaw.
11. Other administrative amendments are being included in the new By-law to increase readability and clarity. For instance, various definitions (such as "City Solicitor" and "Employee") would benefit from being streamlined. Similarly, it would make the By-law clearer if section 4.0 "Persons Served with Process" were amended to simply say that an Eligible Person served with a document which initiates a Legal Proceeding shall forthwith deliver same to the City Solicitor. In the context of Code Complaints, Members will not be required to provide a copy of the Complaint to the City Solicitor, but instead will be permitted by the Integrity Commissioner to disclose the existence and general nature of the inquiry to the City Solicitor in support of their request for indemnification.
12. The effective date of the By-law will be the date that it is enacted by Council (i.e. an anticipated enactment date of March 11, 2020). It is recommended that:
 - a. For ongoing matters where the City has assumed the defence of a Legal Proceeding on behalf of current or former employees, the City will continue to defend the Legal Proceeding on the Eligible Person's behalf.
 - b. For all matters where indemnification is authorized under Bylaw 91-2011, as amended, those indemnification approvals will continue to apply under the new By-law.
 - c. For Code Complaints filed with the Integrity Commissioner prior to the enactment of the new bylaw where a final disposition has not been rendered, the provision of the new bylaw will apply to any indemnification requests.

These transitional provisions are recommended to allow for minimal interruption of the indemnification entitlements of Eligible Persons. For Code Complaints, although there was a period of gap of indemnification for non-MCIA Code complaints between June 2019 and the present, if that gap had not existed, indemnification would apply only

after the final disposition.¹ As such, it is staff's position that the new By-law would apply to any Code Complaints where a final disposition has not been rendered by the Integrity Commissioner, even if the Code Complaint was filed prior to the date of the enactment of the new Bylaw, as the right to indemnification would not have crystallized until the disposition is made.

In addition to the recommended amendments to the Indemnification By-law above, staff have also identified beneficial amendments to the Code of the Ethical Conduct for Members of Council and Local Boards and the related Complaint Protocol to ensure consistency in approach.

In particular, in consultation with the Integrity Commissioner, staff recommend adding new paragraphs 5 and 6 to Rule No. 6 of the Code of the Ethical Conduct for Members of Council and Local Boards which confirm, respectively, that: (i) Members are required to comply with sections 5, 5.1, and 5.2 the MCIA, and (ii) declarations of pecuniary interests known to Members shall be recorded in the meeting minutes in accordance with section 6 of the MCIA. While Members are bound by these obligations regardless of whether they appear in the Code of the Ethical Conduct for Members of Council and Local Boards, including such provisions will help bring clarity to Members and to the public. No other changes are made to the Code, which can be found as attachment #1.

Further, in consultation with the Integrity Commissioner, staff recommend adding new section 7(iv) of the Complaint Protocol which confirms that the Integrity Commissioner has the ability to terminate an investigation where it becomes apparent in the course of an investigation that the complaint is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation. While the Integrity Commissioner has inherent jurisdiction to terminate an investigation, adding an explicit provision to this effect (which is similar to prior sections included in the Complaint

¹ Former section 19 of the Complaint Protocol stated: (1) A Member of Council who is subject of an Integrity Commissioner complaint under Part A (Informal Complaint Procedure) or Part B (Formal Complaint Procedure) under this Protocol may charge against the Member's office budget the actual legal expense incurred for consultation with a lawyer of up to \$500.00.

(2) A Member of Council who is the subject of an Integrity Commissioner complaint investigation * under this Protocol may be reimbursed for actual and reasonable expenses incurred for consultation with a lawyer of up to \$5000.00, where it is determined that there has been no contravention of the Code of Ethical Conduct by the Member, such amounts to be charged against the Council Corporate Budget following approval by the Integrity Commissioner.

* An Integrity Commissioner complaint investigation begins when the Integrity Commissioner opens a case file and gives notice of the same to the Member of Council subject of the formal complaint

Protocol) will provide additional clarity for Members as well as the public. No other changes are made to the Complaint Protocol, which can be found as attachment #2.

Financial Impact

Although a provision providing indemnification of Mayor and Members of Council related to Code Complaints and MCIA proceedings had been in place in the past, there was no corresponding budget specifically allocated for indemnification.

The actual financial impact is difficult to forecast due to the varying number of matters that may arise each year and their complexity. As such, in consultation with Financial Planning and Development Finance, it is recommended that amounts incurred in 2020 to indemnify Members for legal proceedings not covered by the City's insurer, such as Code Complaints, will be funded from the corporate contingency in 2020. Such expenses will be budgeted in the corporate budget for 2021 and going forward.

Broader Regional Impacts/Considerations

N/A

Conclusion

Based on Council's prior direction for staff to review the Indemnification By-law and the options provided for Council to consider received from the Integrity Commissioner, staff are proposing a new Indemnification By-law. The new Indemnification By-law will provide indemnification for legal fees incurred by Members related to Code Complaints filed with the Integrity Commissioner, together with other updates. Corresponding minor changes are also proposed for the Code of Conduct and Code Complaint Protocol.

For more information, please contact: Wendy Law, 8700

Attachments

1. Code of Ethical Conduct for Members of Council and Local Boards
2. Complaint Protocol
3. Proposed Indemnification By-law

Prepared by

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Attachment 1



**CITY OF VAUGHAN
POLICY MANUAL**

Policy No:	CL – 011
Department:	COUNCIL
Subject:	CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS

CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS

CITY OF VAUGHAN

Council Approval: 2009/21/09
Minute No. 181
Cross Reference: Policy No. 01.35

Amended: 2011/06/28
Report No/Item: 35/2

**CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL
CITY OF VAUGHAN
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Introduction

Democracy is an active process – one that requires ongoing engagement between citizens and their elected officials. Ethics and integrity are at the core of public confidence in government and in the political process.

There has been a general trend at the municipal level of government in Ontario, to develop rules around ethical conduct for elected officials so that they may carry out their duties with impartiality and equality of service to all, recognizing that as leaders of the community, they are held to a higher standard of behavior and conduct. As of March 2019, municipalities are required to have codes of ethical conduct in place for Members of Council and local boards.

It is the purpose of this *Code of Ethical Conduct* to establish rules that guide Members of Council and Members of local boards (using the restricted definition of this term provided herein) in performing their diverse roles in representing their constituents and recognize Members' accountability for managing City resources allocated to them.

Preamble

Whereas the City of Vaughan first instituted a *Code of Conduct* for Members of Council in 1996;

And whereas the current *Code of Conduct for Members of Council* was adopted by Council in 2009;

And whereas the *Modernizing Ontario's Municipal Legislation Act, 2017*, S.O. 2017, c. 10, and the corresponding amendments to applicable legislation, require municipalities to establish codes of conduct for Members of Council and Members of local boards;

And whereas elected officials and Members of local boards of the City of Vaughan have and recognize their obligation to not only obey the law, but to go beyond the minimum standards of behaviour and act in a manner that is of the highest ethical ideals so that their conduct will bear the closest public scrutiny;

And whereas the private interest of elected officials and Members of local boards of the City of Vaughan must not provide the potential for, or the appearance of, an opportunity for benefit, wrongdoing, or unethical conduct;

And whereas this *Code of Ethical Conduct* stems from the principles of the pre-existing *Code of Conduct* that has been in place since 2009 based on the belief by the Council of the City of Vaughan that not just employees but also elected officials should have a document against which to measure their conducts that they may be held to account;

The Council of the City of Vaughan will adopt certain rules that further underscore a Councillor's belief in his/her responsibility as a public trustee and confirm that Members of City of Vaughan local boards will be held to the same ethical standard;

Commentary

The operation of democratic municipal government requires that elected officials and Members of local boards be independent, impartial and duly responsible to the people. To this end, it is imperative that:

- The City of Vaughan decisions and policy be made through the proper processes of municipal government structure.
- The City of Vaughan government structure and decision-making process reflect the importance of integrity, independence and accountability.
- Public office and membership on local boards shall not be used for personal gain.
- The public have confidence in the integrity of its municipal government and its local boards.

A written *Code of Ethical Conduct* protects the public interest and helps to ensure that the Members of Council and Members of local boards share a common basis for acceptable conduct. These standards are designed to provide a reference guide and a supplement to the legislative parameters within which the Members must operate.

The public is entitled to expect the highest standards of conduct from the Members that it elects to local government and Members that serve on its local boards. Members of Council and local boards are therefore expected to perform their duties of office with integrity and impartiality in a manner that will bear the closest scrutiny. In turn, adherence to the standards set out in this *Code* will protect and enhance the City of Vaughan's reputation and integrity.

Framework and Interpretation

1. This *Code of Ethical Conduct* applies to the Mayor and all Members of Council as well as all Members of local boards (restricted definition). It is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. Commentary and examples used in this *Code of Ethical Conduct* are meant to be illustrative and not exhaustive. From time to time additional commentary and examples may be added to this document by the Integrity Commissioner, as she or he deems appropriate.
2. The Integrity Commissioner is responsible for performing, in an independent manner, the following:
 - a. The application of this *Code of Ethical Conduct* for Members of Council and Members of local boards.
 - b. The application of any procedures, rules and policies of the municipality and local boards governing the ethical behaviour of Members of Council and of local boards.
 - c. The application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended, to Members of Council and of local boards.
 - d. Requests from Members of Council and of local boards for advice respecting their obligations under this *Code of Ethical Conduct*.
 - e. Requests from Members of Council and of local boards for advice respecting their obligations under a procedure, rule or policy of the municipality or of the local board, as the case may be, governing the ethical behaviour of Members.
 - f. Requests from Members of Council and of local boards for advice respecting their obligations under the *Municipal Conflict of Interest Act*.

- g. The provision of educational information to Members of Council, Members of local boards, the municipality and the public about this *Code of Ethical Conduct* and about the *Municipal Conflict of Interest Act*.
- 3. With respect to requests for advice, referred to in paragraphs 2(d),(e), and (f) above:
 - a. Requests for advice from Members shall be in writing and the Integrity Commissioner shall provide all advice in writing; and
 - b. As long as all the facts known to the Member are disclosed to the Integrity Commissioner and there is no change to these facts, then the Member may rely on any written advice provided by the Integrity Commissioner.
 - c. The Integrity Commissioner will create a “confidentiality wall” such that, if the Integrity Commissioner receives a Formal Complaint in respect of the matter for which advice was given, the written advice provided to the Member will not remove the presumption of neutrality of the Integrity Commissioner or unfairly prejudice the Member.
 - 4. Members of Council, Members of local boards, and members of the public or City Staff seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.
 - 5. The Integrity Commissioner is barred from conducting an inquiry in respect of actions, omissions, or decisions of the administration of Council. Any requests for inquiry or complaints in respect of actions, omissions or decisions of the administration of Council shall be denied by the Integrity Commissioner.
 - 6. With respect to requests for advice, referred to in paragraphs 2(d), (e) and (f) above, the Integrity Commissioner will not be barred from receiving and investigating complaints for which written advice was given. Notwithstanding the above, the Integrity Commissioner may, from time to time and within her discretion, decide to delegate the investigation of a complaint under subsection 223.3(3) of the *Municipal Act*.
 - 7. Should an issue arise where it may be unclear whether a complaint falls within the mandate of York Region or the City of Vaughan, both the Regional and City of Vaughan Integrity Commissioners will work together to develop a process to resolve the matter and report the findings to the appropriate council(s). In such instances, consideration should be given to the following:
 - a. The municipality in which the complaint was filed;
 - b. The municipality in which the expense/mileage claim was submitted for an event or function; and
 - c. The reasonableness for the respective municipality’s Integrity Commissioner to undertake the investigation.

Commentary

This *Code of Ethical Conduct* does not prohibit the activities in which Members of Council normally engage on behalf of constituents in accordance with applicable laws.

The *Municipal Act* is the primary source of regulation for municipalities and provides the basis for good governance within municipal government. There are other important documents that regulate

the behavior and conduct of Members. Clear and consistent written rules provide elected officials with confirmation that their actions adhere to the highest ideals of integrity during their term of office. This *Code of Ethical Conduct* operates together with and as a supplement to the following existing statutes, documents and policies governing the conduct of Members.

Legislation:

- The *Municipal Act, 2001*, S.O. 2001, c. 25;
- The *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50;
- The *Municipal Elections Act, 1996*, S.O. 1996, c. 32, Sched;
- The *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56; and
- The *Criminal Code*, R.S.C., 1985, c. C-46.

Definitions:

In this *Code of Ethical Conduct*:

1. the terms “Child”, “Parent” and “Spouse” have the same meanings as in the *Municipal Conflict of Interest Act*;
2. “Elector” has the same meaning as set out in section 1 of the *Municipal Conflict of Interest Act*.
3. “Employee” includes a consultant, a part-time or seasonal worker, and full-time worker, but not a Member.
4. “Member” means (i) a member of Vaughan City Council, or (ii) a member of the following local committees/local boards: Accessibility Advisory Committee, Committee of Adjustment, Heritage Vaughan Committee, and the Property Standards Committee.
5. “Family Member”¹ means,
 - Spouse, common-law partner, or any person with whom the person is living as a Spouse outside of marriage
 - Parent, including step-parent and legal guardian
 - Child, including step-child and grandchild
 - siblings and children of 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
6. “Official duties” or “functions” have the following meaning:

For Members of Council, it includes those activities that are reasonably related to a Member’s office, taking into consideration the different interest, the diverse profiles of their wards and their different roles on Committees, agencies, boards and commissions.

¹ For the purposes of complaints under section 5, 5.1 and 5.2 of the MCIA, the Integrity Commissioner will adopt the definitions contained in the *Municipal Conflict of Interest Act*, section 3 in respect of an interest of certain persons deemed that of the Member.

For persons employed in the office of Members, it includes those activities and responsibilities that flow from acting on direction from or taking action on behalf of a Member.

7. "Staff" includes Deputy City Managers, Directors, Managers, Supervisors, clerical and technical unionized employees, hourly unionized staff, part-time unionized staff, full-time non-unionized employees, temporary / seasonal staff, contract staff, students and volunteers.

Implementation:

This *Code* shall replace Policy Number CL-011 – *Code of Ethical Conduct for Members of Council*.

Rule No. 1

Key Principles: The key principles that underline the rules in this *Code of Ethical Conduct* and shall be used to guide Members in decisions on their actions, and to guide the Integrity Commissioner in interpreting Rules 2 – 21 of this *Code*, are as follows:

- a) **Members shall serve and be seen to serve their constituents in a conscientious and diligent manner.**

Commentary

This underscores that Members carry out their official City activities in a way that will foster and enhance respect for government and above all, demonstrate respect for members of the public.

- b) **Members should be committed to performing their Functions with integrity and transparency.**

**Amended, Council, June 28, 2011, Rpt 35, Item 2:*

Responding to Inquiries from the Public

Vaughan City Council is committed to overseeing the provision of responsive and accessible services including dealing with reasonable inquiries and requests for information in a timely manner. On occasion, an individual citizen may not be accepting of the response and may restate the inquiry in various ways, or may be rude or harassing in their delivery of the inquiry. There is a need to balance access to information against the need to protect the legitimate interests of the City; the need to respect approved policies and procedures of the City within civil and respectful discourse; and the need to respect the role of officers and employees of the municipality.

Members of Council who receive requests for information or inquiries from members of the public, City staff or other Members of Council may be guided by Protocol 03.26 "Response by City Staff to Requests for Information from the Public". In addition, complaints regarding staff may be forwarded to the appropriate City Commissioner or the City Manager.

This Code does not require Members of Council to provide a response to an inquiry or request for information that is frivolous or vexatious, unreasonable or harassing.

For example:

- the Member of Council is of the opinion on reasonable grounds that the inquiry is made for a purpose other than to obtain information;
- the inquiry has been made more than once and is being used for the purpose of revisiting an issue that has been previously addressed;
- the inquiry is articulated in such a way that it can be considered harassing or abusive;
- the Member is of the opinion, on reasonable grounds, that providing a response would interfere with the operations of the City;
- the inquiry is not an inquiry but rather a complaint.

Communication labelled "Private" and/or "Confidential" may be shared or disclosed as necessary or appropriate, taking into consideration the following:

- information may be disclosed to appropriate staff in order to respond to the issue or concern being communicated;
 - information will not be treated as confidential where the communication was shared by the requestor or not made in a confidential manner (copied to others, or made in the presence of others);
 - if the information is needed by an officer, employee, consultant or agent of the City who needs the information in the performance of her or his duties and if the information is necessary and proper in the discharge of the City's functions.
-

Commentary

As public officials, Members recognize the public's right to reasonable access to information in relation to how decisions are made. This right of access includes the right of the public to receive complete and understandable information which must be balanced against the requirement to protect the legitimate interests of the City and the respect for approved policies of the City.

- c) Members shall avoid the improper use of the influence of their office, and conflicts of interest, both apparent and real. Members shall not extend, in their discharge of their Official Duties, preferential treatment to Family Members, organizations or groups in which they or their Family Member have a pecuniary interest, which pecuniary interest is known to the Member.**

Commentary

As a result, Members will have a common understanding that they will not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual. Members recognize that their actions are governed by the *Municipal Conflict of Interest Act*. The Integrity Commissioner will distinguish between a *Code* conflict, which may be both apparent and real and which may be in respect of a Family Member as defined by the *Code*, and a pecuniary interest under the *Municipal Conflict of Interest Act* in respect of sections 1.1, 2 and 3 of the *Municipal Conflict of Interest Act*.

In addition, it is recognized that while Members are political representatives, they are also private citizens. Accordingly, Members may, in their capacity as private citizens, choose to endorse political parties. Members must take care to clarify that they do so as a private individual and must not be seen as using their office to endorse political candidates for election.

- d) Members shall avoid any interest in any contract made by him/her in his/her official capacity and shall not contract with the City or any agency thereof for the sale and purchase of supplies, material or equipment or for the rental thereof.**

- e) **Members shall not engage in the management of a business carried on by a corporation nor profit directly or indirectly from a business, including but not limited to a corporation, that does business or has contracted with the City of Vaughan, or hold an office or directorship, unless holding the office or directorship is in a social club, religious organization, other charitable organization or corporations with shares directly or indirectly held by the municipality.**
- f) **Approved exceptions**
A Member may engage in an activity prohibited by clause 1(e) if the following conditions are met:
 - 1. **The Member has disclosed all material facts to the Integrity Commissioner.**
 - 2. **The Integrity Commissioner is satisfied that the activity, as carried on in the specified manner, did not create a conflict between the Member's private interest and public duty.**
 - 3. **The Integrity Commissioner has given the Member his or her approval and has specified the manner in which the Member of Council may remedy the situation.**
 - 4. **The Member remedies the situation in the manner specified by the Integrity Commissioner**

Commentary

Members must adhere to the City's purchasing policies and pay careful attention to the Councillors' expense policies. Examples of exceptions include, hospital boards and other not-for-profit organizations and charities.

- g) **Members shall perform Official Duties and arrange their public affairs in a manner that promotes public confidence and respect and will bear close public scrutiny; and**

Commentary

Members shall not participate in activities that grant, or appear to grant, any special consideration, treatment, or advantage to an individual which is not available to every other individual member of the public.

- h) **Members shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and the City Council.**

Commentary

A number of the provisions of this *Code* incorporate policies, procedures and provisions adopted by Council and contained in various statutes. The provisions of this *Code* are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour.

- i) **Members shall fulfill their roles as set out in the *Municipal Act* and respect the role of staff in the administration of the business affairs of the City.**

Commentary

Members recognize that the decision-making authority for the municipality lies with Council, not an individual Councillor and that it is the role of the officers and employees of the municipality to implement council's decisions and establish administrative practices and procedures to carry out council's decisions. Members recognize and respect the role of City staff and affirm that only Council as a whole has the capacity to direct staff members. Council as a whole must be able to access information, on a need to know basis, in order to fulfill its decision-making duties and oversight responsibilities [...]. Individual Members also recognize that the information that they receive as members of the decision-making body of Council, or a local board, is subject to the confidentiality and disclosure rules of Provincial and Federal statutes and City of Vaughan bylaws. (See Rule No. 3 on Confidential Information and Rule No. 16 on Conduct Respecting Staff).

Rule No. 2

Gifts and Benefits:

- 1. No Member shall accept a fee, advance, gift, loan, or personal benefit that is connected directly or indirectly with the performance of his or her duties, except as specifically contemplated.**

For these purposes, a fee or advance paid to or a gift or benefit provided with the Member's knowledge to a Member's Spouse, Child, or Parent, 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. Set out below are recognized as exceptions to Rule 2, which apply to Members of Council only; Members of local boards are not permitted to accept any gifts and benefits:

- (a) compensation authorized by law;**
- (b) such gifts or benefits that normally accompany the responsibilities of office and are received as an incident of protocol or social obligation;**
- (c) a political contribution otherwise reported by law;**
- (d) services provided without compensation by persons volunteering their time to a Member;**
- (e) a suitable memento of a function honoring the Member (e.g. a trinket or favour of relatively little monetary value such as pen, notepad, t-shirts);**
- (f) 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 by a conference, seminar or event organizer where the Member is either speaking or attending in an official capacity at an official event;**
(for greater certainty of item f, where Council has authorized or endorsed an initiative or event, this would be considered an official event.)
- (g) food and beverages consumed at banquets, receptions or similar events, for charitable, not for profit and community purposes, if:**
 - 1. attendance serves a legitimate public duty purpose; and**
 - 2. the value is reasonable and the invitations infrequent.**
- (h) business meals;**
- (i) communication to the offices of a Member, including subscriptions to newspapers and periodicals related to the duties of Office.**
- (j) Sponsorships and donations for community events or initiatives organized or run by a Member of Council or a third party on behalf of a Member where Council has authorized or endorsed the event or initiative.**

(for greater certainty of item j, for Member-organized community events or initiatives, Members should be transparent in their dealings with the public and should not handle any funds on behalf of any organizations and should remain at arms length from the financial aspects of these events and initiatives.)

Rule #2 Part 1(j) does not affect the entitlement of a Member of Council to:

- i. Use her or his office expense budget to run or support community events subject to the terms of the Councillor Expense Policy;*
- ii. Urge constituents, businesses and other groups to support community events put on by others in the Member's Ward or elsewhere in the City;*
- iii. Play an advisory or membership role in any organization that holds community events in the Member's Ward; and*
- iv. Collaborate with the City of Vaughan and its agencies to hold community events.*

Members of Council are strongly encouraged to document all gifts and benefits they receive. As indicated above, Members of local boards are not permitted to receive any gifts or benefits.

With respect to Members of Council, in the case of categories (b), (e), (f), (g) (h), and (i), where the value of the gift or benefit exceeds \$750 , or if the total value received from any one source during the course of a calendar year exceeds \$750, the Councillor shall, within 30 days of receipt of the gift or reaching the annual limit, list the gift or benefit on a Councillor information statement, the form of which will be prescribed by the Integrity Commissioner.

The Integrity Commissioner shall, without notice, examine from time to time the Councillor information statement to ascertain whether the receipt of a gift or benefit might, in her or his opinion, create a conflict between a private interest and the public duty of the Councillor.

In the event that the Integrity Commissioner makes the preliminary determination, he or she shall call upon the Member to justify receipt of the gift or benefit. Should the Integrity Commissioner determine that receipt was inappropriate, he or she may direct the Member to return the gift, reimburse the donor for the value of any gift or benefit already consumed, or forfeit the gift or remit the value of any gift or benefit already consumed to the City or City agency, board or commission. The above actions of the Integrity Commissioner do not require receipt of a Formal Complaint or that the Integrity Commissioner conduct a formal Code of Conduct investigation.

Each Member shall file a copy of their Councillor information statement with the office of the City Clerk on a quarterly basis (the first quarter being April 30th of the calendar year) and the statements shall be a matter of public record.

Commentary:

Gifts and benefits are often received by Members of Council in the course of their duties, and attendance at public functions is expected and considered part of their role. The object of this rule is to provide transparency around the receipt of incidental gifts and benefits, where the total value may be perceived as potentially influencing decision making.

Personal integrity and sound business practices require that relationships with vendors, contractors, or others doing business with the City, be such that no Member of Council is perceived as showing favoritism or bias toward the vendor, contractor or other. Each Member of Council is accountable to the public and should keep a list of all gifts received from individuals, firms or associations (with estimated values) in their constituency offices for review by Integrity Commissioner, as he/she deems appropriate. However, for Members of Council, those gifts or benefits that exceed \$750 or the annual limit of \$750 for one source, shall be kept on a form prescribed by the Integrity Commissioner and filed with the office of the City Clerk on a quarterly basis.

Gifts that are subject to listing on the Member of Council information statement can be many types of things, and may include:

- property (e.g. a book, flowers, a gift basket, a painting or sculpture, furniture, wine);
- use of property or facilities (e.g. a vehicle, an office, a cottage) at a reduced rate or at no cost;
- membership in a club or other organization (e.g. a golf club) at a reduced rate or at no cost;
- an invitation to and/or tickets to attend an event (e.g. an athletic commercial event, concert, a play) at a reduced rate or at no cost;
- an invitation to attend a gala or fund-raising event at a reduced rate or at no cost.

An invitation to attend a function where the invitation is connected directly or indirectly with the performance of the Member's duties of Office (i.e. for which the public office holder has a ceremonial, presentational or representational official role) is not considered to be a gift. Attendance is considered to be the fulfillment of an official function or duty.

There are a range of expenses that support a Councillors' role in community development and engagement activities in their ward.

For MPPs, these expenses are generally paid for by caucus funds. This is not the case for municipal Members of Council. The section of the Councillor Expense Policy that deals with Community Expense-Events will indicate allowable expenses for reimbursement and provide for Members of Council to include certain community expenses related to a Member's role in community development as allowable expenditures from their office expense budget. However, gaming tickets during charitable functions, such as raffle tickets, table prize tickets, etc. should not be eligible for reimbursement.

Lobbying of public office holders is a permissible but is a regulated activity in the City of Vaughan. Lobbying is defined and regulated by By-law Number 165-2017 (the City's lobbying by-law inclusive of the Lobbyist Code of Conduct). Members are public office holders. As a matter of general principle, as public office holders, Members should be familiar with the terms of the lobbying by-law inclusive of the Lobbyist Code of Conduct. If a Member is or at any time becomes aware that a person is in violation of the Lobbyist Code of Conduct or registration regime, the Member should draw that person's attention to the obligations imposed by the Lobbying By-law and Lobbying Code of Conduct. A Member should report any such violation or attempted violation of Lobbying By-law to the Lobbyist Registrar.

- 2. Expenses incurred by Members working during normal meal periods serve a legitimate public duty purpose, provided that the expenses incurred are reasonable and appropriate in the circumstances. Reasonable and appropriate expenses are those that:**
 - a. Are incurred for an official duty or function;**

- b. **Are modest, representing a prudent use of public funds;**
- c. **Do not involve alcoholic beverages**

In general, working meals are to be provided in-house.

Commentary

Rule #2 must be considered with and balanced against the principle contained expense policies in all Ontario municipalities, which is that Members are entitled to be reimbursed for expenses that are legitimately and appropriately incurred for an official duty or function and which are reasonable and prudent expenses and use of public funds in the circumstances. In making a determination of what constitutes a modest and prudent use of public funds, Members should consider the dollar amounts set in Policy CL-012 – Council Members Expense Policy, as amended.

Given the heavy demands on Members' schedules in the performance of their duties and Functions, there are legitimate circumstances that require business meetings over a meal period and result in the Member working through his or her normal meal periods.

As representatives of the municipal government, Members will be expected or required to extend hospitality to external parties as part of their Official Duties and Functions. This *Code* recognizes that through adherence to the current and proposed rules of the City's Councillor Expense Policy, it is legitimate for Members to incur hospitality expenses for meetings, examples of which include:

- a. Engaging representatives of other levels of government, international delegations or visitors, the broader public sector, business contacts and other third parties in discussions on official matters;
- b. Providing persons from national, international and charitable organizations with an understanding and appreciation of the City of Vaughan or the workings of its municipal government;
- c. Honouring persons from Vaughan in recognition of exceptional public service.

This *Code* recognizes that the current and proposed City of Vaughan Councillor Expense Policy, holds legitimate that Members of Council will be reimbursed or have their office budgets charged for expenses that are incurred while extending hospitality to an external party, including hospitality that takes place in the course of travelling on a duty or function or a Member of Council provided the expenses are reasonable and appropriate in the circumstances.

Reasonable and appropriate expenses are expenses that strike a balance between economy (the expenses represent a prudent use of public funds) and proportionality (the expenses represent what is customary for such functions).

Wherever possible, Members should utilize City-owned facilities and resources that are appropriate to the function.

- 3. This Code recognizes that as community leaders, Members of Council may lend their support to and encourage, community donations to registered charitable and Not for profit groups. Monies raised through fundraising efforts shall go directly to the**

groups or volunteers and chapters acting as local organizers of the group. This Code recognizes the important work of Members of Council in supporting charitable causes and the need for transparency in Members' involvement.

This Code sets the following guiding principles for Members of Council:

- (a) Members of Council should not directly or indirectly manage or control any monies received relating to charitable organization's fundraising.
- (b) A Member of Council or a third party acting on behalf of the Member shall neither solicit nor accept support in any form from an individual, group or corporation with any pending planning, conversion, or demolition variance application before Vaughan City Council.
- (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 charitable organization's event, this Code recognizes that all donations are subject to the *Code of Ethical Conduct* and CL-012 – Council Members Expense Policy.
- (e) No donation cheques should be made out to a Member of Council.

Nothing included herein affects the entitlement of a Member of Council to:

- i. Use her or his office expense budget to run or support community events subject to the terms of the Policy CL-012 – Council Members Expense Policy section relating to Community Expense Hosting Events by Council Members;
 - ii. urge constituents, businesses and 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 City;
 - iii. play an advisory or membership role in any organization that holds community events in the Member's Ward; and
 - iv. collaborate with the City of Vaughan and its agencies to hold community events.
- (f) Members of Council should not handle any funds on behalf of any charitable organization or Community group and should remain at arms length from the financial aspects of these community and external events.

Rule No. 3

Confidential Information:

- 1. 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 when required by law or authorized by Council to do so.**
- 2. No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation.**
- 3. No Member shall directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.**
- 4. 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.**
- 5. No Member shall permit any persons other than those who are entitled thereto to have access to information that is confidential.**
- 6. No Member shall access or attempt to gain access to confidential information in the custody of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.**

Commentary:

Confidential information includes information in the possession of the City that the City is either prohibited from disclosing, or is required to refuse to disclose, such as under Access and Privacy legislation. Such legislation imposes mandatory or discretionary restrictions on disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature, personal information about an individual disclosure of which would constitute an unjustified invasion of privacy, and information that is subject to solicitor-client privilege. 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.

For the purposes of the *Code of Ethical Conduct*, "confidential information" may also include information that concerns personnel, labour relations, litigation, property acquisitions, the security of the property of the City or a local board, and matters authorized in other legislation, to remain confidential.

Under the Procedural By-law, a matter that has been legitimately discussed at an in-camera (closed) meeting remains confidential, until such time as a condition renders the matter public.

Requests for information should be referred to appropriate staff to be addressed as either an informal request for access to municipal records or as a formal request under the *Municipal*

Freedom of Information and Protection of Privacy Act.

Particular care should be exercised in ensuring confidentiality of the following types of information:

- the security of the property of the municipality or local board;
- personal information about an identifiable individual, including municipal or local body employees;
- a proposed or pending acquisition or disposition of land by the municipality or local board;
- labour relations or employee negotiations and personnel matters.
- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- a matter in respect of which a council, board, committee or other body may hold a closed meeting under another Act;
- items under contract negotiation
- price schedules in contract tender or Request For Proposal submissions
- statistical data required by law not to be released (e.g. certain census or assessment data)

Rule No. 4

Use of City Property, Services and Other Resources

No Member shall use for personal purposes any City property, equipment, services, supplies or services of consequence (for example, agency, board, commission, or City-owned materials, websites, board and City transportation delivery services, and any Members expense budgets) other than for purposes connected with the discharge of City duties, which may include activities within the Member's office of which City Council has been advised.

No Member shall obtain financial gain from the use of City developed intellectual property, computer programs, technological innovations or other patentable items, while an elected official or thereafter. All such property remains the exclusive property of the City of Vaughan.

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 City duties as public officials. This privilege should not be seen to be abused. In recognizing that Members are held to a higher standard of behavior and conduct, Members should not use such property for any purpose other than for carrying out their Official Duties. Careful attention should be given to the provisions of the City's Councillor expense policy which identifies approved allowable expenses.

During election campaigns, refer to Rule No. 5 and 7.

Rule No. 5

Election Campaign Work:

- 1. Members of Council are required to follow the provisions of the *Municipal Elections Act, 1996*.**

Commentary

Although the Integrity Commissioner of the City of Vaughan does not have jurisdiction to receive or investigate complaints regarding alleged contraventions of the *Municipal Elections Act*, the Integrity Commissioner shall forward any information regarding a potential breach of the *Municipal Elections Act* by a Member of Council, directly to the City Clerk.

- 2. No Member shall use the facilities, equipment, supplies, services or other resources of the City for any election campaign or campaign-related activities.**
- 3. No Member shall use the services of persons for campaign related activities during hours in which those persons receive any compensation from the City.**

Commentary

Paragraph 2 of Policy CL-008 – Permitting of City Facilities by Members of Council and Registered Candidates provides as follows: “Given that the Municipal Elections Act prohibits the use of corporate resources for election-related purposes, in a municipal election year, commencing on June 30th until the date of the election, Members of Council may not book directly, or indirectly, any City facility for any purpose that might be perceived as an election campaign purpose.”

Special attention should be given to section 10.0 of Policy CL-012 Council Member Expense Policy – Election Year Expenses.

Rule No. 6

Business Relations

- 1. No Member shall borrow money from any person who regularly does business with the City unless such person is an institution or company whose shares are publicly traded and who is regularly in the business of lending money.**
- 2. No Member shall act as a paid agent before Council or a committee of Council or any agency, board, or committee of the City.**
- 3. No Member shall refer a third party to a person, partnership, or corporation in exchange for payment or other personal benefit.**
- 4. If a Member becomes aware that an entity for which the Member has a material interest (or is a director or employee), may offer or provide goods, consulting or other services to the City, the Member will seek advice from the Integrity Commissioner about the application of the *Municipal Conflict of Interest Act* and whether, in consideration of the circumstances, membership is in the best interests of City. In providing this advice, the Integrity Commissioner will consider the risk of harm to the reputation of the Council.**
- 5. Members will comply section 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act*, as amended from time to time.**
- 6. Declarations of pecuniary interests known to Members shall be recorded in the minutes of Committee and Council meetings. In the event that Member declares an interest during Closed Session, the Member shall affirm their declaration of interest at the beginning of the Open Session as noted on the agenda.**

Commentary

Members are mindful to avoid any activity that may give rise to consideration of personal gain as a result of holding public office.

Rule No. 7

Improper Use of Influence:

- 1. No Member shall use the influence of her or his office for any purpose other than for the exercise of her or his Official Duties.**

Commentary

Pursuant to corporate policy, the City Manager directs Deputy City Managers, who in turn, direct City staff. City Council and not individual Members of Council appropriately give direction to the City administration. This provision relates not only to the Member's actions in respect of City staff, but also in other ways as determined by the Integrity Commissioner in the course of conducting an inquiry.

Examples of prohibited conduct include: the use of one's status as a Member to improperly influence the decision of another person to the private advantage of oneself, or one's Parents, Child or Spouse, Staff, friends, or associates, business or otherwise. This would include attempts to secure preferential treatment beyond activities in which Members normally engage on behalf of others as part of their Official Duties as a Member. Also prohibited is the holding out of the prospect or promise of future advantage through a Member's supposed influence within the local board or at the City, in return for present actions or inaction.

Rule No. 8

Conduct At Council Meetings and Local Board Meetings

- 1. Members shall conduct themselves at meetings with decorum. Respect for deputants and for fellow Members and staff requires that all Members show courtesy and not distract from the business of the Council or local board during presentations and when other Members have the floor.**

Commentary

A Member recognizes the importance of cooperation and strives to create an atmosphere during Council, Committee, and local board meetings that is conducive to solving the issues before Council or the local board, listening to various point of view and using respectful language and behavior in relation to all those in attendance.

Rule No. 9

Transparency & Openness in Decision Making and Member's Duties

- 1. Members shall endeavour to conduct and convey City business and all their duties in an open and transparent manner (other than for those decisions which by virtue of legislation, Council Members are authorized to be dealt with in a confidential manner in closed session), so that stakeholders can view the process and rationale which was used to reach decisions, and the reasons for taking certain actions.**

Commentary

Various statutes, City by-laws, policies and procedures, as well as, decisions of courts and quasi-judicial tribunals form the basis of decisions made by City Council. Unless prohibited by legislation of by-law, Members should clearly identify to the public how a decision was reached and upon which law, procedure and policy their decision was based.

Rule No. 10

Media Communications

- 1. Members will accurately communicate the decisions of Vaughan's Council and local boards, even if they disagree with the decision, so that there is respect for and integrity in the decision-making processes of Council and local boards.**

Commentary

A Member may state that he or she did not support a decision or voted against the decision. A Member should refrain from making disparaging comments about other Members, and the processes and decisions of Council or the local board, as the case may be.

Rule No. 11

Representing the City

- 1. 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.**

Commentary

Individual Members are appointed to committees, agencies, boards and commissions based on their various backgrounds and ability to contribute diligently to matters before them bringing their expertise and experience.

To participate diligently means that a Member shall not be absent from Council, agencies, boards and commissions meetings without reasonable justification (e.g. illness of Member or special family circumstance) for more than three consecutive scheduled meetings or on a regular basis.

Rule No. 12

Conduct Respecting Current and Prospective Employment:

1. No Member shall allow the prospect of his or her future employment by a person or entity to detrimentally affect the performance of his or her duties to the City.

Rule No. 13

Encouragement of Respect for the City and Its By-Laws

- 1. Members shall encourage public respect for the City and its by-laws.**

Commentary

A Member must not denigrate a City by-law in responding to a citizen, as this undermines confidence in the City and the rule of law.

Rule No. 14

Harassment

- 1. Members shall be governed by the City's Respectful Workplace Policy.**
- 2. Harassment by a Member of another Member, Staff, or any member of the public, is misconduct.**
- 3. Upon receipt of a complaint that relates to Rule No. 14, the Integrity Commissioner may forward the information subject of the complaint to Human Resources who will refer it to an independent investigator.**

Commentary

It is the policy of the City of Vaughan that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment.

The City of Vaughan's Respectful Workplace Policy (Harassment and Discrimination) ensures a safe and respectful workplace environment and appropriate management of any occurrences of harassment and discrimination as defined by the policy.

The City of Vaughan Policy applies to Members and will provide guidance to the independent investigator. Upon receipt of the findings of the independent investigator, the Integrity Commissioner shall utilize the investigator's findings to make a determination on the application of the *Code of Ethical Conduct* and the merits to an investigation on the ethical conduct of the Member subject of the complaint.

Rule No. 15

Discreditable Conduct

- 1. Members shall conduct themselves with appropriate decorum at all times.**

Commentary

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

All Members of Council and local boards 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.

Rule No. 16

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 City.**

Commentary

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

Members of Council must recognize that only Council as a whole has the capacity to direct staff members to carry out specific tasks or functions as provided in the *Municipal Act*. The Administration, under the direction of the City Manager, serves the Council as a whole, and the combined interests of all Members as expressed through the resolutions of Council. An individual Member should not request staff to undertake extensive work or prepare lengthy reports, other than pursuant to a Council direction.

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 City Manager. Any such attempts should be reported to the Integrity Commissioner.

Rule No. 17

Employment of Council Relatives/Family Members

- 1. No Member shall attempt to influence the outcome, or to influence any City employee to hire or promote a Member's family.**
- 2. No Member shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any member of his or her Family.**
- 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 City's nepotism policy.**

Commentary:

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

Rule No. 18

Failure to Adhere To Council Policies and Procedures:

- 1. Members shall adhere to such by-laws, policies and procedures adopted by Council that are applicable to them.**

Commentary

A number of the provisions of this *Code of Ethical Conduct* incorporate policies and procedures adopted by Council. More generally, Members are required to observe the terms of all policies and procedures established by City Council.

Members of Council must pay special attention to, and comply strictly with, the Councillors Expense Policy.

This provision does not prevent a Member of Council from requesting that Council grant an exemption from a policy.

Rule No. 19

Reprisals and Obstruction:

- 1. No Member shall obstruct the Integrity Commissioner in the carrying out of her or his responsibilities.**
- 2. No Member shall threaten or undertake any act of reprisal against a person initiating an *inquiry or complaint* under the *Code of Ethical Conduct* or who provides information to the Integrity Commissioner in any investigation.**

Commentary

Members should respect the intent of the *Code of Ethical Conduct* and investigations conducted under it. It is also a violation of the *Code of Ethical Conduct* to obstruct the Integrity Commissioner in the carrying out of her or his responsibilities, as, for example, by the destruction of documents or the erasing of electronic communications or refusing to respond in writing to a formal complaint lodged pursuant to the Complaint Protocol passed by Council.

Rule No. 20

Compliance with the *Code of Ethical Conduct*:

Members of Council

1. Upon receipt of the Integrity Commissioner's recommendations, and where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, Council may impose the following penalties on a Member of Council:
 - a) A reprimand; or
 - b) Suspension of the remuneration paid to the Member in respect of his or her services as a Member of Council for a period of up to 90 days.
2. Where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, the Integrity Commissioner may also recommend that Council take other remedial actions. Such remedial actions must be measures which are intended to address the violation and the effects of the violation. Such remedial actions may include but are not limited to the following:
 - a) Requiring repayment or reimbursement of moneys received by the Member.
 - b) Requiring the return of property, or reimbursement of its equivalent monetary value, received by the Member.
 - c) Requiring a written and/or verbal apology from the Member to Council, the complainant, or both.
 - d) Removal from membership of a Committee (if applicable) where, due to the Member's violation of the *Code of Ethical Conduct*, it would no longer be appropriate for the Member to sit on the Committee.
 - e) Removal as Chair of a Committee (if applicable) where, due to the Member's violation of the *Code of Ethical Conduct*, it would no longer be appropriate for the Member to chair the Committee.
3. Upon Council's decision on the Integrity Commissioner's recommendations, the Member whose has violated the *Code of Ethical Conduct* shall comply with Council's decision. Failure to comply with Council's decision shall constitute a contravention of this Code.

Members of Local Boards

1. Upon receipt of the Integrity Commissioner's recommendations, and where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, in the case of a Member of a local board, Council may impose the following penalties:
 - a) A reprimand;
 - b) Suspension of the remuneration paid to the Member in respect of his or her services as a Member of a Local Board for a period of up to 90 days; or
 - c) Removal from the Local Board.
2. Where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, the Integrity Commissioner may also

recommend that Council take other remedial actions. Such remedial actions may include but are not limited to the following:

- a) Requiring repayment or reimbursement of moneys received by the Member.**
 - b) Requiring the return of property, or reimbursement of its equivalent monetary value, received by the Member.**
 - c) Requiring a written and/or verbal apology from the Member to Council, the complainant, the local board, or any/all of these parties.**
 - d) Removal from membership of a Committee (if applicable).**
 - e) Removal as Chair of a Committee (if applicable).**
- 3. Upon Council's decision on the Integrity Commissioner's recommendations, the Member whose has violated the *Code of Ethical Conduct* shall comply with Council's decision. Failure to comply with Council's decision shall constitute a contravention of this Code.**

Commentary

Members of Council are accountable to the public through the election process. Between elections they may, for example, become disqualified and lose their seat if convicted of an offence under the *Criminal Code* of Canada or for failing to declare a conflict of personal interest under the *Municipal Conflict of Interest Act*.

In addition, the *Municipal Act* authorizes Council to impose either of two penalties on a Member following a report by the Integrity Commissioner that, in her or his opinion, there has been a violation of the *Code of Ethical Conduct*. For clarity, the Integrity Commissioner is not limited to the actions listed in 2 (a-e) above.

In the case of Members of local boards, these Members serve at the pleasure of Council. Accordingly, where the Integrity Commissioner reports that in her or his opinion, there has been a violation of the *Code of Ethical Conduct*, Council has a broader range of disciplinary measures that may be taken.

Rule No. 21

Implementation

- 1. Members are expected to formally and informally review their adherence to the provisions of the *Code* on a regular basis or when so requested by the Integrity Commissioner.**
- 2. At the beginning of each term, Members will be expected to sign two copies of the *Code of Ethical Conduct*.**
- 3. At the beginning of each term, each Member of Council shall meet with the Integrity Commissioner.**
- 4. At the beginning of each term, each Member of Council shall file an explanatory statement of all community organizations in which they participate, in the form provided by the Integrity Commissioner, within 60 days of being elected or appointed. Thereafter, each Member of Council shall file or update their disclosure statement, once in every calendar year on the date established by the Commissioner.**
- 5. Councillors and members of the public should not assume that any unethical activities not covered by or not specifically prohibited by these ethical standards of conduct, or by any legislation, are therefore condoned.**

Commentary

At the beginning of each term, Members of Council will be expected to sign two copies of the *Code of Ethical Conduct* (one for themselves and one for the Clerk's Office) to convey to each other and all stakeholders that they have read, understand and accept it.

A *Code of Ethical Conduct* component will be included as part of the orientation workshop for each new Council.

Attachment 2
COMPLAINT PROTOCOL
FOR THE CODE OF ETHICAL CONDUCT FOR MEMBERS OF COUNCIL AND LOCAL BOARDS

Authority: *Municipal Act, 2001*, S.O. 2001, (as amended) CHAPTER 25 and as adopted by Council at its meeting held on _____, 2019.

1. Until such time as a new/revised *Council Code of Ethical Conduct* is adopted, only complaints relating to behaviour or activity occurring subsequent to March 1, 2019 will be addressed by this procedure.
2. After December 31, 2008 all complaints must be addressed in accordance with the below captioned procedure within six (6) months of the alleged violation or no action will be taken on the complaint.
3. Defined terms used but not defined in this Complaint Protocol shall have the same meaning as set out in the *Code of Ethical Conduct for Members of Council and Local Boards* (the "Code of Conduct").

PART A: INFORMAL COMPLAINT PROCEDURE

4. Individuals (including City employees, members of the public, Members of Council or local boards) who identify or witness behaviour or activity by a Member that appears to be in contravention of the Code of Conduct, or sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* ("MCIA") in the case of Council Members, may address the prohibited behaviour or activity themselves as follows:

- (i) Advise the Member that the behaviours or activity appears to contravene the Code of Conduct, or section 5, 5.1 or 5.2 of the MCIA in the case of Council Members;
- (ii) Encourage the Member to acknowledge and agree to stop the prohibited behaviour or activity and to avoid future occurrences of the prohibited behaviour or activity;
- (iii) Document the incidents including dates, times, locations, other persons present, and any other relevant information. Request that the Integrity Commissioner assist in the informal discussion of the alleged complaint with the Member in an attempt to resolve the issue. 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

At the earliest possible juncture, the Member whose behaviour is complained of will be advised of an inquiry to the Integrity Commissioner under the Informal Complaint Procedure, and any complainant will be so advised;

- (iv) Pursue the matter in accordance with the formal complaint procedure outlined in Part B, or in accordance with any other applicable judicial or quasi-judicial process or complaint procedure.

Individuals are encouraged to pursue this informal complaint procedure as a means of stopping and remedying a behaviour or activity that they believe violates the Code of Conduct. The informal complaint procedure will not apply to complaints against Members in respect of section 5, 5.1 or 5.2 of the MCIA. With the consent of both the complaining individual and the Member, the Integrity Commissioner may participate in any informal process. The parties involved are encouraged to take advantage of the Integrity Commissioner's potential role as a mediator/conciliator of issues relating to a complaint. However, it is not a precondition or a prerequisite that those complaining to pursue the informal complaint procedure prior to pursuing the formal complaint procedure in Part B. The Integrity Commissioner will assess the suitability of the informal complaint process for settlement or resolution on an ongoing basis and may at any time decline to continue participation in the process. The complainant or the respondent can decline to participate in the informal complaint process at any time. The informal complaint procedure is an informal process, and the Integrity Commissioner will not perform an official investigation nor provide a public report, even if the parties agree to involve the Integrity Commissioner in this informal process.

PART B: FORMAL COMPLAINT PROCEDURE

Formal Complaints

5. Electors and individuals acting in the public interest (including City employees, members of the public, and Members of Council or local boards) who identify or witness behaviour or an activity by a Member that they believe is in contravention of the Code of Conduct, or sections 5, 5.1, or 5.2 of the MCIA in the case of Council Members, may file a formal complaint with the required information on the proscribed affidavit (see page 6 of this procedure):
 - (i) All complaints must be made on the Complaints Form/Affidavit and shall be dated and signed by an identifiable individual;
 - (ii) The complaint must include an explanation for why the issues raised may be a contravention of Code of Conduct or the MCIA. Evidence in support of the allegation must also be included;
 - (iii) Witnesses in support of the allegation must be named on the complaint form;
 - (iv) The Integrity Commissioner will provide a summary of the complaint to the respondent and to others who may be involved in carrying out this procedure;
 - (v) The complaint form/affidavit must include the name of the alleged violator, the provision of the Code of Conduct or MCIA allegedly contravened, facts constituting the alleged contravention, the names for the complainant during normal business hours;
 - (vi) Receipt of formal complaints will be acknowledged in writing;
 - (vii) If the complaint relates to an alleged violation of sections 5, 5.1, or 5.2 of the MCIA, the complaint must be made within six weeks after the applicant became aware of the alleged contravention. The complainant must also provide a statutory declaration to this effect in their application.

Filing of Complaint and Classification by Integrity Commissioner

6.
 - (i) The complaint shall be filed with the City Clerk who shall forward the matter to the Integrity Commissioner for initial classification to determine if the matter is, on its face, a complaint with respect to non-compliance with the Code of Conduct, or sections 5, 5.1, or 5.2 of the MCIA in the case of Council Members, and not covered by other legislation or other Council policies as described in subsubsection 3. The Integrity Commissioner shall make a decision regarding classification within 30 days of receiving the complaint from the City Clerk.
 - (ii) If the complaint is not in the prescribed form, the Integrity Commissioner may defer the classification until a Complaint Form/Affidavit is received.

NOT A VIOLATION

- (iii) If the complaint, including any supporting affidavit, is not, on its face, a complaint with respect to non-compliance with the Code of Conduct, or sections 5, 5.1, or 5.2 of the MCIA in the case of Council Members, or the complaint is covered by other legislation or complaint procedure under another Council policy, the Integrity Commissioner shall advise the complainant in writing as follows:

CRIMINAL MATTER

- (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 Service.

MUNICIPAL CONFLICT OF INTEREST ACT

- (b) If the complaint on its face is with respect to non-compliance with the *Municipal Conflict of Interest Act*, save an except sections 5, 5.1, and 5.2, the complainant shall be advised to review the matters with the complainant's own legal counsel.

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- (c) If the complaint is more appropriately addressed under the *Municipal Freedom of Information and Protection of Privacy Act*, the complainant shall be advised that the matter must be referred to the City Clerk for Access and Privacy Review.

OTHER POLICY APPLIES

- (d) If the complaint seems to fall under another policy, the complainant shall be advised to pursue the matter under such policy.

LACK OF JURISDICTION

- (e) If the complaint is, for any reason not within the jurisdiction of the Integrity Commissioner, the complainant shall be so advised and provided with any additional reasons and referrals as the Integrity Commissioner considers appropriate.

MATTER ALREADY PENDING

- (f) If the complaint is in relation to a matter which is subject to an outstanding complaint under another process such as a court proceeding, Human Rights complaint or similar process, the Integrity Commissioner may, in his/her sole discretion suspend any investigation pending the result of the other process.
- (g) If the Integrity Commissioner has already reviewed and rendered a decision or has investigated the matter subject of the complaint, the complainant will be advised that the matter cannot be further pursued through the Code complaint process

INDIVIDUAL NOT ACTING IN THE PUBLIC INTEREST

- (h) If the Integrity Commissioner is of the opinion that the individual making the complaint is not acting in the public interest, the complainant shall be so advised, and the Integrity Commissioner shall not conduct an investigation. In assessing whether a complainant is acting in the public interest, the Integrity Commissioner shall consider: (i) whether the complainant is advancing a concern, issue or complaint that involves an issue of importance to some or all citizens of Vaughan rather than a private interest which is mainly of interest to the affected parties; and (ii) whether the complaint is vexatious, frivolous, or unreasonably persistent, as set out in the City of Vaughan's Vexatious and Frivolous Complaints Policy. The Integrity Commissioner may also consider any other relevant facts in assessing whether a complainant is acting in the public interest.

Investigation

7. (i) Where the Integrity Commissioner determines that an investigation is warranted, he/she will proceed as follows, except where otherwise required by the *Public Inquiries Act*, 2009, S.O. 2009, c. 33, Sched. 6:
 - a. Give the complaint to the Member whose conduct is in question with a request that a written response to the allegation be provided within ten days; and
 - b. Give a copy of the response provided to the complainant with a request for a written reply within ten days.
- (ii) If necessary, after reviewing the submitted materials, the Integrity Commissioner may speak to anyone, access and examine any other documents or electronic materials and may enter any City work location relevant to the complaint for the purpose of investigation and potential resolution.
- (iii) The Integrity Commissioner may make interim reports to Council where necessary and as required to address any instances of interference, obstruction, delay or retaliation encountered during the investigation.
- (iv) If the Integrity Commissioner is of the opinion that the referral of a matter to him/her is frivolous, vexatious or not made in good faith, or that there are no grounds or insufficient grounds for an investigation, the Integrity Commissioner shall not conduct an investigation, and where this becomes apparent in the course of an investigation, terminate the investigation.

Opportunities for Resolution

8. Following receipt and review of a formal complaint, or at any time during the investigation, where the Integrity Commissioner believes that an opportunity to resolve the matter may be successfully pursued without a formal investigation, and both the complainant and the Member agree, efforts may be pursued to achieve an informal resolution.

No Complaint Prior to Election

9. (i) Notwithstanding any other provisions of this Protocol, no complaint may be referred to the Integrity Commissioner, or forwarded by the Clerk for review and/or investigation between the regularly scheduled nomination day and voting day in any year in which a regular municipal election will be held.
- (ii) If the Commissioner has not completed an inquiry before nomination day for a regular election the Commissioner shall terminate the inquiry on nomination day.
- (iii) If an inquiry is terminated in accordance with section 12(ii), the Commissioner shall not commence another inquiry in respect of the matter unless, within six weeks after voting day in a regular election the person who made the application or the Member or former Member whose conduct is concerned applies in writing to the Commissioner for the inquiry to be carried out.
- (iv) Where an inquiry has been terminated, and the complainant or former Member has requested the inquiry be carried out, the Integrity Commissioner shall be permitted to use any information and evidence obtained prior to the termination. If no request is made to carry out the inquiry, no review or investigation shall be made.

Reporting on Code of Conduct Investigations

10. (i) The Integrity Commissioner shall report to the complainant and the Member generally no later than 90 days after the receipt of the Complaint Form/Affidavit of the complaint. If the investigation process takes more than 90 days, the Integrity Commissioner shall provide an interim report and must advise the parties the date the report will be available.
- (ii) Where the complaint is sustained in whole or in part, the Integrity Commissioner shall report to Council outlining the findings, the terms of any settlement, or recommended corrective action. Where the complaint is not sustained, the Integrity Commissioner shall report to Council the result of the investigation.
11. (i) Where the Integrity Commissioner reports to Council that in her or his opinion, there has been a violation of the Code of Conduct, the municipality may impose penalties and remedial actions in accordance with the *Municipal Act* and the Code of Conduct. The Integrity Commissioner shall not issue a report finding a violation of the Code of Conduct on the part of any respondent unless the respondent has had notice of the basis for the proposed finding and any recommended sanction or remedial action, and an opportunity either in person or in writing to comment on the proposed findings.
- (ii) 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 may so state in the report and may make appropriate recommendations pursuant to the *Municipal Act* and the Code of Conduct.
- (iii) The Integrity Commissioner shall give a copy of the report to the complainant and the Member whose conduct is concerned.
- (iv) Upon receipt of a report, the Clerk shall process the report for the next meeting of Council's Committee of the Whole.

Reporting on MCIA Investigations

12. (i) The Integrity Commissioner shall complete his/her investigation into alleged contraventions of sections 5, 5.1, or 5.2 of the MCIA within 180 days after the receipt of the Complaint Form/Affidavit. However, this section does not apply if the investigation is terminated in accordance with section 223.4.1(12) of the *Municipal Act*.
- (ii) If, upon completion of the investigation, the Integrity Commissioner determines that on a balance of probabilities there has been a violation of the MCIA, or is otherwise of the opinion that it is in the City's interest for a judge to determine if there has been a violation of the MCIA, the Integrity Commissioner may apply to a judge for such a determination. For greater certainty, nothing in this Protocol shall prevent a complainant from bringing their own application to a judge for a determination of whether there has been a violation of sections 5, 5.1, or 5.2 of the MCIA.
- (iii) Upon completion of the investigation, the Integrity Commissioner shall advise the complainant whether the Commissioner will be making an application to a judge for a determination if there has been a violation of the MCIA. The Integrity Commissioner shall publish written reasons for his/her decision within 90 days of such decision. The Integrity Commissioner shall periodically report to Council on the outcome of his/her investigations of alleged MCIA contraventions.

No Reports Prior to Election

13. Notwithstanding any other provisions of this Protocol, between nomination day and voting day for a regular municipal election, the Integrity Commissioner shall not make any report to Council or to any other person about whether a Member has contravened the Code of Conduct, including sections 5, 5.1, or 5.2 of the MCIA in the case of Council Members.

Duty of Council

14. Council shall consider and respond to the report within 45 days after the day the report is presented to it (this timeline shall be extended as necessary in the case of summer hiatus and festive closure).

Public Disclosure

15. (i) The Integrity Commissioner and every person acting under his or her jurisdiction shall preserve confidentiality where appropriate and where this does not interfere with the course of any investigation, except as required by law and as required by this complaint protocol.

(ii) At the time of the integrity Commissioner's report to Council, and as between the parties, the identity of the Respondent shall not be treated as confidential information.

(iii) All reports from the Integrity Commissioner to Council will be made available to the public.

Please see Complaint Form/Affidavit below.

Please note that signing a false affidavit may expose you to prosecution under Section 131 and 132 or 134 of the *Criminal Code*, R.S.C.1985,c.C-46, and also to civil liability for defamation.

Page __ of __

Complaint Form/Affidavit

AFFIDAVIT OF

_____[full name]
I, _____[full name], of the [City, Town, etc.] of _____
_____[municipality of residence]
in the Province of Ontario.

MAKE OATH AND SAY [or AFFIRM]:

1. I have personal knowledge of the facts as set out in this affidavit, because

_____[insert reasons e.g. I Work for...I attended the
meeting at which....etc.]

2. I have reasonable and probable grounds to believe that a Member of Vaughan City Council, or a Member of a Vaughan local board, as set out in the *Code of Ethical Conduct for Members of Council* (the "Code of Conduct")

_____[specify
name of member], has contravened section(s) _____[specify section(s)] of the
Code of Conduct or sections 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act* in the case of Council
Members. The particulars of which are as follows: [Set out the statements of fact in consecutively
numbered paragraphs in the space below, with each paragraph being confined as far as possible to a
particular statement of fact. If you require more space, please use the attached Schedule A form and
check the appropriate box below. If you wish to include exhibits to support this complaint, please refer to
the exhibits as Exhibit A, B, etc. and attach them to this affidavit. If you are submitting a complaint in
respect of sections 5, 5.1, or 5.2 of the *Municipal Conflict of Interest Act*, please be aware that your
affidavit must include a statutory declaration in accordance with section 223.4.1(6) of the *Municipal Act*]

Please see attached Schedule A _____ (check if applicable)

1. This affidavit is made for the purpose of requesting that this matter be reviewed and for no other purpose.

SWORN [or AFFIRMED] before me at
the [City, Town, etc. of _____]
_____)
_____ in the Province of Ontario on _____)
_____) [date]
_____)

[Signature of commissioner]

A Commissioner for taking affidavits, etc. _____)

Schedule A
(Additional Information)

To the affidavit required under subsection 5 of The Formal Complaint Procedure
[If more than one page is required, please photocopy this blank page and mark each additional page as 2
of 2, 2 of 3, etc. at the top right corner.]

This image shows a full page of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page, providing a template for handwriting practice. There are no margins, text, or other markings on the paper.

This Schedule A referred to in the affidavit of _____ [full name]
Sworn [or Affirmed] before me on this _____ day
of _____, _____.

A Commissioner for taking affidavits, etc.

THE CITY OF VAUGHAN

BY-LAW

BY-LAW NUMBER XX-2020

A By-law to provide for the indemnity and defence of members of council, members of local boards, and employees of the Corporation against loss or liability incurred while acting on behalf of the Corporation, and to repeal By-law 91-2011, as amended.

WHEREAS Section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25 as amended, provides that the powers of a municipality under this or any other Act shall be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considers appropriate and to enhance the municipality's ability to govern;

AND WHEREAS Section 279(1) of the *Municipal Act, 2001*, as amended, provides that a municipality may, subject to certain limitations, act as an insurer and protect present and former members of council, local boards, employees, and officers from risk that may involve pecuniary loss or liability on the part of those individuals;

AND WHEREAS Section 283(1) of the *Municipal Act, 2001*, as amended, provides that municipalities may pay any part of the remuneration and expenses of the members of any local board of the municipality and the officers and employees of the local board;

AND WHEREAS Section 283(2) of the *Municipal Act, 2001* as amended, provides that a municipality may only pay the expenses of members of council, local boards, employees, and officers if the expenses are of those persons in their capacity as members, officers or employees, among other considerations;

AND WHEREAS Section 223.3(6) of the *Municipal Act, 2001*, as amended, provides that a municipality shall indemnify and save harmless the Integrity Commissioner or any person acting under the instructions of that officer for costs reasonably incurred by either of them in connection with the defence of a proceeding if the proceeding relates to an act done in good faith in the performance or intended performance of a duty or authority under Part V.1 of the *Municipal Act, 2001*, as amended, or a by-law passed under it or an alleged neglect or default in the performance in good faith of the duty or authority;

AND WHEREAS the Integrity Commissioner is authorized under sections 223.4 and 223.4.1 of the *Municipal Act, 2001* to conduct inquiries as it relates to the Code of Ethical Conduct for Members of Council and local boards and the *Municipal Conflict of Interest Act*;

AND WHEREAS Section 8 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.

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50, as amended, allows an elector, an Integrity Commissioner of a municipality or a person demonstrably acting in the public interest to apply to a judge for a determination of the question of whether a member, or former member, has contravened section 5, 5.1 or 5.2 of the *Municipal Conflict of Interest Act*.

AND WHEREAS Section 14 of the *Municipal Conflict of Interest Act*, provides that a municipality may pass a by-law to protect a member of council or of any local board thereof against any costs or expenses incurred by the member as a result of a proceeding brought under *Municipal Conflict of Interest Act*, and for paying on behalf of or reimbursing the member for such costs or expenses, so long as the member has been found not to have contravened that Act.

NOW THEREFORE the Council of The Corporation of the City of Vaughan enacts as follows:

Section 1- Definitions and Interpretation

- (1) In this By-law, unless a contrary intention appears,
 - (a) “Advance Payment” means payment by the Corporation of actual and reasonable legal fees incurred by an Eligible Person in the course of defending the Legal Proceeding, in advance of a final disposition of the Legal Proceeding;
 - (b) “Code” means the Code of Ethical Conduct for Members of Council and Local Boards, as amended;
 - (c) “Code Complaint” means a formal or informal complaint made to the Integrity Commissioner, and includes an inquiry under section 223.4 or 223.4.1 of the *Municipal Act, 2001*.
 - (d) “Corporation” means The Corporation of the City of Vaughan;
 - (e) “City Solicitor” means the City Solicitor of the Corporation, or designate;
 - (f) “City Manager” means the City Manager of the Corporation, or designate;
 - (g) “Eligible Person” means any of the following persons of the Corporation:
 - (i) a current or former member of Council;
 - (ii) a current or former member of a local board;
 - (iii) the current or former Integrity Commissioner, including any person acting under the instructions of the Integrity Commissioner;
 - (iv) the current or former Lobbyist Registrar;
 - (v) current or former officers and employees.

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(h) "Legal Proceeding" means:

- (i) a civil proceeding or administrative action, including but not limited to an action, application, motion, hearing, trial; or
- (ii) a proceeding wherein a person is charged with an offence under the *Criminal Code*, R.S.C. 1985, c. C. 46 or the *Highway Traffic Act*, R.S.O. 1990, s. H.8; or
- (iii) a proceeding brought under section 8 of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M. 50, as amended (the "MCIA"); or
- (iv) a Code Complaint; or,
- (v) a complaint to a professional association;

But excludes:

- (i) any proceeding commenced by the Corporation;
- (ii) any proceeding in which the Corporation is a party adverse in interest;
- (iii) any proceeding where the Corporation's and the Eligible Person's interests conflict; or
- (iv) any proceeding under the *Municipal Elections Act*, 1996, S.O. 1996, c. 32, Sched., as amended.

Section 2 - Indemnification of Eligible Persons

- (1) Subject to the provisions of this By-law, the Corporation shall indemnify an Eligible Person, and his or her heirs and legal representatives, in respect of any Legal Proceeding arising out of acts or omissions done or made by the Eligible Person:
 - (a) in his or her capacity as an Eligible Person, including those acts or omissions arising from the performance of any statutory duty imposed by any general or special Act; and
 - (b) acting in good faith and based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation or local board as applicable.
- (2) The Corporation shall reimburse members of Council and local boards for expenses incurred in obtaining legal advice to determine whether the member has a pecuniary interest in a matter which is the subject of consideration by council or a board.

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- (3) If an Eligible Person qualifies for indemnification in a Legal Proceeding under this By-law, the City will assume carriage of the Legal Proceeding on behalf of the Eligible Person, unless the City Solicitor determines that the City cannot represent the Eligible Person. For greater certainty, the City shall not assume carriage of a Legal Proceeding referred to in 1(h)(iii) or 1(h)(iv) above.
- (4) Where the City Solicitor determines that the City cannot represent the Eligible Person, the City Solicitor may request that the Eligible Person retain independent legal counsel and be indemnified for legal fees in accordance with this By-law.
- (5) The City Solicitor shall have the right to request that an Eligible Person obtain their own legal counsel at any time during the course of the Legal Proceeding if the City Solicitor is of the opinion that it is no longer appropriate for the City to defend and represent, or to continue to defend and represent the Eligible Person.
- (6) Where the City assumes the defence of a Legal Proceeding on behalf of an Eligible Person, the Eligible Person shall co-operate with the City and assist the City in the defence of the Legal Proceeding, as required by the City. This includes providing timely and fulsome responses to requests for information and attending the proceedings and meetings, as required.
- (7) Where an Eligible Person fails to co-operate and assist the City in accordance with section 2(6), the City Solicitor may determine that it would be inappropriate for the City to defend and represent, or continue to defend and represent, the Eligible Person, and the Eligible Person will no longer qualify for indemnification in respect of the Legal Proceeding.
- (8) If the City defends and represents the Eligible Person in a Legal Proceeding, the City shall not be responsible for any legal or other costs incurred by the Eligible Person unless such expenses have been pre-approved by the City Solicitor.

Section 3 - Process to Request Indemnification

- (1) If an Eligible Person is required to obtain their own legal representation pursuant to section 2, or if the Eligible Person is seeking to be reimbursed for legal expenses pursuant to section 2(2), he or she may make a written request for indemnification,
 - (a) to the City Solicitor; or,
 - (b) where the City Solicitor is the person seeking indemnification, to the City Manager; or
 - (c) where both the City Manager and the City Solicitor are named as parties in the legal proceeding giving rise to the request, to Council.
- (2) Upon receipt of a request for indemnification, the City Solicitor shall provide a written response within 10 business days of delivery of the request.

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- (3) A written request referred to in section 3(1) may include a request for Advance Payment of actual and reasonable legal fees. In the absence of such a request for Advance Payment, payment of legal fees shall be made after a final disposition of the Legal Proceeding or the completion of the matter referred to in section 2(2) as appropriate (where a final disposition includes termination or settlement of a Legal Proceeding).
- (4) Any Advance Payment made by the Corporation is subject to:
 - (a) A cap of \$25,000 if the Advance Payment is not assumed or paid for by the Corporation's insurer;
 - (b) the requirement to reimburse the City, as set out in sections 5(2), 5(3), and 5(4); and
 - (c) the condition that, if repayment of legal fees is required under this Bylaw, that repayment shall be made within 90 days of the final disposition of the Legal Proceeding.
- (5) If an Eligible Person wishes to seek Advance Payment for an amount exceeding \$25,000 as provided in section 3(4)(a), the City Solicitor shall bring a report to Council for direction.
- (6) If at any point the Eligible Person wishes to deviate from the repayment obligations to repay the City within 90 days, the Eligible Person shall make a request to the City Solicitor who shall bring the matter to Council to seek direction and approval.

Approval of Lawyer

- (7) A written request for indemnification referred to in Section 3.0(1) may include a request for approval of a lawyer chosen by the Eligible Person, or may request that the City Solicitor suggest three lawyers.
- (8) Where a request for indemnification seeks approval of a lawyer chosen by the Eligible Person, the response by the City Solicitor shall also:
 - (a) approve the request to retain the lawyer chosen by the Eligible Person; or
 - (b) deny the request and suggest three lawyers of the Corporation's choice who could represent the Eligible Person in the Legal Proceeding at issue.
- (9) Where the City Solicitor has suggested three lawyers, the Eligible Person shall select from the list and shall notify the City Solicitor of the selection, within 5 calendar days of receipt.

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Section 4 - Eligible Persons Served with Process

- (1) Subject to section 4(2), where an Eligible Person is served with any document which initiates a Legal Proceeding, he or she shall forthwith deliver the document to the City Solicitor.
- (2) Where a Member of Council or local board receives a Code Complaint the Member of Council or local board may request permission from the Integrity Commissioner to disclose the existence and general nature of the complaint to the City Solicitor in support of their request for indemnification under this By-law.

Section 5 - Manner and Extent of Indemnification

- (1) The Corporation shall provide indemnification to an Eligible Person as follows under this By-law:
 - (a) Assume carriage of the defence on behalf of the Eligible Person or pay the actual and reasonable expenses of defending such Eligible Person in the Legal Proceeding; and/or,
 - (b) pay any damages or costs, including any monetary penalty, or award against such Eligible Person as a result of a Legal Proceeding; and/or,
 - (c) pay, either by direct payment or by reimbursement, any expenses reasonably incurred by the Eligible Person as a result of a Legal Proceeding or a request for payment of fees under section 3; and/or,
 - (d) pay any sum required in connection with the settlement of a Legal Proceeding, provided that the City Solicitor approves the terms of the settlement;

to the extent that such costs, damages, expenses, monetary penalty, other award or other sums related to the Legal Proceeding are not assumed, paid or reimbursed under any provision of the Corporation's insurance for the benefit and protection of such person against any liability incurred by him or her.

- (2) If it is determined in a Legal Proceeding that an Eligible Person's acts or omissions giving rise to the Legal Proceeding did not:
 - (a) arise out of acts or omissions done or made by the Eligible Person in his or her capacity as an Eligible Person; or
 - (b) were not done or not made in good faith; or
 - (c) were not based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation,

the Eligible Person shall not be eligible for indemnification under this By-law, and shall be required to reimburse the Corporation for all funds paid on the Eligible

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Person's behalf pursuant to this By-law within 90 days of such a determination.

- (3) An Eligible Person is not entitled to indemnification under this By-law and must reimburse the Corporation for any legal fees paid by the Corporation in respect of a Legal Proceeding if:
 - (a) the Eligible Person is convicted of an offence in the case of a Legal Proceeding under section 1(h)(ii); or
 - (b) In the case of a proceeding brought under section 8 of the *MCIA*, the member of Council or local board has been found to have contravened section 5, 5.1 or 5.2 of the *MCIA*; or
 - (c) In the case of a Code Complaint, where a contravention has been found, unless:
 - (i) the contravention has occurred by reason of inadvertence; or
 - (ii) the contravention has occurred by reason of a bona fide error in judgment; or
 - (iii) the referral of the matter is frivolous, vexatious or not made in good faith and the Integrity Commissioner dismisses the complaint without an investigation, or determines that there are no grounds or insufficient grounds for an investigation; or
 - (iv) where it becomes apparent in the course of an investigation that there are insufficient grounds to continue the investigation, the Integrity Commissioner terminates the investigation and dismisses the complaint.
- (4) If an Eligible Person receives a payment through a costs award or settlement in respect of a Legal Proceeding for which the City has indemnified the Eligible Person, such amounts must be paid to the City upon receipt by the Eligible Person.
- (5) The City Solicitor, acting reasonably, may request or impose one or all of the following:
 - (a) Budgets for anticipated legal expenses; and/or
 - (b) Status Updates in respect of the progress of the proceedings; and/or
 - (c) A limit on quantum of indemnification.
- (6) If there is a dispute between the City Solicitor, acting reasonably, and the Eligible Person with respect to the account for legal expense payments, the City Solicitor may require that such account for reimbursement be assessed by a Court Assessment Officer prior to payment by the Corporation.
- (7) The City Solicitor shall be provided with copies of the statements of account on a monthly basis, which shall outline all fees and disbursements, and shall be

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provided with information relating to these accounts, as may be requested from time to time, in order to determine reasonableness of the account before any payment would be made.

Section 6 - Failure to Comply with By-law / Exclusions

- (1) If an Eligible Person who has been approved to receive indemnification fails or refuses to comply with any of the provisions of this By-law, or in the event of one or more of the following:
 - (a) the Eligible Person or his or her lawyer takes a step which is unnecessary, or otherwise prejudicial to the conduct of the Legal Proceeding, as determined by the City Solicitor; or
 - (b) the quantum of indemnification exceeds the Budget referred to in section 5(5); or
 - (c) the maximum amount of indemnification approved has been paid, or
 - (d) the Eligible Person commences a counterclaim, crossclaim, third party claim, application for judicial review, or other proceeding related to the Legal Proceeding for which reimbursement is sought, without first obtaining prior approval from the City Solicitor,

then the Corporation shall not be liable to assume or pay any of the costs, damages, expenses, monetary penalty or other sums as set out in this By-law.

Section 7 - Appeal

- (1) Notwithstanding other provisions of this Bylaw, where a person seeks to appeal or bring an application for judicial review with respect to a judgment or decision in a Legal Proceeding covered by this By-law, the Corporation shall have the sole discretion to determine whether the expenses of the appeal or judicial review will be covered by this By-law. If an individual pursues an appeal or application for judicial review without representation by the Corporation and is successful in that appeal, the Corporation shall have sole discretion to determine whether the Eligible Person shall be indemnified for his or her legal expenses.

Section 8 - Executive Acts Authorized

- (1) The City Solicitor is authorized to execute any necessary documents on behalf of the Corporation in order to give effect to this By-law according to its true intent and meaning.
- (2) Nothing in this By-law shall prevent the City Solicitor from bringing a report to Council to seek direction on any matter related to indemnification.

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Section 9 - Repeal

- (1) By-law 91-2011, as amended, is hereby repealed.

Section 10 - Force and Effect

- (1) This By-law comes into force on the day it is passed. For greater certainty:
- (a) For ongoing Legal Proceedings where the Corporation has assumed the defence of the matter on behalf of an Eligible Person, the City will continue to defend the Legal Proceeding on the Eligible Person's behalf, subject to the terms of this By-law.
 - (b) For all Legal Proceedings where indemnification was authorized under Bylaw 91-2011, as amended, those existing indemnification approvals will continue under this By-law, and be subject to the terms of this By-law.
 - (c) For ongoing Legal Proceedings in which an Eligible Person was required to retain their own counsel, including Code Complaints filed with the Integrity Commissioner prior to the enactment of this By-law where a final disposition has not been rendered, the provision of this By-law will apply.

Enacted by City of Vaughan Council this 11th day of March, 2020.

Hon. Maurizio Bevilacqua, Mayor

Todd Coles, City Clerk

Authorized by Item No. 10 of
Report No. 11 of the Committee
of the Whole
Adopted by Vaughan City
Council on March 9, 2020

Subject: [External] Fw: Indemnity By-law Email
Attachments: Indemnification By-law Comments (03.07.20) (11).docx-1.docx

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Communication
COUNCIL: Mar 11/20
Cw Rpt. No. 11 Item 14

From: MARIO FERRI <mario.ferri@rogers.com>

Sent: Sunday, March 08, 2020 10:26 AM

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Subject: [External] Fw: Indemnity By-law Email

Hi all:

Firstly, I would like to thank the City Solicitor and her team for the hard work put into revising the Indemnity By-law. I appreciate that recommendations of this nature are never easy and that much time and effort went into drafting the by-law now before Council for consideration.

Through this communication, I am suggesting several revisions to the by-law which result from a difference of opinion on eight principles that I believe underly the draft by-law (I apologize in advance if I have misstated those principles). Below, I have set out the eight principles that I understand to have been the foundation of the proposed by-law and I have set out my position and/or area(s) of disagreement respecting those principles.

In proposing the revisions in the attached, my intention is to ensure that eligible persons receive the coverage they require to defend themselves to the full extent of the law, within the bounds of the law, and in accordance with the principles of natural justice and procedural fairness, while at the same time, ensuring that the City's financial interests are protected.

I provide the below and the proposed revisions set out in the attached chart with the utmost respect for the work undertaken by the City Solicitor and her team.

- *Principle 1: That the City Solicitor should have the authority to limit the costs associated with mounting a defense on behalf of an eligible person*
 - In my opinion, all eligible persons should have the right to defend themselves to the full extent of the law, so long as the costs associated with the defence are appropriate as determined by an independent person with requisite knowledge to make such a determination.
 - Put another way, it is my belief that the City Solicitor should not have the burden or right to limit the defense that an eligible person can mount by restricting their access to cost recovery; in my opinion, limiting the defence of an eligible person in this manner may run counter to natural justice and procedural fairness.
 - The proposed \$25,000.00 cap on legal fees (subject to council approval for more) is unduly low.
 - In saying this, I must note that I believe that it is of the utmost importance to protect the Corporation from runaway legal fees. To address this, I have proposed that if the City Solicitor believes that the fees associated with a legal proceeding are not

reasonable, he/she can refer any invoice received to a Court Assessment Officer, and that if the City Solicitor takes advantage of this option, the Corporation should only be required to pay those fees which are deemed reasonable by a Court Assessment Officer. In Ontario, all persons may apply to the Court to have legal fees assessed by a Court Assessment Officer. This options ensures that an independent person with requisite knowledge determines whether the fees are reasonable or not – should the City Solicitor determine that this is necessary.

- To implement these principles, I am proposing revisions to the following sections: 3(4)(a) and 3(5), 5(5)(a), 5(5)(c), 5(6), 6(1)(a), 6(1)(b), and 6(1)(c).
- *Principle 2: That the City Solicitor should have the authority to choose the lawyer selected by the eligible person and that the default should be that the City Solicitor will take over the defense*
- In my opinion, all eligible persons should have the right to choose the lawyer that will represent them – a lawyer which in their opinion, has the requisite skill, knowledge, and experience to defend them.
- I understand that the right to be represented by the lawyer of your choice is a fundamental tenet of natural justice and procedural fairness.
- I also believe that the City Solicitor (and the City's legal department) should not have the burden of defending the eligible person as this may unduly bog down the legal department which should be focused on defending the interests of the Corporation – not the interests of an eligible person.
- To implement these principles, I am proposing revisions to the following sections: 2(3)(8), 3(7) – 3(9), and 5(1)(a).
- *Principle 3: That the City Solicitor should have the authority to determine whether the act or omission which is the subject of the proceeding was done in good faith prior to the conclusion of the legal proceeding*
- In my opinion, it is not appropriate to put the City Solicitor in the position of having to stand in judgement of the eligible person to determine whether an eligible person, including Members of Council, acted in good faith.
- In my opinion, it runs counter to natural justice and procedural fairness for the City Solicitor to make this decision without the benefit of evidence and submissions by the eligible person. I also believe that requiring the City Solicitor to have to have to receive such submissions and render a decision will unduly burden the City Solicitor and result in unnecessary costs to the Corporation.

- The underlying premise in our justice system is that all are innocent until proven guilty – requiring the City Solicitor to make this determination before the legal proceeding is concluded is unfair both to City Solicitor and the eligible person, and is not in-keeping with the principle that everyone is innocent until proven otherwise.
- Rather, eligible persons should be presumed innocent until proven otherwise and coverage should be provided based on an objective set of criteria – being that the person requesting coverage is an eligible person and the cost recovery must be in relation to a legal proceeding as those terms are defined in the By-law.
- To implement these principles, I am proposing revisions to the following sections: 2(1) and 3(2).
- *Principle 4: That the City Solicitor should have the authority to determine all of the legal steps taken by the eligible person*
- In my opinion, all eligible persons should have the right to defend themselves to the full extent of the law based on the legal advice that they receive from their individual lawyer. Put in another way, the City Solicitor should not be dictating the defence of eligible persons – the eligible person should be dictating their own defence taking into the consideration the advice they receive.
- Further, providing the City solicitor with notice of every legal step taken in order to receive the City Solicitors consent (and therefore cost coverage) may breach solicitor client privilege and is not appropriate. The defense of the eligible person must be governed by the eligible person and their lawyer only, not the City Solicitor, whose interest (the best outcome for the Corporation) may be at odds with the eligible persons best interest. The City solicitor's duty is to the Corporation, not eligible members. It is unfair an improper to require the City Solicitor to serve two masters.
- To implement these principles, I am proposing revisions to the following sections: 6(1)(d), 7, and 8.
- *Principle 5: That the by-law should not cover the eligible person where the interests of the corporation and the eligible person are not perfectly aligned or where the Corporation commenced the proceeding*
- In my opinion, the eligible person should be covered whether or not the interest of the Corporation and the interest of the eligible person are aligned and whether or not the Corporation commenced the proceeding.
- For example, in the Miele case, the City's interest(s) and the interest(s) of many members of council are not perfectly aligned.
- Also, in the case of a conflict of interest complaint, the law now dictates that an application against a member of council may be initiated by the Corporation through the integrity commissioner. This should not stop coverage.

- To implement these principles, I am proposing revisions to the following section: 1(h).

- *Principle 6: That because by-laws of this nature cannot be retroactive, the by-law should only cover those matters where a final decision is not yet issued*

- In my opinion, the by-law can and should cover all matters where a final decision is yet issued and/or where the invoices for legal services remain outstanding.

- To implement these principles, I am proposing revisions to the following section: 10(c).

- *Principle 7: That only the City Solicitor shall have the right to bring matters related to the By-law to Council*

- In my opinion, Members of Council should also be able to bring matters before Council.

- To implement these principles, I am proposing revisions to the following sections: 8(2).

- *Principle 8: That coverage should only be provided if the act or omission which is the subject of the proceeding was done through inadvertence or in good faith*

- In my opinion, this requires a subjective analysis which will complicate when the eligible person can/should be covered.

- To implement these principles, I am proposing revisions to the following sections: 3(4)(b), 5(2), and 5(3)(c).

Based on my difference(s) of opinion on the eight principles as set out above, I have suggested several revisions which are set out in detail in the attached word document which includes a chart that sets out: (i) the section reference, (ii) the suggested revisions to the by-law, and (iii) the detailed reasons for each proposed revisions.

I kindly request that my colleagues on Council and the City Solicitor review the attached document and consider the proposed revisions. I have invested a considerable amount of time considering the draft by-law and proposing the revisions set out in the attached document and I trust that my thoughts on this issue will receive fair and due consideration.

Thank you all.

Respectfully

Mario Ferri

Proposed Revisions:

Subsection	Revision	Reason
1(h) – definition of ‘legal proceeding’	Remove: “But excludes” section in its entirety.	<p>The current section excludes the following from coverage:</p> <ul style="list-style-type: none"> (i) any proceeding commenced by the Corporation; (ii) any proceeding in which the Corporation is a party adverse in interest; (iii) any proceeding where the Corporation’s and the Eligible Person’s interests conflict; or (iv) any proceeding under the <i>Municipal Elections Act</i> <ul style="list-style-type: none"> • There is no legal requirement to exclude any of the foregoing from coverage; <p>UNREASONABLE AND ARBITRARY LIMITATION OF COVERAGE:</p> <ul style="list-style-type: none"> • In my view, the proposed limitation of coverage is well beyond what is reasonable or acceptable. The purpose of the indemnification provisions of the Municipal Act is to protect eligible persons against loss due to action or inaction in carrying out their role in their capacity as an Eligible Person. This protection is not limited to only where their interests and the City’s interests are aligned, as you will see below. Rather, this section has the effect of deeming otherwise eligible persons ineligible based on a preconceived notion of guilt or wrongdoing which I cannot support; • With respect to (i) above, I have been given to understand that this clause would have the effect of nullifying coverage for many Conflict of Interest proceedings. Respecting Conflict of Interest proceedings, the City through its integrity commissioner is now the one who may make an application against an employee – see section 223.4.1 (15) of the Municipal Act. Under this provision of the by-law, if the integrity commissioner started an application, it is doubtful that the employee would be covered, even if they are found not to have contravened, because this would be a proceeding commenced by the City. I believe that eligible persons must be covered no matter who commences the proceedings, to do otherwise would deem the eligible person to be in the wrong no matter the outcome of the proceeding – this is not just right. It would also stop councillors from being covered where the City

		<p>commences a proceeding and the party who the City commenced the proceeding against, makes a third-party claim against an eligible person. My view is, we must provide coverage, no matter who commences the proceeding. This arbitrary limitation on coverage is unjustified.</p> <ul style="list-style-type: none"> • With respect to (ii) and (iii) above, these clauses may have the effect of nullifying coverage for many future proceedings. A good example is the current Miele claim against the City and many Councillors where the interests of the councillors in the action may not align with the City. This arbitrary limitation on coverage is unjustified. • With respect to (iv) above, this section should only apply where the proceeding is commenced against the otherwise eligible person when the eligible person is not taking an action in their capacity as an employee or representative of the City. In which case, coverage should not be provided as the eligible person is not acting within their duties as an employee or representative of the City. This exclusion is not required as case law already makes this rule applicable <u>and section 2(1) implements this rule as the action complained of must be taken in his/her capacity as an Eligible Person, which you are not doing if the action was taken as a candidate rather than a councillor for example.</u> Alternatively, this section could be saved so long as subsections (i) – (iii) are deleted in their entirety.
Section 2(1)	<p>Delete the following:</p> <p>(b) acting in good faith and based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation or local board as applicable.</p>	<p>BY-LAWS MUST BE <u>OBJECTIVE</u> NOT SUBJECTIVE:</p> <p>It is my understanding that, by-laws of this type are not permitted to be subjective in Ontario – whereas this section requires a subjective analysis of what was in the mind of the eligible person when the act complained of occurred.</p> <p>This by-law should not put any decision maker, and especially not an employee of the Corporation, in the position that they need to read into the mind of the eligible person. Should the City solicitor be standing in judgement of the eligible person? Is that fair to the City Solicitor?</p> <p>In this case, coverage is only provided if a decision maker makes the <u>subjective</u> determination that the eligible person thought that the act complained of was right without any</p>

		<p>facts or submissions by the eligible person – whereas, a decision of this type is required to be objective.</p> <p>DENIAL OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS:</p> <p>If this section is to remain, natural justice and procedural fairness would require that the eligible person must be given the opportunity to make submissions on this issue – <u>this will complicate this process unnecessarily and bog down staff resources.</u></p> <p>IMPACT ON CITY RESOURCES:</p> <p>As it is proposed, this would require the City Solicitor to decide whether an action taken was in good faith. This would put him/her in a very precarious situation of judging the veracity of eligible persons intent – including the intent of members of council (who have power over her/his position). This is not a fair position to put the City Solicitor in. In addition, it would require the City Solicitor to review facts, hear submissions on the topic, and render a decision – this will have an impact on City resources which is not required or preferred.</p> <p>LIMITATION ONLY REQUIRED FOR COVERAGE OF INTEGRITY COMMISSIONER:</p> <p>The current by-law limits coverage to acts or omissions made in good faith and based on the reasonable belief that such acts or omissions were lawful and in the best interests of the Corporation. This limitation is only required to apply to the Integrity Commissioner and those officers who act under its instruction(s) pursuant to section 223.6(6) of the Municipal Act. However, in the current by-law, this section applies the limitation to all employees in all legal proceedings even though such limitation is not required.</p>
Section 2(3) – (8)	Delete in its entirety	<p>This section means that an eligible person must be represented by the City unless the City Solicitor thinks the City cannot represent the eligible person.</p> <p>DENIAL OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS:</p> <p>This denies the eligible person their fundamental right embedded in the law of procedural fairness and natural justice to choose their own lawyer. It will also bog down the resources of the City. Eligible persons must, in my opinion, be given the right to select the representation they believe</p>

		<p>best suits them and who has their best interests at heart.</p> <p>What if the eligible person is not happy with the representation or attention they are receiving from the City Solicitor? – In accordance with this section, they would be forced to continue to use the City Solicitor in their defence, or face not having coverage, this is unacceptable.</p> <p>INHERENT CONFLICT OF INTEREST AND IMPROPER ROLE OF THE CITY SOLICITOR:</p> <p>It is generally accepted that the City Solicitor must, in accordance with his/her rules of professional conduct, take in the interests of the <u>Corporation</u> over any eligible person. Therefore, in a vast majority of cases, there will be an inherent conflict of interest if the City Solicitor is charged with defending an eligible person in a proceeding because the City Solicitor's <u>only</u> obligation is to the corporation.</p> <p>A good example is the current Miele claim where the City and many councillor's interests are not aligned.</p> <p>COMPLICATION BECAUSE COUNCIL WILL DIRECT PROCEEDINGS:</p> <p>Since the City Solicitor must act in accordance with direction from council, Council will be conducting the proceeding.</p> <p>IMPACT ON CITY RESOURCES:</p> <p>This will also bog down resources in the City's legal department for individual eligible persons whereas the focus of the City's legal department must be in the furtherance of the <u>City's</u> interests.</p> <p>REQUIRED SHARING OF INFORMATION:</p> <p>Pursuant to section 2(6) eligible persons are required to provide information to the City that they would otherwise only share with their personal representative. Eligible persons should not be required to share personal information with City staff in order to have coverage.</p>
Section 3(2)	<p>Revise section 3(2) as follows:</p> <p>Upon receipt of a request for indemnification, the City</p>	<p>BY-LAWS MUST BE <u>OBJECTIVE</u> NOT SUBJECTIVE:</p> <p>In my opinion, by-laws of this type cannot, and should not be subjective – and the current section requires a</p>

	<p>Solicitor shall provide a written response within 10 business days of delivery of the request.</p> <p><u>Coverage shall be provided if:</u></p> <p><u>(a) the requestor is an Eligible Person; and</u></p> <p><u>(b) the coverage requested is a proceeding.</u></p> <p><u>Otherwise, coverage shall be denied.</u></p>	<p>subjective analysis of what was in the mind of the eligible person when the act complained of occurred.</p> <p>BY-LAWS MUST BE CLEAR AND THE APPLICATION MUST BE REPEATABLE – THEREFORE CLEAR AND OBJECTIVE CRITERIA FOR COVERAGE MUST BE SET OUT:</p> <p>I believe that, Indemnification By-laws must have criteria and if met, coverage must be provided. In other words, anyone should be able to review the by-law and determine if they meet the pre-conditions for coverage. This is the case if the criteria to determine coverage is objective.</p> <p>My proposed revisions create an objective set of criteria that can be applied and will result in a repeatable outcome.</p>
Sections 3(4)(a) and 3(5)	Delete in their entirety.	<p>ARBITRARY CAP ON ONES RIGHT TO DEFEND THEMSELVES TO THE FULL EXTENT OF THE LAW:</p> <p>The proposed By-law caps the amount of indemnification to \$25,000.00. It seems to me that this is an arbitrary restriction on ones right to defend themselves, especially where their interests are not aligned with the City's (for instance in the Miele Claim) to the full extent of the law in a proceeding and I understand that it is not required by law. Ones ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council.</p> <p>For example, in Miele claim, damages can be substantial if allegations are found to be valid. What if the City chose to limit indemnification to a fraction of the amount needed to cover the cost damages? Should employees be put to this risk? Currently eligible persons could be liable for millions of dollars through no fault of their own.</p> <p>I agree that eligible persons should not be permitted to act unreasonably in their defence and therefore run up improper legal bills. I am given to understand that, this is best addressed through a referral of the bills to an independent person with the requisite qualifications/knowledge to determine if such legal expenses are appropriate. The courts in Ontario already have this function through a 'Court Assessment Officer'. This is a fair and independent way to ensure that eligible persons do not unduly overcharge the City and will effectively reign in legal expenses.</p>

		<p>Section 5(6) ensures the City only pays reasonable legal costs as may be assessed by a Court Assessment Officer and the City will only be responsible for the amount found to be reasonable by this independent person with requisite expertise. Section 5(7) requires monthly invoices so the City Solicitor can determine the appropriateness of the amounts and can refer to the court assessment officer where required. This provides adequate protection for the City from run away legal fees.</p> <p>Section 3(5) is not required if section 3(4)(b) is deleted and therefore, it should be removed if section 3(4)(b) is removed.</p>
Section 3(4)(b)	<p>Revise as follows:</p> <p>(b) the requirement to reimburse the City, as set out in sections 5(2), and 5(3), and 5(4);</p>	<p>As will be discussed below, it is my opinion that section 5(2) is not appropriate as for the reasons set out. <u>Therefore, reference to 5(4) should be deleted simply for to adjust for renumbering when section 5(2) is deleted.</u></p>
Sections 3(7) – 3(9)	Delete in its entirety.	<p>This section gives the City Solicitor the right to determine who the eligible person chooses to defend him/her or to provide him/her with legal advice.</p> <p>DENIAL OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS:</p> <p>This denies the eligible person their fundamental right embedded in the law of procedural fairness and natural justice to choose their own lawyer. Eligible persons must, in my opinion, be given the right to select the representation they believe has the requisite skill and knowledge, best suites them, and who has their best interests at heart.</p>
Section 5(1)(a)	Delete in its entirety.	<p>This section states that the City will assume carriage of the defence of the eligible person in a proceeding. I object to this section for the same reasons I object to section 3(7) – 3(9).</p> <p>DENIAL OF NATURAL JUSTICE AND PROCEDURAL FAIRNESS:</p> <p>This denies the eligible person their fundamental right embedded in the law of procedural fairness and natural justice to choose their own lawyer. I believe that eligible persons must, be given the right to select the representation they believe best suits them and who has their best interests at heart.</p>
Section 5(2)	Delete in its entirety.	This section states expenses occurred in a Legal Proceeding

		<p>will not be covered if it is determined that the act or omission giving rise to the Legal Proceeding <u>did not</u> [sic]: (b) were not done or not made in good faith; or (c) were not based on the reasonable belief that such acts or omissions were lawful and in the best interests of the corporation.</p> <p>It is my understanding that in most cases a court in a proceeding will not make this determination. In such a case – who would make the determination? Will the city take part in the hearing to request a court make such determination even where it is not relevant to the proceedings? This section should be removed for vagueness, for the potential financial impact on the City, and for mere impracticality.</p> <p>It is my belief that legal expenses incurred must be covered so long as such coverage does not offend the law. There is no requirement at law to provide for this limitation.</p>
Section 5(3)(c)	Delete in its entirety.	<p>This section states expenses occurred in defence of a code complaint will not be covered if the IC finds a contravention unless it is determined that the violation: (i) occurred through inadvertence; (ii) occurred by reason of a bona fide error in judgement; (iii) the referral was frivolous or vexatious, or (iv) where the investigation is stopped and investigation is terminated.</p> <p>Firstly, subsections 5(2)(c)(iii) and 5(2)(c)(iv) seem to be in error as these are circumstances where, by their very nature, no contravention of the code can be found so they must be deleted for that reason.</p> <p>Respecting subsections 5(2)(c) generally, it is my opinion that legal expenses incurred in defence of a code investigation must be covered, so long as such coverage does not offend the law. There is no requirement at law to provide for this limitation.</p>
Sections 5(5)(a) and 5(5)(c)	Delete in its entirety.	<p>Current section allows City to set budgets capping legal costs.</p> <p>ARBITRARY CAP ON ONES RIGHT TO DEFEND THEMSELVES TO THE FULL EXTENT OF THE LAW:</p> <p>It seems to me that this is an arbitrary restriction on ones right to defend themselves, especially where their interests are not aligned with the City's (for instance in the Miele</p>

		<p>Claim) to the full extent of the law in a proceeding and is not required by law. One's ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council. In this case, it is determined by the City Solicitor or Council because they have the right to deny financial coverage.</p> <p>For example, in the Miele claim, damages can be substantial if allegations are found to be valid. What if the City chose to limit indemnification to a fraction of the amount needed to cover the cost damages? Should employees be put to this risk? Currently eligible persons could be liable for millions of dollars through no fault of their own.</p> <p>I agree that eligible persons should not be permitted to act unreasonably in their defence and therefore run up improper legal bills. In my opinion, this is best addressed through a referral of the bills to an independent person to determine if such legal expenses are appropriate. I understand that the courts in Ontario already have this function through a 'court assessment officer'. This is a fair and independent way to ensure that eligible persons do not unduly overcharge the City and will effectively reign in legal expenses.</p> <p>Section 5(6) ensures the City only pays reasonable legal costs as may be assessed by a Court Assessment Officer and the City will only be responsible for the amount found to be reasonable by this independent person with requisite expertise. Section 5(7) requires monthly invoices so the City Solicitor can determine the appropriateness of the amounts and can refer to the court assessment officer where required. This provides adequate protection for the City from runaway legal fees.</p>
Section 5(6)	<p>Add the following to the end of the section:</p> <p>"The Corporation shall have the right to limit the amount which it will reimburse, or provide Advance Payment, to the amount arrived at by the Court Assessment Officer"</p>	<p>This ensures that the City has the authority to limit reimbursements to the amount assessed by a Court Assessment officer. This strengthens the City's control over runaway legal expenses.</p>
Section 6(1)(a)	Delete in its entirety	<p>Current section allows City to set budgets capping legal costs.</p>

		<p>It appears to me that this section allows the City solicitor to deny coverage if the Solicitor does not agree with a legal step taken by the employee.</p> <p>This amounts to permitting the City solicitor to dictate legal steps taken. This section may be inappropriate as it may place the City solicitor in a conflict of interest (where the interests of the City and employee are not the same – for instance in the case of the Miele Claim), and may require the sharing of privileged legal strategy so the City Solicitor can determine the appropriateness of the action taken – this may require that the eligible person to reveal their legal strategy as sharing of this information may be determined to be a waiver of solicitor client privilege.</p> <p>Using the Miele claim as an example, the City Solicitor is required to defend its client (the City) and take all measures legally available to her to defend the City. If this by-law is passed as is, the City Solicitor would be permitted, by law, to limit the defence of the co-defendants by denying coverage of a legal step proposed to be taken which he/she believes is unnecessary, but which the lawyer hired to defend the eligible persons deems to be necessary. There is no appeal of this decision.</p>
Section 6(1)(b)	Delete in its entirety	<p>The current section allows the setting of limits to the City budget thereby capping legal costs.</p> <p>ARBITRARY CAP ON ONES RIGHT TO DEFEND THEMSELVES TO THE FULL EXTENT OF THE LAW:</p> <p>Again this is an arbitrary restriction on ones right to defend themselves, especially where their interests are not aligned with the City's (for instance in the Miele Claim) to the full extent of the law in a proceeding and is not required by law. One's ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council.</p> <p>I agree that eligible persons should not be permitted to act unreasonably in their defence and therefore run up improper legal bills. In my opinion, this is best addressed through a referral of the bills to an independent person to determine if such legal expenses are appropriate. The courts in Ontario already have this function through a 'court assessment officer'. This is a fair and independent way to ensure that eligible persons do not unduly</p>

		<p>overcharge the City and will effectively reign in legal expenses.</p> <p>Section 5(6) ensures the City only pays reasonable legal costs as may be assessed by a Court Assessment Officer and the City will only be responsible for the amount found to be reasonable by this independent person with requisite expertise. Section 5(7) requires monthly invoices so the City Solicitor can determine the appropriateness of the amounts and can refer to the court assessment officer where required. This provides adequate protection for the City from run away legal fees.</p>
Section 6(1)(c)	Delete in its entirety	<p>The current section allows the setting of the City budget thereby capping legal costs.</p> <p>ARBITRARY CAP ON ONES RIGHT TO DEFEND THEMSELVES TO THE FULL EXTENT OF THE LAW:</p> <p>This is an arbitrary restriction on ones right to defend themselves, especially where their interests are not aligned with the City's (for instance in the Miele Claim) to the full extent of the law in a proceeding and is not required by law. Ones ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council.</p> <p>I agree that eligible persons should not be permitted to act unreasonably in their defence and therefore run up improper legal bills. In my opinion, this is best addressed through a referral of the bills to an independent person to determine if such legal expenses are appropriate. The courts in Ontario already have this function through a 'court assessment officer'. This is a fair and independent way to ensure that eligible persons do not unduly overcharge the City and will effectively reign in legal expenses.</p> <p>Section 5(6) ensures the City only pays reasonable legal costs as may be assessed by a Court Assessment Officer and the City will only be responsible for the amount found to be reasonable by this independent person with requisite expertise. Section 5(7) requires monthly invoices so the City Solicitor can determine the appropriateness of the amounts and can refer to the court assessment officer where required. This provides adequate protection for the City from run away legal fees.</p>

Section 6(1)(d)	Delete in its entirety	<p>Requires City approval for an appeal, crossclaim, counterclaim, third-party claim, judicial review, etc.</p> <p>Eligible persons should not be required to get the consent of the City for these matters which are related to receiving the best defence possible.</p> <p>DENIAL OF PROCEDURAL FAIRNESS AND NATURAL JUSTICE:</p> <p>In order to ensure that justice is served, the eligible persons must be permitted to take all legal options they deem necessary in their own defence. To me this provision may act to effectively limit the options one can take. This arbitrary limit is unfair and not required.</p> <p>If the concern meant to be addressed is the legal fees, we can address this in the by-law through the ability to have the fees assessed by a Court Assessment Officer.</p> <p>POTENTIAL FOR CONFLICT:</p> <p>This section is inappropriate, may place the City solicitor in a conflict of interest (where the interests of the City and employee are not the same – for instance in the case of the Miele Claim), and may require the sharing of privileged legal strategy. If, for instance councillors were found to have offended the law in the Miele Claim, but the City was let off, the City Solicitor may be bound by her/his duty to the City to deny the councillors right to appeal, because any such appeal could open the City back up to being found to have been offside.</p>
Section 7	Delete in its entirety	<p>This amounts to permitting the City solicitor to dictate legal steps to taken.</p> <p>DENIAL OF PROCEDURAL FAIRNESS AND NATURAL JUSTICE:</p> <p>Ones ability to defend themselves to the full extent of the law should not be determined by the City Solicitor or Council. Under the MClA, if a councillor is found to violate and wish to appeal the decision, the City Solicitor should not have the right to deny coverage so the eligible person would be required to pay out of their own expense in order to defend themselves to the full extent of the law.</p> <p>POTENTIAL FOR CONFLICT:</p>

		<p>This section is inappropriate, may place the City solicitor in a conflict of interest (where the interests of the City and employee are not the same – for instance in the case of the Miele Claim), and may require the sharing of privileged legal strategy. If, for instance councillors were found to have offended the law in the Miele Claim, but the City was let off, the City Solicitor may be bound by his/her duty to the City to deny the councillors right to appeal, because any such appeal could open the City back up to being found to have been offside.</p>
Section 8(2)	<p>Revise as follows:</p> <p>“Nothing in this By-law shall prevent the City Solicitor <u>or Member of Council</u> from bringing a report to Council to seek direction on any matter related to indemnification.</p>	<p>This allows a member of council to also bring a matter to council as required.</p>
Section 10(c)	<p>Revise as follows:</p> <p>For ongoing Legal Proceedings in which an Eligible Person was required to retain their own counsel, including Code Complaints filed with the Integrity Commissioner prior to the enactment of this By-law where a final disposition has not been rendered <u>or where final accounts have not been settled</u>, the provision of this By-law will apply.</p>	<p>Extends coverage to those instances where final accounts have not been settled.</p>

Committee of the Whole (2) Report

DATE: Tuesday, April 21, 2020

WARD(S): ALL

**TITLE: REIMBURSEMENT OF LEGAL EXPENSES FOR MEMBERS OF
COUNCIL ON COMPLAINTS TO THE INTEGRITY
COMMISSIONER (REFERRED)**

FROM:

Suzanne Craig, Integrity Commissioner and Lobbyist Registrar

ACTION: DECISION

Purpose

Referred report from the Council meeting of March 11, 2020, Report No. 11, Item No. 10, which was referred to the Committee of the Whole meeting of April 7, 2020. This report is now referred to the April 21, 2020, Committee of the Whole meeting, as the April 7, 2020 Committee of the Whole meeting was cancelled due to the COVID-19 pandemic crisis.

This report offers comments for Council's consideration in respect of reimbursement of legal expenses where a Member of Council is named in a Code of Conduct complaint.

Report Highlights

- Members of Council are exposed to a variety of potential or actual liabilities or costs in the good faith performance of their duties of elected office.
- Currently, neither the Indemnification By-law nor the Code Complaint Protocol address indemnification for legal expenses incurred by a Member of Council related to Code complaints that are not related to the *Municipal Conflict of Interest Act*.
- Any policy decision to reimburse legal expenses incurred to respond to Code of Conduct complaints brought against Members of Council should:
 - Satisfy the public interest objectives;
 - Encourage the highest standards of professional and ethical behaviour among elected officials;
 - Protect elected officials who act in good faith in the performance of their official duties.

Recommendation

Council, at its meeting of March 11, 2020, (Committee of the Whole, Report No. 11, Item 10) adopted the following recommendation:

Recommendation of the Committee of the Whole meeting of March 9, 2020:

- 1) That consideration of this matter be deferred to the April 7, 2020 Committee of the Whole (1) meeting.

Report and Recommendation of the Integrity Commissioner and Lobbyist Registrar dated March 9, 2020:

Recommendation

1. That amendments to the current Indemnification By-law be considered, if Council decides to indemnify Members of Council and Local Boards for legal expenses where a Member is named in a Code of Conduct complaint to the Integrity Commissioner.

Report dated March 9, 2020

Background

In 2017 the Province passed legislation to amend the *Municipal Act, 2001* and the *Municipal Conflict of Interest Act* (the “MCIA”), giving Integrity Commissioners the

authority to review and consider complaints made under the *MCIA* beginning March 1, 2019.

In response to these amendments, in 2019 the Integrity Commissioner and City staff brought forward a revised Code, as well as a revised Code Complaint Protocol. The revised Code as well as a revised Complaint Protocol were approved by Council on June 12, 2019. Section 19 of the pre-June 2019 Code Complaint Protocol was not included in the revised Code Complaint Protocol.

The Integrity Commissioner and Lobbyist Registrar believes that currently, if a formal Code complaint against a Member of Council is filed with the Integrity Commissioner under the Code with respect to a violation under the *MCIA*, the legal expenses related to responding to the complaint are covered under the Indemnification By-law.

Currently, neither the Indemnification By-law nor the Code Complaint Protocol address indemnification for legal expenses incurred by a Member of Council with respect to Code complaints that are not related to the *MCIA*.

At the February 11, 2020 Council meeting, City Council received a staff report from the Office of the Integrity Commissioner and Lobbyist Registrar that contained an overview of policy options available, if Council decided to indemnify themselves for legal expenses related to responding to Code complaints.

Previous Reports/Authority

[February 11, 2020 Council Report - Reimbursement of Legal Expenses for Members of Council.](#)

[March 22, 2011 Committee of the Whole - Report on Reimbursement of Legal Expenses for Members of Council on Complaints to the Integrity Commissioner.](#)

Analysis and Options

The role of the Integrity Commissioner is created by statute. As a statutory officer responsible for the application of the rules of the Code and the *Municipal Conflict of Interest Act* (the “*MCIA*”), the Integrity Commissioner has a role in applying the Code Protocol in response to Code complaints. As the Integrity Commissioner is familiar with the indemnification rules in other jurisdictions, her role as Integrity Commissioner includes assisting in sharing her knowledge in the furtherance of accountability at the City.

Policy Decision Considerations

Any policy decision to reimburse legal expenses incurred to respond to Code of Conduct complaints brought against Members of Council should satisfy the following public interest objectives:

- Encouraging the highest standards of professional and ethical behaviour among elected officials;
- Protecting elected officials who act in good faith in the performance of their official duties.

The *MCIA* provides the legal framework within which to identify, declare, address and adjudicate conflicts of interest of Members of Council and Local Boards. The Integrity Commissioner may receive and investigate *MCIA* complaints. If, upon completion of an investigation, the Integrity Commissioner determines that on a balance of probabilities there has likely been a violation of the *MCIA*, or is otherwise of the opinion that it is in the City's interest for a judge to determine if there has been a violation of section 5, 5.1 or 5.2 of the *MCIA*, the Integrity Commissioner may apply to a judge for such a determination.

After deciding whether or not to apply to a judge, the Integrity Commissioner shall publish written reasons for such decision. The decision by the Integrity Commissioner to not apply to a judge, concludes a Code inquiry under section 223.4.1 of the *Municipal Act* that there has not been a Code contravention. Only a court can make a finding that a member has or has not contravened the *MCIA*.

If Council decides to indemnify Members of Council and Local Boards¹ for legal expenses where a Member is named in a Code of Conduct complaint, amendments to the Indemnification By-law may consider the following policy considerations:

- That a Member's request for and approval of advance funding be made to the City Solicitor.
- That a Member not be required to repay the City of funds advanced, if the Integrity Commissioner finds that:
 - there has been no Code contravention; or
 - a Code contravention has occurred by reason of inadvertence, or
 - a Code contravention has occurred by reason of a bona fide error in judgment; or
 - the referral of the matter is frivolous, vexatious or not made in good faith and the Integrity Commissioner dismisses the complaint without an investigation, or that there are no grounds or insufficient grounds for an investigation; or

¹ Members on the Accessibility Advisory Committee, Committee of Adjustment, Heritage Vaughan Committee, and Property Standards Committee

- where it becomes apparent in the course of an investigation that there are insufficient grounds to continue the investigation, the Integrity Commissioner terminates the investigation and dismisses the complaint.

Financial Impact

Not applicable.

Broader Regional Impacts/Considerations

Not applicable.

Conclusion

The role of the Integrity Commissioner includes applying sections 5, 5.1 and 5.2 of the *MCIA* to Members of Council and Local Boards in respect of their pecuniary interests. As a result, the Integrity Commissioner can weigh in on the matter before Council insofar as the language in the Indemnification By-law could interact with a Member's potential pecuniary interest.

However, it would be beyond the Integrity Commissioner's authority to determine what policy options are within the City's authority to include in the City's Indemnification By-law and, therefore, the Integrity Commissioner makes no recommendations in that regard. What is within the City's authority to include in the Indemnification By-law is a question appropriately directed to the City Solicitor.

For more information, please contact: Office of the Integrity Commissioner and Lobbyist Registrar.

Attachments

None

Prepared by

Suzanne Craig, Integrity Commissioner and Lobbyist Registrar, extension 8301