



# Town of Newmarket

## Agenda

### Committee of the Whole

Date: Monday, February 4, 2019  
Time: 1:30 PM  
Location: Council Chambers  
Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Pages

#### 1. Additions & Corrections to the Agenda

**Note:** Additional items are marked by an asterisk\*.

1. That the additions and corrections to the agenda be approved.

#### 2. Declarations of Pecuniary Interest

#### 3. Presentations & Recognitions

##### 3.1 Newmarket Hydro Holdings Inc. 2017 Annual General Meeting

**Note:** Paul Ferguson, President, Newmarket-Tay Power Distribution Ltd. will be in attendance to address the Committee on this matter.

1. That the presentation regarding the 2017 Annual General Meeting of Newmarket Hydro Holdings Inc. be received.

#### 4. Deputations

##### 4.1 Central Counties Tourism

1

**Note:** Chuck Thibeault will be in attendance to provide a deputation on this matter.

1. That the deputation be received.

##### 4.2 Bill 66, Restoring Ontario's Competitiveness Act, 2018

11

**Note:** Rashin Alizadeh will be in attendance to provide a deputation on this matter.

1. That the deputation be received.

4.3	Bill 66, Restoring Ontario's Competitiveness Act, 2018	17
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**Note:** Paul Jolie will be in attendance to provide a deputation on this matter.

1. That the deputation be received.

4.4	Bill 66, Restoring Ontario's Competitiveness Act, 2018	19
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**Note:** Johanna Powell will no longer be in attendance to provide a deputation on this matter.

*4.5	Newmarket African Caribbean Canadian Association (NACCA) - "Space and Belonging"	21
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**Note:** Jerisha Grant-Hall will be in attendance to provide a deputation on this matter.

1. That the deputation be received.

## 5. Consent Items

5.1	Newmarket Hydro Holdings Inc. 2017 Annual General Meeting
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*5.1.1	2019 President Report	23
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That the Newmarket Hydro Holdings Inc. Report of the President dated January 25, 2019 regarding the financial statements of Newmarket Hydro Holdings Inc. (the "Corporation"), the written resolutions of Newmarket – Tay Power Distribution Ltd. ("NT Power") and appointment of the sole director and auditors be received and the following recommendations be adopted:

Whereas the Corporation of the Town of Newmarket (the "Sole Shareholder") is the sole shareholder of the Corporation;

And Whereas the Sole Shareholder by a Shareholder Declaration dated November 1, 2000 appointed the Mayor as its legal representative for the purpose of communicating any shareholder consent or approval required by either the terms of the Shareholder Declaration or the Business Corporations Act (Ontario) (the "OBCA");

And Whereas the Corporation owns a majority of the common shares of NT Power;



And Whereas pursuant to s.102(2) of the OBCA where a body corporate is the shareholder of a corporation the corporation shall recognize any individual properly authorized by the body corporate to represent it at meetings of shareholders of the corporation;

And Whereas pursuant to s.104 of the OBCA a written resolution dealing with all the matters required to be dealt with at a shareholders meeting and signed by the shareholders entitled to vote at that meeting satisfies all requirements of the OBCA relating to that meeting of shareholders; Newmarket Hydro Holdings Inc. January 25, 2019 Report of the President Page 2 of 4 Newmarket Hydro Holdings Inc. 2017 Annual General Meeting

Now therefore be it resolved by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That the Mayor, as the Sole Shareholder's legal representative, is directed to sign the following Corporation Shareholder resolutions:
  - a. That the Corporation's financial statements for the financial year ended December 31, 2017 together with the report of the Corporation's auditors, Collins Barrow, thereon dated April 12, 2018 be approved and adopted.
  - b. That Collins Barrow, Chartered Accountants, be appointed auditors of the Corporation to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the sole director and the sole director is authorized to fix such remuneration.
  - c. That Esther Armchuk be appointed as the sole director of the Corporation to hold office until the next annual meeting of shareholders or until his or her successor is elected or appointed.
  - d. That Esther Armchuk, so long as he or she is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power;

- e. And that all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the sole director and sole officer of the Corporation to December 31, 2017, as the same are set out or referred to in the resolutions of the sole director, or in the financial statements of the corporation, are approved, sanctioned and confirmed.
2. And That the Mayor, as the Sole Shareholder's legal representative, direct Esther Armchuk, the sole director and legal representative of the Corporation, to sign the following NT Power shareholder resolutions in lieu of an annual meeting:
    - a. That the financial statements of NT Power for the financial year ended December 31, 2017 together with the report of NT Power's auditors, Collins Barrow, thereon dated March 28, 2018 be approved and adopted.
    - b. That Collins Barrow, Chartered Accountants, be appointed auditors of NT Power to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the directors and the directors are authorized to fix such remuneration.  
Newmarket Hydro Holdings Inc. January 25, 2019 Report of the President Page 3 of 4  
Newmarket Hydro Holdings Inc. 2017 Annual General Meeting
    - c. That J. Taylor, T. Walker, B. Gabel, R. Betts, D. Charleson, C. Prattas and P. Ferguson are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed.
    - d. And That all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the directors and officers of NT Power to December 31, 2017, as the same are set out or referred to in the resolutions of the board

of directors, the minutes of the meetings of the board of directors or in the financial statements of NT Power, are approved, sanctioned and confirmed.

\*5.1.2 2019 President Report - Shareholders Agreement Amendment

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That the Newmarket – Tay Power Distribution Ltd. Report of the President dated January 25, 2019 regarding an amendment to the Shareholders Agreement between Tay Hydro Inc., Newmarket Hydro Holdings Inc., Newmarket – Tay Power Distribution Ltd., the Corporation of the Town of Newmarket and the Corporation of the Township of Tay be received and the following recommendation be adopted:

Whereas Article 3.03(1) of the Shareholders Agreement between Tay Hydro Inc., Newmarket Hydro Holdings Inc., Newmarket – Tay Power Distribution Ltd. (the “Corporation”), the Corporation of the Town of Newmarket and the Corporation of the Township of Tay (the “Agreement”) states:

“The board of directors of the Corporation shall consist of (7) directors, four (4) of whom shall be Non-Municipal Appointees, one (1) of whom shall be the Mayor of Tay, one (1) of whom shall be the Mayor of Newmarket, and one (1) of whom shall be the chief executive officer of the Corporation. The chair of the board of directors shall be a Non-Municipal Appointee designated by the other six (6) directors.”

And Whereas the Township of Tay has requested that Article 3.03(1) be amended to allow for a designated sitting member of Council to be appointed to the board of directors in the Mayor’s place;

And Whereas the Council of the Town of Newmarket is agreeable to this amendment;

Now Therefore it be resolved by the Municipal Council of the Town of Newmarket that Article 3.03(1) of the Agreement be amended to state:

“The board of directors of the Corporation shall consist of seven (7) directors, four (4) of whom shall be Non-

Municipal Appointees, one (1) of whom shall be the Mayor of Tay or a designated sitting member of the Council of the Township of Tay, one (1) of whom shall be the Mayor of Newmarket or a designated sitting member of the Council of the Town of Newmarket, and one (1) of whom shall be the chief executive officer of the Corporation. The chair of the board of directors shall be a Non-Municipal Appointee designated by the other six (6) directors.”

\*5.1.3 2019 President Report - Envi Directors

93

That the Newmarket Hydro Holdings Inc. (the “Corporation”) Report of the President dated January 11, 2019 regarding the inaugural board of directors of Envi Networks Ltd. (“Envi”) be received and the following recommendations be adopted:

Whereas the Corporation of the Town of Newmarket (the “Sole Shareholder”) is the sole shareholder of the Corporation;

And Whereas the Sole Shareholder by a Shareholder Declaration dated November 1, 2000 appointed the Mayor as its legal representative for the purpose of communicating any shareholder consent or approval required by either the terms of the Shareholder Declaration or the Business Corporations Act (Ontario) (the “OBCA”);

And Whereas the Corporation owns a majority of the common shares of Envi;

And Whereas pursuant to s.102(2) of the OBCA where a body corporate is the shareholder of a corporation the corporation shall recognize any individual properly authorized by the body corporate to represent it at meetings of shareholders of the corporation;

And Whereas pursuant to s.104 of the OBCA a written resolution dealing with all the matters required to be dealt with at a shareholders meeting and signed by the shareholders entitled to vote at that meeting satisfies all requirements of the OBCA relating to that meeting of shareholders;

Now Therefore be it resolved by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That the Mayor, as the Sole Shareholder's legal representative, direct Esther Armchuk, the sole director and legal representative of the Corporation, to sign the following Envi shareholder resolution:
2. That Ian Collins, Bob Kwapis, Jill Schatz and Tony Van Bynen are elected directors of Envi to hold office until the next annual meeting of shareholders or until their successors are elected or appointed.

5.2 Bill 66, Restoring Ontario's Competitiveness Act, 2018 95

1. That the report entitled Open-for-Business By-law (Bill 66) dated February 4, 2019 be received; and,
2. That the report entitled Open-for-Business By-law (Bill 66) dated February 4, 2019 be submitted to the province as feedback; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.3 Correspondence - Town of Georgina re: Bill 66 103

The Strategic Leadership Team/Operational Leadership Team recommend:

1. That the Correspondence from the Town of Georgina re: Bill 66 be received for information.

5.4 175 Deerfield Road - Incentives for Affordable and Rental Housing 105

1. That the report entitled 175 Deerfield Road – Incentives for Affordable and Rental Housing dated February 4, 2019 be received; and,
2. That Council approve the recommendations previously endorsed in Report 2018-61 to comply with the requirements of Section 275 of the Municipal Act; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.5	Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017	145
	<ol style="list-style-type: none"> <li>1. That the report entitled Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017, dated February 4, 2019 be received; and,</li> <li>2. That the report entitled Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017, dated February 4, 2019 be submitted to the province as feedback; and,</li> <li>3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.</li> </ol>	
5.6	Servicing Allocation Policy - Update	153
	<ol style="list-style-type: none"> <li>1. That the report entitled Servicing Allocation Policy - Update dated February 4, 2019, be received; and,</li> <li>2. That Council adopt the Servicing Allocation Policy, updated February 2019, included as Attachment 1 to this Report; and,</li> <li>3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.</li> </ol>	
*5.7	Amendments to Council Code of Conduct	161
	<ol style="list-style-type: none"> <li>1. That the report entitled Amendments to Council Code of Conduct dated February 4, 2019 be received; and,</li> <li>2. That Council adopt the amendments to the Council Code of Conduct attached as Attachment A with an effective date of March 1, 2019; and,</li> <li>3. That Council adopt amendments to the Indemnification By-law attached as Attachment B; and,</li> <li>4. That Staff be directed to investigate further amendments or revisions to the Code of Conduct as required; and,</li> <li>5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.</li> </ol>	
5.8	Accessibility Plan 2018 Status Update	197
	<ol style="list-style-type: none"> <li>1. That the report entitled "2018 Accessibility Status Update" dated February 4, 2019 be received; and,</li> </ol>	

2. That Council approve the 2018 Accessibility Status Update, attached as Attachment A; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

5.9 Central York Fire Services Joint Council Committee Meeting Minutes of September 4, 2018 217

1. That the Central York Fire Services Joint Council Committee Meeting Minutes of September 4, 2018 be received.

5.10 Outstanding Matters List 221

1. That the list of outstanding matters be received.

6. Action Items

7. Reports by Regional Representatives

8. Notices of Motions

9. Motions

10. New Business

11. Closed Session (if required)

12. Public Hearing Matter (7:00 PM)

12.1 Old Main Street Tertiary Plan 231

**Note:** The following reports have been attached for information purposes only:

- Planning and Building Services 2017-19 dated May 15, 2017 regarding a Tertiary Plan Study and an Interim Control By-law for Old Main Street
- Planning & Building Services Report 2018-14 dated February 26, 2018 regarding the Old Main Street Tertiary Plan Background Report.

12.1.1 Deputation - Craig Baker 247

12.1.2 Deputation - Lloyd McKee 249

12.1.3	Deputation - Trudy Baker	251
*12.1.4	Deputation - Sonya Reiter	253
*12.1.5	Deputation - Everett Baker	255
*12.1.6	Deputation - Chris Baur	257
12.1.7	Correspondence - Larkin Land Use Planners Inc.	259
*12.1.8	Correspondence - Craig Baker	263
*12.1.9	Correspondence - Sharon & Ian Gillespie	265
*12.1.10	Correspondence - Peter Stott	267
*12.1.11	Correspondence - Trudy Baker	277
*12.1.12	Correspondence - Chris Baur	279
*12.1.13	Correspondence - Joachim Baur	283
*12.1.14	Deputation - David Evans	285
*12.1.15	Deputation - Joachim Baur	287
*12.1.16	Deputation - Sandra Pettifer	289
*12.1.17	Correspondence - Groundswell Urban Planners Inc.	291

### **13. Adjournment**



## Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole or to receive further notification regarding an item on the agenda. If filling out by hand please print clearly.

Please email to [clerks@newmarket.ca](mailto:clerks@newmarket.ca), fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Name: <b>Chuck Thibeault</b>	
Organization / Group/ Business represented: <b>Central Counties Tourism</b>	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: February 4 2019
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): To provide a high-level overview of Central Counties Tourism, the Regional Tourism Organization-Zone 6 (RTO6) for the Province of Ontario, as to the importance of tourism as an economic driver, and how RTO6 can help the Town of Newmarket and their tourism stakeholders become more successful. Additionally, a brief description of the York Region Arts Council, who function as the Destination Marketing Organization (DMO) across York Region, and their role promoting tourism through their Experience York Region platform will be provided.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

### Deputation Guidelines:

- Deputations related to items on the agenda can be accommodated up to and including the meeting day;
- Deputations related to items not on the agenda may be scheduled within sixty (60) days of receipt of this form;
- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100



# TOURISM MATTERS

Newmarket Council Presentation  
4 February 2019

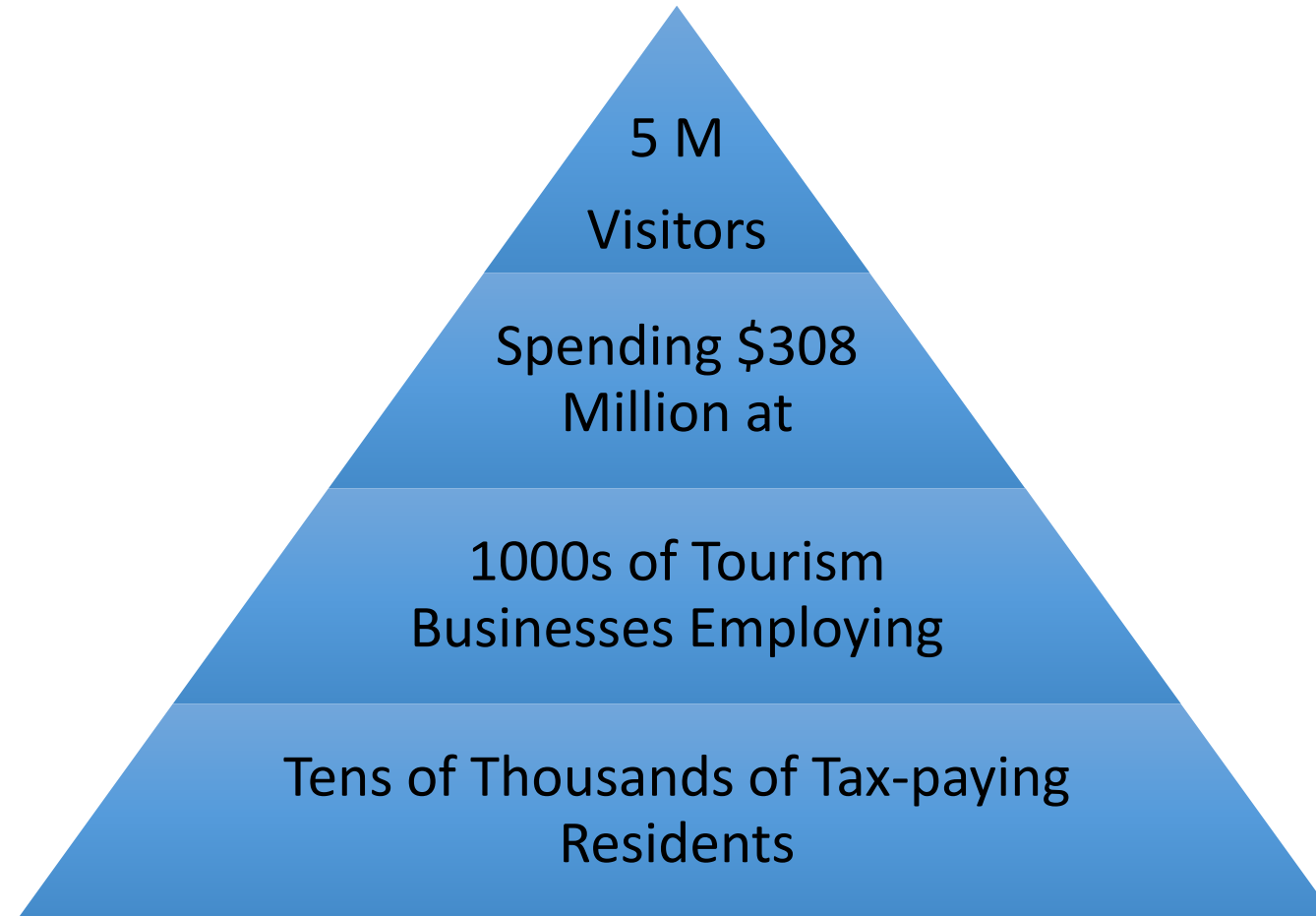




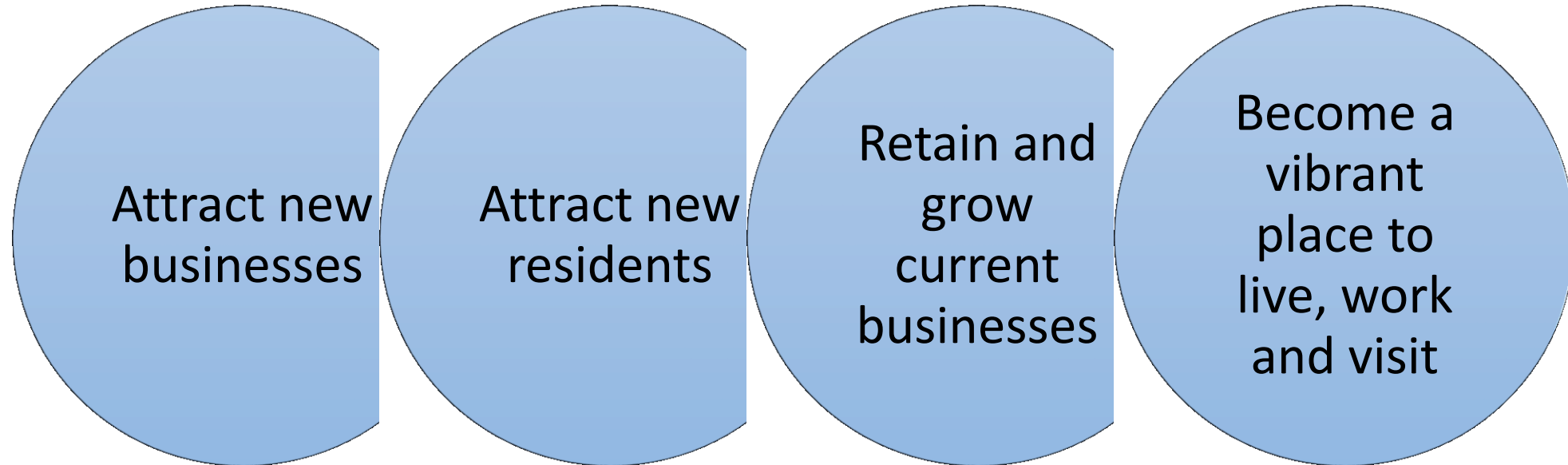
## Tourist Defined

A person who spends some of their hard-earned disposable income within a municipality where they neither live nor work.

# Tourism in York By the Numbers



# Embracing Tourism Helps Your Community...







Tourism is only as good  
as the businesses that  
support it.

Successful Tourism is  
aligned, leveraged and  
amplified

# Take advantage of Municipal Resources

## York Region Arts Council

ExperienceYorkRegion.com

Visitor Guide

Festival Trail

Courses/Workshops

## Central Counties Tourism

Community Tourism Planning

Tourism Wayfinding Planning

Courses, Webinars and workshops

Municipal Tourism Websites

## Joint Programs

Sport tourism bidding and support

Fam trip organization and support

Leveraged tourism investment

Leveraged marketing

Product development

Research and Reporting





**Tourism spending  
is an investment,  
not an expense**



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Name: <b>Rashin Alizadeh</b>	
Organization / Group/ Business represented: <b>N/A - Newmarket resident</b>	
Address: <b>[REDACTED]</b>	Postal Code: <b>[REDACTED]</b>
Daytime Phone No: <b>[REDACTED]</b>	Home Phone:
Email: <b>[REDACTED]</b>	Date of Meeting: <b>Feb 4, 2019 - Committee of the Whole</b>
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): I am concerned about the serious health impacts that Ontario's Bill 66 - "Restoring Ontario's Competitiveness Act" - poses to the health of our citizens and our environment. Water safety is not a concern of a past era. Opposing Bill 66 means preventing the repetition of a tragedy - similar to what took place not too far from Newmarket, in Walkerton, Ontario, in 2000. Therefore, clear, unambiguous protections are necessary to ensure the safety of citizens and the prevention of fatality and illness. It is for this reason, that I would like Council to pass the following by-law. This proposed by-law is consistent with our Official Plan objectives for the protection of our environment, water, and health.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Re: Provincial Bill 66

Submitted by Resident:

Rashin Alizadeh

**Purpose:**

I am concerned about the serious health impacts that Ontario's Bill 66 - "Restoring Ontario's Competitiveness Act" - poses to the health of our citizens and our environment. Water safety is not a concern of a past era. Opposing Bill 66 means preventing the repetition of a tragedy - similar to what took place not too far from Newmarket, in Walkerton, Ontario, in 2000. Therefore, clear, unambiguous protections are necessary to ensure the safety of citizens and the prevention of fatality and illness. It is for this reason, that I would like Council to pass the following by-law. This proposed by-law is consistent with our Official Plan objectives for the protection of our environment, water, and health.

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Whereas the protection of the integrity of the Green Belt is a paramount concern for our residents; and

Whereas the continued legislative protection of our water – groundwater, surface water and waterways – is vitally important for the current and future environmental health of our community; and

Whereas significant concerns have been raised by residents, community leaders and environmental organizations such as the Canadian Environmental Law Association (CELA) and Environmental Defence, that provisions within Bill 66 will weaken environmental protections as it "...will enable municipalities to pass "open-for-business" zoning by-laws that do not have to comply with..." important provincial environmental statutes; and

Whereas an "Open for Business" By-law may be approved without public consultation; and

Whereas provisions within Bill 66 may allow exemptions from municipal Official Plans; and

Whereas the Town of Newmarket's Official Plan represents our community's collective vision for current and future planning which include environmentally progressive services; and

Whereas, the Town of Newmarket's guiding objectives for the Official Plan is living "well beyond the ordinary" which includes a healthy community and the integration of environmental considerations in planning; and

Whereas our Official Plan clearly designates the protection of existing and future sources of drinking water as an objective of these policies;

1. Now Therefore Be It Hereby Resolved That Newmarket Town Council opposes planned changes to the *Planning Act* in the proposed Bill 66 that may allow for an “open for business” planning by-law; and
2. Be It Further Resolved That the Government of Ontario be requested to reconsider the proposed changes to the *Planning Act* included in Bill 66 which speak to the creation of the open-for- business planning by-law; and
3. Be It Further Resolved That a copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Honourable Andrea Horwath, Leader of the New Democratic Party, The Honourable Christine Elliott, and all MPPs in the Province of Ontario; and
4. Be It Further Resolved That a copy of this motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration; and
5. Be It Further Resolved That notwithstanding the future adoption of Bill 66, the Town of Newmarket will not exercise the powers granted to it in Schedule 10 or any successor sections or schedules to pass open-for-business planning by-laws.

Published on Canadian Environmental Law Association (<http://www.cela.ca>)

[Home](#) > New report by Walkerton citizens' lawyers finds Bill 66 threatens Ontario's drinking water

# New report by Walkerton citizens' lawyers finds Bill 66 threatens Ontario's drinking water

in [Media Release](#) <sup>[1]</sup> [Safe Drinking Water Act](#) <sup>[2]</sup>  
Dec 16 2018

**Toronto** – Today the Canadian Environmental Law Association (CELA), which represented the Concerned Walkerton Citizens at the Walkerton Inquiry, released a detailed legal analysis raising the alarm about the Ontario Government's proposed Bill 66 (Restoring Ontario's Competitiveness Act, 2018). CELA's analysis focuses on drinking water safety and human health, and calls upon the government to withdraw key portions of Bill 66 in order to safeguard the public interest.

"In our view, this Bill cannot be acceptable to the people of Ontario, given the lessons we all learned from the Walkerton tragedy and the ensuing Inquiry" said Theresa McClenaghan, CELA Executive Director and Counsel. "We learned that we can never take drinking water safety for granted, and that stringent, clear, unambiguous protections are necessary to ensure that we don't ever have a repeat of the terrible events that unfolded in Walkerton in May 2000."

If enacted, Schedule 10 of Bill 66 will amend the Planning Act to enable municipalities to pass "open-for-business planning by-laws" aimed at facilitating new major development in order to create employment. However, Schedule 10 provides that these by-laws do not have to comply with important environmental protections and land use controls established under other provincial laws, plans and policies, such as the Greenbelt Act, 2005 and Oak Ridges Moraine Conservation Act, 2001.

Alarming, Schedule 10 also provides that section 39 of the Clean Water Act, 2006 (CWA) does not apply to an open-for-business planning by-law. The CWA was passed in response to the Walkerton tragedy, and section 39 requires provincial and municipal decisions to conform to policies in CWA-approved source protection plans that address significant drinking water threats.

Schedule 10's exclusion of section 39 of the CWA means that these by-laws can approve development in vulnerable areas that may threaten surface water and groundwater used by municipal drinking water systems, which serve 80 per cent of Ontarians.

"Schedule 10 of Bill 66 is an unwarranted and potentially risky proposal," said CELA lawyer Richard Lindgren. "The Schedule's attempt to bypass significant threat policies in approved source protection plans across Ontario is contrary to key recommendations from the Walkerton Inquiry."

"'Open for business' should not mean slamming the door on CWA plans and best practices that ensure the safety of drinking water," said CELA Board member Bruce Davidson, who served as the Chair of Concerned Walkerton Citizens during the Walkerton Inquiry. "Bill 66 fails to recognize that source protection committees, comprised of local stakeholders and technical experts, have developed plans that protect drinking water sources and allow communities to thrive economically."

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CELA's legal analysis is available at: <https://www.cela.ca/publications/legal-analysis-schedule10-ONBill66>

[3] CELA's briefing note is available online at: <https://www.cela.ca/publications/briefing-note-ONbill66-and-cleanwateract2006> [4]

For more information, or to arrange an interview, please contact:

- Theresa McClenaghan (416-960-2284, ext. 7219), [theresa@cela.ca](mailto:theresa@cela.ca) [5]
- Richard Lindgren (613-385-1686), [r.lindgren@sympatico.ca](mailto:r.lindgren@sympatico.ca) [6]
- Bruce Davidson (519-881-0884), [cwc@bmts.com](mailto:cwc@bmts.com) [7]

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[3] <https://www.cela.ca/publications/legal-analysis-schedule10-ONBill66>

[4] <https://www.cela.ca/publications/briefing-note-ONbill66-and-cleanwateract2006>

[5] <mailto:theresa@cela.ca>

[6] <mailto:r.lindgren@sympatico.ca>

[7] <mailto:cwc@bmts.com>





## Deputation and Further Notice Request Form

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Name: <b>Paul Jolie</b>	
Organization / Group/ Business represented:	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: Jan. 14, 2019
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): I would like to address council concerning Province of Ont. Bill 66 and its affect on our community	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

### Deputation Guidelines:

- Deputations related to items on the agenda can be accommodated up to and including the meeting day;
- Deputations related to items not on the agenda may be scheduled within sixty (60) days of receipt of this form;
- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100



### Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole or to receive further notification regarding an item on the agenda. If filling out by hand please print clearly.

Please email to [clerks@newmarket.ca](mailto:clerks@newmarket.ca), fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Name: <b>Johanna Powell</b>	
Organization / Group/ Business represented: <b>Rescue Lake Simcoe Coalition</b>	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: <b>Jan. 21, 2019</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: 9.2.11
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable):  I will be talking about the importance of the Lake Simcoe Protection Plan, and asking Council to refuse to use the proposed provincial Open for Business bylaw.  Background information has been provided in the letter from the Rescue Lake Simcoe Coalition and the Simcoe Country Greenbelt Coalition that is recommended to be received for information	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Jerisha Grant-Hall</b>	
Organization / Group/ Business represented: <b>Newmarket African Caribbean Canadian Association (NACCA)</b>	
Address: <b>-</b>	Postal Code: <b>-</b>
Daytime Phone No: <b>[REDACTED]</b>	Home Phone:
Email: <b>[REDACTED]</b>	Date of Meeting: <b>Feb 4, 2018</b>
Is this an item on the Agenda? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable):  <b>"Space and Belonging"</b> I will be introducing NACCA and a few of our goals including the need for "safe space" to provide programming for youth and the community.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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590 Steven Court, Newmarket, Ontario L3Y 6Z2

Tel: [905] 895-2309

Fax: [905] 895-8931

Email: nmhydro@nmhydro.ca

## Newmarket Hydro Holdings Inc.

January 25, 2019

### Newmarket Hydro Holdings Inc. Report of the President

TO: Town of Newmarket Committee of the Whole

SUBJECT: Newmarket Hydro Holdings Inc. 2017 Annual General Meeting

ORIGIN: President, Newmarket Hydro Holdings Inc.

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#### RECOMMENDATIONS:

**THAT the Newmarket Hydro Holdings Inc. Report of the President dated January 25, 2019 regarding the financial statements of Newmarket Hydro Holdings Inc. (the "Corporation"), the written resolutions of Newmarket – Tay Power Distribution Ltd. ("NT Power") and appointment of the sole director and auditors be received and the following recommendations be adopted:**

**WHEREAS the Corporation of the Town of Newmarket (the "Sole Shareholder") is the sole shareholder of the Corporation;**

**AND WHEREAS the Sole Shareholder by a Shareholder Declaration dated November 1, 2000 appointed the Mayor as its legal representative for the purpose of communicating any shareholder consent or approval required by either the terms of the Shareholder Declaration or the *Business Corporations Act* (Ontario) (the "*OBCA*");**

**AND WHEREAS the Corporation owns a majority of the common shares of NT Power;**

**AND WHEREAS pursuant to s.102(2) of the *OBCA* where a body corporate is the shareholder of a corporation the corporation shall recognize any individual properly authorized by the body corporate to represent it at meetings of shareholders of the corporation;**

**AND WHEREAS pursuant to s.104 of the *OBCA* a written resolution dealing with all the matters required to be dealt with at a shareholders meeting and signed by the shareholders entitled to vote at that meeting satisfies all requirements of the *OBCA* relating to that meeting of shareholders;**

Newmarket Hydro Holdings Inc. 2017 Annual General Meeting

---

**NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket as follows:**

**1. THAT the Mayor, as the Sole Shareholder's legal representative, is directed to sign the following Corporation Shareholder resolutions:**

- a. THAT the Corporation's financial statements for the financial year ended December 31, 2017 together with the report of the Corporation's auditors, Collins Barrow, thereon dated April 12, 2018 be approved and adopted.
- b. THAT Collins Barrow, Chartered Accountants, be appointed auditors of the Corporation to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the sole director and the sole director is authorized to fix such remuneration.
- c. THAT Esther Armchuk be appointed as the sole director of the Corporation to hold office until the next annual meeting of shareholders or until his or her successor is elected or appointed.
- d. THAT Esther Armchuk, so long as he or she is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power;
- e. AND THAT all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the sole director and sole officer of the Corporation to December 31, 2017, as the same are set out or referred to in the resolutions of the sole director, or in the financial statements of the corporation, are approved, sanctioned and confirmed.

**2. AND THAT the Mayor, as the Sole Shareholder's legal representative, direct Esther Armchuk, the sole director and legal representative of the Corporation, to sign the following NT Power shareholder resolutions in lieu of an annual meeting:**

- a. THAT the financial statements of NT Power for the financial year ended December 31, 2017 together with the report of NT Power's auditors, Collins Barrow, thereon dated March 28, 2018 be approved and adopted.
- b. THAT Collins Barrow, Chartered Accountants, be appointed auditors of NT Power to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the directors and the directors are authorized to fix such remuneration.



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**Newmarket Hydro Holdings Inc. 2017 Annual General Meeting**

---

c. THAT J. Taylor, T. Walker, B. Gabel, R. Betts, D. Charleson, C. Prattas and P. Ferguson are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed.

d. AND THAT all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the directors and officers of NT Power to December 31, 2017, as the same are set out or referred to in the resolutions of the board of directors, the minutes of the meetings of the board of directors or in the financial statements of NT Power, are approved, sanctioned and confirmed.

**Background****Financial Statements of the Corporation**

The audited financial statements for the Corporation and NT Power are attached. They are now in International Financial Reporting Standards ("IFRS") format as opposed to the previous Canadian Generally Accepted Auditing Principles ("CGAAP"). The CFO will answer any questions regarding them.

**Appointment of Auditors**

The Board of Directors of NT Power (the "Board") notes that, with the implementation of IFRS over the next few years and the acquisition of Midland Power Utility Corporation, the additional workload that would be involved with a request for proposal for audit services and the possible change in audit firms will hamper these initiatives. The Board therefore recommends the re-appointment of the current auditors, Collins Barrow for the period January 1 to December 31, 2018 for both the corporation and NT Power.

**Election of Directors for the Corporation**

Mr. R.N. Shelton is currently the sole director of the corporation. With his recent retirement, the Shareholder has requested that Esther Armchuk be appointed in his place.

**Election of Directors – NT Power**

The existing directors of NT Power are:

J. Taylor, Mayor of the Town of Newmarket  
T. Walker, Mayor of the Township of Tay  
R. Betts, Independent Director

Newmarket Hydro Holdings Inc. 2017 Annual General Meeting

---

Dr. U. Phillip Daniels, Independent Director  
 C. Prattas, Independent Director  
 Dave Charleson, Independent Director  
 P.D. Ferguson, President of NT Power

The appointments of The Mayor of Newmarket, the Mayor of Tay and the President are de facto. In response to a request by the Township of Tay, The Corporation of the Town of Newmarket, The Corporation of the Township of Tay, Tay Hydro Inc. Newmarket Hydro Holdings Inc. and NT Power have agreed to amend the Shareholders Agreement between them to allow for the Mayors to designate a sitting member of Council in their place on the board of directors. At present, both the Mayor of Newmarket and the Mayor of Tay have chosen to sit on the board of directors. Three of the independent directors being Betts, Prattas and Charleson are eligible for re-appointment and are recommended by the Board of Directors.

Independent director Daniels has completed his eligible terms as a director. In accordance with the Shareholders Agreement, the Board struck a Nominating Committee (the 'Committee'), consisting of chair R. Betts, and Directors C. Prattas and D. Charleson to; with input from a professional recruiting firm and utilizing corporate governance best practices, provide the shareholders with a recommended list of candidates from which to select nominees to be elected to replace P. Daniels.

Working with the professional recruiting firm of Boyden, the Committee recommended a two-person slate of candidates to an Ad-Hoc Joint Committee of the councils of Newmarket and Tay (the "Ad-Hoc Committee) consisting of:

- |         |   |   |
|---------|---|---|
| Chair   | - | Newmarket Councillor Christina Bisanz                   |
| Members | - | Newmarket Mayor John Taylor                             |
|         | - | Newmarket Regional Councillor and Deputy Mayor Tom Vegh |
|         | - | Tay Mayor Ted Walker                                    |
|         | - | Tay Councillor Barry Norris                             |

The Ad - Hoc Committee selected Brian Gabel to be nominated to replace P. Daniels.

*[Original signed by]*

P.D. Ferguson P.Eng.  
 President,  
 Newmarket Hydro Holdings Inc.

**CONSOLIDATED  
FINANCIAL STATEMENTS OF  
  
NEWMARKET HYDRO HOLDINGS INC.  
  
December 31, 2017**

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**Collins Barrow Kawarthas LLP**  
 272 Charlotte Street  
 Peterborough, Ontario K9J 2V4  
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 F: 705.742.9775  
[www.collinsbarrow.com](http://www.collinsbarrow.com)

## **INDEPENDENT AUDITOR'S REPORT**

To the Shareholder of  
 Newmarket Hydro Holdings Inc.

### *Report on the Consolidated Financial Statements*

We have audited the accompanying consolidated financial statements of Newmarket Hydro Holdings Inc., which comprise the consolidated statement of financial position as at December 31, 2017, and the consolidated statements of changes in equity and accumulated other comprehensive income, income, comprehensive income and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

### *Management's Responsibility for the Consolidated Financial Statements*

Management is responsible for the preparation and fair presentation of these consolidated financial statements in accordance with International Financial Reporting Standards, and for such internal controls as management determines are necessary to enable the preparation of consolidated financial statements that are free from material misstatement, whether due to fraud or error.

### *Auditor's Responsibility*

Our responsibility is to express an opinion on these consolidated financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the consolidated financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the consolidated financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the consolidated financial statements, whether due to fraud or error. In making those risk assessments, the auditors consider internal controls relevant to the company's preparation and fair presentation of the consolidated financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the company's internal controls. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the consolidated financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### *Opinion*

In our opinion, the consolidated financial statements present fairly, in all material respects, the financial position of Newmarket Hydro Holdings Inc. as at December 31, 2017, and its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards.

*Collins Barrow Kawarthas LLP*

Chartered Professional Accountants  
 Licensed Public Accountants

Peterborough, Ontario  
 April 12, 2018

**NEWMARKET HYDRO HOLDINGS INC.**  
**CONSOLIDATED STATEMENT OF FINANCIAL POSITION**  
**As at December 31, 2017**

	2017	2016
	\$	\$
<b>ASSETS</b>		
<b>Current assets</b>		
Cash	10,711,573	10,007,351
Accounts receivable	11,915,293	14,098,540
Unbilled revenue	8,767,090	11,366,577
Inventories (note 5)	858,956	875,151
Prepaid expenses	281,898	483,259
Income taxes receivable	682,111	1,199,596
	33,216,921	38,030,474
<b>Other assets</b>		
Property, plant and equipment (note 6)	96,740,058	94,964,018
Intangible assets (note 7)	997,723	435,759
Deferred income taxes (note 8)	2,466,971	2,902,055
Refundable deposit (note 28)	1,000,000	-
	101,204,752	98,301,832
	134,421,673	136,332,306
<b>Regulatory deferral account debit balances (note 9)</b>	4,616,388	3,165,881
	139,038,061	139,498,187

*The accompanying notes are an integral part of these financial statements*

**NEWMARKET HYDRO HOLDINGS INC.**  
**CONSOLIDATED STATEMENT OF FINANCIAL POSITION**  
**As at December 31, 2017**

	2017 \$	2016 \$
<b>LIABILITIES AND EQUITY</b>		
<b>Current liabilities</b>		
Accounts payable and accrued liabilities (note 10)	12,833,230	14,474,434
Note payable	87,412	87,412
Current portion of long-term debt (note 11)	657,006	641,184
Current portion of deposits held (note 12)	498,000	690,000
	14,075,648	15,893,030
<b>Long-term liabilities</b>		
Long-term debt (note 11)	28,818,886	29,475,892
Contributed capital (note 13)	31,358,906	30,660,427
Deposits held (note 12)	3,343,159	2,317,478
Employee future benefits (note 14)	1,047,729	876,508
	64,568,680	63,330,305
<b>EQUITY</b>		
<b>Equity of the owners of the parent</b>		
Share capital (note 16)	29,609,342	29,609,342
Retained earnings	18,558,160	17,639,031
Accumulated other comprehensive income	30,665	131,010
	48,198,167	47,379,383
<b>Non-controlling interest (note 17)</b>	3,405,162	3,350,906
	51,603,329	50,730,289
	130,247,657	129,953,624
<b>Regulatory deferral account credit balances (note 9)</b>	8,790,404	9,544,563
	139,038,061	139,498,187

Approved on behalf of the Board

\_\_\_\_\_  
Director

\_\_\_\_\_  
Director

*The accompanying notes are an integral part of these financial statements*

**NEWMARKET HYDRO HOLDINGS INC.**  
**CONSOLIDATED STATEMENT OF CHANGES IN EQUITY AND ACCUMULATED OTHER COMPREHENSIVE INCOME**  
For the year ended December 31, 2017

	Share capital \$	Retained earnings \$	Accumulated comprehensive income \$	Non- controlling interest \$	Total \$	Total equity \$
<b>Balance, December 31, 2015</b>	29,609,342	15,993,683	164,616	3,237,102	45,767,641	49,004,743
Net income for the year	-	2,981,348	-	217,333	2,981,348	3,198,681
Other comprehensive loss	-	-	(33,606)	(2,529)	(33,606)	(36,135)
Dividends paid	-	(1,336,000)	-	(101,000)	(1,336,000)	(1,437,000)
<b>Balance, December 31, 2016</b>	29,609,342	17,639,031	131,010	3,350,906	47,379,383	50,730,289
Net income for the year	-	2,255,129	-	162,809	2,255,129	2,417,938
Other comprehensive loss	-	-	(100,345)	(7,553)	(100,345)	(107,898)
Dividends paid	-	(1,336,000)	-	(101,000)	(1,336,000)	(1,437,000)
<b>Balance, December 31, 2017</b>	29,609,342	18,558,160	30,665	3,405,162	48,198,167	51,603,329

*The accompanying notes are an integral part of these financial statements*

**NEWMARKET HYDRO HOLDINGS INC.**  
**CONSOLIDATED STATEMENT OF INCOME**  
For the year ended December 31, 2017

	2017 \$	2016 \$
<b>Revenue</b>		
Distribution revenue	15,108,008	15,590,556
Cost of power revenue	74,225,796	85,691,103
	89,333,804	101,281,659
<b>Cost of power purchased</b>	77,747,796	83,265,219
<b>Gross profit</b>	11,586,008	18,016,440
<b>Other income</b> (note 18)	1,219,972	1,290,139
<b>Gross income from operations</b>	12,805,980	19,306,579
<b>Expenses</b>		
Amortization	3,598,756	3,668,457
Operating expenses (note 19)	9,404,893	7,750,221
Loss (gain) on disposal of property, plant and equipment	(23,480)	24,234
	12,980,169	11,442,912
<b>Income (loss) before undernoted items and income taxes</b>	(174,189)	7,863,667
<b>Finance costs (income)</b>		
Finance income (note 20)	(322,760)	(405,554)
Finance costs (note 20)	1,481,411	1,441,281
	1,158,651	1,035,727
<b>Income (loss) before income taxes and net movement on regulatory accounts, net of deferred tax</b>	(1,332,840)	6,827,940
<b>Provision for income taxes</b> (note 8)		
Current	845,889	634,004
Deferred	473,987	569,371
	1,319,876	1,203,375
<b>Income (loss) before net movement on regulatory accounts, net of deferred tax</b>	(2,652,716)	5,624,565
<b>Net movement on regulatory accounts, net of deferred tax</b>	5,070,654	(2,425,884)
<b>Net income for the year</b>	2,417,938	3,198,681
<b>Attributable to</b>		
Owners of the parent	2,255,129	2,981,348
Non-controlling interests	162,809	217,333
	2,417,938	3,198,681

*The accompanying notes are an integral part of these financial statements*



**NEWMARKET HYDRO HOLDINGS INC.**  
**CONSOLIDATED STATEMENT OF COMPREHENSIVE INCOME**  
**For the year ended December 31, 2017**

	2017	2016
	\$	\$
<b>Net income for the year</b>	<b>2,417,938</b>	<b>3,198,681</b>
<b>Comprehensive loss</b>		
Actuarial loss, not reclassified to net income	(146,800)	(49,163)
Actuarial loss related deferred income tax not reclassified to net income	38,902	13,028
<b>Comprehensive loss</b>	<b>(107,898)</b>	<b>(36,135)</b>
<b>Net income and comprehensive income for the year</b>	<b>2,310,040</b>	<b>3,162,546</b>
<b>Attributable to</b>		
Owners of the parent	2,154,784	3,121,451
Non-controlling interests	155,256	214,804
	<b>2,310,040</b>	<b>3,336,255</b>

*The accompanying notes are an integral part of these financial statements*

**NEWMARKET HYDRO HOLDINGS INC.**  
**CONSOLIDATED STATEMENT OF CASH FLOWS**  
**For the year ended December 31, 2017**

	2017 \$	2016 \$
<b>CASH PROVIDED FROM (USED FOR)</b>		
<b>Operating activities</b>		
Net income for the year	2,417,938	3,198,681
Items not affecting cash		
Amortization of property, plant and equipment	3,678,454	3,496,627
Amortization of intangible asset	175,389	171,830
Deferred income taxes	473,986	569,371
Loss (gain) on disposal of property, plant and equipment	(23,480)	24,234
Change in employee future benefits	24,421	14,228
Current income tax	845,889	634,004
Net finance costs	1,158,652	1,035,727
Recognition of contributed capital	(707,028)	(599,543)
	8,044,221	8,545,159
Change in non-cash working capital items (note 21)	4,187,123	1,996,434
	12,231,344	10,541,593
<b>Investing activities</b>		
Purchase of property, plant and equipment	(5,454,494)	(9,887,842)
Proceeds on disposal of property, plant and equipment	23,480	481,508
Purchase of intangible assets	(737,353)	(62,151)
Refundable deposit (note 28)	(1,000,000)	-
Regulatory deferral accounts	(2,204,666)	(22,673)
Proceeds of contributed capital	1,405,507	6,438,453
	(7,967,526)	(3,052,705)
<b>Financing activities</b>		
Repayment of long-term debt	(641,184)	(1,625,745)
Interest paid	(1,481,412)	(1,441,281)
Dividends paid	(1,437,000)	(1,437,000)
	(3,559,596)	(4,504,026)
<b>Increase in cash</b>	704,222	2,984,862
<b>Cash - beginning of year</b>	10,007,351	7,022,489
<b>Cash - end of year</b>	10,711,573	10,007,351

*The accompanying notes are an integral part of these financial statements*

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**For the year ended December 31, 2017**

---

**1. NATURE OF OPERATIONS**

Newmarket Hydro Holdings Inc. ("the Company") was incorporated April 10, 2000 under the Business Corporations Act of the Province of Ontario. The Company commenced operations on November 1, 2000. Newmarket Hydro Holdings Inc. is wholly-owned by the Town of Newmarket. The address of its registered office and its principal place of business is 590 Steven Ct, Newmarket, ON L3Y 6Z2.

The principal activity of the Company is to distribute electricity to the residents and businesses in the Town of Newmarket and the Township of Tay under licence issued by the Ontario Energy Board (OEB). The Company is regulated by the OEB and adjustments to its distribution rates require OEB approval.

**2. STATEMENT OF COMPLIANCE**

The financial statements of the Company have been prepared in accordance with International Financial Reporting Standards ("IFRS") as issued by the International Accounting Standards Board ("IASB") and interpretations of the International Financial Reporting Interpretations Committee ("IFRIC").

The financial statements for the year ended December 31, 2017 were approved and authorized for issue by the board of directors on April 12, 2018.

**3. BASIS OF CONSOLIDATION**

The consolidated financial statements include the accounts of its subsidiary, Newmarket-Tay Power Distribution LTD. Tay Hydro Inc. has a 7% interest in Newmarket-Tay Power Distribution Ltd. All significant intercompany transactions and balances have been eliminated on consolidation.

**4. SIGNIFICANT ACCOUNTING POLICIES**

These consolidated financial statements are prepared in accordance with International Financial Reporting Standards. The significant policies are detailed as follows:

*(a) Basis of measurement*

The financial statements are prepared on the historical cost basis except for certain financial instruments which are measured at their fair values, as explained in the relevant accounting policies.

The consolidated financial statements are presented in Canadian dollars which is also the Company's functional currency.

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**For the year ended December 31, 2017**

---

**4. SIGNIFICANT ACCOUNTING POLICIES, continued**

*(b) Electricity regulation*

The Company is licensed and regulated by the Ontario Energy Board (OEB). The OEB is charged with the responsibility of approving rates for the transmission and distribution of electricity and the responsibility for ensuring that distribution companies fulfil obligations to connect and service customers.

The following regulatory policy is practiced in a rate regulated environment:

*Regulatory accounts*

Regulatory accounts represent future revenue or expenses incurred in the current or prior periods that are expected to be recovered (repaid) through the rate setting process.

These assets and liabilities include various rate and retail variance accounts which arise from differences in amounts billed to customers (based on regulated rates) and the actual cost of electricity services to the Company. These amounts are accumulated for accounting purposes because it is probable that they will be recovered (repaid) in future rates. The Company continually assesses the likelihood of the recovery of regulatory assets and likelihood or repayment of regulatory liabilities. If recovery or repayment is no longer considered probable, the amounts are charged to operations in the year the assessment is made.

Regulatory accounts recognized at December 31, 2017 and December 31, 2016 are disclosed in note 9.

*(c) Revenue recognition*

Distribution revenue is measured based on the OEB approved rate and the meter readings for customer usage, net of sales tax and debt retirement charge. Service revenue also includes unbilled revenue accrued in respect of electricity delivered but not yet billed. Revenue is recognized as electricity is delivered and consumed by customers and measured.

Cost of power revenue is recorded on the basis of the power billed by the Independent Electricity System Operator.

Contributed capital represent certain items of property, plant and equipment which are acquired or constructed with financial assistance in the form of contributions from developers. Such contributions, whether in cash or in-kind, are recognized as contributions in aid of construction and amortized into income over the life of the related assets. Contributions in aid of construction in-kind are valued at their fair value at the date of their contribution.

Revenues related to Conservation and Demand Management ("CDM") agreements with the Independent Electricity System Operator ("IESO") are recognized on a net basis. Performance fees are recognized as CDM programs are delivered.

Other operating revenue is recorded when services are provided.

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**4. SIGNIFICANT ACCOUNTING POLICIES, continued**

*(d) Cash*

Cash consists of balances with financial institutions.

*(e) Inventories*

Inventories, which consist of parts and supplies acquired for internal construction or consumption, are valued at the lower of cost and net realizable value. Cost is determined on a weighted-moving average basis and includes expenditures incurred in acquiring the inventories and other costs to bring the inventories to their existing location and condition.

*(f) Property, plant and equipment*

Property, plant and equipment are stated at cost less accumulated amortization and impairment losses. Cost includes expenditures that are directly attributable to the acquisition of the asset or its development when those costs are necessarily incurred for the asset to function in the manner intended by management. When parts of an item of property, plant and equipment have different useful lives, they are accounted for as separate items of property, plant and equipment.

All assets having limited useful lives are amortized using the straight-line over their estimated useful lives. Assets are amortized from the date of acquisition. Internally constructed assets are amortized from the time an asset is capable of operating in the manner intended by management.

In the year of acquisition, amortization is taken at one-half of the below rates.

The residual value, useful life and amortization method applied to each class of assets are reassessed at each reporting date.

The amortization rates applicable for each class of asset are calculated on a straight-line basis as follows:

Building	25 - 30 years
Distribution equipment	10 - 50 years
Transportation equipment	5-10 years
Office and other	5-10 years

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**4. SIGNIFICANT ACCOUNTING POLICIES, continued**

*(g) Intangible assets*

Intangible assets include computer software and land rights. They are accounted for using the cost model whereby capitalized costs are amortized on a straight-line basis over their estimated useful lives, as these assets are considered finite. Residual values and useful lives are reviewed at each reporting date. In addition, they are subject to impairment testing. The useful lives of the intangibles are as follows:

Computer software	3-5 years straight-line
Land rights	30 years straight-line

Acquired computer software licenses are capitalized on the basis of the costs incurred to acquire and install the specific software. Costs associated with maintaining computer software, (expenditure relating to patches and other minor updates as well as their installation), are expensed as incurred.

Land rights are capitalized based on the payments made for easements, right of access and right of use over land for which the Company does not hold title. Land rights are measured at cost less accumulated amortization and accumulated impairment losses.

*(h) Contributed capital*

Contributions for capital construction consist of third party and related party contributions toward the cost of constructing distribution assets. The contributions are calculated through an economic evaluation as per the OEB Distribution Service Code. Contributed capital amounts are recorded as received and amortized over the same period as the asset to which they relate being 30 to 50 years.

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**4. SIGNIFICANT ACCOUNTING POLICIES, continued**

*(i) Impairment of non-financial assets*

At the end of each reporting period, the Company reviews the carrying amounts of its tangible assets to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the asset is estimated in order to determine the extent of the impairment loss (if any). Where it is not possible to estimate the recoverable amount of an individual asset, the Company estimates the recoverable amount of the cash-generating unit ("CGU") to which the asset belongs. Where a reasonable and consistent basis of allocation can be identified, corporate assets are also allocated to individual CGUs, or otherwise they are allocated to the smallest group of CGUs for which a reasonable and consistent allocation basis can be identified.

The recoverable amount is the higher of fair value less costs to sell and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the asset for which the estimates of future cash flows have not been adjusted.

If the recoverable amount of an asset or CGU is estimated to be less than its carrying amount, the carrying amount of the asset or CGU is reduced to its recoverable amount. An impairment loss is recognized immediately in profit or loss.

Where an impairment loss subsequently reverses, the carrying amount of the asset or CGU is increased to the revised estimate of its recoverable amount, but so that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognized for the asset or CGU in prior years. A reversal of an impairment loss is recognized immediately in profit or loss.

*(j) Related parties*

Related party transactions are in the normal course of operations and have been measured at the exchange amount which is the amount of consideration established and agreed to by the related parties. Details of related party transactions and balances are disclosed in note 15.

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**4. SIGNIFICANT ACCOUNTING POLICIES, continued**

*(k) Employee future benefits*

The Company accounts for its participation in the Ontario Municipal Employee Retirement System ("OMERS"), a multi employer public sector pension fund, as a defined contribution plan. Both participating employers and employees are required to make plan contributions based on the participating employees' contributory earnings. The Company recognizes the expense related to this plan as contributions are made. No liability has been established for this plan.

The Company pays certain medical and life insurance benefits on behalf of its retired employees. These plans are not funded and accordingly have no plan assets. The Company's net obligation is calculated by estimating the amount of future benefits that are expected to be paid out discounted to determine its present value. This calculation is actuarially performed using the projected unit credit method. The last full valuation performed was as at December 31, 2017. Service costs are recognized in the Statement of Income in operating expenses, and include current and past service costs as well as gains and losses on curtailment. Net interest expense is included in finance costs.

Details related to the post-employment benefits are detailed in note 14.

*(l) Income taxes*

Under the Electricity Act, 1998, the Company is required to make payments in lieu of income taxes (PILS) to the Ontario Electricity Financial Corporation (OEFC). Deferred income taxes are calculated using the liability method of tax accounting. In providing for income taxes, temporary differences between the tax basis of assets or liabilities and their carrying amounts are reflected as deferred income taxes. The tax rates anticipated to be in effect when these temporary differences reverse are used to calculate deferred income taxes. Additional details related to the calculation and method of accounting for PILS is included in note 8.



**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**For the year ended December 31, 2017**

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**4. SIGNIFICANT ACCOUNTING POLICIES, continued**

*(m) Significant accounting estimates and judgements*

The preparation of these financial statements requires management to make certain estimates, judgments and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements and reported amounts of expenses during the reporting period. Actual outcomes could differ from these estimates. These financial statements include estimates which, by their nature, are uncertain. The impacts of such estimates are pervasive throughout the financial statements, and may require accounting adjustments based on future occurrences. Revisions to accounting estimates are recognized in the period in which the estimate is revised and future periods if the revision affects both current and future periods. These estimates are based on historical experience, current and future economic conditions and other factors, including expectations of future events that are believed to be reasonable under the circumstances.

The significant accounting estimates, judgements and assumptions include the following:

Useful lives of depreciable assets - Depreciation and amortization expense is based on estimates of the useful lives of property, plant and equipment and intangible assets. The Company estimates the useful lives of its property, plant and equipment and intangible assets based on management's judgment, historical experience and an asset study conducted by an independent consulting firm.

Payment in lieu of taxes payable - The company is required to make payments in lieu of taxes calculated on the same basis as income taxes on taxable income earned. Significant judgement is required in determining the provision and liability or asset for income taxes. Changes in deferred taxes may be required due to changes in future tax rates.

Employee future benefits - The cost of providing certain health, dental and life insurance benefits on behalf of its retired employees are determined using actuarial valuations. The actuarial valuation uses managements assumptions which have been outlined in note 14.

Accounts receivable impairment - In determining the allowance for doubtful accounts, the Company considers historical loss experience of account balances based on the aging and arrears status of accounts receivable balances.

*(n) Provisions*

A provision is recognized in the balance sheet when the Company has a present legal or constructive obligation as a result of a past event, and it is probable that an outflow of economic benefits will be required to settle the obligation. If the effect is material, provisions are determined by discounting the expected future cash flows at a pre-tax rate that reflects current market assessments of the time value of money and, where appropriate, the risks specific to the liability.

Some of the Company's assets may have provision obligations. As the Company expects to use the majority of its fixed assets for an indefinite period, no removal costs can be determined and, consequently, a reasonable estimate of the fair value of any asset retirement obligations has not been made at this time.

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**For the year ended December 31, 2017**

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**4. SIGNIFICANT ACCOUNTING POLICIES, continued**

*(o) Financial instruments*

Financial assets and financial liabilities are initially measured at fair value. Fair value is the amount for which an asset could be exchanged, or a liability settled, between knowledgeable, willing parties in an arm's length transaction. Transaction costs that are directly attributable to the acquisition or issue of financial assets and financial liabilities other than financial assets and financial liabilities at fair value through profit or loss ("FVTPL") are added to or deducted from the fair value of the financial assets or financial liabilities, as appropriate, on initial recognition. Transaction costs directly attributable to the acquisition of financial assets or financial liabilities at FVTPL are recognized immediately in profit or loss. Transactions to purchase or sell these items are recorded on the trade date. During the year, there has been no reclassification of financial instruments.

*Financial liabilities measured at fair value through profit or loss*

Derivative financial instruments in the form of interest rate swap contracts are used to manage exposure to fluctuations in interest rates on the Company's long-term debt. The contracts are not designated as hedges, and therefore any gain or loss is measured through profit or loss.

*Loans and receivables*

The Company has classified cash, accounts receivable and unbilled revenue as loans and receivables.

Loans and receivables are subsequently measured at their amortized cost. Amortized cost is the amount at which the financial asset is measured at initial recognition less principal repayments, plus or minus the cumulative amortization using the effective interest method of any difference between that initial amount and the maturity amount, plus or minus any reduction for impairment or uncollectability. Net gains and losses arising from changes in fair value are recognized in total comprehensive income upon de-recognition or impairment.

*Financial liabilities measured at amortized cost*

The Company has classified accounts payable and accrued liabilities, note payable, long-term debt, and deposits held as financial liabilities measured at amortized cost.

Financial liabilities measured at amortized cost are measured at their amortized cost subsequent to initial recognition. Amortized cost is the amount at which the financial liability is measured at initial recognition less principal repayments, plus or minus the cumulative amortization using the effective interest method of any difference between that initial amount and the maturity amount. Net gains and losses arising from changes in fair value are recognized in total comprehensive income upon de-recognition or impairment.

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**4. SIGNIFICANT ACCOUNTING POLICIES, continued**

*(p) New Standards and interpretations not yet effective or adopted*

Effective for annual periods beginning on or after January 1, 2018

IFRS 9 Financial Instruments: Recognition and Measurement (new) – modifies IAS 39 eliminating categories and redefines gain and loss re-measurement.

IFRS 15 Revenue from Contracts with Customers: The core principle of the new standard is for companies to recognize revenue to depict the transfer of goods or services to customers in amounts that reflect the consideration to which the company expects to be entitled in exchange for those goods or services. The new standard contains enhanced disclosures about revenue and provides guidance for transactions that were not previously addressed comprehensively.

Effective for annual periods beginning on or after January 1, 2019

IFRS 9 Financial Instruments was amended by the IASB in October 2017. Amendments allow companies to measure particular pre-payable financial assets with so-called negative compensation at amortized cost or at fair value through other comprehensive income if a specified condition is met—instead of at fair value through profit or loss. Earlier application is permitted.

IFRS 16 replaces IAS 17 Leases and brings leases onto companies' balance sheets, increasing the visibility of their assets and liabilities. IFRS 16 removes the classification of leases as either operating or finance leases for the lessee treating all leases as finance leases. Short term and low value assets are exempt from these requirements.

The Company is currently assessing the impact that the standards will have on the statements.

**5. INVENTORIES**

Inventory recognized in cost of sales during the year amounted to \$12,893 (2016 - \$29,920).

**NEWMARKET HYDRO HOLDINGS INC.**  
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**6. PROPERTY, PLANT AND EQUIPMENT**

	Land and building \$	Distribution equipment \$	Transportation equipment \$	Office and other \$	Total \$
<b>Cost</b>					
At January 1, 2017	5,756,446	96,257,378	1,446,777	1,261,232	104,721,833
Additions	12,337	4,519,649	138,083	784,425	5,454,494
<b>At December 31, 2017</b>	<b>5,768,783</b>	<b>100,777,027</b>	<b>1,584,860</b>	<b>2,045,657</b>	<b>110,176,327</b>
<b>Amortization</b>					
At January 1, 2017	27,068	8,348,699	591,468	790,580	9,757,815
Additions	9,112	3,228,391	275,320	165,631	3,678,454
<b>At December 31, 2017</b>	<b>36,180</b>	<b>11,577,090</b>	<b>866,788</b>	<b>956,211</b>	<b>13,436,269</b>
<b>Net book value at December 31, 2017</b>	<b>5,732,603</b>	<b>89,199,937</b>	<b>718,072</b>	<b>1,089,446</b>	<b>96,740,058</b>
	Land and building \$	Distribution equipment \$	Transportation equipment \$	Office and other \$	Total \$
<b>Cost</b>					
At January 1, 2016	6,116,304	86,926,308	1,173,889	1,173,654	95,390,155
Additions	105,732	9,421,644	272,888	87,578	9,887,842
Disposals	(465,590)	(90,574)	-	-	(556,164)
<b>At December 31, 2016</b>	<b>5,756,446</b>	<b>96,257,378</b>	<b>1,446,777</b>	<b>1,261,232</b>	<b>104,721,833</b>
<b>Amortization</b>					
At January 1, 2016	17,985	5,326,960	379,120	587,545	6,311,610
Additions	9,083	3,072,161	212,348	203,035	3,496,627
Disposals	-	(50,422)	-	-	(50,422)
<b>At December 31, 2016</b>	<b>27,068</b>	<b>8,348,699</b>	<b>591,468</b>	<b>790,580</b>	<b>9,757,815</b>
<b>Net book value at December 31, 2016</b>	<b>5,729,378</b>	<b>87,908,679</b>	<b>855,309</b>	<b>470,652</b>	<b>94,964,018</b>

Included in distribution equipment additions is amortization expense of \$255,087. Included in land and building is land with a value of \$5,559,254 (2016 \$5,546,952).

**NEWMARKET HYDRO HOLDINGS INC.**  
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**7. INTANGIBLE ASSETS**

	Cost \$	Accumulated amortization \$	2017 Net book value \$
Land rights	400,375	62,927	337,448
Computer software	1,413,928	753,653	660,275
	1,814,303	816,580	997,723
	Cost \$	Accumulated amortization \$	2016 Net book value \$
Land rights	400,358	47,188	353,170
Computer software	676,574	593,985	82,589
	1,076,932	641,173	435,759

During the year, the Company had additions of \$737,353 (2016 - \$62,151) and amortization of \$175,389 (2016 - \$171,830).

**8. INCOME TAXES**

(a) The components of deferred income tax balances are as follows:

	2017 \$	2016 \$
Deferred income tax asset		
Tax basis of property, plant and equipment in excess of carrying amount	2,189,320	2,452,184
Reserves deductible when paid	277,651	232,275
Cumulative eligible capital available for tax purposes	-	217,596
	2,466,971	2,902,055

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**8. INCOME TAXES, continued**

(b) The provision for income taxes recorded in the consolidated financial statements differs from the amount which would be obtained by applying the statutory income tax rate of 39.5% (2016 - 39.5%) to the income (loss) for the years as follows:

	2017 \$	2016 \$
Income (loss) for the year before income taxes	(1,332,840)	6,827,940
Net movement in regulatory deferral accounts	3,522,000	(2,425,884)
	2,189,160	4,402,056
Anticipated income tax	864,718	1,738,812
Tax effect of the following:		
Permanent expense differences	230,026	5,925
Other comprehensive income	(57,986)	(19,420)
General rate reduction	131,523	(552,658)
Impact of tax rate change and other	151,595	30,716
Provision for income taxes	1,319,876	1,203,375

	Opening balance at January 1, 2017 \$	Recognize in net income \$	Recognize in OCI \$	Closing balance at December 31, 2017 \$
<b>Deferred tax assets</b>				
Property, plant and equipment and cumulative eligible capital	3,669,781	(480,461)	-	2,189,320
Reserves deductible when paid	232,275	6,474	38,902	277,561
	2,902,056	(473,987)	38,902	2,466,971

	2017 \$	2016 \$
Deferred tax assets to be recovered after more than 12 months	2,466,971	2,902,055

**NEWMARKET HYDRO HOLDINGS INC.**  
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**9. REGULATORY DEFERRAL ACCOUNTS**

All amounts deferred as regulatory deferral account debit balances are subject to approval by the OEB. As such, amounts subject to deferral could be altered by the regulators. Remaining recovery periods are those expected and the actual recovery or settlement periods could differ based on OEB approval. Due to previous, existing or expected future regulatory articles or decisions, the Company has the following amounts expected to be recovered in future periods which are comprised of the following:

	Note	Remaining recovery/ reversal period (years)	December 31, 2016 \$	Net balances arising/ recovered in the period \$	December 31, 2017 \$
<b>Regulatory deferral account debit</b>					
RSVA debit balance	i	A	2,951,323	3,522,000	2,425,086
Other	ii	A	93,250	(93,250)	-
Deferred tax debit balance	iii	A	121,308	2,069,994	2,191,302
			3,165,881	5,498,744	4,616,388

	Note	Remaining recovery/ reversal period (years)	December 31, 2016 \$	Net balances arising/ recovered in the period \$	December 31, 2017 \$
<b>Regulatory deferral account credit</b>					
RSVA credit balance	i	A	1,586,368	(1,586,368)	-
Recovery Account	iv	A	506,050	2,678	508,728
Other	ii	A	-	111,506	111,506
IFRS Conversion	v	1	7,452,145	196,685	7,648,830
Deferred tax credit balance	iii	A	-	521,340	521,340
			9,544,563	(754,159)	8,790,404



**NEWMARKET HYDRO HOLDINGS INC.**  
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**For the year ended December 31, 2017**

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**9. REGULATORY DEFERRAL ACCOUNTS, continued**

(A) These amounts are expected to reverse when the Company submits their next cost of service filing which is anticipated to be within the next four years.

(i) RSVA variances represent the variances between the amounts charged by the company to its customers, and the amounts paid by the company to the Independent Electricity System Operator ("IESO") and Hydro One for the cost of energy. The settlement variances include network and connection service charges, energy sales and the global adjustment. The balance for settlement variances continue to be calculated and carrying charges are recorded on a monthly basis.

(ii) Other Deferral Accounts include debit and credit balances in other regulatory assets, including Lost Revenue Adjustment Mechanism variances, Smart Metering Entity Charge variances, Retail Cost variances, IFRS transition expenditures, payments in lieu of taxes and Smart Meter expenditures. The costs incurred in these deferral accounts have been captured for future recovery or settlement. Carrying charges are recorded monthly on the opening balances.

(iii) Deferred tax on the regulatory balances that will ultimately be recovered from/paid back to its customers.

(iv) Recovery Accounts are used to record the disposition of deferral and variance account balances that have been approved by the OEB. The variances are to be recovered or settled when the company submits their next Cost of Service filing.

(v) In 2012, the Company adjusted the estimated useful life related to the amortization period for certain capital assets, based upon the Ontario Energy Board's regulatory accounting direction as contained in the revised 2012 Accounting Procedures Handbook for Electricity Distributors. As a result of OEB direction related to the settlement of these amounts, the company has recorded a payable in the deferral account of \$7,648,830 (2016 - \$7,452,145).

In 2017, the Company was approved through its annual Incentive Regulation Mechanism (IRM) application to the OEB for the settlement of the 2015 balance. The Company is expected to have the remainder of the balance approved for settlement through their 2018 IRM and the amount will be refunded to its respective customers by class over a one year period. This balance also includes \$611,972 of carrying charges based on the Company's weighted average cost of capital.



**NEWMARKET HYDRO HOLDINGS INC.**  
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**For the year ended December 31, 2017**

**10. ACCOUNTS PAYABLE AND ACCRUED LIABILITIES**

	2017	2016
	\$	\$
Accounts payable - purchased power	5,201,533	6,833,574
Other trade accounts payable and accrued liabilities	3,249,271	4,546,600
Water and sewer billings payable (note 15)	2,606,698	2,002,034
Credits on customer accounts	1,482,348	762,862
Conservation demand management programs	293,380	329,364
	12,833,230	14,474,434

**11. LONG-TERM DEBT**

	2017	2016
	\$	\$
Note payable, 5.48% - Town of Newmarket	22,000,000	22,000,000
Note payable, 5.48% - Township of Tay	1,742,821	1,742,821
Bank loan payable, 2.44% fixed rate, payable in blended monthly payments of \$65,742	5,733,071	6,374,255
	29,475,892	30,117,076
Less principal payments due within one year	657,006	641,184
Due beyond one year	28,818,886	29,475,892
Estimated principal repayments are as follows:		\$
2018		657,006
2019		673,217
2020		4,402,848
Unspecified (A)		23,742,821
		29,475,892

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
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**11. LONG-TERM DEBT, continued**

(A) The notes payable are unsecured and have no specific terms of repayment. Since the holders of the notes have confirmed they will not request repayment of this amount during the next fiscal year, these amounts have been classified as a non-current liability in the accompanying financial statements.

The bank loan payable is a 5 year term loan due December 10, 2020 with a payment due at maturity of \$3,771,150. To reduce exposure to interest rate fluctuations, the Company has entered into an interest rate swap where they pay a fixed interest rate over of the term of the loan.

**12. DEPOSITS HELD**

Deposits held represent cash deposits from electricity distribution customers and retailers, as well as construction deposits.

Deposits from electricity distribution customers are refundable to customers demonstrating an acceptable level of credit risk as determined by the Company in accordance with policies set out by the OEB or upon termination of their electricity distribution service.

Construction Deposits represent cash payments from developers in order to secure the performance of the developer's obligations under the Construction Agreement for Expansion Facilities and Connection Assets Supplied by Developer - Residential Subdivision (The Construction Agreement).

Upon commissioning of the Expansion Facilities and upon payment by the developer of all fees associated with the installation, inspection, testing and commissioning of work done by the Company, the Company may reduce the deposit to 10% of financial guarantee. The remaining letter of credit will be held for a two year period to cover any defects arising from the work done by the developer and its contractor.

	2017	2016
	\$	\$
Current portion of customer deposits	498,000	690,000
Customer deposits	2,322,251	2,022,758
Construction deposits	1,020,908	294,720
	3,343,159	2,317,478

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**For the year ended December 31, 2017**

**13. CONTRIBUTED CAPITAL**

	2017	2016
	\$	\$
Deferred contributions, net, beginning of year	30,660,427	24,821,517
Contributed capital received	1,405,507	6,438,453
Contributed capital recognized as revenue (note 18)	(707,028)	(599,543)
Deferred contributions, net, end of year	31,358,906	30,660,427

**14. EMPLOYEE FUTURE BENEFITS**

The Company provides certain health, dental and life insurance benefits for retired employees pursuant to the Company's policy. The accrued benefit obligation and net periodic expense for the year were determined by an actuarial valuation. The most recent valuation was performed for December 31, 2017.

Information about the Company's defined benefit plan is as follows:

	2017	2016
	\$	\$
Accrued benefit obligation, beginning of year	876,508	813,117
Current service cost	38,200	30,900
Interest expense	33,300	33,877
Benefits paid	(47,079)	(50,549)
	900,929	827,345
Actuarial loss	146,800	49,163
Accrued benefit obligation, end of year	1,047,729	876,508

Current service costs and interest on accrued benefit obligation are recognized in the statement of income. Actuarial losses arising from changes in financial assumptions are accounted for in other comprehensive income. The total benefit costs for the year is \$218,300 (2016 - \$113,940).

The actuarial assumptions used in the valuation are the discount rate of 3.4% (2016 - 3.9%), salary increase rate of 2.8% (2016 - 2.5%), cost trend including health benefits of 6.20% (2016 - 5.75%) and dental benefits 4.5% (2016 - 4.5%) and retirement age of 65 (2016 - 61). The health benefits are expected to decrease at 0.25% per year until 2023 when it reaches 4.50% and dental benefits will remain at 4.50% to 2023.

The impact of a change in the actuarial assumptions would have the following impact on the obligation:

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**For the year ended December 31, 2017**

**14. EMPLOYEE FUTURE BENEFITS, continued**

	Reasonable possible change	Defined benefit obligation \$	Difference \$	Difference %
Discount rate	+1%	918,400	(129,300)	(12)
Discount rate	-1%	1,214,000	166,300	16
Cost trends	+1%	1,082,700	35,000	3
Cost trends	-1%	1,015,600	(32,100)	(3)

**15. RELATED PARTY TRANSACTIONS AND ADVANCES FROM PARENT COMPANY**

- (a) The Company entered into transactions with its parent, the Town of Newmarket which is the sole shareholder of Newmarket Hydro Holdings Inc. Revenue charged during the year included energy, street light capital and street light maintenance charged at commercial rates to the Town of Newmarket.

Included in accounts payable (note 10) are water and sewer amounts collected which are due to the Town. These amounts are collected and remitted in accordance with a contract with URB Olameter and remitted on their behalf.

Included in long-term debt (note 11) are notes payable to related parties.

- (b) Transactions

These transactions are measured at the exchange amount, which is the amount of consideration established and agreed to by the related parties.

	2017 \$	2016 \$
<b>Revenue</b>		
Energy sales	2,035,574	3,146,105
Services - Street light capital	25,770	25,491
Services - Street light maintenance	59,268	52,452
	<b>2,120,612</b>	<b>3,224,048</b>
<b>Expenses</b>		
Interest	1,205,600	1,205,600
Rent and property tax	424,988	409,040
	<b>1,630,588</b>	<b>1,614,640</b>

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**For the year ended December 31, 2017**

**15. RELATED PARTY TRANSACTIONS, continued**

- (c) The following amount is due from the Town of Newmarket and included in the financial statements:

	2017	2016
	\$	\$
Accounts receivable	310,627	343,581

The key management personnel of the Company has been defined as members of its board of directors and supervisory personnel. The compensation is comprised of director's fees, management salaries and wages, short-term employee benefits and post employment benefits totaling \$2,136,294 (2016 - \$1,805,086).

**16. SHARE CAPITAL**

Authorized

Unlimited number of common shares

Issued

	2017	2016
	\$	\$
10,000 Common shares	29,609,342	29,609,342

**17. NON-CONTROLLING INTEREST**

The changes in non-controlling interest consist of:

	2017	2016
	\$	\$
Non controlling interest, beginning of year	3,350,906	3,237,102
Income	162,809	217,333
Dividends paid	(101,000)	(101,000)
Other comprehensive income	(7,553)	(2,529)
Non-controlling interest, end of year	3,405,162	3,350,906

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
For the year ended December 31, 2017

**18. OTHER INCOME**

Other income consists of the following:

	2017 \$	2016 \$
Account set up fees	121,290	134,914
Pole rentals	137,535	141,015
Collection charges	133,932	247,871
Recognition of contributed capital (note 13)	707,028	599,543
Other	120,187	166,796
<b>Other income</b>	<b>1,219,972</b>	<b>1,290,139</b>

**19. OPERATING EXPENSES**

Operating expenses consist of the following:

	2017 \$	2016 \$
Wages and benefits	5,240,562	4,740,253
Materials, equipment and other operating expenses	3,140,056	2,010,880
Administration and overhead	1,024,275	999,088
<b>Operating expenses</b>	<b>9,404,893</b>	<b>7,750,221</b>

**20. FINANCE INCOME AND FINANCE COSTS**

Finance income recognized in net income consists of the following:

	2017 \$	2016 \$
Interest income on accounts receivable	213,640	306,201
Income on cash balance	109,120	99,353
	<b>322,760</b>	<b>405,554</b>

Finance costs recognized in net income consists of the following:

	2017 \$	2016 \$
Interest on long-term debt	1,448,363	1,468,935
Customer deposit interest	33,048	25,087
(Gain)/loss on short-term investments	-	(52,741)
	<b>1,481,411</b>	<b>1,441,281</b>

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**For the year ended December 31, 2017**

**21. CHANGE IN NON-CASH WORKING CAPITAL ITEMS**

	2017	2016
	\$	\$
Decrease in short-term investments	-	3,410,393
Decrease (increase) in accounts receivable	2,183,247	(4,891,577)
Decrease in unbilled revenue	2,599,487	920,207
Decrease in inventories	16,195	238,208
Decrease in prepaid expenses	201,361	9,092
Increase (decrease) in accounts payable and accrued liabilities	(1,641,204)	3,217,534
Increase (decrease) in deposits held	833,681	(181,786)
Interest received	322,760	405,554
Taxes paid	(1,528,000)	(1,833,600)
Taxes received	1,199,596	702,409
	4,187,123	1,996,434

**22. SHORT TERM CREDIT FACILITIES**

The Company has \$4,000,000 available in operating facilities from a major chartered bank. The facilities include a 364 day revolving operating loan, bearing interest at prime plus 0.5%, to be repaid within one year from date of acquisition unless extended by the bank. A commitment fee of 0.125% per annum, payable quarterly applies to any unused portion of the facility. As at December 31, the Company has no balance outstanding (2016 - \$Nil) on this facility. The operating loan includes restrictive clauses with respect to repayment.

The Company has provided prudential support in the amount of \$2,765,940 to the Independent Electricity System Operator. The prudential support is secured by a letter of credit with a major chartered bank for \$2,765,940, contains restrictive clauses with respect to debt repayments and bears interest at 0.5% per annum.

A general security agreement covering all assets of the Company and assignment of business/liability insurance has been pledged as security for the operating facilities. At December 31, 2017, the Company was in compliance with all covenants.

**23. PENSION AGREEMENT**

The Company makes contributions to the Ontario Municipal Employees' Retirement Fund (O.M.E.R.S.), which is a multi-employer plan, on behalf of its employees. The plan is a defined benefit plan which specifies the amount of retirement benefits to be received by the employees based on the length of service and rates of pay.

The amount contributed to O.M.E.R.S. for the year ended was \$423,036 (2016 - \$410,721).

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**For the year ended December 31, 2017**

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**24. CAPITAL DISCLOSURES**

The Company's primary objective when managing capital is to address the expectations as provided in the Shareholder Agreement with its shareholder, the Town of Newmarket. The expectation is that the Company will maintain a prudent financial structure in order to safeguard the Company's assets and to provide adequate returns for its shareholders and benefits to the stakeholders.

Changes to the Company's capital structure are constrained by existing covenants contained in the banking agreement. The Company must maintain a maximum debt to capitalization ratio of 0.60 to 1 and maintain a debt service coverage ratio of 1.2. As at year end the Company is compliant with these covenants.

**25. FINANCIAL INSTRUMENTS**

Financial instruments consist of recorded amounts of cash, accounts receivable, unbilled revenue which will result in future cash receipts, as well as accounts payable and accrued liabilities, deposits held, advances from parent company and long-term debt which will result in future cash outflows.

The Company does not believe that it is exposed to significant foreign exchange risk.

The Company is exposed to the following risks in respect of certain financial instruments held:

*(a) Interest rate risk*

The Company manages exposure to interest rate risk through a combination of fixed and floating rate borrowings. Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The Company is exposed to interest rate cash flow risk to the extent that the floating rate credit facility bears interest at a floating rate. The Company is also exposed to interest rate price risk to the extent that loans bear interest at fixed rates and has entered into an interest rate swap arrangement to manage the impact of fluctuating interest rates on bank loan payable. The swaps require the periodic exchange of interest payments without the exchange of the notional principal amount on which the payments are based (notes 11 and 15).



**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**For the year ended December 31, 2017**

**25. FINANCIAL INSTRUMENTS, continued**

*(b) Credit risk*

Financial assets carry credit risk that a counter-party will fail to discharge an obligation which would result in a financial loss. Financial assets held by the Company, such as accounts receivable, expose it to credit risk. The Company earns its revenue from a broad base of customers located in the service area. No single customer accounts for revenue in excess of 10% of total revenue.

The carrying amount of accounts receivable is reduced through the use of an allowance for impairment and the amount of related impairment loss is recognized in the statement of income. Subsequent recoveries of receivables previously provisioned are credited to the income statement. The balance of the allowance for impairment at December 31, 2017 is \$80,360 (2016 - \$92,132). The Company's credit risk associated with accounts receivable is primarily related to payments from distribution customers. The Company has approximately 28,000 customers, the majority of which are residential. Credit risk is managed through collection of security deposits from customers in accordance with directions provided by the OEB. As at December 31, 2017, the Company holds security deposits in the amount of \$3,841,159 (2016 - \$3,007,478). The Company's activities provide for a variety of financial risks, particularly credit risk, market risk and liquidity risk. The accounts receivable balance is expected to be fully repaid within 90 days excluding the allowance for doubtful accounts portion of the balance.

*(c) Liquidity risk*

The Company does have a liquidity risk in accounts payable and accrued liabilities of \$12,833,230 (2016 - \$14,464,695). Liquidity risk is the risk that the Company cannot repay its obligations when they become due to its creditors. The Company reduces its exposure to liquidity risk by ensuring that it documents when authorized payments become due; maintains an adequate line of credit to repay trade creditors and repays long-term debt interest and principal as they become due. In the opinion of management the liquidity risk exposure to the Company is low and is not material.

The following are contractual maturities of financial liabilities, including estimated interest payments:

	Between 0 - 3 Months \$	Between 4 - 12 months \$	Over 1 year \$
Accounts payable and accrued liabilities	12,833,230	-	-
Deposits held	125,000	373,000	3,343,159
Long-term debt	162,753	494,253	28,818,886
Employee future benefits	-	-	1,047,729
	13,120,983	867,253	33,209,774

**NEWMARKET HYDRO HOLDINGS INC.**  
**NOTES TO THE CONSOLIDATED FINANCIAL STATEMENTS**  
**For the year ended December 31, 2017**

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**26. COMMITMENT**

The Company is in negotiations with the Town of Newmarket on a new lease agreement for the building which was not finalized as of the report date.

**27. CONTINGENT LIABILITIES**

(a) In the normal course of business, the Company enters into agreements that meet the definition of a guarantee. The guarantees include indemnities under lease agreements, purchase and sale agreements, confidentiality agreements, outsourcing, service and information agreements. The nature of these indemnification agreements prevents the Company from making a reasonable estimate of the maximum exposure due to the difficulties in assessing the amount of liability related to the likelihood and predictability of future events. Historically, the Company has not made any significant payments under similar indemnification agreements and therefore no amount has been accrued in the statement of financial position with respect to these agreements.

(b) Indemnity has been provided to all directors and/or officers of the Company for various items including, but not limited to, all costs to settle suits or actions due to association with the Company, subject to certain restrictions. The Company has purchased directors' and officers' liability insurance to mitigate the cost of any potential suits or actions. The amount of any potential future liability which exceeds the amount of insurance coverage cannot reasonably be determined.

(c) The Company participates with other municipal utilities in Ontario in an agreement to exchange reciprocal contracts of indemnity through the Municipal Electric Association Reciprocal Insurance Exchange. Under this agreement, the Company is contingently liable for additional assessments to the extent that premiums collected are not sufficient to cover actual losses, claims and costs experienced.

**28. REFUNDABLE DEPOSIT**

As at December 31, 2017, the Company has paid a \$1,000,000 fully refundable deposit relating to the potential purchase of shares of another Local Distribution Company. Negotiations are still on going and are expected to conclude in 2018.

**29. COMPARATIVE FIGURES**

The financial statements have been reclassified, where applicable, to conform to the presentation used in the current year. The changes do not affect prior year earnings.

# **FINANCIAL STATEMENTS OF**

## **NEWMARKET-TAY POWER DISTRIBUTION LTD.**

**December 31, 2017**

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## INDEPENDENT AUDITOR'S REPORT

To the Shareholders of  
Newmarket-Tay Power Distribution Ltd.

### *Report on the Financial Statements*

We have audited the accompanying financial statements of Newmarket-Tay Power Distribution Ltd., which comprise the statement of financial position as at December 31, 2017, and the statements of changes in equity and accumulated other comprehensive income, income, comprehensive income and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

### *Management's Responsibility for the Financial Statements*

Management is responsible for the preparation and fair presentation of these financial statements in accordance with International Financial Reporting Standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

### *Auditor's Responsibility*

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with Canadian generally accepted auditing standards. Those standards require that we comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Company's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Company's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

### *Opinion*

In our opinion, the financial statements present fairly, in all material respects, the financial position of Newmarket-Tay Power Distribution Ltd. as at December 31, 2017, and its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards.

*Collins Barrow Kawartha LLP*

Chartered Professional Accountants  
Licensed Public Accountants

Peterborough, Ontario  
March 28, 2018

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****STATEMENT OF FINANCIAL POSITION****As at December 31, 2017**

	2017	2016
	\$	\$
<b>ASSETS</b>		
<b>Current assets</b>		
Cash	10,381,961	9,691,630
Accounts receivable	11,914,842	14,098,270
Inventories (note 4)	858,956	875,151
Prepaid expenses	281,898	483,259
Income taxes receivable	676,424	1,188,748
Unbilled revenue	8,767,090	11,366,577
	<b>32,881,171</b>	<b>37,703,635</b>
<b>Non current</b>		
Property, plant and equipment (note 5)	96,737,276	94,961,237
Intangible assets (note 6)	997,723	435,759
Deferred income taxes (note 7)	2,466,971	2,902,055
Refundable deposit (note 26)	1,000,000	-
	<b>101,201,970</b>	<b>98,299,051</b>
	<b>134,083,141</b>	<b>136,002,686</b>
<b>Regulatory deferral account debit balances and related deferred tax (note 8)</b>	<b>4,616,388</b>	<b>3,165,881</b>
	<b>138,699,529</b>	<b>139,168,567</b>

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*The accompanying notes are an integral part of these financial statements*

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****STATEMENT OF FINANCIAL POSITION****As at December 31, 2017**

	2017	2016
	\$	\$
<b>LIABILITIES AND SHAREHOLDERS' EQUITY</b>		
<b>Current liabilities</b>		
Accounts payable and accrued liabilities (note 9)	12,823,488	14,464,692
Current portion of long-term debt (note 10)	657,006	641,184
Current portion of deposits held (note 11)	498,000	690,000
	<u>13,978,494</u>	<u>15,795,876</u>
<b>Non current</b>		
Long-term debt (note 10)	28,818,886	29,475,892
Contributed capital (note 12)	31,358,906	30,660,427
Advances from parent company (note 14)	2,636,879	2,553,645
Deposits held (note 11)	3,343,159	2,317,478
Employee future benefits (note 13)	1,047,729	876,508
	<u>67,205,559</u>	<u>65,883,950</u>
	<u>81,184,053</u>	<u>81,679,826</u>
<b>Shareholders' equity</b>		
Share capital (note 15)	27,140,206	27,140,206
Retained earnings	21,551,925	20,663,101
Accumulated other comprehensive income	32,941	140,871
	<u>48,725,072</u>	<u>47,944,178</u>
	129,909,125	129,624,004
<b>Regulatory deferral account credit balances and related deferred tax (note 8)</b>	<u>8,790,404</u>	<u>9,544,563</u>
	<u>138,699,529</u>	<u>139,168,567</u>

Approved on behalf of the Board

\_\_\_\_\_  
Director\_\_\_\_\_  
Director*The accompanying notes are an integral part of these financial statements*

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****STATEMENT OF CHANGES IN EQUITY AND ACCUMULATED OTHER COMPREHENSIVE INCOME**  
**For the year ended December 31, 2017**


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	Share capital \$	Retained earnings \$	Accumulated other comprehensive income \$	Total \$
<b>Balance, December 31, 2015</b>	27,140,206	18,995,343	177,006	46,312,555
Net income for the year	-	3,104,758	-	3,104,758
Other comprehensive loss	-	-	(36,135)	(36,135)
Dividends paid	-	(1,437,000)	-	(1,437,000)
<b>Balance, December 31, 2016</b>	27,140,206	20,663,101	140,871	47,944,178
Net income for the year	-	2,325,824	-	2,325,824
Other comprehensive loss	-	-	(107,898)	(107,898)
Dividends paid	-	(1,437,000)	-	(1,437,000)
<b>Balance, December 31, 2017</b>	27,140,206	21,551,925	32,941	48,725,072

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*The accompanying notes are an integral part of these financial statements*

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****STATEMENT OF INCOME**

For the year ended December 31, 2017

	2017 \$	2016 \$
<b>Revenue</b>		
Distribution revenue	15,108,008	15,590,556
Cost of power revenue	74,225,796	85,691,103
	89,333,804	101,281,659
<b>Cost of power purchased</b>	77,747,796	83,265,219
<b>Gross profit</b>	11,586,008	18,016,440
<b>Other income</b> (note 16)	1,219,972	1,290,139
<b>Gross income from operations</b>	12,805,980	19,306,579
<b>Expenses</b>		
Amortization	3,598,756	3,668,457
Operating expenses (note 17)	9,398,125	7,746,454
Loss (gain) on disposal of property, plant and equipment	(23,480)	24,234
	12,973,401	11,439,145
<b>Income (loss) before undernoted items and income taxes</b>	(167,421)	7,867,434
<b>Finance income</b> (note 18)	(322,760)	(405,554)
<b>Finance costs</b> (note 18)	1,602,606	1,561,723
<b>Income (loss) before income taxes and net movement in regulatory deferral accounts, net of deferred tax</b>	(1,447,267)	6,711,265
<b>Provision for income taxes</b> (note 7)		
Current	823,576	611,252
Deferred	473,987	569,371
	1,297,563	1,180,623
<b>Income (loss) before net movement in regulatory deferral accounts, net of deferred tax</b>	(2,744,830)	5,530,642
<b>Net movement in regulatory deferral accounts, net of deferred tax</b>	5,070,654	(2,425,884)
<b>Net income for the year</b>	2,325,824	3,104,758

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*The accompanying notes are an integral part of these financial statements*



**NEWMARKET-TAY POWER DISTRIBUTION LTD.****STATEMENT OF COMPREHENSIVE INCOME****For the year ended December 31, 2017**

	2017	2016
	\$	\$
<b>Net income for the year</b>	2,325,824	3,104,758
<b>Comprehensive loss</b>		
Actuarial loss, not reclassified to net income	(146,800)	(49,163)
Actuarial loss related deferred income tax not reclassified to net income	38,902	13,028
<b>Comprehensive loss</b>	(107,898)	(36,135)
<b>Net income and comprehensive income (loss) for the year</b>	2,217,926	3,068,623

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*The accompanying notes are an integral part of these financial statements*

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****STATEMENT OF CASH FLOWS****For the year ended December 31, 2017**

	2017	2016
	\$	\$
<b>CASH PROVIDED FROM (USED FOR)</b>		
<b>Operating activities</b>		
Net income for the year	2,325,824	3,104,758
Items not affecting cash		
Amortization of property, plant and equipment	3,678,454	3,496,627
Amortization of intangible asset	175,389	171,830
Deferred income taxes	473,987	569,371
Loss (gain) on disposal of property, plant and equipment	(23,480)	24,234
Change in employee future benefits	24,388	14,228
Current income tax	823,576	611,252
Net finance costs	1,279,846	1,156,169
Recognition of contributed capital	(707,028)	(599,543)
	8,050,956	8,548,926
Change in non-cash working capital items (note 19)	4,204,456	(429,563)
	12,255,412	8,119,363
<b>Investing activities</b>		
Purchase of property, plant and equipment	(5,454,493)	(9,887,842)
Proceeds on disposal of property, plant and equipment	23,480	481,508
change in regulatory deferral accounts	(2,204,666)	2,425,884
Purchase of intangible assets	(737,353)	(62,151)
Refundable deposit	(1,000,000)	-
Proceeds of contributed capital	1,405,507	6,438,453
	(7,967,525)	(604,148)
<b>Financing activities</b>		
Repayment of long-term debt	(641,184)	(1,625,745)
Advances from parent company	83,234	80,635
Interest paid	(1,602,606)	(1,561,723)
Dividends paid	(1,437,000)	(1,437,000)
	(3,597,556)	(4,543,833)
<b>Increase in cash</b>	690,331	2,971,382
<b>Cash - beginning of year</b>	9,691,630	6,720,248
<b>Cash - end of year</b>	10,381,961	9,691,630

*The accompanying notes are an integral part of these financial statements*

# NEWMARKET-TAY POWER DISTRIBUTION LTD.

## NOTES TO THE FINANCIAL STATEMENTS

For the year ended December 31, 2017

### 1. NATURE OF OPERATIONS

Newmarket-Tay Power Distribution Ltd. (the "Company") is a subsidiary of Newmarket Hydro Holdings Inc. and was formed as a result of the amalgamation of Newmarket Hydro Ltd. and Tay Hydro Electric Distribution Company Inc. on May 1, 2007. Tay Hydro Inc. has a 7% non-controlling interest in the Company. The address of its registered office and its principal place of business is 590 Steven Ct, Newmarket, ON L3Y 6Z2.

The principal activity of the Company is to distribute electricity to the residents and businesses in the Town of Newmarket and the Township of Tay under licence issued by the Ontario Energy Board (OEB). The Company is regulated by the OEB and adjustments to its distribution rates require OEB approval.

### 2. STATEMENT OF COMPLIANCE

The financial statements of the Company have been prepared in accordance with International Financial Reporting Standards ("IFRS") as issued by the International Accounting Standards Board ("IASB") and interpretations of the International Financial Reporting Interpretations Committee ("IFRIC").

The financial statements for the year ended December 31, 2017 were approved and authorized for issue by the board of directors on March 28, 2018.

### 3. SIGNIFICANT ACCOUNTING POLICIES

These financial statements are prepared in accordance with International Financial Reporting Standards. The significant policies are detailed as follows:

#### (a) *Basis of measurement*

The financial statements are prepared on the historical cost basis except for certain financial instruments which are measured at their fair values, as explained in the relevant accounting policies.

The consolidated financial statements are presented in Canadian dollars which is also the Company's functional currency.

#### (b) *Electricity regulation*

The Company is licensed and regulated by the Ontario Energy Board (OEB). The OEB is charged with the responsibility of approving rates for the transmission and distribution of electricity and the responsibility for ensuring that distribution companies fulfill obligations to connect and service customers.

The following regulatory policy is practiced in a rate regulated environment:

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2017****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(b) Electricity regulation, continued**Regulatory accounts*

Regulatory accounts represent future revenue or expenses incurred in the current or prior periods that are expected to be recovered (repaid) through the rate setting process.

These assets and liabilities include various rate and retail variance accounts which arise from differences in amounts billed to customers (based on regulated rates) and the actual cost of electricity services to the Company. These amounts are accumulated for accounting purposes because it is probable that they will be recovered (repaid) in future rates. The Company continually assesses the likelihood of the recovery of regulatory assets and likelihood of repayment of regulatory liabilities. If recovery or repayment is no longer considered probable, the amounts are charged to operations in the year the assessment is made.

Regulatory accounts recognized at December 31, 2017 and December 31, 2016 are disclosed in note 8.

*(c) Revenue recognition*

Service revenue is measured based on the OEB approved rate and the meter readings for customer usage, net of sales tax and debt retirement charge. Service revenue also includes unbilled revenue accrued in respect of electricity delivered but not yet billed. Revenue is recognized as electricity is delivered and consumed by customers and measured.

Cost of power revenue is recorded on the basis of the power billed by the Independent Electricity System Operator.

Contributed capital represent certain items of property, plant and equipment which are acquired or constructed with financial assistance in the form of contributions from developers. Such contributions, whether in cash or in-kind, are recognized as contributions in aid of construction and amortized into income over the life of the related assets. Contributions in aid of construction in-kind are valued at their fair value at the date of their contribution.

Revenues related to Conservation and Demand Management ("CDM") agreements with the Independent Electricity System Operator ("IESO") are recognized on a net basis. Performance fees are recognized as CDM programs are delivered.

Other operating revenue is recorded when services are provided.

*(d) Cash*

Cash consists of balances with financial institutions.

*(e) Inventories*

Inventories, which consist of parts and supplies acquired for internal construction or consumption, are valued at the lower of cost and net realizable value. Cost is determined on a weighted-moving average basis and includes expenditures incurred in acquiring the inventories and other costs to bring the inventories to their existing location and condition.

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2017****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(f) Property, plant and equipment*

Property, plant and equipment are stated at cost less accumulated depreciation and impairment losses. Cost includes expenditures that are directly attributable to the acquisition of the asset or its development when those costs are necessarily incurred for the asset to function in the manner intended by management. When parts of an item of property, plant and equipment have different useful lives, they are accounted for as separate items of property, plant and equipment.

All assets having limited useful lives are depreciated using the straight-line or declining balance method over their estimated useful lives. Assets are depreciated from the date of acquisition. Internally constructed assets are depreciated from the time an asset is capable of operating in the manner intended by management.

In the year of acquisition, depreciation is taken at one-half of the below rates.

The residual value, useful life and depreciation method applied to each class of assets are reassessed at each reporting date.

The depreciation rates applicable for each class of asset are calculated on a straight line basis as follows:

Buildings	25-30 years
Distribution equipment	10-50 years
Transportation equipment	5-10 years
Office and other	5-10 years

*(g) Intangible assets*

Intangible assets include computer software and land rights. They are accounted for using the cost model whereby capitalized costs are amortized on a straight-line basis over their estimated useful lives, as these assets are considered finite. Residual values and useful lives are reviewed at each reporting date. In addition, they are subject to impairment testing. The useful lives of the intangibles are as follows:

Computer software	3-5 years straight-line
Land rights	30 years straight-line

Acquired computer software licenses are capitalized on the basis of the costs incurred to acquire and install the specific software. Costs associated with maintaining computer software, (expenditure relating to patches and other minor updates as well as their installation), are expensed as incurred.

Land rights are capitalized based on the payments made for easements, right of access and right of use over land for which the Company does not hold title. Land rights are measured at cost less accumulated amortization and accumulated impairment losses.

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2017****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(h) Contributed capital*

Contributions for capital construction consist of third party and related party contributions toward the cost of constructing distribution assets. The contributions are calculated through an economic evaluation as per the OEB Distribution Service Code. Contributed capital amounts are recorded as received and amortized over the same period as the asset to which they relate being 30 to 50 years.

*(i) Impairment of non-financial assets*

At the end of each reporting period, the Company reviews the carrying amounts of its tangible assets to determine whether there is any indication that those assets have suffered an impairment loss. If any such indication exists, the recoverable amount of the asset is estimated in order to determine the extent of the impairment loss (if any). Where it is not possible to estimate the recoverable amount of an individual asset, the Company estimates the recoverable amount of the cash-generating unit ("CGU") to which the asset belongs. Where a reasonable and consistent basis of allocation can be identified, corporate assets are also allocated to individual CGUs, or otherwise they are allocated to the smallest group of CGUs for which a reasonable and consistent allocation basis can be identified.

The recoverable amount is the higher of fair value less costs to sell and value in use. In assessing value in use, the estimated future cash flows are discounted to their present value using a pre-tax discount rate that reflects current market assessments of the time value of money and the risks specific to the asset for which the estimates of future cash flows have not been adjusted.

If the recoverable amount of an asset or CGU is estimated to be less than its carrying amount, the carrying amount of the asset or CGU is reduced to its recoverable amount. An impairment loss is recognized immediately in profit or loss.

Where an impairment loss subsequently reverses, the carrying amount of the asset or CGU is increased to the revised estimate of its recoverable amount, so that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognized for the asset or CGU in prior years. A reversal of an impairment loss is recognized immediately in profit or loss.

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2017****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(j) Related parties*

Related party transactions are in the normal course of operations and have been measured at the exchange amount which is the amount of consideration established and agreed to by the related parties. Details of related party transactions and balances are disclosed in note 14.

*(k) Employee future benefits*

The Company accounts for its participation in the Ontario Municipal Employee Retirement System ("OMERS"), a multi employer public sector pension fund, as a defined contribution plan. Both participating employers and employees are required to make plan contributions based on the participating employees' contributory earnings. The Company recognizes the expense related to this plan as contributions are made. No liability has been established for this plan.

The Company pays certain medical and life insurance benefits on behalf of its retired employees. These plans are not funded and accordingly have no plan assets. The Company's net obligation is calculated by estimating the amount of future benefits that are expected to be paid out discounted to determine its present value. This calculation is actuarially performed using the projected unit credit method. The last full valuation performed was as at December 31, 2017. Service costs are recognized in the Statement of Income in operating expenses, and include current and past service costs as well as gains and losses on curtailment. Net interest expense is included in finance costs.

Details related to the post-employment benefits are detailed in note 13.

*(l) Income taxes*

Under the Electricity Act, 1998, the Company is required to make payments in lieu of income taxes (PILS) to the Ontario Electricity Financial Corporation (OEFC). Deferred income taxes are calculated using the liability method of tax accounting. In providing for income taxes, temporary differences between the tax basis of assets or liabilities and their carrying amounts are reflected as deferred income taxes. The tax rates anticipated to be in effect when these temporary differences reverse are used to calculate deferred income taxes. Additional details related to the calculation and method of accounting for PILS is included in note 7.

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2017****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(m) Significant accounting estimates and judgements*

The preparation of these financial statements requires management to make certain estimates, judgments and assumptions that affect the reported amounts of assets and liabilities at the date of the financial statements and reported amounts of expenses during the reporting period. Actual outcomes could differ from these estimates. These financial statements include estimates which, by their nature, are uncertain. The impacts of such estimates are pervasive throughout the financial statements, and may require accounting adjustments based on future occurrences. Revisions to accounting estimates are recognized in the period in which the estimate is revised and future periods if the revision affects both current and future periods. These estimates are based on historical experience, current and future economic conditions and other factors, including expectations of future events that are believed to be reasonable under the circumstances.

The significant accounting estimates, judgements and assumptions include the following:

Useful lives of depreciable assets - Depreciation and amortization expense is based on estimates of the useful lives of property, plant and equipment and intangible assets. The Company estimates the useful lives of its property, plant and equipment and intangible assets based on management's judgment, historical experience and an asset study conducted by an independent consulting firm.

Payment in lieu of taxes payable - The company is required to make payments in lieu of taxes calculated on the same basis as income taxes on taxable income earned. Significant judgement is required in determining the provision and liability or asset for income taxes. Changes in deferred taxes may be required due to changes in future tax rates.

Employee future benefits - The cost of providing certain health, dental and life insurance benefits on behalf of its retired employees are determined using actuarial valuations. The actuarial valuation uses managements assumptions which have been outlined in note 13.

Accounts receivable impairment - In determining the allowance for doubtful accounts, the Company considers historical loss experience of account balances based on the aging and arrears status of accounts receivable balances.

*(n) Provisions*

A provision is recognized in the balance sheet when the Company has a present legal or constructive obligation as a result of a past event, and it is probable that an outflow of economic benefits will be required to settle the obligation. If the effect is material, provisions are determined by discounting the expected future cash flows at a pre-tax rate that reflects current market assessments of the time value of money and, where appropriate, the risks specific to the liability.

Some of the Company's assets may have provision obligations. As the Company expects to use the majority of its fixed assets for an indefinite period, no removal costs can be determined and, consequently, a reasonable estimate of the fair value of any asset retirement obligations has not been made at this time.



**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2017****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(o) Financial instruments*

Financial assets and financial liabilities are initially measured at fair value. Fair value is the amount for which an asset could be exchanged, or a liability settled, between knowledgeable, willing parties in an arm's length transaction. Transaction costs that are directly attributable to the acquisition or issue of financial assets and financial liabilities other than financial assets and financial liabilities at fair value through profit or loss ("FVTPL") are added to or deducted from the fair value of the financial assets or financial liabilities, as appropriate, on initial recognition. Transaction costs directly attributable to the acquisition of financial assets or financial liabilities at FVTPL are recognized immediately in profit or loss. Transactions to purchase or sell these items are recorded on the trade date. During the year, there has been no reclassification of financial instruments.

*Financial assets at fair value through profit or loss*

The Company has classified cash as a financial asset at fair value through profit or loss. Any gain/loss arising as a result of the difference between the carrying amount and fair value is recognized in total comprehensive income.

Financial instruments at fair value through profit or loss are subsequently measured at their fair value.

*Loans and receivables*

The Company has classified accounts receivable and due from related parties as loans and receivables.

Loans and receivables are subsequently measured at their amortized cost. Amortized cost is the amount at which the financial asset is measured at initial recognition less principal repayments, plus or minus the cumulative amortization using the effective interest method of any difference between that initial amount and the maturity amount, plus or minus any reduction for impairment or uncollectability. Net gains and losses arising from changes in fair value are recognized in total comprehensive income upon de-recognition or impairment.

*Financial liabilities measured at amortized cost*

The Company has classified accounts payable and accruals, and due to related parties as financial liabilities measured at amortized cost.

Financial liabilities measured at amortized cost are measured at their amortized cost subsequent to initial recognition. Amortized cost is the amount at which the financial liability is measured at initial recognition less principal repayments, plus or minus the cumulative amortization using the effective interest method of any difference between that initial amount and the maturity amount. Net gains and losses arising from changes in fair value are recognized in total comprehensive income upon de-recognition or impairment.

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2017**

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**3. SIGNIFICANT ACCOUNTING POLICIES, continued***(p) New Standards and interpretations not yet effective or adopted*

Effective for annual periods beginning on or after January 1, 2018

IFRS 9 Financial Instruments: Recognition and Measurement (new) – modifies IAS 39 eliminating categories and redefines gain and loss re-measurement.

IFRS 15 Revenue from Contracts with Customers: The core principle of the new standard is for companies to recognize revenue to depict the transfer of goods or services to customers in amounts that reflect the consideration to which the company expects to be entitled in exchange for those goods or services. The new standard contains enhanced disclosures about revenue and provides guidance for transactions that were not previously addressed comprehensively.

Effective for annual periods beginning on or after January 1, 2019

IFRS 9 Financial Instruments was amended by the IASB in October 2017. Amendments allow companies to measure particular pre-payable financial assets with so-called negative compensation at amortized cost or at fair value through other comprehensive income if a specified condition is met—instead of at fair value through profit or loss. Earlier application is permitted.

IFRS 16 replaces IAS 17 Leases and brings leases onto companies' balance sheets, increasing the visibility of their assets and liabilities. IFRS 16 removes the classification of leases as either operating or finance leases for the lessee treating all leases as finance leases. Short term and low value assets are exempt from these requirements.

The Company is currently assessing the impact that the standards will have on the statements.

**4. INVENTORIES**

Inventory recognized in cost of sales during the year amounted to \$12,893 (2016 - \$29,920).

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2017****5. PROPERTY, PLANT AND EQUIPMENT**

	Land and building \$	Distribution equipment \$	Transportation equipment \$	Office and other \$	Total \$
<b>Cost</b>					
At December 31, 2016	5,753,667	96,257,378	1,446,777	1,261,232	104,719,054
Additions	12,337	4,519,649	138,083	784,424	5,454,493
At December 31, 2017	5,766,004	100,777,027	1,584,860	2,045,656	110,173,547
<b>Amortization</b>					
At December 31, 2016	27,069	8,348,700	591,468	790,580	9,757,817
Additions	9,112	3,228,390	275,321	165,631	3,678,454
At December 31, 2017	36,181	11,577,090	866,789	956,211	13,436,271
<b>Net book value at December 31, 2017</b>	<b>5,729,823</b>	<b>89,199,937</b>	<b>718,071</b>	<b>1,089,445</b>	<b>96,737,276</b>
	Land and building \$	Distribution equipment \$	Transportation equipment \$	Office and other \$	Total \$
<b>Cost</b>					
At January 1, 2016	6,113,525	86,926,308	1,173,889	1,173,654	95,387,376
Additions	105,732	9,421,644	272,888	87,578	9,887,842
Disposals	(465,590)	(90,574)	-	-	(556,164)
At December 31, 2016	5,753,667	96,257,378	1,446,777	1,261,232	104,719,054
<b>Amortization</b>					
At January 1, 2016	17,986	5,326,961	379,120	587,545	6,311,612
Additions	9,083	3,072,161	212,348	203,035	3,496,627
Disposals	-	(50,422)	-	-	(50,422)
At December 31, 2016	27,069	8,348,700	591,468	790,580	9,757,817
<b>Net book value at December 31, 2016</b>	<b>5,726,598</b>	<b>87,908,678</b>	<b>855,309</b>	<b>470,652</b>	<b>94,961,237</b>

Included in distribution equipment additions is amortization expense of \$255,087.

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS**

For the year ended December 31, 2017

**6. INTANGIBLE ASSETS**

	Cost \$	Accumulated amortization \$	2017 Net book value \$
Computer software	1,413,910	753,635	660,275
Land rights	400,375	62,927	337,448
	1,814,285	816,562	997,723
	Cost \$	Accumulated amortization \$	2016 Net book value \$
Computer software	676,574	593,985	82,589
Land rights	400,358	47,188	353,170
	1,076,932	641,173	435,759

During the year, the Company had additions of \$737,353 (2016 - \$62,151) and amortization of \$175,389 (2016 - \$171,830).

**7. INCOME TAXES**

(a) The components of deferred income tax balances are as follows:

	2017 \$	2016 \$
Deferred income tax asset		
Tax basis of property, plant and equipment in excess of carrying amount	2,189,320	2,452,184
Reserves deductible when paid	277,651	232,275
Cumulative eligible capital available for tax purposes	-	217,596
	2,466,971	2,902,055

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS**

For the year ended December 31, 2017

**7. INCOME TAXES, continued**

	Opening balance at January 1, 2017 \$	Recognize in net income \$	Recognize in OCI \$	Closing balance at December 31, 2017 \$
<b>Deferred tax assets</b>				
Property, plant and equipment and cumulative eligible capital	2,669,781	(480,461)	-	2,189,320
Reserves deductible when paid	232,275	6,474	38,902	277,651
	2,902,055	(473,987)	38,902	2,466,971
			2017 \$	2016 \$
Deferred tax assets to be recovered after more than 12 months			2,466,971	2,902,055

- (b) The provision for income taxes recorded in the financial statements differs from the amount which would be obtained by applying the statutory income tax rate of 39.5% (2016 - 39.5%) to the income (loss) for the years as follows:

	2017 \$	2016 \$
Income (loss) for the year before income taxes	(1,447,267)	6,711,265
Net movement in regulatory deferral accounts	3,522,000	(2,425,884)
	2,074,733	4,285,381
Anticipated income tax	819,520	1,692,725
Tax effect of the following:		
Permanent expense differences	230,026	5,925
Other comprehensive income	(57,986)	(19,420)
General rate reduction	131,523	(552,658)
Impact of tax rate change and other	174,480	54,051
Provision for income taxes	1,297,563	1,180,623

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS**

For the year ended December 31, 2017

**8. REGULATORY DEFERRAL ACCOUNTS**

All amounts deferred as regulatory deferral account debit balances are subject to approval by the OEB. As such, amounts subject to deferral could be altered by the regulators. Remaining recovery periods are those expected and the actual recovery or settlement periods could differ based on OEB approval. Due to previous, existing or expected future regulatory articles or decisions, the Company has the following amounts expected to be recovered in future periods which are comprised of the following:

	Note	Remaining recovery/ reversal period (years)	December 31, 2016 \$	Net balances arising in the period \$	Recovered in the period \$	December 31, 2017 \$
<b>Regulatory deferral account debit</b>						
RSVA debit						
balance	i	A	2,951,323	3,522,000	(4,048,237)	2,425,086
Other	ii	A	93,250	(93,250)	-	-
Deferred tax						
debit						
balance	iii	A	121,308	2,069,994	-	2,191,302
			3,165,881	5,498,744	(4,048,237)	4,616,388
<b>Regulatory deferral account credit</b>						
RSVA credit						
balance	i	A	1,586,368	(1,586,368)	-	-
Recovery						
Account	iv	A	506,050	2,678	-	508,728
Other	ii	A	-	111,506	-	111,506
IFRS						
Conversion	v	1	7,452,145	(1,471,903)	1,668,588	7,648,830
Deferred tax						
credit						
balance	iii	A	-	521,340	-	521,340
			9,544,563	(2,422,747)	1,668,588	8,790,404

(A) These amounts are expected to reverse when the company submits their next cost of service filing which is anticipated to be within the next four years.

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS**

For the year ended December 31, 2017

**8. REGULATORY DEFERRAL ACCOUNTS, continued**

(i) RSVA variances represent the variances between the amounts charged by the company to its customers, and the amounts paid by the company to the Independent Electricity System Operator ("IESO") and Hydro One for the cost of energy. The settlement variances include network and connection service charges, energy sales and the global adjustment. The balance for settlement variances continue to be calculated and carrying charges are recorded on a monthly basis.

(ii) Other Deferral Accounts include debit and credit balances in other regulatory assets, including Lost Revenue Adjustment Mechanism variances, Smart Metering Entity Charge variances, Retail Cost variances, IFRS transition expenditures, payments in lieu of taxes and Smart Meter expenditures. The costs incurred in these deferral accounts have been captured for future recovery or settlement. Carrying charges are recorded monthly on the opening balances.

(iii) Deferred tax on the regulatory balances that will ultimately be recovered from/paid back to its customers.

(iv) Recovery Accounts are used to record the disposition of deferral and variance account balances that have been approved by the OEB. The variances are to be recovered or settled when the company submits their next Cost of Service filing.

(v) In 2012, the Company adjusted the estimated useful life related to the amortization period for certain capital assets, based upon the Ontario Energy Board's regulatory accounting direction as contained in the revised 2012 Accounting Procedures Handbook for Electricity Distributors. As a result of OEB direction related to the settlement of these amounts, the company has recorded a payable in the deferral account of \$7,648,830 (2016 - \$7,452,145).

In 2017, the Company was approved through its annual Incentive Regulation Mechanism (IRM) application to the OEB for the settlement of the 2015 balance. The Company is expected to have the remainder of the balance approved for settlement through their 2018 IRM and the amount will be refunding its respective customers by class over a one year period. This balance also includes \$611,972 of carrying charges based on the Company's weighted average cost of capital.

**9. ACCOUNTS PAYABLE AND ACCRUED LIABILITIES**

	2017	2016
	\$	\$
Accounts payable - purchased power	5,201,533	7,568,563
Other trade accounts payable and accrued liabilities	3,239,529	3,816,859
Water and sewer billings payable (note 14)	2,606,698	2,002,034
Credits on customer accounts	1,482,348	762,862
Conservation demand management programs	293,380	314,374
	12,823,488	14,464,692

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS**

For the year ended December 31, 2017

**10. LONG-TERM DEBT**

	2017 \$	2016 \$
Note payable, 5.48% - Town of Newmarket	22,000,000	22,000,000
Note payable, 5.48% - Township of Tay	1,742,821	1,742,821
Bank loan payable, 2.44% fixed rate, payable in blended monthly payments of \$65,742	5,733,071	6,374,255
	29,475,892	30,117,076
Less principal payments due within one year	657,006	641,184
Due beyond one year	28,818,886	29,475,892
Estimated principal repayments are as follows:		
		\$
2018		657,006
2019		673,217
2020		4,402,848
Unspecified (A)		23,742,821
		29,475,892

(A) The notes payable are unsecured and have no specific terms of repayment. Since the holders of the notes have confirmed they will not request repayment of this amount during the next fiscal year, these amounts have been classified as a non-current liability in the accompanying financial statements.

The bank loan payable is a 5 year term loan due December 10, 2020 with a payment due at maturity of \$3,771,150. To reduce exposure to interest rate fluctuations, the Company has entered into an interest rate swap where they pay a fixed interest rate over of the term of the loan.

**11. DEPOSITS HELD**

Deposits held represent cash deposits from electricity distribution customers and retailers, as well as construction deposits.

Deposits from electricity distribution customers are refundable to customers demonstrating an acceptable level of credit risk as determined by the Company in accordance with policies set out by the OEB or upon termination of their electricity distribution service.

Construction Deposits represent cash payments from developers in order to secure the performance of the developer's obligations under the Construction Agreement for Expansion Facilities and Connection Assets Supplied by Developer - Residential Subdivision (The Construction Agreement).



**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2017****11. DEPOSITS HELD, continued**

Upon commissioning of the Expansion Facilities and upon payment by the developer of all fees associated with the installation, inspection, testing and commissioning of work done by the Company, the Company may reduce the deposit to 10% of financial guarantee. The remaining letter of credit will be held for a two year period to cover any defects arising from the work done by the developer and its contractor.

	December 31, 2017 \$	December 31, 2016 \$
Current portion of customer deposits	498,000	690,000
Customer deposits	2,322,251	2,022,758
Construction deposits	1,020,908	294,720
	3,343,159	2,317,478

**12. CONTRIBUTED CAPITAL**

	December 31, 2017 \$	December 31, 2016 \$
Deferred contributions, net, beginning of year	30,660,427	24,821,517
Contributed capital received	1,405,507	6,438,453
Contributed capital recognized as revenue (note 16)	(707,028)	(599,543)
	31,358,906	30,660,427

**13. EMPLOYEE FUTURE BENEFITS**

The Company provides certain health, dental and life insurance benefits for retired employees pursuant to the Company's policy. The accrued benefit obligation and net periodic expense for the year were determined by an actuarial valuation. The most recent valuation was performed for December 31, 2017.

Information about the Company's defined benefit plan is as follows:

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS**

For the year ended December 31, 2017

**13. EMPLOYEE FUTURE BENEFITS, continued**

	2017 \$	2016 \$
Accrued benefit obligation, beginning of year	876,508	813,117
Current service cost	38,200	30,900
Interest expense	33,300	33,877
Benefits paid	(47,079)	(50,549)
Actuarial loss	146,800	49,163
	<b>1,047,729</b>	<b>876,508</b>

Current service costs and interest on accrued benefit obligation are recognized in the statement of income. Actuarial losses arising from changes in financial assumptions are accounted for in other comprehensive income. The total benefit costs for the year is \$218,300 (2016 - \$113,940).

The actuarial assumptions used in the valuation are the discount rate of 3.4% (2016 - 3.9%), salary increase rate of 2.8% (2016 - 2.5%), cost trend including health benefits of 6.20% (2016 - 5.75%) and dental benefits 4.5% (2016 - 4.5%) and retirement age of 65 (2016 - 61). The health benefits are expected to decrease at 0.25% per year until 2023 when it reaches 4.50% and dental benefits will remain at 4.50% to 2023.

The impact of a change in the actuarial assumptions would have the following impact on the obligation:

	Reasonable possible change	Defined benefit obligation change \$	Difference \$	Difference %
Discount rate	+1%	918,400	(129,300)	(12)
Discount rate	-1%	1,214,000	166,300	16
Cost trends	+1%	1,082,700	35,000	3
Cost trends	-1%	1,015,600	(32,100)	(3)

**14. RELATED PARTY TRANSACTIONS AND ADVANCES FROM PARENT COMPANY**

- (a) The Company entered into transactions with its majority parent, Newmarket Hydro Holdings Inc. (NHHI) and with The Town of Newmarket which is the sole shareholder of Newmarket Hydro Holdings Inc. Revenue charged during the year included energy, street light capital and street light maintenance charged at commercial rates to the Town of Newmarket.

Included in accounts payable (note 9) are water and sewer amounts collected which are due to the Town. These amounts are collected and remitted in accordance with a contract with URB Olameter and remitted on their behalf.

Included in long-term debt (note 10) are notes payable to related parties.

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS**

For the year ended December 31, 2017

**14. RELATED PARTY TRANSACTIONS, continued****(b) Transactions**

These transactions are measured at the exchange amount, which is the amount of consideration established and agreed to by the related parties.

	2017	2016
	\$	\$
Revenue		
Energy sales	2,035,574	3,146,105
Services - Street light capital	25,770	25,491
Services - Street light maintenance	59,268	52,452
	<u>2,120,612</u>	<u>3,224,048</u>
Expenses		
Interest	1,205,600	1,205,600
Rent and property tax	424,988	409,040
	<u>1,630,588</u>	<u>1,614,640</u>

**(c) The following amount is due from the Town of Newmarket and included in the financial statements:**

	2017	2016
	\$	\$
Accounts receivable	<u>310,627</u>	<u>343,581</u>

**(d) The following amount is due to the parent company:**

	2017	2016
	\$	\$
Newmarket Hydro Holdings Inc.	<u>2,636,879</u>	<u>2,553,645</u>

Advances from the parent company, Newmarket Hydro Holdings Inc. includes promissory notes in the amount of \$2,153,000 (2016 - \$2,153,000) which are due March 16, 2019. The remainder of the balance has no specific terms of repayment. As the parent company has confirmed they will not request repayment of this amount during the next fiscal year, the amount has been classified as a non-current liability in the financial statements.

The balances are unsecured and bear interest at the OEB deemed debt rate of 5.48% for 2017 (2016 - 5.48%).

The key management personnel of the Company has been defined as members of its board of directors and supervisory personnel. The compensation is comprised of director's fees, management salaries and wages, short-term employee benefits and post employment benefits totaling \$2,136,294 (2016 - \$1,824,148).

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS**

For the year ended December 31, 2017

**15. SHARE CAPITAL**

Authorized

Unlimited number of common shares

Issued

	2017	2016
	\$	\$
Common shares	27,140,206	27,140,206

**16. OTHER INCOME**

Other income consists of the following:

	2017	2016
	\$	\$
Account set up fees	121,290	134,914
Pole rentals	137,535	141,015
Collection charges	133,932	247,871
Recognition of contributed capital (note 12)	707,028	599,543
Other	120,187	166,796
	1,219,972	1,290,139

**17. OPERATING EXPENSES**

Operating expenses consist of the following:

	2017	2016
	\$	\$
Wages and benefits	5,240,562	4,740,253
Materials, equipment and other operating expenses	3,133,288	2,010,880
Administration and overhead	1,024,275	995,321
	9,398,125	7,746,454

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS**

For the year ended December 31, 2017

**18. FINANCE INCOME AND FINANCE COSTS**

Finance income recognized in net income consists of the following:

	2017	2016
	\$	\$
Interest income on accounts receivable	213,640	306,201
Income on cash balance	109,120	99,353
	322,760	405,554

Finance costs recognized in net income consists of the following:

	2017	2016
	\$	\$
Interest on long-term debt	1,569,558	1,589,377
Customer deposit interest	33,048	25,087
Gain on short-term investments	-	(52,741)
	1,602,606	1,561,723

**19. CHANGE IN NON-CASH WORKING CAPITAL ITEMS**

	2017	2016
	\$	\$
Decrease in short-term investments	-	3,410,393
Decrease (increase) in accounts receivable	2,183,428	(4,891,568)
Decrease in inventories	16,195	238,208
Decrease in prepaid expenses	201,361	9,092
Decrease (increase) in unbilled revenue	2,599,487	(1,528,351)
Increase (decrease) in accounts payable and accrued liabilities	(1,641,204)	3,217,535
Increase (decrease) in deposits held	833,681	(181,786)
Interest received	322,760	405,554
Taxes paid	(1,500,000)	(1,800,000)
Taxes received	1,188,748	691,360
	4,204,456	(429,563)

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2017****20. SHORT TERM CREDIT FACILITIES**

The Company has \$4,000,000 available in operating facilities from a major chartered bank. The facilities include a 364 day revolving operating loan, bearing interest at prime plus 0.5%, to be repaid within one year from date of acquisition unless extended by the bank. A commitment fee of 0.125% per annum, payable quarterly applies to any unused portion of the facility. As at December 31, the Company has no balance outstanding (2016 - Nil) on this facility. The operating loan includes restrictive clauses with respect to repayment.

The Company has provided prudential support in the amount of \$2,765,940 to the Independent Electricity System Operator. The prudential support is secured by a letter of credit with a major chartered bank for \$2,765,940, contains restrictive clauses with respect to debt repayments and bears interest at 0.5% per annum.

A general security agreement covering all assets of the Company and assignment of business/liability insurance has been pledged as security for the operating facilities. At December 31, 2017, the Company was in compliance with all covenants.

**21. PENSION AGREEMENT**

The Company makes contributions to the Ontario Municipal Employees' Retirement Fund (O.M.E.R.S.), which is a multi-employer plan, on behalf of its employees. The plan is a defined benefit plan which specifies the amount of retirement benefits to be received by the employees based on the length of service and rates of pay.

The amount contributed to O.M.E.R.S. for the year ended was \$423,036 (2016 - \$410,721).

**22. CAPITAL DISCLOSURES**

The Company's primary objective when managing capital is to address the expectations as provided in the Shareholder Agreement between the Company's parent company, Newmarket Hydro Holdings Inc. and its shareholder, the Town of Newmarket. The expectation is that the Company will maintain a prudent financial structure in order to safeguard the Company's assets and to provide adequate returns for its shareholders and benefits to the stakeholders.

Changes to the Company's capital structure are constrained by existing covenants contained in the banking agreement. The Company must maintain a maximum debt to capitalization ratio of 0.60 to 1 and maintain a debt service coverage ratio of 1.2. As at year end the Company is compliant with these covenants.

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2017**

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**23. FINANCIAL INSTRUMENTS**

Financial instruments consist of recorded amounts of cash, accounts receivable and unbilled revenue which will result in future cash receipts, as well as accounts payable and accrued liabilities, deposits held, advances from parent company and long-term debt which will result in future cash outflows.

The Company does not believe that it is exposed to significant foreign exchange risk.

The Company is exposed to the following risks in respect of certain financial instruments held:

**(a) Interest rate risk**

The Company manages exposure to interest rate risk through a combination of fixed and floating rate borrowings. Interest rate risk is the risk that the fair value or future cash flows of a financial instrument will fluctuate because of changes in market interest rates. The Company is exposed to interest rate cash flow risk to the extent that the floating rate credit facility bears interest at a floating rate. The Company is also exposed to interest rate price risk to the extent that loans bear interest at fixed rates and has entered into an interest rate swap arrangement to manage the impact of fluctuating interest rates on bank loan payable. The swaps require the periodic exchange of interest payments without the exchange of the notional principal amount on which the payments are based (notes 10 and 14).

**(b) Credit risk**

Financial assets carry credit risk that a counter-party will fail to discharge an obligation which would result in a financial loss. Financial assets held by the Company, such as accounts receivable, expose it to credit risk. The Company earns its revenue from a broad base of customers located in the service area. No single customer accounts for revenue in excess of 10% of total revenue.

The carrying amount of accounts receivable is reduced through the use of an allowance for impairment and the amount of related impairment loss is recognized in the statement of income. Subsequent recoveries of receivables previously provisioned are credited to the income statement. The balance of the allowance for impairment at December 31, 2017 is \$80,360 (2016 - \$92,132). The Company's credit risk associated with accounts receivable is primarily related to payments from distribution customers. The Company has approximately 28,000 customers, the majority of which are residential. Credit risk is managed through collection of security deposits from customers in accordance with directions provided by the OEB. As at December 31, 2017, the Company holds security deposits in the amount of \$3,841,159 (2016 - \$3,007,478). The Company's activities provide for a variety of financial risks, particularly credit risk, market risk and liquidity risk. The accounts receivable balance is expected to be fully repaid within 90 days excluding the allowance for doubtful accounts portion of the balance.

**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS**

For the year ended December 31, 2017

**23. FINANCIAL INSTRUMENTS, continued***(c) Liquidity risk*

The Company does have a liquidity risk in accounts payable and accrued liabilities of \$12,823,488 (2016 - \$14,464,695). Liquidity risk is the risk that the Company cannot repay its obligations when they become due to its creditors. The Company reduces its exposure to liquidity risk by ensuring that it documents when authorized payments become due; maintains an adequate line of credit to repay trade creditors and repays long-term debt interest and principal as they become due. In the opinion of management the liquidity risk exposure to the Company is low and is not material.

	Between 0 -3 Months \$	Between 4 - 12 months \$	Over 1 year \$
Accounts payable and accrued liabilities	12,823,488	-	-
Deposits held	125,000	373,000	3,343,159
Long-term debt	162,753	494,253	28,818,886
Employee future benefits	-	-	1,047,729
Advances from parent company	-	-	2,636,879
	13,111,241	867,253	35,846,653

**24. COMMITMENT**

The Company is in negotiations with the Town of Newmarket on a new lease agreement for the building which was not finalized as of the report date.

**25. CONTINGENT LIABILITIES**

(a) In the normal course of business, the Company enters into agreements that meet the definition of a guarantee. The guarantees include indemnities under lease agreements, purchase and sale agreements, confidentiality agreements, outsourcing, service and information agreements. The nature of these indemnification agreements prevents the Company from making a reasonable estimate of the maximum exposure due to the difficulties in assessing the amount of liability related to the likelihood and predictability of future events. Historically, the Company has not made any significant payments under similar indemnification agreements and therefore no amount has been accrued in the statement of financial position with respect to these agreements.

(b) Indemnity has been provided to all directors and/or officers of the Company for various items including, but not limited to, all costs to settle suits or actions due to association with the Company, subject to certain restrictions. The Company has purchased directors' and officers' liability insurance to mitigate the cost of any potential suits or actions. The amount of any potential future liability which exceeds the amount of insurance coverage cannot reasonably be determined.

(c) The Company participates with other municipal utilities in Ontario in an agreement to exchange reciprocal contracts of indemnity through the Municipal Electric Association Reciprocal Insurance Exchange. Under this agreement, the Company is contingently liable for additional assessments to the extent that premiums collected are not sufficient to cover actual losses, claims and costs experienced.



**NEWMARKET-TAY POWER DISTRIBUTION LTD.****NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2017**

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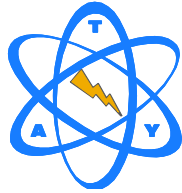
**26. REFUNDABLE DEPOSIT**

As at December 31, 2017, the Company has paid a \$1,000,000 fully refundable deposit relating to the potential purchase of shares of another Local Distribution Company. Negotiations are still on going and are expected to conclude in 2018.

**27. COMPARATIVE FIGURES**

The financial statements have been reclassified, where applicable, to conform to the presentation used in the current year. The changes do not affect prior year earnings.





590 Steven Court, Newmarket, Ontario L3Y 6Z2

Tel: [905] 895-2309

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**Newmarket-Tay Power Distribution Ltd.**

January 25, 2019

**Newmarket – Tay Power Distribution Ltd.  
Report of the President**

TO: Council of the Town of Newmarket

SUBJECT: Newmarket – Tay Power Distribution Ltd. Shareholders Agreement

ORIGIN: President, Newmarket – Tay Power Distribution Ltd.

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**RECOMMENDATION:**

**THAT the Newmarket – Tay Power Distribution Ltd. Report of the President dated January 25, 2019 regarding an amendment to the Shareholders Agreement between Tay Hydro Inc., Newmarket Hydro Holdings Inc., Newmarket – Tay Power Distribution Ltd., the Corporation of the Town of Newmarket and the Corporation of the Township of Tay be received and the following recommendation be adopted:**

**WHEREAS Article 3.03(1) of the Shareholders Agreement between Tay Hydro Inc., Newmarket Hydro Holdings Inc., Newmarket – Tay Power Distribution Ltd. (the “Corporation”), the Corporation of the Town of Newmarket and the Corporation of the Township of Tay (the “Agreement”) states:**

**“The board of directors of the Corporation shall consist of (7) directors, four (4) of whom shall be Non-Municipal Appointees, one (1) of whom shall be the Mayor of Tay, one (1) of whom shall be the Mayor of Newmarket, and one (1) of whom shall be the chief executive officer of the Corporation. The chair of the board of directors shall be a Non-Municipal Appointee designated by the other six (6) directors.”**

**AND WHEREAS the Township of Tay has requested that Article 3.03(1) be amended to allow for a designated sitting member of Council to be appointed to the board of directors in the Mayor’s place;**

**AND WHEREAS the Council of the Town of Newmarket is agreeable to this amendment;**

## Report of the President

Page 2 of 2

Newmarket – Tay Power Distribution Ltd. Shareholders Agreement

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**NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Town of Newmarket that Article 3.03(1) of the Agreement be amended to state:**

“The board of directors of the Corporation shall consist of seven (7) directors, four (4) of whom shall be Non-Municipal Appointees, one (1) of whom shall be the Mayor of Tay or a designated sitting member of the Council of the Township of Tay, one (1) of whom shall be the Mayor of Newmarket or a designated sitting member of the Council of the Town of Newmarket, and one (1) of whom shall be the chief executive officer of the Corporation. The chair of the board of directors shall be a Non-Municipal Appointee designated by the other six (6) directors.”



P.D. Ferguson, P.Eng.

President

Newmarket – Tay Power Distribution Ltd.



590 Steven Court, Newmarket, Ontario L3Y 6Z2

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## Newmarket Hydro Holdings Inc.

January 11, 2019

### Newmarket Hydro Holdings Inc. Report of the President

TO: Town of Newmarket Committee of the Whole

SUBJECT: Special Meeting of the Shareholders  
Appointment of the Inaugural Board of Directors  
Envi Networks Ltd.

ORIGIN: President, Newmarket Hydro Holdings Inc.

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#### RECOMMENDATIONS:

**THAT the Newmarket Hydro Holdings Inc. (the "Corporation") Report of the President dated January 11, 2019 regarding the inaugural board of directors of Envi Networks Ltd. ("Envi") be received and the following recommendations be adopted:**

**WHEREAS the Corporation of the Town of Newmarket (the "Sole Shareholder") is the sole shareholder of the Corporation;**

**AND WHEREAS the Sole Shareholder by a Shareholder Declaration dated November 1, 2000 appointed the Mayor as its legal representative for the purpose of communicating any shareholder consent or approval required by either the terms of the Shareholder Declaration or the *Business Corporations Act* (Ontario) (the "*OBCA*");**

**AND WHEREAS the Corporation owns a majority of the common shares of Envi;**

**AND WHEREAS pursuant to s.102(2) of the *OBCA* where a body corporate is the shareholder of a corporation the corporation shall recognize any individual properly authorized by the body corporate to represent it at meetings of shareholders of the corporation;**

**AND WHEREAS pursuant to s.104 of the *OBCA* a written resolution dealing with all the matters required to be dealt with at a shareholders meeting and signed by the shareholders entitled to vote at that meeting satisfies all requirements of the *OBCA* relating to that meeting of shareholders;**

**Newmarket Hydro Holdings Inc. Special Meeting of the Shareholders  
Appointment of the Inaugural Board of Directors – Envi Networks Ltd.**

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**NOW THEREFORE BE IT RESOLVED by the Municipal Council of the Corporation of the Town of Newmarket as follows:**

**THAT the Mayor, as the Sole Shareholder's legal representative, direct Esther Armchuk, the sole director and legal representative of the Corporation, to sign the following Envi shareholder resolution:**

THAT Ian Collins, Bob Kwapis, Jill Schatz and Tony Van Bynen are elected directors of Envi to hold office until the next annual meeting of shareholders or until their successors are elected or appointed.

**Background**

**Election of Directors – Envi Networks Ltd.**

Since its inception, Envi has been governed by a sole director, the President of Newmarket – Tay Power Distribution Ltd. ("NT Power") and the Corporation. As he cannot devote the time necessary to provide effective governance for Envi, it is necessary to appoint the inaugural board of directors at this time.

To assist the President in identifying candidates to act as directors for Envi, the board of directors of NT Power struck a Nominating Committee (the 'Committee'), consisting of chair R. Betts, and directors C. Prattas and D. Charleson to; with input from a professional recruiting firm and utilizing corporate governance best practices, provide a recommended list of appointees.

Working with the professional recruiting firm of Boyden, the President and the Committee recommend that the following individuals be appointed:

Ian Collins  
Jill Schatz  
Tony Van Bynen

In accordance with the Shareholders Agreement, the Town of Newmarket is to appoint one sitting member of Council to the board of Envi. The President understands that Councillor Bob Kwapis is to be appointed. The Shareholders Agreement also provides that the Town of Newmarket appoints the board of directors in its sole discretion

*[Original signed by]*

P.D. Ferguson P.Eng.  
President,  
Newmarket Hydro Holdings Inc.



Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

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## **Open-for-Business By-law (Bill 66) Staff Report**

Report Number: 2019-09

Department(s): Planning and Building Services

Author(s): Adrian Cammaert

Meeting Date: February 4, 2019

### **Recommendations**

1. That the report entitled Open-for-Business By-law (Bill 66) dated February 4, 2019 be received; and,
2. That the report entitled Open-for-Business By-law (Bill 66) dated February 4, 2019 be submitted to the province as feedback; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

Staff have significant environmental, social and human health concerns with the “open-for-business” planning by-law tool that forms Schedule 10 of the proposed Bill 66 legislation. If enacted by a municipality, this by-law would override important legislation and policy documents that have been established to protect the public interest. These overrides have the effect of not providing adequate information to professional planners and decision makers when assessing development applications, and as such, well-informed opinions cannot be rendered and the public interest is less likely to be served.

It is recommended that this report be submitted to the province as feedback. It is hoped that the province revise the draft legislation to address the concerns received during the consultation period, including those contained in this report.

## Purpose

The purpose of this report is to provide Council with information regarding Schedule 10 of the province's proposed Bill 66 "Restoring Ontario's Competitiveness Act, 2018", being the new "open-for-business" planning by-law tool.

## Background

On December 6, 2018, Bill 66, Restoring Ontario's Competitiveness Act, 2018, was announced by the province. The province describes this as an Act to restore Ontario's economic competitiveness by amending or repealing certain Acts in order to "eliminate red tape and burdensome regulations so businesses can grow, create and protect good jobs for the people of Ontario".

Bill 66 is an omnibus bill which proposes to amend or repeal a total of 12 separate, unrelated Acts and statutes. Of these, the amendments proposed to the Planning Act (known as the "open-for-business" planning by-law tool) that form Schedule 10 to the Bill will be discussed in this report.

The public review and commenting period for this Bill and "open-for-business" planning by-law tool was from December 6, 2018 to January 20, 2019. Notwithstanding that this consultation period has closed, it is being recommended that this report be submitted to the province as feedback.

## Discussion

### General

The proposed revisions to Section 34.1 of the Planning Act would allow municipalities to pass "open-for-business planning by-laws" (OFB BLs). The province's description of the regulation describes this as a type of zoning by-law which authorizes the use of land, buildings or structures for a specific employment purpose. It is intended to be an economic development tool that can be used by a municipality to act quickly to attract business seeking development sites.

The description of the regulation further suggests that an OFB BL will be limited to proposals for new major employment uses. This legislation is intended to be an economic development tool that removes certain employment development proposals from the regular suite of provincial planning policies.

The Province describes the proposed changes as follows:

*"The Schedule amends the Planning Act to add a new section 34.1, which allows local municipalities to pass open-for-business planning by-laws. These by-laws involve the exercise of a municipality's powers under section 34 of the Act and allow municipalities to impose one or more specified conditions. A municipality may pass an open-for-business*



*planning by-law only if it has received approval to do so in writing by the Minister and if criteria as may be prescribed are satisfied. Certain provisions of the Act and other Acts that would ordinarily apply to a by-law passed under section 34 do not apply to an open-for-business planning by-law.”*

The following constitutes the regular suite of provincial Acts/regulations to which a confirmed employment land use would not be applicable under an OFB BL:

<b>Act</b>	<b>Regulations not Applicable</b>	<b>What this means for an OFB BL</b>
<i>Planning Act, RSO, 1990</i>	Subsection 3(5)	An OFB BL need not be consistent with policy statements or conform to provincial plans.
	Section 24	An OFB BL need not to conform to an upper or lower tier Official Plan, as may be applicable.
	Section 36	An OFB BL is not affected by a holding by-law.
	Section 37	Bonusing is not permitted with respect to an OFB BL.
	Section 41	Site plan approval would not be required for development approved under an OFB BL.
<i>Clean Water Act, 2006</i>	Section 39	An OFB BL would be exempt from source water protection policies.
<i>Great Lakes Protection Act, 2015</i>	Section 20	An OFB BL would be exempt from conformity requirements.
<i>Greenbelt Act, 2005</i>	Section 7	An OFB BL need not conform with the Greenbelt Act.
<i>Lake Simcoe Protection Act, 2008</i>	Section 6	An OFB BL need not conform to or have regard to Lake Simcoe Protection Plan policies.
<i>Metrolinx Act, 2006</i>	Subsection 31.1(4)	An OFB BL need not be consistent with designated policies in a transportation planning policy statement.

<i>Oak Ridges Moraine Conservation Act, 2001</i>	Section 7	An OFB BL need not conform to the Oak Ridges Moraine Conservation Plan.
<i>Ontario Planning and Development Act, 1994</i>	Section 13	Such by-law may conflict with a development plan that is in effect. It also appears that where such by-law is in effect, public works need not conform to the development plan in effect.
<i>Places to Grow Act, 2005</i>	Subsection 14(1)	An OFB BL need not conform with the Growth Plan.
<i>Resource Recovery and Circular Economy Act, 2016</i>	Section 12	An OFB BL need not be consistent with applicable policy statements.

### **Employment Threshold & Total Population**

The proposed legislative changes include eligibility criteria for the applicability of the OFB BL, one of which being an employment number threshold for potential employment uses. In order for a proposed employment use to be considered under an OFB BL, it would have to generate a minimum number of jobs for the municipality. Specifically, there is a minimum job creation threshold of 50 jobs for municipalities with a population of less than 250,000, or 100 jobs for municipalities with a population of more than 250,000 people.

Given the above thresholds, in the case of Newmarket an OFB BL could be approved, if requested by Council, where a specific development application proposes a minimum of 50 jobs.

### **Process to Enact an OFB BL**

Should a local municipality wish to enact an OFB BL, it must request and obtain approval by the province. This approval is required through resolution and must be accompanied by the ‘prescribed information’. The prescribed information will be specified in regulations that are not yet released by the province, however the legislation states that such a request must include:

- details about the proposed employment opportunity;
- confirmation that it will be for a “new major employment use” (i.e. propose at least 50 jobs in the case of Newmarket); and
- confirmation that the proposed use does not include “residential, commercial or retail as the primary use”.

## **Staff's Initial Opinion**

Staff have completed a review of the proposed OFB BL tool and have identified various environmental, social and human health concerns, as noted below.

### **1) Non-applicability of planning legislation and policy documents**

*This presents environmental and social concerns.*

Currently, developments must demonstrate that they comply and are consistent with provincial policy statements (i.e. the Provincial Policy Statement, 2014), provincial plans (i.e. the Growth Plan for the Greater Golden Horseshoe, 2017), upper tier Official Plans (i.e. the York Region Official Plan), and lower tier Official Plans (i.e. the Town of Newmarket Official Plan).

The above noted legislation and policy documents represent the typical planning documentation under which development applications are regularly assessed. A professional planner completes an assessment of the application under this legislation and policy documents to determine if it is 'good planning' and therefore in the public interest.

Development under an OFB BL does not need to be consistent with or comply with these policies. In addition, such development would not need to obtain site plan approval. Therefore, the typical assessment by a professional planner cannot occur and the public interest is less likely to be served.

### **2) Non-applicability of the Greenbelt Plan and Oak Ridges Moraine Plan**

*This presents environmental and social concerns.*

The Greenbelt protects 1.8 million acres of environmentally sensitive and agricultural land. The Oak Ridges Moraine, which forms part of the Greenbelt, provides drinking water for over 250,000 people by filtering and storing water in aquifers. The moraine also provides the base flow for rivers and streams flowing to Lake Ontario and Lake Simcoe. Both the Greenbelt and Oak Ridges Moraine are protected by provincial policies, specifically the Greenbelt Plan and Oak Ridges Moraine Conservation Plan.

The Greenbelt and Oak Ridges Moraine also provide a social benefit. The passing of the first Greenbelt Plan in 2005 and the Oak Ridges Moraine Conservation Plan in 2002 has had effect of curbing extensive, low density, single use development (often referred to as 'sprawl') in favour of more intensive, mixed-use development in existing urban centres.

Development under an OFB BL would not need to conform with the Oak Ridges Moraine Conservation Plan or Greenbelt Plan and consequently, the environmental and social benefits that these policies provide would be reduced.

### **3) Non-applicability of source water protection legislation and policies**

*This presents environmental and human health concerns.*

Development under an OFB BL would not need to conform with Section 39 of the Clean Water Act. This Section of the Act requires planning decisions to: i) conform with significant threat policies and designated Great Lakes policies; and ii) have regard to other policies set out in a drinking water source protection plan. These requirements are intended to ensure the health of the drinking water. If this legislation is not applicable, public drinking water quality is less likely to be protected.

### **4) Reduction of public involvement**

*This presents a social concern.*

An OFB BL can be passed without the requirement to notify residents. Only a notice of passing is required to be circulated after the by-law has been approved. There are no appeal rights contained in the proposed OFB BL process.

In addition, the Planning Act currently requires landowners and/or the public at large to be circulated on planning applications and planning decisions. Members of the public provide key insight in development applications based on local knowledge and are often directly affected by a planning decision. However, as noted above, development applications under an OFB BL are not subject to planning legislation and policy document, and therefore local residents would not be advised of such a development.

The fact that no public notice is required prior to the passing of an OFB BL, coupled with the non-applicability of planning legislation and policy documents, public consultation is significantly reduced from the planning process for these developments.

The stated goal of Bill 66 is to “eliminate red tape and burdensome regulations so businesses can grow, create and protect good jobs for the people of Ontario” and ensure that municipalities can “act quickly to attract businesses seeking development sites”. Staff respectfully submit that the ‘red tape and burdensome regulations’ are important policies that serve to provide safeguards for the public and protect the public interest.

Further, staff believe that municipalities already have the tools necessary to expedite redevelopment. These tools can generally be described as best practices, and include aligning zoning with official plan designations, deferring development charges, prioritizing servicing allocation to certain areas, and establishing Community Improvement Plans. Having already completed the above noted measures, staff submit that Newmarket is already well-positioned to “act quickly to attract businesses seeking development sites”.

## **Status of Bill 66**

As of the date of this report's preparation, the Bill has only received First Reading at the Legislature (December 6, 2018). A Second Reading (debate) and Third Reading (vote) are required before the Bill received Royal Assent and becomes law. No timeline has been provided for these remaining steps.

## **Next Steps**

It is recommended that this report be submitted to the province as feedback. It is hoped that the province revises the draft legislation to address the feedback received through the consultation period, including those contained in this report.

Staff will monitor the Bill as it moves through the legislative process and provide updates to Council as more information becomes available.

## **Conclusion**

The legislation is intended to be an economic development tool for local municipalities, however, it undermines the planning process that has been expressly created to ensure that development applications are in the public interest. The draft legislation, as currently proposed, essentially sidesteps this established planning process.

Without having the benefit of assessing such development applications against the established planning legislation and policies, professional planners and decision makers cannot determine whether or not a proposed development would be in the public interest. As such, staff do not support draft Bill 66's OFB BL planning tool as currently proposed.

## **Business Plan and Strategic Plan Linkages**

Well-Respected:

- Being an active, influential political contributor in regional, provincial and federal affairs.

## **Consultation**

None.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

None.

## **Approval**

Adrian Cammaert, MCIP, RPP, CNU-A  
Senior Planner, Policy

Jason Unger, MCIP, RPP  
Assistant Director of Planning

Rick Nethery, MCIP, RPP  
Director of Planning & Building Services

Peter Noehammer, P. Eng.  
Commissioner of Development & Infrastructure Services

## **Contact**

Adrian Cammaert, Senior Policy Planner, [acammaert@newmarket.ca](mailto:acammaert@newmarket.ca)



# GEORGINA

## Council Resolution January 16, 2019

Moved by Councillor Neeson, Seconded by Councillor Harding

### **RESOLUTION NO. C-2019-0021**

WHEREAS the Provincial Government introduced Bill 66 entitled “Restoring Ontario’s Competitiveness Act” on the final day of sitting in the 2018 Ontario Legislature, December 6<sup>th</sup>, 2018 and;

WHEREAS significant concerns have been communicated regarding schedule 10, among other schedules contained therein by residents, community leaders, legal and environmental organizations such as the Canadian Environmental Law Association (CELA), EcoJustice, Environmental Defence Canada, Ontario Nature, South Lake Simcoe Naturalists, The Simcoe County Greenbelt Coalition, The David Suzuki Foundation, AWARE-Simcoe, Lake Simcoe Watch and the North Gwillimbury Forest Alliance that provisions within Bill 66 will weaken environmental protection, undermine democratic processes and potentially endanger public health and;

WHEREAS provisions of Bill 66 allow for an “Open for Business” bylaw, which may be approved without any public consultation of the citizens of the Town of Georgina and;

WHEREAS provisions of Bill 66 allow an “Open for Business Bylaw” which would permit major development in the Town of Georgina which most notably would no longer have to have any legislative regard for certain sections of:

- *The Planning Act*
- *The Provincial Policy Statement*
- *The Clean Water Act*
- *The Great Lakes Protection Act*
- *The Greenbelt Act*
- *The Lake Simcoe Protection Act*
- *The Oak Ridges Moraine Conservation Act and;*

WHEREAS the Town of Georgina remains committed to source water protection, *The Lake Simcoe Protection Act*, the integrity of the Greenbelt and it understands the benefits for protecting these features in support of our local economy and quality of life, and

WHEREAS notwithstanding the potential future adoption of Bill 66, that the Town of Georgina will continue to remain committed to making sound decision regarding resource and environmental preservation that remain consistent with the Clean Water Act, 2006, the Provincial Policy Statement and other legislative tools which provide for good planning, while balancing the need for economic development and providing environmental and public health protection;

NOW THEREFORE BE IT RESOLVED THAT the Town of Georgina strongly recommends that schedule 10 of Bill 66 be immediately abandoned or withdrawn by the Ontario Government and;

BE IT FURTHER RESOLVED THAT The Town of Georgina declares that notwithstanding the potential future adoption of Bill 66, the Town of Georgina's Council will not exercise the powers granted to it in schedule 10 or any successor schedules or sections to pass an "open for business planning bylaw" without a minimum of two (02) public meetings which shall be advertised twenty (20) days in advance in the Georgina Advocate or its successor, and also shall be advertised in any other local media resource that is widely available to the public in the Town of Georgina, by way of bylaw and;

BE IT FURTHER RESOLVED THAT staff be directed to draft such a bylaw for Council's consideration should Bill 66 be given royal assent and be given force and effect and;

BE IT FURTHER RESOLVED THAT the Town of Georgina requests the Province of Ontario to release draft criteria and draft regulations, and to provide a commenting period in advance of consideration by the legislature, and;

BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable Steve Clark, Minister of Municipal Affairs, Andrea Horwath, MPP and Leader of the Official Opposition and the Ontario NDP Party, MPP John Fraser, Interim Leader of the Ontario Liberal Party, MPP and Leader of the Green Party of Ontario, Mike Schreiner, the Honourable Caroline Mulroney, MPP York-Simcoe, Attorney General and Minister Responsible for Francophone Affairs and;

BE IT FURTHER RESOLVED THAT a copy of this motion be sent to the Association of Municipalities Ontario (AMO), all MPP's in the Province of Ontario and all Municipalities in Ontario for their consideration.

A recorded vote was requested; the Deputy Clerk recorded the vote as follows:

	<u>YEA</u>	<u>NAY</u>
Mayor Quirk	X	
Councillor Waddington		X
Councillor Neeson	X	
Councillor Sebo	X	
Councillor Harding	X	
Regional Councillor Grossi		X
Councillor Fellini	X	

Yea – 5    Nay - 2

**Carried.**





Town of Newmarket  
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## **175 Deerfield Road – Incentives for Affordable and Rental Housing Staff Report**

Report Number: 2019-12

Department(s): Planning and Building Services

Author(s): Ted Horton

Meeting Date: February 4, 2019

### **Recommendations**

1. That the report entitled 175 Deerfield Road – Incentives for Affordable and Rental Housing dated February 4, 2019 be received; and,
2. That Council approve the recommendations previously endorsed in Report 2018-61 to comply with the requirements of Section 275 of the Municipal Act; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to seek Council approval of the same recommendations that were presented in September 2018 through Report 2018-61. Due to the provisions of Section 275 of the *Municipal Act* which restricts certain actions of Council during the election period some of the adopted recommendations were a matter of support in principal only and to enact the recommendations it is required that Council provide final direction now that the election period and its associated restrictions have ended.

### **Background**

Council has approved the zoning by-law amendment for 175 Deerfield Road to permit a residential development comprised of three towers over two phases (two in phase one and the third in phase two).

Report 2018-61 laid out how the Town is able to guarantee purpose-built rental tenure for part of the development and condominium for one of the buildings whereas the Town typically has no ability to require certain tenure. Report 2018-61 also lays out how the Town can secure a number of units at an affordable price point to assist with Council's goal of expanding the supply of affordable housing units.

## **Discussion**

The proposed development at 175 Deerfield Road is a significant development in the town's Urban Centres Secondary Plan intensification area. The development will include three residential multi-unit buildings with units ranging from one to three bedrooms. Outdoor private amenity space is provided at-grade and through rooftop patio spaces, and the developer will convey to the Town lands and funds for parkland as required by the Parkland Dedication By-law and as previously discussed in approval reports. The site includes sufficient parking to comply with the requirements of the zoning by-law, and at a rate that exceeds the nearby recent development at 212 Davis Drive.

The development will contain three buildings with 482 dwelling units and mark a major step forward in the accomplishment of the goals of the Urban Centres Secondary Plan. The Town will receive lands for part of the future extension of Calgain Road and secure public rights-of-way over the roads internal to the site to improve pedestrian and vehicular connectivity.

As part of the recommendations to be ratified by this report, the applicant is proceeding to enroll the development in York Region's Sustainable Development Through LEED program which will require the development to meet stringent sustainability criteria. Through this program, the Town will receive a credit of 30 per cent of the servicing allocation units required for the development, which will allow greater development in the Centres & Corridors at a time of limited servicing allocation capacity.

Council has approved the zoning by-law amendment for the site and staff are processing the application for site plan approval. With Council's ratification of this previous decision staff will begin work to secure the benefits required as a condition of the approvals as laid out in Report 2018-61.

## **Conclusion**

Council has approved the zoning by-law amendment for 175 Deerfield Road, and endorsed in principle the incentives discussed in Report 2018-61. Subject to this final approval, the Town will secure the matters laid out in the previous report.

## **Business Plan and Strategic Plan Linkages**

Well Balanced

- Meeting the needs of all life-cycle stages

#### Well-equipped & managed

- Efficient management of capital assets and municipal services to meet existing and future operational demands
- Varied housing types, affordability and densities

#### Well planned & connected

- Long-term strategy matched with a short-term action plan
- Improving interconnectivity and interaction amongst neighbours and neighbourhoods

### **Consultation**

The zoning by-law amendment application was provided to the Town's review partners per standard practice. Notice was provided to persons and bodies as required by Ontario Regulation 545/06 of the Planning Act.

A statutory public meeting was held in April of 2018. Following this meeting a revised submission was provided to the Town in May of 2018, which was also circulated for review and provided for comment to members of the public who had provided comments. This report is a final ratification of previously-adopted recommendations.

### **Human Resource Considerations**

Not applicable.

### **Budget Impact**

The anticipated development charges, increased property tax revenues, and overall budgetary impacts are discussed in depth in Report 2018-61.

### **Attachments**

Report 2018-61.

### **Approval**

Ted Horton, Planner

Richard Nethery, Director, Planning and Building Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

### **Contact**

Ted Horton, Planner – [thorton@newmarket.ca](mailto:thorton@newmarket.ca)





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## **Incentives for Affordable and Rental Housing Staff Report**

Report Number: 2018-61

Department(s): Planning and Building Services

Author(s): Ted Horton, Planner

Meeting Date: September 17, 2018

### **Recommendations**

1. That the report entitled Incentives for Affordable and Rental Housing dated September 17, 2018 be received;
2. That staff be directed to amend the Official Plan to authorize the Town to participate in Community Improvement Plans implemented by the Regional Municipality of York and to bring such an amendment to an open house and statutory public meeting as required by the Planning Act;
3. That servicing allocation be provided as laid out in Attachment 1;
4. That the incentives presented in Attachment 1 be approved in principle, subject to the ratification by Council in 2019 where required and to the conditions presented for each;
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

Council has approved the zoning by-law amendment for 175 Deerfield Road to permit a residential development comprised of three towers over two phases (two in phase one and the third in phase two). The applicant has offered certain matters and community benefits. These would be secured in exchange for both (1) additional height and density as permitted by the Urban Centres Secondary Plan and (2) with certain financial incentives.

The matters and community benefits that the applicant has committed to providing are the following. First, they will allow the Town to guarantee two buildings as rental tenure to support the Town's objectives of increasing the supply of rental housing. Second, they will allow the Town to guarantee one building as a condominium tenure building to support Council's desire for a new condominium building. Third and subject to providing

a Tax Increment Equivalent Grant (TIEG), they will provide 19 units in one rental building and 13 in the other at a guaranteed affordable price, and have noted that all of the studio and one-bedroom units in the condominium building will be sold at a price that meets the affordable ownership threshold. Finally, as part of height and density bonusing the applicant will provide \$339,000 in community benefits in the form of cash or capital infrastructure to support parkland development in proximity to the site.

In further support of parkland development, the applicant will be required to obtain and convey additional park lands to the Town to satisfy the existing requirements of the parkland dedication by-law. The specifics of this are set out in the section “Parkland Dedication” later in this report.

To achieve this, this report recommends a 48-month deferral of half of fees to be paid for all buildings, to have Council agree to allow the payable development charges for the rental buildings to be ‘locked in’ at the current rate, and to provide a 10-year Tax Increment Equivalent Grant for the rental buildings. This report proposes that the condominium building be granted access to the “Strategic Condominium Reserve” created by Council through the Servicing Allocation Policy. This report also proposes to provide servicing allocation to the first two buildings of the development contingent on them participating in the Region’s LEED program which would cause the Town to receive a refund of 30% of the allocation required for the buildings, permitting the third building to also be constructed.

The 175 Deerfield Road application includes other matters that have been the subject of further inquiry from members of Council, which are discussed in this report. In particular, additional details related to affordable housing and social housing as was discussed at the most recent Committee of the Whole meeting are presented in the section “Affordable housing and social housing” under the “Affordable housing” section.

## **Purpose**

This report serves to provide recommendations to Committee of the Whole on the incentives requested as part of the application for zoning by-law amendment for 175 Deerfield Road (hereafter referred to as the subject lands) under Section 34 of the *Planning Act*.

This report builds on Planning Services Report 2018-17, which provided the initial comments on the application and Report 2018-52 of August 2018 in which Committee approved the Zoning By-law amendment application.

Report 2018-62 also on the agenda for this Committee meeting is a companion to this report. Report 2018-62 presents the amending Zoning By-law to secure community benefits, and should be read in conjunction with this report as the outcome of this report should determine Committee’s disposition of Report 2018-62.

## Background

Following the adoption of the Urban Centres Secondary Plan (UCSP), the Town has worked to encourage development on the Yonge Street and Davis Drive corridors. The Secondary Plan area constitutes the future of growth in Newmarket, the achievement of required growth under Regional and Provincial growth plans, the best opportunity for efficient growth patterns and transportation planning, and a source of increased property tax revenue. The Town is working to ‘market the corridors’ and entice development. Staff have worked collaboratively and flexibly with developers to make building in Newmarket an attractive proposition and demonstrate to property owners that the market demand for higher-density development in Newmarket is strong.

### Other relevant reports

- [Preliminary Report \(Item 7\)](#)
- [Recommendation Report](#)

Moreover, the Town has worked to achieve the important objectives of the UCSP in the various development applications – high quality buildings, attractive landscaping, providing parkland and open space, and achieving an increased supply of rental housing and affordable housing. Some of these objectives can be achieved collaboratively – property owners have an individual interest in having an attractive and well-designed site.

Other objectives may require incentives or requirements in order for them to be achieved – building affordable housing is inherently less profitable than market-rate housing, and is unlikely to ever be voluntarily provided by a private for-profit developer without significant incentives. In that sense, this report discusses a proposed development at 175 Deerfield Road and proposed financial incentives sought by the applicant, and should be understood in a context of encouraging development while seeking to achieve the objectives of the UCSP.

## Discussion

The Town has diverse objectives for the development of the Yonge Street and Davis Drive corridors, from redevelopment and intensification to a more walkable streetscape to sustainable development and high quality urban design, among others. Many of these objectives can be achieved through the requirements of typical processes under the *Planning Act* – zoning by-laws can control height and density and encourage a built form that supports walking, site plan processes can review urban design and layout, parkland dedication requirements can oblige developers to provide land or funds for parks.

Other objectives are more elusive, and may require the use of other tools to prioritize and facilitate developments that meet the Town’s objectives. For example, the Town has adopted objectives of encouraging increased rental housing supply – however, the Town cannot control the tenure (ownership model) of developments through zoning. Efforts to encourage one form or another of tenure thus require incentives for developers. Tenure

is discussed in more detail later in this report. Similarly, the Town has adopted policies to require the provision of affordable housing – however, the Town currently has few tools to control the price of dwelling units, whether rental or ownership. A third example is that the Town has adopted sustainability objectives that new developments exceed the energy and water efficiency standards of the Ontario Building Code – however, the Town cannot mandate standards greater than the Code, although developers may voluntarily exceed them.

In the pursuit of objectives that cannot be secured through standard planning practices, the Town may need to employ other incentives. This report addresses incentives that are sought by the 175 Deerfield Road Zoning By-law amendment application to encourage the development, ensure viability, and provide matters and community benefits that may otherwise not be achieved.

This report discusses (1) recent incentive initiatives, (2) the state of rental housing in Newmarket, (3) affordable housing and how it works, (4) eligibility and long-term maintenance of affordability, (5) the incentives that are specifically requested as part of the 175 Deerfield Road application, and (6) recommendations on the requested incentives.

## **Recent incentive initiatives**

The Town has employed a number of incentive programs to support redevelopment and investment. These have supported investments and development principally in the Main Street South and UCSP areas.

### **Town initiatives**

The “Town of Newmarket Policy for Deferral of Payment of Development Charges and Planning Application Fees in the Yonge/Davis and Regional Healthcare Urban Centres” was adopted in 2012 and allowed for the deferral of development charges (“DCs”) for high-rise mixed-use residential and high-rise office development for up to 18 months. The policy required a letter of credit (“LC”) for the full value of the deferral. An ‘enhanced’ version of the deferral was also provided, which deferred all Town DCs and 50% of *Planning Act* application fees for 18 months without requiring an LC, provided that the development meet a range of stringent criteria related to sustainability and affordability. No development application ever employed the Policy as it was adopted by Council, though 212 Davis Drive received an expanded set of incentives as is discussed later in this report.

In May of 2018 Council adopted an updated version of the policy titled “Policy for the Deferral of Payment of Development Charges & Planning Application Fees within the Urban Centres”. The updated policy also provides for a ‘standard’ and an ‘enhanced’ approach. The standard approach now provides a 36-month deferral of all Town DCs secured by an LC. The enhanced approach now provides a 48-month deferral of all Town DCs and 50% of *Planning Act* application fees, provided that the development



meet a set of criteria including LEED certification, providing affordable housing in residential developments, and meeting all development standards of the Site Plan Approval Process Manual. To date, no development applications have employed the Policy.

### **York Region initiatives**

York Region has adopted a “Development Charge Deferral for Purpose-Built High Density Rental Buildings” to allow developers of purpose-built high density rental buildings to defer the Regional development charges for a period of 36 months. The Regional program requires the building to be a minimum of 4 storeys in height, to guarantee the rental tenure of the building for no fewer than 20 years, and that the local municipality offer equal or greater incentives.

York Region has also recently endorsed the “Draft Rental Housing Incentives Guideline and Community Improvement Plan”. This guideline and plan proposes to offer additional incentives as part of an effort to encourage private purpose-built rental housing supply for mid-range income households. This would assist in the creation of rental units that are greater in price than affordable units (which are restricted to 125% of average market rent) and support the creation of mid-range income units (which would be restricted to 175% of average market rent).

The new Regional guideline and plan, once approved by Regional Council in 2019, would provide for a 48-month deferral of Regional development application fees (in addition to the 36-month DC deferral for purpose-built high-density rental buildings), as well as a Tax Increment Equivalent Grant (TIEG) for the Regional portion of property taxes for up to 5 years.

A TIEG is an annual grant equal to all or a portion of the property tax increase (increment) following the completion of a project that has resulted in an increase in the assessed value of the property. In effect, the increase in property tax that occurs due to the increased value of the development is phased in over a period of time as the municipality “grants back” a diminishing portion of the increase each year. The Guideline incorporates a five year TIEG with a grant for 80 per cent of the tax increment in year one, reduced by 20 per cent a year to full taxes paid in year five.

A TIEG can only be implemented through the use of a Community Improvement Plan (CIP). CIPs are authorized under Section 28 of the *Planning Act* and provide for a broad ability for municipalities to provide grants or loans in conformity with the policies of the Plan. To date the Town has adopted a CIP for the Main Street area, but has no CIP that would enable grants in any other part of Newmarket. Regional Council has directed Region staff to implement a CIP that would enable the provision of the incentives of the “Draft Rental Housing Incentives Guideline and Community Improvement Plan”, namely the TIEG.

Legal information obtained to date from the Ministry of Municipal Affairs and Housing through Regional staff indicates that the Town would not be obliged to adopt a separate

CIP in order to participate in the program and would be able to take advantage of the Region's CIP to offer incentives for the same purposes. However, in order to do this the Town would be obliged to amend its Official Plan in order to be able to participate in the CIP of the upper-tier municipality as this is specifically required by Section 28 (7.2) of the *Planning Act*. This opportunity for an upper- or lower-tier municipality to participate in the CIP of the other was implemented in an amendment to the *Planning Act* in 2006, the year that the Town's Official Plan was adopted. At the same time, a requirement for an Official Plan policy authorizing such participation was also implemented in the *Act*. For example, the York Region Official Plan reads (emphasis added):

**8.3.6** To use the Community Improvement provisions of the Planning Act to implement the policies of this Plan. In doing so, the Region may:

- a.** designate any part of the Region as a Community Improvement Project Area;
- b.** enact a Regional Community Improvement Plan that utilizes incentive programs including making grants or loans within the Community Improvement Plan Area either to registered property owners or to local municipalities; and,
- c. participate in a Community Improvement Plan of a local municipality.**

If Council adopts the recommendations of this report, it will authorize staff to begin the Official Plan Amendment process to implement a similar policy in the Town's Official Plan, either through a standalone amendment or as part of a larger Official Plan Amendment or review. Actual participation in any CIP would require further Council approvals.

The Town has also engaged in unique incentive programs for individual developments to ensure development viability and support the objectives of the Official Plan and Urban Centres Secondary Plan. These have included incentives for the Renessa retirement home on Gorham Street and the purpose-built rental development at 212 Davis Drive. More recently, Council has agreed to waive building permit and planning application fees for 514 Davis Drive and to defer development charges for 36 months.

## Rental housing

Newmarket has an insufficient supply of rental housing. Rental vacancy rates in the past two decades have hovered between 0.7% in 2001 to 1.6% in 2012 and 1.3% in 2017, well below the 3% that is generally regarded as an



indicator of a healthy market.<sup>1</sup>

This section will present (1) the current status of the rental market in Newmarket, (2) trends in the tenure of developments in Newmarket, (3) the importance of rental housing for economic development, and (4) a rationale for why rental housing may require different considerations than condominium developments. Through this information, Committee may consider the merits of the requested incentives to facilitate the proposed rental residential development.

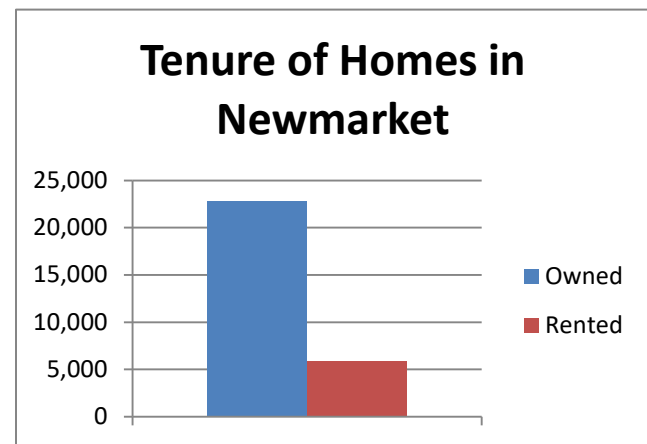
### Current status of rental housing in Newmarket

Newmarket has 5,875 renter households, compared to 22,795 ownership households. Much of Newmarket's rental stock is provided by small-scale private rentals. These include renting an entire home, an accessory dwelling unit (ADU), a unit within a low-rise development such as a duplex or triplex, or a room within a home. The Town's registry of ADUs includes 1,340 units.

Higher-density residential developments provide a relatively small number of rental units. Located principally on Lorne Avenue, Huron Heights, and Crossland Gate, Newmarket's larger purpose-built rental buildings provide approximately 500 dwelling units.

Conversely, Newmarket has more high-density condominiums than it does high-density rental units. While of a similar age to rental buildings, condominiums in Newmarket are concentrated on Davis Drive west of Lorne Avenue and on William Roe Boulevard. There are approximately 600 condominium units in these developments.

While ADUs and small-scale private rentals provide an important supply of rental housing, this housing stock is inherently less stable than purpose-built rentals.<sup>2</sup> Tenancy legislation in Ontario permits landlords to require a tenant to vacate a unit for the landlord's own use, and no rental protections of the Residential Tenancies Act (RTA) are available to tenants who share a kitchen or bathroom with the property owner. Purpose-built rental buildings tend to offer greater security of tenure and stability for tenants.<sup>3</sup> This is discussed in a report by the Ryerson University City Building Institute:



<sup>1</sup> CMHC, Rental Market Reports

<sup>2</sup> Ryerson City Building Institute: Getting to 8,000

<sup>3</sup> Ontario Rental Market Study: Measuring the Supply Gap

This recent shift towards condominium rentals is troublesome. Units in the secondary market, including condos, are more susceptible to evictions based on the “landlord’s own use” provision: tenants in secondary units can be evicted if the owner decides to move into the unit or if the unit is sold to a new owner who plans to occupy the unit. Potential units provided through the secondary market, such as new condos, can also be placed on the short-term rental market or may be intentionally left vacant.

Secondary rental units (not purpose-built rental) are an important element of the rental market that contributes to flexible housing options. However, it is important that the Town support the development of purpose-built rental housing that provides for stable housing for Newmarket residents.

### **Trends in housing development**

The need for rental housing in Newmarket has not been met, as is evidenced by vacancy rates below those that indicate a healthy rental market. Recent applications suggest that there is increased interest in new rental developments for the first time in many years. However, key indicators of the strength of the housing system in Newmarket show that rental remains undersupplied, ownership housing continues to be the dominant tenure, and ongoing efforts are needed to support rental development.

The stock of ownership housing units has continued to outpace rental by a significant margin. Virtually all significant developments in Newmarket in the past decade have been ownership-tenure housing. This includes applications that were proposed and not built, applications that are in progress, and completed developments.

These include the following, as a non-exhaustive list of ownership-tenure developments that have been proposed or are underway:

<b>Development</b>	<b>Unit Composition</b>
<b>345-351 Davis Drive</b>	40 townhouse units
<b>Marianneville (Glenway)</b>	209 detached, 235 townhouse, and 298 apartment units
<b>National homes</b>	142 single detached units
<b>Forest Green</b>	350 townhouse units
<b>995/955 Mulock Drive</b>	73 townhouse units
<b>Sundial</b>	82 detached, 40 semi-detached, and 529 townhouse units
<b>King George School</b>	11 apartment and 14 townhouse units
<b>Shining Hill</b>	12 detached, 10 semi-detached, 162 townhouse units

**260 Eagle Street**

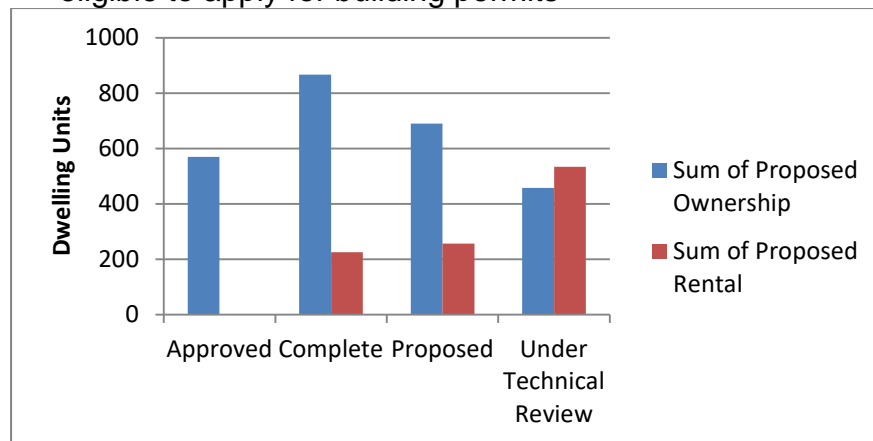
27 townhouse units

**400 Park Avenue**

11 apartment units and 14 townhouse units

The data clearly shows that (1) the majority of homes in Newmarket are owned, (2) the majority of homes being built in Newmarket will be owned, (3) the majority of homes proposed in Newmarket will be owned. The figure below illustrates this, showing recent Planning Act applications as follows:

- Approved – Zoning By-law amendment approved
- Proposed – Zoning By-law amendment under review
- Under Technical Review - Zoning By-law amendment approved, site plan/subdivision application under review
- Complete – Planning approval process complete, project under construction or eligible to apply for building permits



### Increased rental housing supports economic development

Increased rental housing stock supports the Town's economic development goals by allowing local businesses to attract employees to a diverse and high-quality stock of housing. It has been anecdotally expressed to the Town by a number of employers that their employees have found it challenging to meet their housing needs and that additional rental housing would assist with meeting this need. As was reported in the Toronto Region Board of Trade, which includes employers across the GTHA, "Limited access to affordable and desirable housing affects our region's ability to attract and retain a world-class workforce. Astonishingly, 42% of the young professionals the Board surveyed said they were likely to leave the region because of the high cost of housing."

Rental housing provides housing for a wide range of demographics from young professionals to downsizing seniors, and supports the employee-

The rental sector plays a critically important role in Canada's housing system. Reflecting transitions in life, many tenants are young, creating new tenant households when they leave the family home. Others are older, seeking apartment living when they no longer need or want to maintain larger family homes. Similarly, immigrant households, a critical component of labour market supply, initially rent before they transition to ownership.

—Federation of Canadian Municipalities

attraction efforts of a range of employers from high-tech workers to medium-term contract professionals such as nurses and doctors. The Town supports increased development focused on the Yonge Street and Davis Drive corridors, and increased rental supply and diversification of type and tenure of housing options are important elements of that intensification

### **Effects of lack of rental housing**

The Ryerson City Building Institute and Evergreen report succinctly describes the critical role that rental housing plays in ensuring that municipalities have a housing system that meets the needs of all residents.

Not providing enough rental housing contributes to negative effects on the social and economic wellbeing of a community. Without sufficient rental supply, businesses may struggle to attract employees while seniors and young adults leave communities in search of housing that meets their needs.

A lack of rental housing may push households into home-ownership that is too expensive for them or choose to rent housing that is more than 30% of their income. This results in less spending elsewhere in the economy, including on essentials like food and heating.

The relationship between rental and ownership is also a factor. Empty nesters, who are over-housed in a hot real estate market, are unable to find suitable down-sizing opportunities in their neighbourhoods, such as rental housing or smaller units. This causes them to continue occupying detached or semi-detached homes that would otherwise become available if appropriate and affordable downsizing opportunities existed in the area. More affordable rental options can help households move from more precarious housing situations such emergency shelters and transitional housing into longer- term options.<sup>4</sup>

In short, rental housing plays a critical role in meeting the needs of Newmarket's residents. Rental housing provides choice for residents at each stage of life, reduces dependency on government housing supports, and supports businesses attracting talented employees.

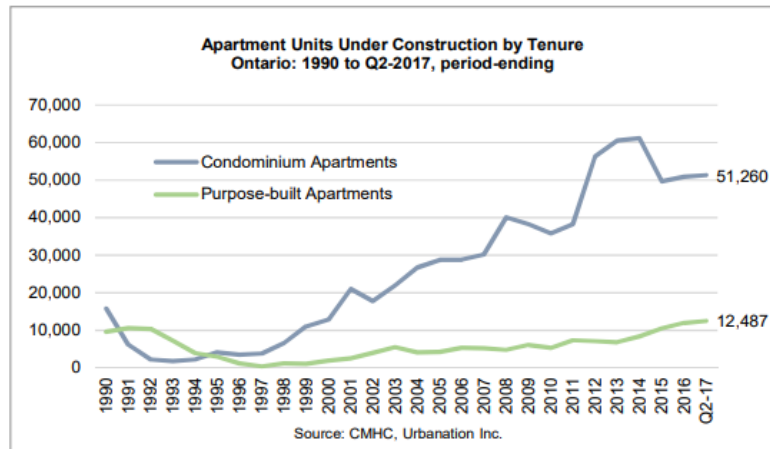
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<sup>4</sup> Ryerson City Building Institute: Getting to 8,000

## Why rental housing may require incentives

Financial data from the applicant combined with staff analysis indicate that developing purpose-built rental is typically more difficult than similar developments in condominium tenure.

The effect of this difference is evident in the tenure of developments that have taken place across Ontario in recent decades. Data from the Canada Mortgage and Housing Corporation (CMHC) indicated in the figure at right shows the development of condominium apartments vastly outstripping purpose-built rental apartments.



**Apartment construction rates 1990-2017**

This trend has led to declining rental vacancy rates, increasing rents, and an increasing proportion of condominium units being leased as rental units, which provides housing that is inherently less stable than purpose-built rental, as discussed earlier in this report.

In addition to rental housing being more difficult to develop than condominium units, developing residential rental units that meet the Town's affordable housing targets is more difficult yet. The current affordable rental threshold, which is set at 125% of the average of market rents of buildings built since 1990, is \$1,496 per month. Market rent for newly-built rental buildings is typically well in excess of this threshold.

Fundamental market trends that have led to the growth of the condominium developments far more quickly than rental development continue to shape the development market. These are well explained by the Ryerson City Building Institute in their report on rental and condominium market forces, in which they explain why condominiums are generally preferred by developers:

- Condos generate faster returns than rental buildings
  - Many developers prefer to build condos due to the ability to receive a return on investment more quickly than from a rental development. Profits come from sales, which means that when a building is occupied the developer can walk away.
- Financing is easier to obtain for condo projects
  - Developers have to put less of their own financing into a condominium project than a rental project, as pre-sales and deposits provide an



additional source of revenue. This reduces borrowing costs and financial risk for the developer.<sup>5</sup>

Notwithstanding that there has been an observed increase in interest in rental development in the recent past, the fundamental economic forces that have caused the increase in condominium development over the past twenty years have not shifted significantly. Condominium developments are inherently easier for developers, and thus encouraging rental development may require incentives to achieve a balanced housing supply.

### **Rental housing conclusion**

In short, Newmarket's housing supply is undersupplied by rental-tenure housing. Ongoing trends show that ownership-tenure housing will continue to be the dominant sector of the market for the foreseeable future. Rental-tenure developments tend to be more challenging to achieve economic viability. The lack of rental housing has detrimental effects on Newmarket residents.

### **Affordable housing**

The York Region Official Plan (YROP) requires that 35% of new dwelling units in Regional Centres such as the Yonge Street and Davis Drive Provincial Growth Centre, and 25% of new dwelling units in the rest of the region, be affordable to low and moderate-income households. The Urban Centres Secondary Plan (UCSP), which is required to conform to the YROP, implements the same policy in Newmarket. This section of the report will discuss (1) affordable housing and how it is defined, (2) how affordable housing units can be secured, (3) a brief synopsis of why affordable housing is necessary, and (4) the difference between affordable housing and social housing.

### **Affordability threshold**

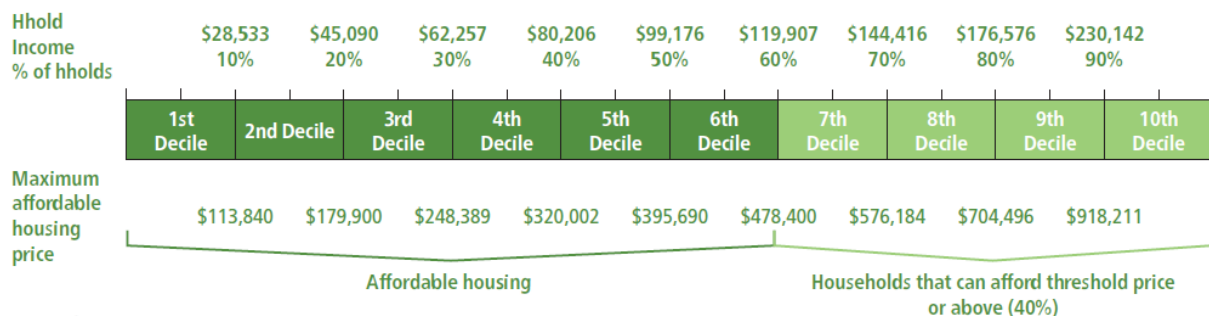
Units are deemed to be affordable if they are rented or sold at a price that meets the Region's annual thresholds. Different thresholds are applicable to ownership-tenure and rental-tenure dwelling units. The affordable threshold for ownership is the maximum price that households in the sixth decile of income distribution of households can afford to pay (see the figure below). In Newmarket, the affordable ownership threshold is \$471,539. For comparative purposes, the average price of a home sold in July of 2018 was \$775,436.

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<sup>5</sup> Ryerson City-Building Institute: Getting to 8,000



York Region Household Income Distribution and Affordable Ownership Thresholds, 2017



Source: York Region Planning and Economic Development, 2018.

Based on Statistics Canada, Bank of Canada and Canada Mortgage and Housing Corporation data.

Regional Council recently endorsed changes that would redefine rental affordability from 125% of the Average Market Rent (AMR), to 125% AMR based on the number of bedrooms. The current thresholds are indicated in the right hand column below.

	Average Market Rent	125% of AMR
<b>Studio</b>	\$892	\$1115
<b>1 Bedroom</b>	\$1170	\$1463
<b>2 Bedroom</b>	\$1346	\$1683
<b>3+ Bedroom</b>	\$1526	\$1908

### How affordable units can be achieved

As is noted above, the Town currently has few tools to control the price of dwelling units. In order for affordable housing policies to be achieved, the Town must employ its tools under the *Municipal Act* and *Planning Act* to either persuade or mandate developers to provide affordable housing units. The tools that the Town can employ to secure affordable housing units fall into three categories: (1) height and density bonusing under Section 37 of the *Planning Act*, (2) inclusionary zoning, and (3) incentives.

**Section 37** of the *Planning Act* authorizes municipalities to permit increases in height and density in exchange for certain community benefits or cash-in-lieu of the same. Height and density bonusing is a planning tool and thus must be exercised in a manner that conforms to the UCSP, YROP, and applicable provincial policies. Council has adopted the Height and Density Bonusing Implementation Guidelines to guide this process in Newmarket.

As was discussed in Report 2018-52 in August, height and density bonusing is generally regarded as a means for municipalities to extract benefits that capture the lift in land values that occur when increased height and density is permitted. However, in the case where a municipality is seeking qualitative benefits (such as changing tenure) or benefits that exceed the value of the increase in property value (such as may be the case with

securing affordable housing units) it may be that height and density bonusing is only one of several necessary incentives. In some cases, as is advanced by the applicant in this proposal, a combination of height and density bonusing, and financial incentives, may be required to achieve both the community benefit sought by the municipality and to ensure that a desirable development project is viable.

**Inclusionary Zoning (IZ)** is a land-use planning tool that has recently been permitted in Ontario that a municipality may use to require affordable housing units to be included in residential developments of 10 units or more. In order to implement inclusionary zoning, a municipality must undertake a series of steps, including an assessment report to understand local housing supply and demand, as well as potential impacts which might arise from IZ, and then implement official plan policies and pass a zoning by-law guiding where and how inclusionary zoning will be implemented.

Inclusionary zoning, if implemented, would oblige a developer to provide a certain percentage of dwelling units at a rent or purchase price set by the municipality. Developers would then consider the cost of providing such units among all of the costs of development and determine whether the project was financially viable. To date, Newmarket has not adopted IZ policies or by-laws and thus is unable to employ this tool.

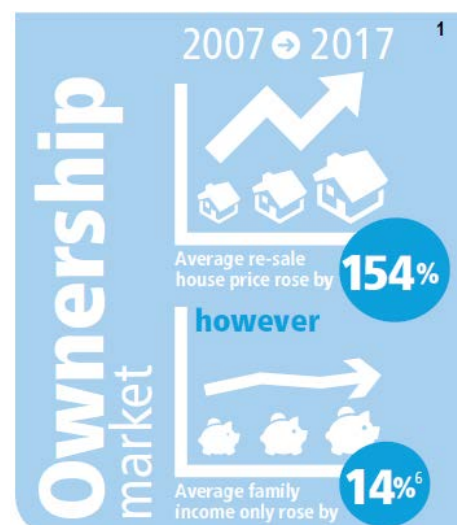
**Incentives** remain the third and most commonly-employed tool to achieve policy aims. These can take a range of forms – financial incentives through Community Improvement Plans, process incentives to ‘fast-track’ applications toward a faster approval, deferrals or waivers of Development Charges (DCs), reducing parking requirements due to the high cost of providing parking, and waiving or reducing application fees or parkland dedication requirements.

Each of these incentives can reduce costs for the developer. With sufficient incentives the cost of providing dwelling units at a reduced price point can be balanced or overcome. In this way, a municipality may use its regulatory and financial tools to encourage voluntary provision of matters such as affordable housing units.

### The need for affordable housing

The challenges of housing affordability have been widely reported upon in recent years, and do not bear significant additional discussion in this report. In short, housing prices have risen significantly and continue to rise. Construction price increases have contributed to increased prices for newly-built dwelling units. Constrained supply of land for intensification contributes to price increases for new development. Finally, wages have not risen nearly as quickly as housing prices.

The average after-tax income of families in



Newmarket is \$105,300. A mortgage payment on a home in Newmarket sold for the average selling price, with a 10% down payment at the prevailing mortgage rate, would cost \$3,921 per month or \$47,052 per year, or 44% of the income of the average Newmarket family. For those who do not already own a home, the average Newmarket home is out of reach of the average Newmarket family.

The YROP and UCSP direct that the Town achieve its affordable housing targets. As is discussed above, lacking inclusionary zoning the only tools that the Town can employ to achieve these objectives is through the use of incentives including height and density bonusing.

### **Affordable housing and social housing**

It is also worth noting the distinction between affordable housing and social housing. Affordable units are dwelling units that are leased or purchased at a price that meets the affordability threshold. Social housing units are dwelling units that are managed for eligibility and occupancy by an agency such as a government or not-for-profit, typically for persons based on qualifying criteria such as income, age, or disability.

For example, the dwelling units that were achieved in 212 Davis Drive are managed by the Region, who pays market rent for the units, which typically exceeds 175% of Average Market Rent (AMR), and then sublets the units at a lower price to their tenants (ranging from 20% to 80% AMR) through a subsidy. In order for units to be considered affordable, they must be counted based on rent or price charged at the initial point of occupancy and not based on programs – that is to say, units that are leased to the Region at a price point above the threshold are not affordable units.

In short, while social housing plays a critical role in an equitable housing supply, an arrangement such as was made at 212 Davis Drive to provide units to the Region does not provide units that qualify as affordable.

The dwelling units that are proposed as part of the 175 Deerfield Road application are proposed to be affordable units, and not social housing units. The applicant has indicated that they would entertain the possibility of entering into an agreement to lease a number of units to the Region, but the Region has indicated that the market rent units would be beyond their reach due to their prices exceeding 125% AMR, and the affordable units that may be achieved would not suit their purposes due to each unit being lost from affordability to market rents at the turnover of the first tenant. This process of the proposed affordable rental units being guaranteed only for the duration of the first tenant is discussed further in the “Eligibility and maintenance” section of this report.

### **Why affordable housing may require incentives**

Developing affordable housing units by private, for-profit developers, will only occur if the overall development is able to be financially viable. If this is not possible, not only would a prudent developer decline to build the project, but they would also likely be

unable to raise the necessary financing to undertake the project. In order for a developer to independently (that is, without subsidy) build a project with affordable units, they would need to charge a sufficiently higher rent on market-rent units in order to subsidize affordable units and render the entire development profitable – in effect, market-rate renters of new units in a building would pay for the affordable units themselves.

Given the best data available to staff, this option is unlikely to occur without a requirement for all developments to provide affordable units such that it is a standard expectation for a level playing field. This would take place through the use of Inclusionary Zoning, a power under the *Planning Act* that is discussed earlier in this report.

If it is not possible for a developer to independently build a project with a number of lower-price affordable units, then it may require the intervention of levels of government to make such a project feasible. This is the argument being advanced by the proponent of 175 Deerfield Road. They have noted, as is discussed above, that they are willing to provide affordable housing units if they are provided with sufficient financial incentives that the project is financially feasible.

### **Affordable housing and tenure**

Achieving affordability for rental-tenure and ownership-tenure housing are both important - a healthy, equitable housing system would provide housing choices that offered ownership and rental options for residents from a range of income levels. However, achieving affordability for different tenures requires different considerations. This section of the report will present (1) affordability thresholds, and the effects of the thresholds on achieving (2) affordable ownership and (3) affordable rental units.

Affordability **thresholds** are determined differently for rental and ownership units. As is discussed above, rental affordability thresholds are based on the average market rent (AMR) of existing units by number of bedrooms (see the table under the “Affordable Housing” section earlier in this report). Ownership affordability thresholds are determined based on average household incomes and the costs of accommodation – an ownership-tenure dwelling unit is affordable if a household in the lowest 60% of income distribution can afford the home without spending more than 30% of its gross annual household income on accommodations.

The effects of these different thresholds are evident in the ability to achieve affordability in units of different size and tenure. Achieving **affordable ownership** units can be a challenge, but this becomes significantly more difficult when seeking to achieve affordable family-sized (two and three-bedroom units), as the threshold does not vary with size. As such, developers may seek to achieve affordability targets by providing all studio or one-bedroom units as affordable units. However, the prices of such units are likely to already be in the affordable range due to the small size of units and thus no increase in affordability is achieved through any government intervention if these units

are simply left to be sold, as is discussed further in the “Eligibility and maintenance” section below.

Achieving **affordable rental** units is challenging, as the rent charged for newly-built rental units typically exceeds the threshold as a factor of the property management company seeking rents that will allow them to recover the cost of development and an acceptable return rate over a given period of time. Units in the recently-completed 212 Davis Drive have been observed listed online at the rates indicated below. For comparison, the affordability threshold and average market rent are also indicated:

	212 Davis Drive	Average Market Rent	125% of AMR
<b>Studio</b>		\$892	\$1115
<b>1 Bedroom</b>	\$1695	\$1170	\$1463
<b>1 Bedroom plus den</b>	\$1795		
<b>2 Bedroom</b>	\$2160	\$1346	\$1683
<b>3+ Bedroom</b>		\$1526	\$1908

The result of these factors is that beyond achieving affordable housing units, achieving affordable housing units that meet the needs of different families (dwelling sizes) and stage of life (tenure and size) is challenging. Success in this effort will require further work by Town and Regional staff with the support of senior levels of government.

### **Eligibility and maintenance of affordable housing**

A consideration of affordable housing is how it can be ensured that when affordable units are created through government incentives that the units are occupied by residents who merit assistance and that the units are maintained as affordable.

As incentive-created affordable units such as those proposed in the 175 Deerfield Road development are created it is important that the policy objectives of creating and maintaining affordable housing for low- and moderate-income families is achieved and the units are not allowed to become windfalls for speculators or those who are already able to afford a home. To that end, this section discusses affordable housing programs generally, how eligibility can be ensured, and how long-term affordability maintenance can be achieved. An important distinction is made between units that are intrinsically affordable, which are not anticipated to require eligibility and long-term maintenance, and units which are made affordable through government intervention whose eligibility and maintenance should be ensured to achieve the intended policy aims.

Larger urban municipalities that have experienced more dramatic intensification, demographic changes, and housing market shifts, have long sought to address affordable housing. As ever, it suits Newmarket to seek to profit from the lessons that

these municipalities have learned in their experience, while seeking to achieve the Town's goals without expanding administrative processes.

## Affordable Home Ownership

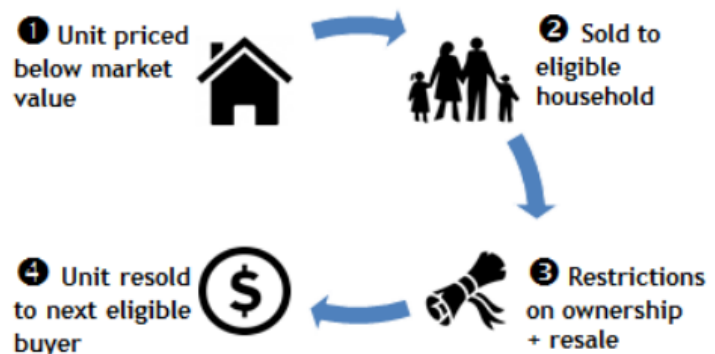
The City of Vancouver produced a report that succinctly summarizes some of the key considerations in managing affordable ownership-tenure housing. The excerpt below illustrates some of these considerations that are applicable to Newmarket.

Affordable Home Ownership (AHO) programs in cities around the world aim to create opportunities for low, moderate and middle income households to transition from market rental to homeownership. The specific structure of the programs such as eligibility criteria, re-sale restrictions, etc. are diverse to address the different priorities and objectives in each city.

In a typical affordable home ownership program, housing units are created and sold at below market value by a social purpose organization, non-profit, government created housing authority, or by market developers as a community contribution required through inclusionary zoning. Different mechanisms are used to create affordability, including city or donated land, bulk building of modest housing forms, reinvestment of the value of additional density created, innovative financing and/or forgoing market-based profits. Eligible households are then able to purchase a unit at a below market price.

There are two general categories of programs:

- *Shared Appreciation Models:* create affordability and entry to the market for initial buyers and an opportunity to build equity via market appreciation over time
- *Limited Appreciation Models:* prioritize maintaining affordability for subsequent purchasers and limiting the appreciation gain for the buyer.



Affordable Home Ownership - How it Works

Buyers in most AHO programs are subject to restrictions on occupancy and re-sale. The legal and administrative structure of the pricing, occupancy restrictions, and sale and re-sale terms in the ownership agreements are structured to achieve these different outcomes. Typically the larger the public investment in the

creation of the initial affordability, the more restrictive the terms for the ownership and future re-sale are to ensure preservation of the public investment.<sup>6</sup>

Shared appreciation models are seen in action in Ontario through developers such as Options for Homes, in which Options reduces the purchase price of a unit for a new homeowner by providing a portion of the downpayment through a second mortgage. When the homeowner eventually sells the unit, the homeowner shares a portion of the increased value of the home with Options in an amount commensurate with the initial investment. Options then reinvests this return into future units.

Limited appreciation models exist in Whistler, Boston, San Francisco, and New York, among others. In these cases an initial investment or incentive creates a unit at a price that is lower than the market would bear, and the long-term affordability of the unit is ensured through resale and occupancy restrictions. That is to say, the units can only be resold to eligible buyers at an affordable price. This means that the unit does not appreciate in price in the same way as a market unit – while the unit may stay affordable, neither the occupant nor the government receive a significant financial return from the resale of the unit.

If the Town and the Region invest in affordable housing by providing incentives, the investment should assist those who are the target population (low and medium-income families) by ensuring that the units are only sold to those who meet eligibility requirements such as income and asset limits. Similarly, such an investment should reap returns (maintaining the supply of affordable units), rather than being a one-time subsidy to individual property owners, which is accomplished by ensuring that the re-sale or lease of such units only takes place to other eligible residents at an affordable price.

Finally, it should be noted that the 175 Deerfield Road application includes studio and one-bedroom condominium units that are expected to be sold at prices that inherently meet the ownership affordability threshold. This is anticipated to occur independently of any offered incentives. Given this, no eligibility and maintenance requirements are anticipated for affordable ownership-tenure units as there is no investment to protect for long-term affordability.

### **Affordable rental**

The process of achieving affordable rental units differs from affordable ownership units. While an incentive or subsidy to achieve an ownership unit reduces its price at the point of sale and then transfers all future obligations to the owner, an incentive or subsidy for rental must be considered over a period of time and thus a duration of affordability must be determined. That is to say, if a rental unit would be leased at a market price that is

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<sup>6</sup> Dunnet, A. City of Vancouver. Affordable Home Ownership Pilot Program Policy Report. 08-2000-20. April 20, 2016.



\$100 per month greater than the affordable threshold and a developer is offered an incentive worth \$1200, a 12-month affordability period may be achieved. In addition, tenants will often remain in place for periods that will extend beyond the guaranteed affordability period and be entitled to rent controls that will maintain their unit at a lower price with increases at a limited percentage per year, provided that the price remain below the affordable threshold during the first tenancy.

The duration of time that units will be leased below market rent is a key consideration in projecting the overall cost of offering affordable rental units to the developer. This duration can be set through an agreement for an absolute period of time in which any new tenant leases a unit they receive it at the affordable rate, or by declining to implement such a requirement and being content that providing affordable units to the first lessee is sufficient.

In the latter case, each time an affordable-rate tenant leaves the property owner has the opportunity to set a new market rent for the unit. Given that affordable units are in scarce supply, it can be assumed that these units will see lower turnover rates than market rent units, which are cited in Toronto to be near 16%. A projected annual turnover for affordable units might more appropriately be 10% or lower, although data on this figure is limited.

Considered more broadly, this means that if the Town (and Region) offers incentives for affordable rental units at the affordable threshold that the duration of time secured is a primary determinant of the cost of providing the affordable units. Thus, a limited incentive may secure the initial tenancy but without significantly greater incentives the units must be removed from affordability and transferred to market rent after a tenant leaves. Any unit leased initially would meet the affordability threshold, and any tenant leasing a unit during this period would then be entitled to inhabit the unit at that price (plus whatever limited increase is permitted by rent control provided it does not exceed the threshold during the period) for as long as the tenant wishes.

Initially the property owner would see significant lost revenue as each unit would pay well below market rent each month, as the projected difference between market rent and affordable rent is projected to be approximately \$540 per month in 2021 when the first building at 175 Deerfield Road rental building could be expected to be occupied. Over time, the amount of reduced revenue would diminish as tenants in these units vacated them and they returned to market rents. At these assumptions for future rent and turnover rates, the property owner would forgo approximately \$2.4 million in rent to affordable units over a 20-year period for the two buildings.

The proposed TIEG would secure 19 affordable rental units in Building 1 and 13 in Building 3.

Determining eligibility and ensuring maintenance of rental dwelling units will be a new process for the Town to be established with the developer and established through a contractual relationship with the owner of the rental building. As such the Town could



oblige the owner determine that any tenant who would lease an affordable unit would pass the given criteria and to report this to the Town upon request, or establish an internal eligibility system.

## Requested incentives

This section of the report provides (1) the specific incentives sought by the applicant and how the Town is able to offer incentives, (2) possible effects of declining to provide incentives, and (3) recommendations on incentives for this project.

It should be noted that much of the discussion of incentives and affordable housing is in comparison to other areas where they have been employed (Toronto, Vancouver, New York, Boston), but that these municipalities are much larger and the incentives that they provide are much more significant. As such, the gains in terms of depth and duration of affordability tend to be larger and longer. For example, projects in Toronto's Open Doors Affordable Housing Program may receive exemptions from:

- Planning Application Fees
- Development Charges
- Building Permit Fees
- Education Development Charges from the Toronto District School Board
- Parkland Dedication
- Residential Property Taxes for the duration of the affordability period

As the requested incentives for 175 Deerfield Road are principally deferrals of fees plus a limited TIEG, the matters to be secured will be more limited in scale and duration. These are presented later in the report. Staff also note that the analysis undertaken of the costs and outcomes of the development application draw on figures provided by the applicant, research from Regional staff and Town staff, and data from agencies such as Housing York Inc and the Canada Mortgage and Housing Corporation. The financial analysis relies on a range of assumptions related to the developer and the Town's ability to access capital, future construction costs and market rental and sale prices, potential tenant turnover rates, and projected average market rents. Given the range of assumptions in such an analysis, staff cannot guarantee the figures but have made best efforts to validate them.

## Incentives

The applicant is seeking height and density bonusing in addition to a range of incentives that are outside of the ambit of the *Planning Act*, which are discussed in detail below. These include:

- Deferrals of development charges (DCs) and 'grandfathering' of certain DCs
- Tax Increment Equivalent Grant (TIEG)
- Deferring municipal fees (*Planning Act* application fees, Building Permit fees, peer review fees, legal and engineering review fees)

- Certainty of servicing allocation

Given the value of incentives recommended and the cost of matters to be secured, this report recommends that the Town can employ these incentives to gain the following:

- One building of not fewer than 180 dwelling units and one of not fewer than 120 dwelling units, to be guaranteed of rental tenure for a period of not less than 20 years.
- One building of not fewer than 170 dwelling units to be guaranteed as a condominium
- At least 19 of the dwelling units in Building 1, and at least 13 units in Building 2, being each at least one bedroom and five hundred square feet in size, to be provided at a price not to exceed the affordability threshold as determined by York Region at the time of lease
- A community benefit contribution in the amount of \$339,000 cash or capital beyond the requirements of the parkland dedication by-law to be allocated to park development and public art
- Public access over new private roads to help mitigate traffic in the area

### Development charges

Section 27 of the *Development Charges Act* provides municipalities the ability to enter into agreements for applicants to pay development charges early or late – in effect, to allow for development charge deferral agreements.

Council has adopted the “Policy for the Deferral of Payment of Development Charges & Planning Application Fees within the Urban Centres”, as discussed earlier in this report, which provides for the deferral of DCs for up to 36 months for developments in the UCSP area under the ‘standard approach’ and up to 48 months under the ‘enhanced approach’. The applicant for 175 Deerfield has requested a deferral period of 48 months (four years) as well as flexibility from the Town on the criteria laid out in the Policy for being eligible for such a deferral.

The value of development charges to the Town are projected to be \$7,162,130.

The criteria to access the ‘enhanced approach’ and its 48-month deferral of Town DCs are as follows, along with a note on how the criteria applies to the 175 Deerfield Road application:

Criteria	Applicability
i) The proposed development complies with all applicable provisions of the Provincial Policy Statement, Regional Official Plan, Town Official Plan, and the Urban Centres Secondary Plan, including but not limited to: urban design, housing	Application complies with applicable policies and plans. Housing affordability is subject to provision of requested incentives and approval of zoning by-law amendment.

affordability and sustainability.	
ii) The mandatory and applicable optional provisions of the Site Plan Approval Process Manual and Development Standards Checklist (March 25, 2008, as amended).	The Site Plan Approval Process Manual has been overhauled and the development standards replaced with applicable UCSP policies. This can be addressed through the site plan approval process.
iii) The proposed development participates in the Region's Sustainable Development through LEED® Incentive Program (LEED).	The applicant is reviewing with York Region whether to participate in this program, and whether LEED-equivalent metrics are permitted.
iv) The proposed development implements a three stream waste collection system.	The development will provide a three-stream waste collection system through three chutes or a chute-and-sorter system.
v) For developments within the Provincial Urban Growth Centre, it is demonstrated to the satisfaction of the Town that a minimum of 35% of new housing units within the development are affordable to low and moderate income households.	Not applicable, as the site is not located in the PUGC.
vi) For developments outside of the Provincial Urban Growth Centre, it is demonstrated to the satisfaction of the Town that a minimum of 25% of new housing units within the development are affordable to low and moderate income households.	Housing affordability is subject to provision of requested incentives and approval of zoning by-law amendment

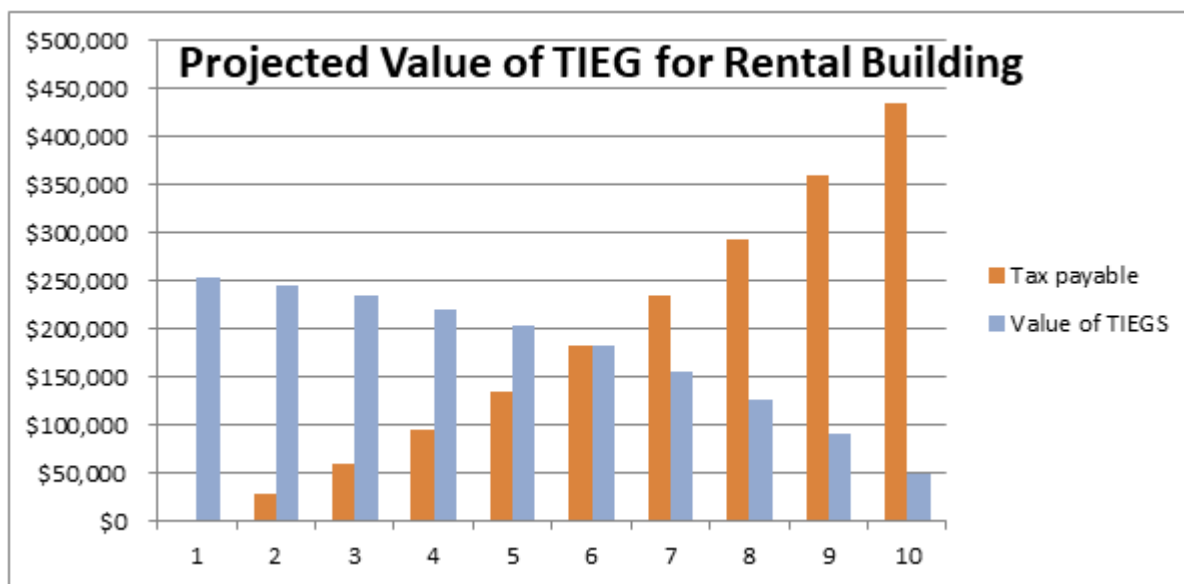
The applicant has also requested certainty in the amount of DCs by receiving Council approval to "lock in" or "grandfather" the DC rate at the time of submission of the site plan approval application. If Council permits the applicant to pay the current rate of Town DCs for the rental building and the Town DCs increase in 2019 by 15% based on the applicant's projection relying on the trends of previous years, this would have a value of \$767,112.

The recommendations of this report would permit the applicant to access the "enhanced" deferral program, with the requirement for affordable housing being contingent on the Town providing the proposed TIEG. If the Town does not provide this TIEG, the requirement for affordable housing as required by the deferral policy would be waived.

## Tax Increment Equivalent Grant

The applicant has requested an incentive known as a Tax Increment Equivalent Grant (TIEG) for a span of ten years. This would allow the property owner to pay only the original pre-development property tax in the first year (i.e. a 100% discount on the increased value), and successively 10% less of a discount every year until the full property tax value is paid in the tenth year following the completion of the project.

A TIEG has been noted by the applicant as being particularly valuable to rental projects due to the assistance they provide in the long-term financial forecasts that are more important to rental development than condominium development. The chart below shows a projection of a TIEG for the purpose-built rental building of the proposed development over ten years, as discussed above.



While TIEGS are a cost to municipalities they are argued to be of reduced financial impact as they encourage development that would either not occur, or would not occur for a significant period of time. By offering a TIEG that causes development to occur earlier, a municipality may still achieve more property tax assessment growth than would otherwise be the case if the development did not occur or occurred at a later date. The recommendations of this report propose a 10-year TIEG for only the property tax assessment growth associated with the purpose-built rental building, in accordance with the Region's proposed CIP. This duration is longer than the Region's program, in keeping with the Town's efforts to stimulate investment and development.

The cost of the TIEG to the Town is projected to be \$2.7 million over 10 years. The projected increased Town property tax revenue from the 175 Deerfield property over the same period post-development is projected to be \$9.8 million.

The implementation of a TIEG requires the Region to implement a CIP, the Town to amend its Official Plan, and a future Council to approve the TIEG. As this requires a number of

future steps whose accomplishment cannot be guaranteed, the recommendations of this report would direct staff to begin the work to implement the TIEG, and to only require the affordable rental housing units if the TIEG is implemented. If the Region fails to implement the CIP, or the Town declines to enact the TIEG, the development would be able to proceed without receiving the TIEG and without providing the affordable rental housing units.

### **Parkland dedication**

The *Planning Act* provides for the ability for municipalities to require the conveyance of land and/or cash-in-lieu of land for parkland. Council has adopted By-law Number 2017-56, which sets out parkland dedication requirements for the entire

The total value of parkland dedication is estimated to be \$3,850,000

town and specific requirements for the UCSP area. These requirements are clear and direct, and cannot be waived or varied without Council's approval. Staff will ensure that lands and/or funds are received to satisfy the requirements of the by-law.

Parkland dedication for the site is discussed in Report 2018-52 presented to the August 27<sup>th</sup> Committee of the Whole. This report does not recommend changes to the parkland dedication requirement, but rather the deferral of the payment of the required cash-in-lieu, along with a timeline that physical land dedication requirements take place roughly commensurately with the move-in date of the first residents. The total value of parkland dedication is estimated to be \$3,850,000, with portions of this being POPS, part cash-in-lieu, and part physical land dedication.

Parkland dedication under Section 42 of the *Planning Act* takes place only when development occurs. The Town typically receives parkland dedication or cash-in-lieu at the time of site plan approval. No parkland dedication is required as a condition of zoning approval.

Beyond the existing requirements of the parkland dedication by-law, the recommended conditions to be tied to the incentives would require that the applicant convey lands to the Town. These would be lands in close proximity to the site, to the satisfaction of the Director of Planning to ensure that adequate public park space is provided. Any deviation from this condition would require further Council approval.

### **Height and Density Bonusing**

The application as proposed requires height and density bonusing under Section 37 of the *Planning Act*. The UCSP has a maximum Floor Space Index (FSI) of 2.5 for Parcel A and 2.0 for Parcel B as shown on Schedule 4 of the UCSP. The application is seeking an increase of 0.5 FSI for each parcel, to 3.0 and 2.5 FSI, respectively, which comprises an increase of three stories on Parcel A and two storeys on Parcel B.

The total value increased land value due to height and density bonusing is estimated to be \$1.35 million.

Section 37 of the *Planning Act* authorizes municipalities to permit increases in height and density in exchange for certain community benefits or cash-in-lieu of the same. The benefits that are eligible for such bonusing are set out in Section 14.2.9 of the UCSP.

The applicant has provided a rationale in their Planning Justification Report (PJR) that explains how the application meets these requirements. As particular community benefits to justify the increase in height and density the applicant has proposed that one of the three buildings will be guaranteed to be rental in tenure for a period of not less than 20 years.

It should be noted that height and density bonusing is generally regarded as a means for municipalities to extract benefits that capture the lift in land values that occur when increased height and density is permitted. However, in the case where a municipality is seeking a benefit that exceeds the value of the additional height and density offered, such as may be the case with securing affordable housing units, it may be that height and density bonusing is only one of several necessary incentives. In some cases, as is advanced by the applicant in this proposal, a combination of height and density bonusing, and other incentives, may be required to achieve both the community benefit sought by the municipality and to ensure that a desirable development project is viable. Thus, in order to secure the affordable housing units discussed in this report the financial incentives such as TIEGs are required.

The estimated lift in value of the land through the use of height and density bonusing is \$1.35 million. The Height and Density Bonusing Guidelines adopted by Council recognize that many of the benefits that the Town seeks to secure cannot be accurately quantified in terms of value. These include the benefits that are to be secured as a part of this application:

- a. the provision of publically accessible private roads
- b. the provision of affordable housing
- c. the provision of rental housing

The guidelines state that in these cases Council will consider these benefits outside of the method of the lift in land value, as it is challenging to quantify the benefits that these provide. Putting a dollar figure to providing rental housing and having a housing supply in Newmarket that better meets the needs of the Town's residents is difficult to achieve. The benefits of this are discussed briefly earlier in this report. The provision of affordable housing can be somewhat quantified in the cost of provision, as is discussed earlier in this report, but the value of a housing system that assists low-income families to have the means to improve their living situation has benefits that go beyond the cost of housing subsidies.

The Town will receive \$339,000 in cash or capital works toward parkland and public art.

However, for full context the 25% target to be captured in the case where benefits can be quantitatively valued would be approximately \$340,000. The applicant has also committed to providing \$339,000 in community benefits in the form of cash or capital infrastructure to be dedicated to parks



and public art in the immediate vicinity of the site. In addition, the Town gains financial benefits such as having the applicant reconstruct and maintain Deerfield Road in perpetuity. All benefits in exchange for height and density include:

- One building of not fewer than 180 dwelling units and one of not fewer than 120 dwelling units, to be guaranteed of rental tenure for a period of not less than 20 years.
- One building of not fewer than 170 dwelling units to be guaranteed as a condominium
- A community benefit contribution in the amount of \$339,000 cash or capital beyond the requirements of the parkland dedication by-law to be allocated to park development and public art
- Public access over new private roads to help mitigate traffic in the area

A Section 37 agreement may be the appropriate tool to secure a range of matters for the development such as the conveyances of roads and easements, the provision of sustainable development features, the supply of any affordable housing units, securing tenure of units, and other matters for legal convenience.

### **Fee deferrals**

The applicant has paid fees for the current application for zoning by-law amendment, and will be faced with other municipal fees as their application proceeds. These include site plan approval fees, fees for

The value of estimated planning application and building permit fees is \$1.7 million. These will be deferred but paid.

removing any holding provisions in the amending zoning by-law, potential applications to the Committee of Adjustment, building permit fees, and any additional contributions to public art or trails. The applicant has requested deferral of all fees. The appendix to this report which includes the list of recommended incentives, provides a list of which fees are recommended to be deferred and under which conditions. Generally, it is recommended to extend the Policy for the Deferral of Payment of Development Charges & Planning Application Fees within the Urban Centres to permit the deferral of 50% of all required fees for 48 months.

### **Support from other levels of government**

The Town regularly seeks financial support from other levels of government. If Council adopts the recommendations of this report the provided incentives will be in pursuit of, among other matters, securing affordable housing.

The applicant has also indicated they are pursuing discussions on other incentives such as through the Canada Mortgage and Housing Corporation direct lending program, which permits a long-term low-interest loan to reduce risk associated with interest rates for development. Town staff will assist as necessary to secure any senior government investments in affordable or rental housing in Newmarket.

## **Incentives conclusion**

The applicant has requested a suite of financial incentives to make their project feasible and meet the Town's objectives of providing rental housing and affordable housing. Staff concur that developing rental housing and affordable housing is more challenging to deliver a financially feasible project and that assistance for such projects may be necessary if Town objectives are to be met. Certain incentives should be offered, subject to conditions and necessary agreements to secure community benefits.

## **Effect of incentives**

If the incentives are provided as recommended by this report, Committee is recommended to adopt the recommendations of companion Report 2018-62 as well. If this occurs, the Zoning By-law will be amended for 175 Deerfield Road as recommended, with the additional height and density under Section 37 of the *Planning Act* being subject to the community benefits laid out in the By-law (i.e. rental and condominium tenure and contribution toward parkland and public art). In effect, the matters laid out in Report 2018-62 will proceed and be enacted through a future site plan approval application.

## **Effect of declining to provide incentives**

In this section this report will provide a discussion of the potential effects if the requested incentives are not provided.

### **Reduced scale of development**

Lacking these incentives, the applicant has indicated they will substantially reduce the size of the development and instead proceed with a townhouse or stacked townhouse development application on the site to meet the minimum required densities. Staff are unable to fully verify the viability of the project or the probability of the design changing in the manner indicated by the applicant. The effect of the potential changes expressed by the applicant would be reduced density and number of units, as a townhouse development on the site would not achieve the same height and built form as is currently proposed.

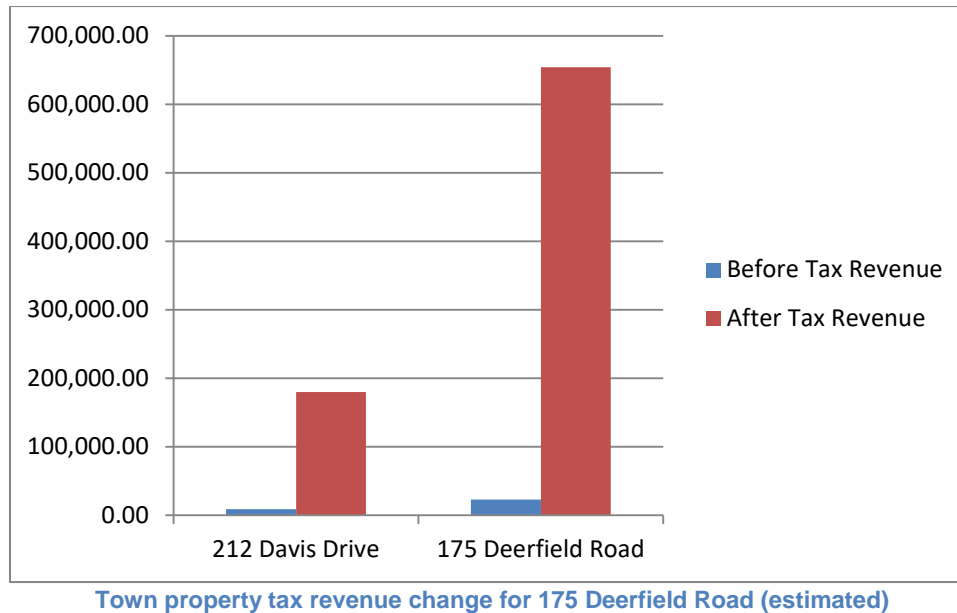
### **Reduced property tax revenue**

Such a change in the proposal would cause commensurately reduced resulting value of the property and reduced growth in property tax income for the Town. The current site has a value of \$4.5 million according to its 2018 assessed value. This results in annual property tax revenue to the Town of \$23,000.

For comparison purposes, 212 Davis Drive had a property value of \$2,625,500 as a vacant land assessed as multi-unit residential use with annual property tax revenue to the Town of \$8,961. The property has been re-assessed as a developed multi-unit residential building and has a new property value of \$52,594,227, which provides property tax revenue in the first year to the Town of \$180,000.



It is assumed that when completed the two phases (three buildings) of the proposed development at Deerfield Road would have a value of \$191 million and property tax revenue in the first year to the Town of \$654,000. The figure below illustrates these changes in property tax revenue.



### Reduced growth in rental supply

If the development is revised to a lower-density format this will result in an inability to achieve an increase in rental housing supply. As is discussed above, Newmarket continues to experience rental apartment vacancy rates well below those that would indicate a healthy rental market.

### Reduced ability to achieve affordable housing

Finally, if the development changes format this will likely preclude the achievement of any affordable housing units on the site. The UCSP indicates that a minimum of 25% of new housing units outside of the Yonge & Davis Provincial Urban Growth Centre shall be affordable to low and moderate income households. While this 25% is not intended to be achieved on each individual application, but rather within the UCSP area as a whole, it becomes increasingly difficult to achieve these targets if development applications proceed without supplying any affordable units.

Staff recognize that achieving affordable housing targets will generally require partnerships between developers, the Town, and the Region. Financial modeling by staff from the Region has demonstrated that affordable housing at even the threshold of affordability will require significant incentives to reach the levels of feasibility of market-price developments. It should not be thought that requests for incentives to reach affordable housing targets are a windfall for developers – while a careful review of

incentive tools is important for financial responsibility, it is well understood that affordable housing cannot be achieved without some level of subsidization or the imposition of requirements through inclusionary zoning.

### **Servicing allocation**

The applicant has noted that they are engaged in conversations with York Region regarding participating in the “Sustainable Development Through LEED” program, which reduces the required number of servicing allocation units for developments that meet sustainability metrics. In effect, such developments can allow the Town to recoup allocation units.

Participation in this program would be among the first developments in York Region to adopt the program, and would assist slightly with the Town’s limited allocation capacity. The proposed development will require servicing allocation in the amounts of:

- Building 1 – 186 units – 362 people
- Building 2 – 172 units – 335 people
- Building 3 – 129 units – 251 people

The applicant is continuing in discussions with the Region as to whether the development may participate in this program, although this is not yet determined. The recommendations of this report would provide allocation for the first two phases, and the conditions attached to the provided incentives would require the applicant to participate in the Region’s LEED program. This would return 30% of the allocation required for the first two phases, being 201 units – in effect, almost all of the allocation required for the third building would then be new allocation returned to the Town. The recommendations of this report would then allow this newly-created allocation to be used for the third building. As the Servicing Allocation Policy provides, if any allocation provided to the developer is not used within one year the Town rescinds the allocation for other use.

As Council directed as part of the most recent review of the Servicing Allocation Policy, 300 units of servicing allocation capacity has been set aside for the first condominium development in the urban centres. The applicant has indicated that they wish to access this allocation and construct two of the three buildings simultaneously with one as a rental and one as a condominium, subject to the requested incentives and availability of servicing allocation. In addition to meeting Council’s aim of achieving a new condominium development, this would reduce construction costs by consolidating the work period and reduce the construction disruption timeline by reducing the phasing of the development from three phases to two.

The applicant has expressed that they are willing to commit to building one of the buildings as a condominium and requested a commitment from the Town that servicing for the condominium building will be granted from the condominium reserve. This certainty will facilitate their ability to begin pre-sales and raise the necessary financing for the building and advance its construction.

## **Road network**

As was discussed in Report 2018-52 in August of 2018, the Deerfield Road application includes the conveyance of the Calgain Road lands from the applicant to the Town for part of the future UCSP street network. The UCSP also calls for Deerfield Road to be conveyed to become a private road, as laid out in Report 2018-52. While the road lands have a value, this value is reduced by necessary burdens on the road lands. These include that the Town will retain its benefit of the road in perpetuity due to public right-of-way easements over the land, and that the Town will reduce its future liabilities and costs by obliging the applicant to reconstruct and maintain the road. Given this, it is recommended that the Town not require an additional payment for the road lands and any additional value be considered a further incentive to achieve the development as laid out in this report and Report 2018-62.

## **Recommendations**

Newmarket is poised for growth and development focused on the Yonge Street and Davis Drive corridors. The Town has implemented a number of efforts to permit and encourage intensification. Certain Town objectives such as overall growth and intensification on the corridors will be achieved through development driven by the market. Other objectives such as increasing rental housing stock and creating new affordable housing units will likely not occur without either imposing requirements through by-laws or encouraging through financial incentives.

### **General recommendations**

The Town evaluates on an ongoing basis what incentives it is prepared to offer to achieve its objectives of bringing new development, diversifying housing stock, and creating affordable housing. These incentives should, to the greatest possible degree, be aligned with those offered by the Region and further supported by investments from senior levels of government.

It should be acknowledged that certain Town objectives such as growing rental supply and achieving affordable housing may not be met without the use of financial incentives such as those discussed in this report or mandates such as inclusionary zoning.

The Town should explore tools such as TIEGS and deferrals to continue to encourage development. Furthermore, the recently-released municipal authority to implement inclusionary zoning should be considered as a predictable and consistent tool to achieve the Town's affordable housing objectives.

### **Deerfield recommendations**

Based on the above discussion, staff recommend the incentives listed in Attachment 1 be provided for 175 Deerfield Road. If Committee adopts the recommendations of this report, these incentives, combined with height and density bonusing under Section 37 of

the *Planning Act*, will serve to secure the following matters through the various planning and financial tools:

- One building of not fewer than 180 dwelling units and one of not fewer than 120 dwelling units, to be guaranteed of rental tenure for a period of not less than 20 years.
- One building of not fewer than 170 dwelling units to be guaranteed as a condominium
- A community benefit contribution in the amount of \$339,000 cash or capital beyond the requirements of the parkland dedication by-law to be allocated to park development and public art
- Public access over new private roads to help mitigate traffic in the area
- Subject to providing a TIEG, at least 19 of the dwelling units in Building 1, and at least 13 units in Building 2, being each at least one bedroom and five hundred square feet in size, to be provided at a price not to exceed the affordability threshold as determined by York Region at the time of lease

To secure these benefits, it is recommended that Committee adopt the recommendations of companion Report 2018-62, which will serve to enact the amending Zoning By-law for the property and secure the benefits through Section 37 of the *Planning Act*.

This report, if its recommendations are adopted, would not bind the Town to providing the recommended incentives. Council is prohibited from making such a decision at this time by Section 275 of the *Municipal Act*, often referred to as the “lame duck” provisions. Rather, this report would indicate support in principle for a final decision to be rendered by the new Council and to authorize staff to begin the necessary groundwork.

## Conclusion

Council has approved the zoning by-law amendment for 175 Deerfield Road, and if Council approves in principle the financial incentives discussed in this report then the Town will secure the matters laid out in the amending Zoning By-law attached to Report 62, subject to the final approval of financial incentives by the newly-elected Council in 2019. If Council denies the requested financial incentives, then the benefits will not be secured and the development may proceed without providing these benefits.

## Business Plan and Strategic Plan Linkages

Describe the Strategic Plan Linkages, such as the Community vision, Corporate mission and/or Core Values.

## **Consultation**

The Strategic Leadership Team was consulted in the drafting of this report. The report was provided for comment to staff from Financial Services and Legal Services.

## **Human Resource Considerations**

None.

## **Budget Impact**

Subject to final Council approval in 2019, Development charges and fees will be deferred as laid out in Attachment 1. It is not anticipated that deferring DCs will impact the Town's capital works program. Locking in DCs to be paid at the 2018 rate has a projected cost of \$767,112. Subject to final Council approval in 2019, a 10-year TIEG will be provided for the rental buildings at a cost of approximately \$2.7 million.

Increased property tax revenues of \$9.8 million are projected over 10 years post-completion. Less the value of the TIEG, an increased property tax revenue over 10 years of \$7.1 million is projected.

## **Attachments**

Attachment 1: Incentives, Terms & Conditions

## **Approval**

Ted Horton, Planner

Richard Nethery, Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

## **Contact**

Ted Horton, Planner

[thorton@newmarket.ca](mailto:thorton@newmarket.ca)

## Attachment 1: Incentives, terms, and conditions

Incentive	Incentive – Rental Buildings	Incentive – Condo Building
<b>DC Deferral</b>	48 Month DC deferral payable at rate in place upon date of both Zoning By-law Amendment Application being approved and Site Plan Approval Application being complete.	48 Month DC deferral payable at rate in place on date of building permit issue.
<b>Fee Deferral</b>	Defer 50% of any fees not yet paid for 48 months from date of required payment: All unpaid fees related to site plan approval and building (e.g. Engineering Review Fee, Legal Fee, Financial Administration Fee, Building permit fees).	
<b>TIEG</b>	A 10-year TIEG for the purpose-built rental buildings.	No incentive.
<b>Servicing Allocation</b>	Building 1: Granted immediately Building 2: Granted from refunded units from Region from LEED program when available	Building 2: Granted immediately from Strategic Condominium Reserve
<b>Parkland Dedication</b>	Deferral of parkland dedication. Cash-in-lieu deferred for 48 months from date of required payment. Land and infrastructure conveyance deferred for period laid out in conditions below.	
<b>Conditions</b>		
<b>Deferral Subordination</b>	To be addressed in the same manner as deferral agreement for 212 Davis Drive.	
<b>Tenure</b>	One building of not fewer than 180 dwelling units, and one of not fewer than 120 dwelling units, to be guaranteed of rental tenure for a period of not less than 20 years.  One building of not fewer than 170 dwelling units to be guaranteed as a condominium.	
<b>TIEG</b>	Subject to the Region implementing a Community Improvement Plan and a Regional TIEG, and Council adopting future recommendations to implement a local TIEG. Council directs staff to begin process to amend Official Plan to allow participation in Regional CIPs, and to engage with the Region in support of the development of the CIP to allow the Town to offer this incentive in partnership with the Region.	

	<p>Provided that the Town offers the 10-year TIEG, at least 19 of the dwelling units, being each at least one bedroom and five hundred square feet in size in the guaranteed rental building indicated as Phase One on the site plan provided as part of the zoning by-law amendment application to be provided at a price not to exceed the affordability threshold as determined by York Region at the time of lease. If the Town does not offer the 10-year TIEG, no affordable rental units will be provided.</p> <p>Provided that the Town offers the 10-year TIEG, at least 13 of the dwelling units, being each at least one bedroom and five hundred square feet in size in the guaranteed rental building indicated as Phase Three on the site plan provided as part of the zoning by-law amendment application to be provided at a price not to exceed the affordability threshold as determined by York Region at the time of lease.</p> <p>If Council determines not to provide the TIEG, Council waives requirement 6.2.1 (vi) of the Policy for the Deferral of Payment of Development Charges &amp; Planning Application Fees within the Urban Centres.</p> <p>The owner is to cooperate with the Town in developing and implementing an eligibility guarantee system for any affordable units in the rental buildings.</p>
<b>Deferral of fees</b>	<p>Deferral and grandfathering of DCs requires the owner to obtain, before September 17, 2020, a building permit for the guaranteed rental building indicated as Phase One on the site plan provided as part of the zoning by-law amendment application.</p> <p>Deferral of parkland dedication requires that the owner convey to the Town physical lands in close proximity to the subject lands for the purposes of partial payment of required parkland dedication. Conveyance to take place not more than 60 days following first occupancy of the first building. Council agrees to vary the requirements of Section 3.2 of Parkland Dedication By-law 2017-56 to allow off-site land dedication to the satisfaction of the Director of Planning.</p>
<b>Community benefits</b>	<p>The owner is required to convey to the Town \$339,000 under Section 37 of the Planning Act for community benefits. These funds are to be in the form of cash or capital facilities and are to be allocated at the discretion of the Town toward park lands, public art, and park infrastructure in close proximity to the subject lands. Payment is to be made in 3 amounts of \$113,000, one payment or conveyance of</p>

	capital made within 60 days of occupancy of each of the buildings.
<b>Servicing allocation</b>	<p>Allocation is subject to the Servicing Allocation Policy, in particular regarding the Town's right to withdraw allocation if it is not used.</p> <p>Allocation is provided for the first two buildings, and will be provided to the third building upon the Town receiving the refund of 30% of allocation of units from the Region due to participation in the Region's Sustainable Development Through LEED program.</p>
<b>Three-stream waste</b>	Each building to provide a waste disposal system including three-stream waste infrastructure to each floor.
<b>Agreement</b>	Applicant to enter into a Section 37 Agreement and DC Deferral Agreement to secure matters in a form similar to the agreement used for 212 Davis Drive.





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## **Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017 Staff Report**

Report Number: 2019-14

Department(s): Planning and Building Services

Author(s): Adrian Cammaert

Meeting Date: February 4, 2019

### **Recommendations**

1. That the report entitled Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017, dated February 4, 2019 be received; and,
2. That the report entitled Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017, dated February 4, 2019 be submitted to the province as feedback; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The province has released a proposed amendment (“Amendment 1”) to the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) and is now seeking feedback on these proposed legislative and regulatory changes. The purpose of this report is to provide information to Council regarding these changes. The consultation period is from January 15, 2019 to February 28, 2019; it is recommended that this report be submitted to the province as input to this process.

### **Background**

The Growth Plan for the Greater Golden Horseshoe was originally approved in June, 2006. The Growth Plan establishes the long-term framework for where and how the

Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017

Greater Golden Horseshoe region will grow, and sets the framework for managing growth.

The Growth Plan was largely unchanged until 2017, with the exception of an office consolidation released in 2013. In 2017, the provincial government completed a comprehensive update to the 4 main provincial planning policy documents:

- Niagara Escarpment Plan
- Oak Ridges Moraine Conservation Plan
- Greenbelt Plan
- Growth Plan for the Greater Golden Horseshoe

The comprehensive update was known as the ‘2017 Provincial Plans Review’ and included an extensive consultation period from 2015 to 2017, including consultation directly with municipalities. The Town, through various staff reports, provided input to this process. This review resulted in new and modified policies which emphasized the intensification of existing built-up areas and better protect the natural environment. The 2017 Growth Plan is currently in force.

On January 15, 2019, the province released “Amendment 1” to the Growth Plan, 2017, which is the focus of this report. This Amendment contains a host of policy changes intended to address policies that the provincial government sees as potential barriers to the development of housing, job creation and business attraction.

## Discussion

The proposed policy changes can be categorized into seven main policy areas, as discussed below. Each of these policy areas is followed by a staff’s response and recommendation(s).

### 1. Employment Planning

The proposed amendment includes the following key policy changes:

- Removing the “prime employment area” designation.
- Adding a new designation called “Provincially Significant Employment Zones” which are areas to be identified by the province that must be protected and cannot be converted outside a Municipal Comprehensive Review (MCR). There are 29 such Zones across the Greater Golden Horseshoe region, none of which are in Newmarket.
- Entitling upper and single-tier municipalities (in consultation with lower-tier municipalities) to designate other “Employment Areas” for incorporation into official plans by amendment in advance of the next MCR. Newmarket’s existing employment areas would meet the definition of these “Employment Areas”.
- Adding a new policy that creates a one-time window to allow municipalities to undertake some conversions between the effective date of the proposed amendments and their next MCR, where appropriate certain criteria are met.

Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017

- Modifying language to require municipalities to set multiple density targets for employment areas rather than a single target, and removing the requirement for an employment strategy.
- Adding a new policy that requires municipalities to retain space for a similar number of jobs when redeveloping employment lands.

*Staff Response and Recommendation(s):* Staff generally support these changes.

The proposed changes adequately respond to comments provided by staff during the 2017 Provincial Plans Review regarding creating mixed use communities. Currently, the Growth Plan prohibits mixing residential and employment within “Prime Employment Areas”. This exacerbates the philosophy of separating land uses, which is contrary to other policies of the Plan that encourage the concept of mixed use. In 2016, it was therefore recommended that the Plan move away from segregated employment uses in favour of truly mixed use, walkable, complete communities. However, this recommendation was not implemented in the 2017 Growth Plan.

In 2016 it was also recommended that the term “Prime Employment Areas” be replaced by “Transportation-reliant Employment”, or “Freight-supportive Employment”, or similar. Staff opined that the word “Prime” was misleading as it is typically used to refer to prestige industrial and office uses that are compatible with other land uses, whereas the policy refers to employment areas located along major transportation corridors such as provincial highways. Being distinct from “Provincially Significant Employment Zones”, the proposed term “Employment Areas” seems to adequately address this concern, however it is noted that is not defined in the amendment. It is therefore recommended that a definition for “Employment Areas” be added as well as policies that specify that these areas may accommodate other land uses over the long term.

Finally, the proposed changes provide flexibility to add uses to Employment Lands outside of an MCR, through a one-time window. This is of importance to Newmarket given that the Mulock Station Areas Secondary Plan proposes non-employment (residential) uses within its study area.

## **2. Settlement Area Boundary Adjustments & Expansions**

The proposed amendment includes the following key policy changes:

- Adding a new policy that allows municipalities to *adjust* settlement area boundaries without an MCR, if:
  - There would be no net increase in land within the settlement area,
  - The adjustment would support the ability to meet intensification and density targets,
  - The normally applicable requirements for a settlement area expansion (found in policy 2.2.8.3) are met,
  - The land is not a rural settlement or in the Greenbelt, and
  - The land is serviced and there is sufficient reserve.

Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017

- Adding a new policy that allows municipalities to undertake settlement area boundary *expansions* without an MCR, if:
  - The land proposed to be expanded is no greater than 40 ha,
  - The lands will meet the resident and jobs density targets or the applicable employment area density targets,
  - The applicable requirements for a settlement area expansion (found in policy 2.2.8.3) are met,
  - The land is not a rural settlement or in the Greenbelt,
  - The land is serviced and there is sufficient reserve capacity, and
  - The land and accompanying growth will be fully accounted for in the next MCR.

*Staff Response and Recommendation(s):* Staff require additional information regarding these changes and recommend a further modification to the definition of “Settlement Areas”. As in the 2017 Growth Plan, the “Settlement Areas” definition includes the following language:

*“Urban areas...that are...lands which have been designated in an official plan for development in accordance with the policies of this Plan.”*

This reference to “an official plan” is the source of confusion; it is not clear if this includes lower tier official plans, or is limited to single / upper tier official plans. This is of importance to Newmarket as much of the southwest quadrant may or may not be a “Settlement Area” depending on this interpretation (this area is not ‘urban’ and is not located in the *designated in an official plan for development* in the Town’s Official Plan, but is designated as such in the Region’s Official Plan). To address this matter, it is recommended that language be included in this definition that specifies that local official plans must designate such lands for development in order to be considered a “Settlement Area”.

### **3. Small Rural Settlements**

The proposed amendment includes the following key policy changes:

- Adding a defined term “rural settlements”.
- Deleting the defined term “undelineated built-up areas”.
- Adding a new policy that specifies that rural settlements are not part of the Designated Greenfield Area.
- Adding a new policy that allows for minor rounding out of rural settlements in keeping with the rural character of the area, and subject to other criteria.

Although not directly applicable to Newmarket, the changes to the Small Rural Settlement policies reinforce the idea that these areas are not expected to face significant growth pressures. This is done by adding language that states that these areas are not part of the Designated Greenfield Area and therefore not subject to the Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017

designated greenfield density targets (see 5 below). It is unclear at this time what density targets apply to these areas.

*Staff Response and Recommendation(s):* Staff require additional information in order to form an opinion on this proposed change, specifically the density target that will be applied to these areas.

#### **4. Agricultural & Natural Heritage Systems**

The proposed amendment includes the following key policy changes:

- Adding a new policy that specifies the provincial mapping of the agricultural land base and the Natural Heritage System for the Growth Plan does not apply until implemented in single / upper-tier official plans.
- Adding a new policy that clarifies that before provincial mapping is implemented in official plans, the Growth Plan policies for the Agricultural System and the Natural Heritage System will apply to municipal mapping.
- Adding a new policy that clarifies that municipalities can request technical changes to mapping and OMAFRA and MNRF can update and re-issue mapping in response to such requests.
- Adding new policies that allow municipalities to refine and implement provincial mapping in advance of the MCR.

*Staff Response and Recommendation(s):* Staff require additional information in order to form an opinion on this proposed change, specifically the role of lower-tier municipalities in delineating Natural Heritage System limits. Staff would welcome the opportunity to work with the Region and province to refine the Natural Heritage Limits.

#### **5. Intensification Targets**

The proposed amendment changes the intensification targets:

- A minimum intensification target of 60% is provided for York Region. This means that at least 60% of growth must occur within the Region's delineated Built-up Area. This is a 20% increase from the existing 40% requirement.

*Staff Response and Recommendation(s):* Staff generally support this change. It is noted that this is increased from the existing 40% that currently exists in the existing 2017 Growth Plan, however the current Growth Plan requires an intensification target of 60% by 2031.

#### **6. Density Targets**

The proposed amendment changes the density targets:

- A density target of no less than 60 residents and jobs per ha is provided for York Region's Designated Greenfield Area. This is decreased from 80 residents and jobs per ha in the existing 2017 Growth Plan.

*Staff Response and Recommendation(s):* Staff do not support this change.

The reduced density target is not directly applicable to Newmarket because the municipality is almost entirely within the delineated built-up area and therefore not subject to the designated greenfield density targets. Notwithstanding this, staff are strongly opposed to the proposed reduction for two main planning reasons:

1. The GGH is forecast to grow to 13.5 million people by 2041, an increase of approximately 4.5 million people. Increased density (80 residents and jobs per ha) is required to effectively accommodate this increase in population; lower density targets (60 residents and jobs per ha) represents an inefficient use of land and presents challenges when accommodating this future population.
2. Increased density (80 residents and jobs per ha) has been found to be the minimum density that can support the lightest form of transit (local bus service). Density targets less than 80 residents and jobs per ha generally result in automobile-dependent land uses.

For these reasons, it is strongly recommended that 80 residents and jobs per ha continue to be used as the minimum density target for York Region's Designated Greenfield Areas.

## **7. Major Transit Station Areas**

The proposed amendment includes the following key policy changes:

- Adding a new policy that allows municipalities to delineate a larger Major Transit Station Areas (MTSAs) area, increasing these areas from an approximate 500m radius from these stations to 800m.
- Adding a new policy that sets targets in advance of an MCR, through the Protected MTSA tool under the Planning Act.
- Adding a new policy that simplifies the process and criteria for setting alternative targets that reflect on-the-ground realities.

*Staff Response and Recommendation(s):* Staff generally support this change.

This is of importance to Newmarket because there are 12 MTSAs identified within the Town, including all existing and planned vivaNext BRT Stations, vivaNext curbside stations, and the future Mulock GO Station.

The larger MTSA area of 800m represents a 10 minute walk, and is therefore a commonly used distance in urban design for creating neighbourhood centres and nodes. This change allows a larger area to be included in MTSAs and therefore applies the associated higher density targets to a greater area, thereby using the land within a walkable distance of these transit stations in a more efficient manner.

The proposed changes also allow for the province to approve a lower target for a particular MTSA. Staff note that not all of the Town's MTSAs are able to accommodate Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017



the same level of density; some MTSA's have unique attributes that result in lower densities being achieved, such as the presence of a land extensive school or other use. In these instances, alternative targets are required.

## Mapping

### Extension of Priority Transit Corridor

The Priority Transit Corridor along the rail line continues to end in Aurora.

*Staff Response and Recommendation(s):* As noted by staff during the consultation period for the 2017 Provincial Plans Review, it is logical and supportable to extend this corridor, at a minimum, to the Newmarket GO Station. This relatively short extension would support a host of provincial planning goals including:

1. Connection to a Provincial Urban Growth Centre, via an intensification corridor;
2. Connection to a Metrolinx Mobility Hub at Newmarket GO Station;
3. Connection to a vivaNext Rapidway MTSA along Davis Drive; and
4. Support the objectives of the Urban Centres Secondary Plan.

### Technical Error – Misplaced Urban Growth Centre

As noted by staff during the consultation period for the 2017 Provincial Plans Review, there is a mapping error specific to the “Newmarket Centre” Urban Growth Centre on many of the Growth Plan’s schedules. The symbol that denotes “Newmarket Centre” is shown in the area of the Newmarket GO Station, however it actually exists further west at the intersection of Yonge Street and Davis Drive.

*Staff Response and Recommendation(s):* In order to correct this error, staff are recommending that the province show the “Newmarket Centre” Urban Growth Centre in its correct location in the amended Growth Plan.

## Proposed Timeline for Implementation

The Minister directed July 1st, 2022 as the date for upper and single-tier official plans to be brought into conformity with the Growth Plan, 2017. The Minister also directed that, for lower-tier municipalities, the conformity date would be within one year of the applicable upper-tier official plan taking effect.

## Conclusion

As noted, three of the seven main areas of proposed policy change are seen as positive and therefore supported by staff, and three others required additional information prior to forming an opinion.

However, the proposed Amendment’s most significant change relates to the density targets for Designated Greenfield Areas. Staff are strongly opposed to the proposed reduction for reasons related to land use efficiency and transit supportability.

Proposed Amendment to the Growth Plan for the Greater Golden Horseshoe, 2017

Finally, two mapping issues have been identified.

## **Business Plan and Strategic Plan Linkages**

Well-Respected: Being an active, influential political contributor in regional, provincial and federal affairs.

## **Consultation**

None.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

None.

## **Approval**

Adrian Cammaert, MCIP, RPP, CNU-A  
Senior Planner, Policy

Jason Unger, MCIP, RPP  
Assistant Director of Planning

Rick Nethery, MCIP, RPP  
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Commissioner of Development & Infrastructure Services

## **Contact**

Adrian Cammaert, Senior Policy Planner, [acammaert@newmarket.ca](mailto:acammaert@newmarket.ca)





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## **Servicing Allocation Policy - Update Staff Report**

Report Number: 2019-11

Department(s): Planning and Building Services

Author(s): Adrian Cammaert

Meeting Date: February 4, 2019

### **Recommendations**

1. That the report entitled Servicing Allocation Policy - Update dated February 4, 2019, be received;
2. That Council adopt the Servicing Allocation Policy, updated February 2019, included as Attachment 1 to this Report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this Report is to provide information regarding the proposed update to the Town's Servicing Allocation Policy, included as Attachment 1, for Council's consideration for adoption. The Town's Servicing Allocation Policy is hereafter referred to as "the Policy".

### **Background**

The original version of the Policy was adopted by Council in 2009 and has undergone a series of updates since that time, with the most recent update being in May 2018. The Servicing Allocation Policy is proposed to be updated again to ensure that it remains current and reflective of the existing development context of the Town.

## Discussion

This update proposes two changes, as discussed below.

### Revision 1: Removal of “Strategic Condominium Reserve”

The “Strategic Condominium Reserve” was created during the Policy’s May 2018 update. This reserve was to provide servicing allocation for the first residential condominium development in the Urban Centres. Development applications eligible to access this reserve were required to be residential condominiums that provide housing for at least 300 people (in total or as a first phase) and be located entirely within the Urban Centres Secondary Plan area. In September 2018, this reserve was applied to Phase 1 of the high-density residential development application located at 175 Deerfield Road by the Rose Corporation. As such, this reserve no longer has any allocation and is therefore proposed to be removed from the Policy.

### Revision 2: Addition of a “Severance Reserve”

A “Severance Reserve” is proposed to be added to the Policy. This reserve would provide servicing allocation for new residential lots created through the Severance process under Section 53 of the *Planning Act*.

Historically, allocation was only granted to development applications consisting of 4 or more new lots. This was based on past Regional policies that required units of servicing to be allocated for plans of subdivision (4 or more new lots), but not for those created through severance (3 or less). However, recent discussions with Regional staff and other York Region municipalities has resulted in the need for the Town to start allocating servicing for lots created by severance.

On average, the Town approves approximately 3 severance applications per year, resulting in an average of 3 new lots that have historically hosted single detached dwellings. Applying the Region’s persons per unit number of 3.25 for a single detached dwelling, this translates to approximately 10 new people per year. It is therefore proposed that this reserve be capped at 20 people per year (to accommodate an anticipated small increase in severance applications per year) and may not carry over into subsequent years.

## Conclusion

The changes to the Policy as outlined above will ensure that the Servicing Allocation Policy remains up to date with the development context of the Town. Specifically, the “Strategic Condominium Reserve” is proposed to be deleted as it has already been utilized, and a “Severance Reserve” is proposed to be added to address servicing allocation requirements for new lots created by severance.

## **Business Plan and Strategic Plan Linkages**

Well-Equipped and Managed:

- Creating a clear vision of the future and supporting plans and strategies to guide the way.

## **Consultation**

No consultation has occurred specifically regarding the proposed policy change as expressed in this report, however consultation for the current version of this Policy was previously undertaken with York Region and the development industry.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

Servicing Allocation Policy, updated February 2019

## **Approval**

Adrian Cammaert, MCIP, RPP, CNU-A  
Senior Planner, Policy

Jason Unger, MCIP, RPP  
Assistant Director of Planning

Rick Nethery, MCIP, RPP  
Director of Planning & Building Services

Peter Noehammer, P. Eng.  
Commissioner of Development & Infrastructure Services

## **Contact**

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# Servicing Allocation Policy

Adopted by Council: August, 2009  
Amended: May, 2011  
Amended: September, 2017  
Amended: May, 2018  
Amended: February, 2019





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## 1.0 Prioritization of Servicing Allocation

It is the policy of the Council of the Town of Newmarket that, upon York Region making available servicing capacity for allocation by the Town, the Town shall evaluate development applications in accordance with the following criteria:

- a) Applications within the Urban Centres Secondary Plan area as shown on Schedule “1”, Study Area to the Town of Newmarket Urban Centres Secondary Plan shall be considered first for the allocation of servicing capacity.

Where there are multiple applications within the Urban Centres, applications will be prioritized based on points awarded to the application using the following metrics:

Metric	Available Points
Applications that participate in the Region's Sustainable Development through LEED® Incentive Program (LEED). (minimum requirement of 4 storeys).	3
Applications that do not require an amendment to the Urban Centres Secondary Plan.	3
Applications that include a meaningful number of affordable housing units, to the satisfaction of Council, that will contribute to meeting the Urban Centres Secondary Plan's affordable housing policies <sup>1</sup> . Respective legal agreement(s) shall be required to be executed detailing occupant eligibility, affordability rates and secured duration periods, among other items.	3
Applications that do not require an amendment to the Urban Centres Zoning By-law. <i>Note: Not applicable until the UC ZBL is in force and effect.</i>	2
Applications that participate in the joint Region and Town Inflow and Infiltration Reduction Program	2
Applications that include a conveyance of lands to the Town to implement the future public street network, as per Schedule 5 of the Urban Centres Secondary Plan.	2
Applications that are located in the Provincial Urban Growth Centre.	1
Applications that are located in the portion of the Newmarket GO Station Mobility Hub Study area that falls within the Urban Centres Secondary Plan area.	1
<b>Total Available Points</b>	<b>17</b>
<b>(15 until the UC ZBL is in force and effect)</b>	

<sup>1</sup> For reference, Section 6.4.3 i) of the Urban Centres Secondary Plan states that a minimum of 35% of new housing units in the *Provincial Urban Growth Centre* and a minimum of 25% of new housing units elsewhere in the Urban Centres shall be affordable to *low and moderate income households* (italicized terms are defined in the Urban Centres Secondary Plan).

Applications will be assessed using the above metrics and servicing allocation shall be given to the application having the highest point total. Where there are multiple applications within the Urban Centres Secondary Plan area that have the same point total, an analysis shall be undertaken by the Town to assess the objectives of the Official Plan, Urban Centres Secondary Plan, and/or any other Town, Regional or Provincial goals that may be supported.

- b) After consideration has been given to applications within the Urban Centres Secondary Plan area, consideration shall then be given to providing allocation to those applications in the Historic Downtown Centre as shown on Schedule “A”, Land Use Plan to the Town of Newmarket Official Plan. Where there are multiple applications within the Historic Downtown Centre that together exceed the available allocation, an analysis shall be undertaken by the Town to assess the objectives of the Official Plan and/or any other Town, Regional or Provincial goals that may be supported.
- c) After consideration has been given to applications within the Historic Downtown Centre, consideration shall then be given to providing allocation to those applications in the Emerging Residential Areas as shown on Schedule “A”, Land Use Plan to the Town of Newmarket Official Plan. Where there are multiple applications within the Emerging Residential Areas that together exceed the available allocation, priority will be given to applications that satisfy one or more of the following criteria, to the satisfaction of Council:
  - 1. a meaningful number of affordable housing units are provided, that will contribute to meeting the Official Plan's affordable housing policies<sup>2</sup>. Respective legal agreement(s) shall be required to be executed detailing occupant eligibility, affordability rates and secured duration periods, among other items; and/or
  - 2. participate in the joint Region and Town Inflow and Infiltration Reduction Program; and/or
  - 3. facilitate the completion of a community.
- d) After consideration has been given to applications within the Emerging Residential Areas, consideration shall then be given to providing allocation to those applications in the Stable Residential Areas as shown on Schedule “A”, Land Use Plan to the Town of Newmarket Official Plan. Where there are multiple applications within the Stable Residential Areas that together exceed the available allocation, priority will be given to applications that satisfy one or more of the following criteria, to the satisfaction of Council:
  - 1. a meaningful number of affordable housing units are provided, that will contribute to meeting the Official Plan's affordable housing policies<sup>3</sup>. Respective legal agreement(s) shall be required to be executed detailing occupant eligibility, affordability rates and secured duration periods, among other items; and/or
  - 2. participate in the joint Region and Town Inflow and Infiltration Reduction Program; and/or
  - 3. facilitate the completion of a community.

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<sup>2</sup> For reference, Section 3.10.2.1 of the Official Plan states that a minimum of 25 % of new housing development outside the Urban Centres Secondary Plan will be affordable to low and moderate income households.

<sup>3</sup> For reference, Section 3.10.2.1 of the Official Plan states that a minimum of 25 % of new housing development outside the Urban Centres Secondary Plan will be affordable to low and moderate income households.

## **2.0 Severance Reserve**

A reserve shall be created by the Town to providing servicing allocation for new residential lots created through the Severance process under Section 53 of the *Planning Act*. This reserve shall be capped at 20 people per year and may not carry over into subsequent years.

## **3.0 Participation in York Region's Sustainable Development Incentive Programs**

- a) In order to maximize servicing, all eligible proposals for residential developments up to and including 3 storeys in height are required to participate in York Region's Servicing Incentive Program (SIP).
- b) In order to maximize servicing, all proposals for residential developments of 4 storeys or higher are encouraged to participate in York Region's Sustainable Development through LEED® Incentive Program (LEED).

## **4.0 Allocation Tied to Land**

For the purpose of the Servicing Allocation Policy, any allocation granted shall be tied to the land itself, and any timing of allocation contemplated shall not be affected by ownership changes, assignments of obligations by an owner, or agreements of purchase and sale.

## **5.0 Rescinding and Reallocation of Servicing**

Where servicing capacity has been allocated to land and actual development of such land has not taken place within 1 year from the date that servicing capacity was first allocated to such land, such allocation shall be deemed to be rescinded and the Town may re-allocate such servicing capacity to other development(s).

## **6.0 Extension of Allocated Servicing**

An owner of land to which servicing capacity has been allocated and who wishes to retain its allocation shall make application to the Town within one year from the date that servicing capacity was first allocated to its land, and at least 60 days prior to expiry, for an extension of time to preserve its servicing allocation.





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## Amendments to Council Code of Conduct Staff Report

Report Number: 2019-16

Department(s): Legislative Services

Author(s): Kiran Saini, Acting Town Clerk/Director, Legislative Services  
Andrew Walkom, Legislative Coordinator

Meeting Date: February 4, 2019

### Recommendations

1. That the report entitled Amendments to Council Code of Conduct dated February 4, 2019 be received; and,
2. That Council adopt the amendments to the Council Code of Conduct attached as **Attachment A** with an effective date of March 1, 2019; and,
3. That Council adopt amendments to the Indemnification By-law attached as **Attachment B**; and,
4. That Staff be directed to investigate further amendments or revisions to the Code of Conduct as required; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### Purpose

The purpose of this report is to seek Council approval in enacting certain legislative amendments to 1) the current Council Code of Conduct; 2) include Local Boards and Adjudicative Boards in the Code of Conduct; and, 3) revise the Indemnification By-law.

### Background

Bill 68, Modernizing Ontario's Municipal Legislation Act, 2017 received Royal Assent on May 30, 2017, with the changes under this legislation coming into effect in stages. The

first stage of changes under Bill 68 came into effect on January 1, 2018 and included changes to the Municipal Act. Council adopted required amendments to the Procedure By-law on December 4, 2017.

The second stage of amendments under Bill 68 will come into effect on March 1, 2019. These changes are wide-ranging and amend numerous laws, including the Municipal Act and Municipal Conflict of Interest Act. One major area of focus of the amendments is the mandatory creation of a Code of Conduct for all municipal Councils and Local Boards. Council established a Code of Conduct in 2007 and revised the Code in 2016. The amendments and corresponding regulation also set out a number of required elements for the Code of Conduct, which now require amendments to the Town's Code to ensure compliance with the legislation.

The Municipal Act allows for future regulations to prescribe specific elements to be included in a Code of Conduct. To date, one regulation has been made (O. Reg. 55/18), which prescribes that the following elements must be included in a Code of Conduct:

- Gifts, benefits and hospitality.
- Respectful conduct, including conduct toward officers and employees of the municipality or the local board, as the case may be.
- Confidential information.
- Use of property of the municipality or of the local board, as the case may be.

These requirements are already present in the Town's Code of Conduct and are in compliance with the legislation.

## **Local Boards and Adjudicative Boards**

In addition to the mandatory requirement for a Code of Conduct for Municipal Councils, the Municipal Act now requires Local Boards to adopt a Code of Conduct. Council's current Code does not apply to Members of Local Boards.

After consultation with the Town's Integrity Commissioner, all Advisory Committees of Council are considered to be Local Boards for the purposes of the Municipal Act.

Further to this, in order to recognize the arm's-length, quasi-judicial nature of some of the Town's boards and committees, and upon the advice of the Town's Integrity Commissioner, Staff have divided these bodies into two distinct definitions: Local Boards and Adjudicative Boards.

It is important to note that under the definition of Section 223.1 of the Municipal Act, there is no such division. Both Local Boards and Adjudicative Boards are considered "Local Boards" in the legislation.

The Code divides the Local Boards and Adjudicative Boards as follows:

Local Boards	Adjudicative Boards
Accessibility Advisory Committee	Appeal Committee
Audit Committee	Committee of Adjustment
Elman W. Campbell Museum Board	Property Standards Committee
Heritage Newmarket Advisory Committee	
Main Street District Business Improvement Area Board of Management	
Newmarket Downtown Development Committee	
Newmarket Economic Development Advisory Committee	
Newmarket Environmental Advisory Committee	

## Central York Fire Services – Joint Council Committee

The Central York Fire Services – Joint Council Committee is composed of three members from the Town of Newmarket Council and three members from the Town of Aurora Council. Since all members of the Committee belong to a Town Council, they will continue to be governed by their respective Code of Conduct while serving on the Joint Council Committee.

## Library Board

Library Boards are established through the Public Libraries Act rather than the Municipal Act. Library Boards are specifically exempted from the definition of Section 223.1 of the Municipal Act and therefore are not included in the revised Code of Conduct.

A Code of Conduct is included in the Newmarket Public Library Board Governance Policy. This Governance Policy applies to all Directors of the Library Board. However, Members of Council who are also Library Board Directors remain subject to the Council Code of Conduct while acting as Directors.

## Other Boards and Committees

Members of Councillors may be appointed from time to time to serve on other boards or committees that are not listed in the chart above, for example, the Newmarket Historical Society or the Lake Simcoe Region Conservation Authority. In these instances,

Members of Council will continue to be governed by the Code of Conduct because they are still acting in their capacity as a Councillor.

## **Discussion**

### **Council Code of Conduct Amendments (Attachment A)**

Below is a summary of the amendments to the Council Code of Conduct, to take effect March 1, 2019.

1. Addition of Local Boards and Adjudicative Boards to the Code of Conduct (Mandatory under Bill 68)

The existing Council Code of Conduct does not include members of Local Boards or Adjudicative Boards. The Code requirements for Local Boards and Councils are identical in the Municipal Act. Since the requirements are identical, the Council Code of Conduct has been amended to include Local Boards and Adjudicative Boards, to take effect March 1, 2019.

2. Schedule: Adjudicative Boards (Recommendation based on best practice from the Integrity Commissioner)

It is recommended that an additional schedule be added to the Code of Conduct that applies only to Adjudicative Boards. These additional sections are designed to preserve the independent and impartial nature of Adjudicative Boards. The first section is intended to guide the communication with Adjudicative Board Members through Staff and prevent separate communication with individual Members. The second section includes provisions to protect the arm's-length status of Adjudicative Boards by governing their relation with Council.

Corresponding provisions have been added to the Undue Use of Influence section of the Code which outline the relationship between Council Members and Adjudicative Boards. Specifically, these provisions outline the appropriate way for Council Members to communicate with Adjudicative Boards, in order to preserve their impartiality. One further clause provides guidance on the relationship between Council and external tribunals such as the Local Planning Appeal Tribunal.

3. Role of the Integrity Commissioner - section 16 (Mandatory under Bill 68)

In the existing Code, Section 16 outlined the services provided by the Integrity Commissioner. This section has been revised to include the services now required by the Municipal Act. This includes the application of certain sections of the Municipal Conflict of Interest Act. Both the request for advice and provision of that advice to a Member by the Integrity Commissioner must now be in writing.

4. Complaint Process (Mandatory under Bill 68)

The Municipal Act states that the Integrity Commissioner will now investigate complaints related the Municipal Conflict of Interest Act. In Council's current Code, the Integrity Commissioner did not investigate complaints regarding this legislation.

New sections (18.11 and 18.12) prevent inquiries by the Integrity Commissioner during the period between nomination day and Voting Day during a regular election (i.e., complaints could be filed during a by-election), and is a requirement of the Municipal Act. This "black out" period would commence in 2022, as this is would be the next regularly scheduled municipal election.

The Municipal Act also states that if an inquiry has already commenced prior to nomination day in a regular election year, but has not yet been completed, that the inquiry will terminate on nomination day. If the requestor/complainant makes a written request to the Integrity Commissioner within six weeks of Voting Day, the Commissioner may initiate another inquiry on the same matter that was previously terminated.

5. Amendment to Penalties Section (Recommendation based on best practice)

Additional penalties have been included which are not required by the Bill 68 amendments but provide additional measures in the case of a violation of the Code of Conduct.

6. Other changes

A number of minor changes have been included which include housekeeping changes and amendments for clarification.

At the January 28, 2019 Council Workshop, Council Members discussed additional changes to the Code, including an expanded section respecting gifts. Staff note that no complaints have been received regarding Council Members accepting gifts and that the Community's tolerance of the issue drives the content of the Code of Conduct. Staff will continue to investigate further amendments such as an expanded gift section as needed and as best practices suggest. Staff will continue to monitor complaints received to determine if these or other revisions are needed.

## **Indemnification By-law (Attachment B)**

The Municipal Act now requires municipalities to indemnify Integrity Commissioners and anyone acting under their direction. The revised Indemnification By-law ensures that this requirement is met, and that the Town is meeting its legislative requirements under the Act.

## Regional Code of Conduct

The Region of York has developed a Code of Conduct to be compliant with the March 1, 2019 deadline of the Bill 68 amendments. The Mayor and Deputy Mayor & Regional Councillor of the Town of Newmarket serve on Regional Council as well as Town Council. The Regional Code will apply to these Members only when acting in their capacity as a Regional Councillor and the Town Code will apply only when acting as Town Councillor.

Complaints against a Regional Councillor will need to be filed with the Integrity Commissioner who represents the Municipality in which the contravention is alleged to have occurred. In the case of a complaint submitted to the wrong Municipality, the Integrity Commissioner may dismiss the complaint or refer the complaint to the correct Municipality's Integrity Commissioner.

## Declarations of Pecuniary Interest

Bill 68 also amends the Municipal Conflict of Interest Act to require Members to file a written statement of a declared interest at the meeting or as soon as possible afterwards. The amendments also require the Town to keep a registry of these declarations and provide them to the public for inspection.

Staff have produced a standardized form for Members to complete after a declaration in anticipation of the March 1, 2019 deadline which has been attached as **Attachment C**. A public registry will be added to the Town website to ensure compliance with these legislated requirements. The Town's meeting management software provider is currently developing an automated system to record written statements and incorporate the system with the Town's agendas and minutes. Staff will investigate the use of this system to automate the process and integrate the written statements with the meeting management solution.

## Conclusion

The Municipal Act now requires Codes of Conducts to be established for Councils and Local Boards by March 1, 2019. The Code of Conduct and Indemnification By-law amendments described in this report are designed to ensure compliance with legislation and incorporate Local Boards and Adjudicative Boards into the Code. Training for Council, Local Boards and Adjudicative Boards on the new provisions of the Codes of Conduct will take place in Q1 2019, concurrent with orientation related to the beginning of the new term of Council. Staff will investigate further amendments and revisions to the Code of Conduct as directed by Council or as best practices suggest. Staff will continue to monitor the provision of advice to Members of Council, Local Boards and Adjudicative Boards and the associated costs.

## **Business Plan and Strategic Plan Linkages**

This report relates to the “Well Equipped and Managed” link of the Town’s community vision implementing policy and processes that reflect sound, accountable governance.

## **Consultation**

Staff reviewed Codes of Conduct and relevant reports on Bill 68 and Integrity Commissioners from a number of municipalities including the City of Ottawa, City of Toronto, City of Oshawa and Region of York. Staff consulted with Town of Newmarket Integrity Commissioner Robert Swayze. Staff consulted Legal Services and the Newmarket Public Library.

## **Human Resource Considerations**

None.

## **Budget Impact**

Staff will continue to monitor the provision of advice related to the Code of Conduct and Municipal Conflict of Interest Act and its related budget impact.

## **Attachments**

**Attachment A:** Code of Conduct for Council, Local Boards and Adjudicative Boards

**Attachment B:** Amended Indemnification By-law

**Attachment C:** Written Statement of Disclosure of Pecuniary Interest Form

## **Approval**

Lisa Lyons, Acting Commissioner, Corporate Services

## **Contact**

For more information on this report, contact Kiran Saini, Acting Town Clerk/Director, Legislative Services at 905-953-5300 extension 2203 or via email at [ksaini@newmarket.ca](mailto:ksaini@newmarket.ca).







## CORPORATION OF THE TOWN OF NEWMARKET

### BY-LAW NUMBER 2016-10

#### **A BY-LAW TO ESTABLISH A CODE OF CONDUCT FOR MEMBERS OF COUNCIL, LOCAL BOARDS AND ADJUDICATIVE BOARDS**

**WHEREAS** subsection 223.2 (1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality shall establish codes of conduct for Members of Council of the municipality and of local boards of the municipality;

**AND WHEREAS** the Council of the Corporation of the Town of Newmarket considers it appropriate and proper to establish a code of conduct (the "Code") and to enact a by-law in this regard and to repeal By-law 2016-10.

**THEREFORE BE IT ENACTED** by the Council of the Corporation of the Town of Newmarket that the following Code of Conduct for Members of Council, Local Boards and Adjudicative Boards is hereby adopted:

#### **Code of Conduct for Members of Council, Local Boards and Adjudicative Boards**

##### **PREAMBLE**

Members of Council have the privilege of attaining elected office. That privilege carries significant responsibilities and obligations with respect to the public trust. In order to strengthen the role of Council and to enhance public trust with respect to the obligations of its Members, this Code is established to govern and regulate the ethical conduct of all Members and also supplements existing superior legislation, municipal by-laws and related corporate policies that govern Members' conduct.

##### **1. PURPOSE AND PRINCIPLES**

- 1.1 The Code sets out and identifies the Town's expectations for its Members and establishes rules for appropriate conduct.
- 1.2 The public expects the highest moral and ethical standards of conduct from the Council that it elects. The behaviour and actions of Members is expected to reflect the principles of accountability, transparency, and public trust. Adherence to these standards will protect and maintain the Town's reputation and integrity.
- 1.3 The key statements of principle that underline this Code are as follows:
  - (a) the decision-making process of Council and its boards is open, accessible and equitable and respects the Town's governance structure;
  - (b) public office is not to be used for the personal financial benefit of any Member;
  - (c) Town residents should have confidence in the integrity of their local government and of their Members;
  - (d) the conduct of each Member is of the highest standard; and
  - (e) the conduct of each Member demonstrates fairness, respect for differences and a duty to work with other Members together for the common good.

## 2. APPLICATION

2.1 This Code applies to every Member. This Code shall be applied to all Members of Local Boards and Adjudicative Boards who are not Members of Council.

## 3. DEFINITIONS

### 3.1 In this Code:

- (a) **“Adjudicative Board”** means a quasi-judicial body which operates at arm’s-length from Council and shall include the following:
  - (i) Appeal Committee
  - (ii) Committee of Adjustment
  - (iii) Property Standards Committee
- (b) **“Clerk”** means the Director of Legislative Services/Town Clerk or his/her designate;
- (c) **“Code”** means the “Code of Conduct for Members of Council, Local Boards and Adjudicative Boards” as established by Council pursuant to Section 223.2 of the Municipal Act, 2001;
- (d) **“Committee”** means a committee, board, task force or other body constituted and appointed by Council, including the Committee of the Whole, with the exception of the Newmarket Public Library Board;
- (e) **“community groups and organizations”** means any group, club, society, or organization and any non-profit or charitable group or organization operated for social welfare, civic improvement, pleasure, recreation or any other purpose except profit. Including but not limited to registered charities and non-profit organizations as defined by the Canada Revenue Agency.
- (f) **“complainant”** means a person who has filed a complaint in accordance with this Code;
- (g) **“complaint”** means a written objection filed with the Integrity Commissioner pursuant to this Code respecting a Member;
- (h) **“confidential information”** means any information in the possession of or received in confidence by the Town that the Town is prohibited from disclosing or has decided to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act or other legislation, which includes but is not limited to:
  - (i) information that is disclosed or discussed at a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
  - (ii) information that is given verbally in confidence in preparation for or following a meeting that is closed to the public pursuant to subsection 239(2) of the Municipal Act, 2001;
  - (iii) personal information as defined in subsection 2(1) of the Municipal Freedom of Information and Protection of Privacy Act;
  - (iv) advice that is subject to solicitor-client privilege or information that concerns litigation or potential litigation, including matters before administrative tribunals, affecting the Town;

- (v) information that concerns any confidential matters pertaining to personnel, labour relations, or items under negotiation;
  - (vi) price schedules in contract tenders and information about suppliers provided in contract tender or requests for information, quotation or proposal submissions, if such information is given in confidence, implicitly or explicitly;
  - (vii) sources of complaints where the identity of the complainant is given in confidence;
  - (viii) information circulated to Members and marked "confidential"; or
  - (ix) any information lawfully determined by the Council, Local Board or Adjudicative Board to be confidential or required to remain or be kept confidential by legislation or order.
- (i) **"Council"** means the Council of the Corporation of the Town of Newmarket;
- (j) **"gift"** means cash, fees, admission fees, advances, vouchers, invitations, objects of value, services, offers, personal benefits, travel and accommodation or entertainment that are provided to and retained by a Member, that could be seen to be connected directly or indirectly to the performance of the Member's duties;
- (k) **"harassment"** or **"harass"** involves engaging in a course of behaviour, comment or conduct, whether it occurs inside or outside the work environment, that is or ought reasonably to be known to be unwelcome. It includes but is not limited to any behaviour, conduct or comment by a Member that is directed at or is offensive to another person:
- i) on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status, as well as any other grounds under the provisions of the Human Rights Code; or
  - ii) which is reasonably perceived by the recipient as an intention to bully, embarrass, intimidate or ridicule the recipient.
- (l) **"Integrity Commissioner"** means the Integrity Commissioner appointed by Council pursuant to Section 223.3 of the Municipal Act, 2001;
- (m) **"Local Board"** means a local board as defined by Section 1(1) and 223.1 of the Municipal Act, 2001 and shall include the following Local Boards of the Town of Newmarket:
- (i) Accessibility Committee
  - (ii) Audit Committee
  - (iii) Elman W. Campbell Museum Board
  - (iv) Heritage Newmarket Advisory Committee
  - (iii) Main Street District Business Improvement Area Board of Management
  - (iv) Newmarket Downtown Development Committee
  - (v) Newmarket Economic Development Advisory Committee
  - (vi) Newmarket Environmental Advisory Committee

- (n) **“meeting”** means any legally-constituted meeting of Council or a Committee;
- (o) **“Member”** means a Member of Newmarket Town Council, or a Member of a Local Board, or a Member of an Adjudicative Board;
- (p) **“social media”** means web-based applications and on-line forums that allow users to interact, share and publish content such as text, links, photos, audio and video;
- (q) **“staff”** means direct employees of the Town whether full-time, part-time, contract (including employees of staffing agencies) or casual (including students and volunteers);
- (r) **“Town”** means the Corporation of the Town of Newmarket; and
- (s) **“Town property”** includes, but is not limited to, all real and personal property, facilities, vehicles, equipment, supplies, services, staff, documents, intellectual property, computer programs or technological innovations belonging to the Town.

#### 4. CONDUCT OF MEMBERS

A Member shall at all times conduct themselves with propriety, decency and respect and with the understanding that all members of the public, other Members and staff are to be treated with dignity, courtesy and empathy, recognizing that a Member is always a representative of the Town and of their elected or appointed office. A Member shall at all times conduct themselves with decorum and in accordance with the Town’s Procedure By-law during any meetings and in a manner that demonstrates fairness, respect for individual differences, and an intention to work together for the common good and in furtherance of the public interest.

#### 5. COMPLIANCE WITH THE CODE OF CONDUCT

5.1 This Code applies to every Member.

5.2 A Member shall:

- (a) observe and comply with every provision of this Code, as well as all other policies and procedures adopted or established by Council affecting the Member, acting in his or her capacity as a Member;
- (b) respect the integrity of the Code and inquiries and investigations conducted under it; and
- (c) co-operate in every way possible in securing compliance with the application and enforcement of the Code.

5.3 No Member shall:

- (a) undertake any act of reprisal or threaten reprisal against a complainant or any other person for providing relevant information to the Integrity Commissioner or any other person; or
- (b) obstruct the Integrity Commissioner, or any other municipal official involved in applying or furthering the objectives or requirements of this Code, in the carrying out of such responsibilities, or pursuing any such objective.

#### 6. TRANSPARENCY AND OPENNESS IN DECISION MAKING

6.1 Members shall:

- (a) conduct Council, Local Board or Adjudicative Board business and their duties in an open and transparent manner so that stakeholders can understand the process and rationale which has been used to reach decisions;
- (b) ensure the public has input and receives notice regarding Council, Local Board or Adjudicative Board's decision making processes in accordance with the Procedure By-law;
- (c) ensure compliance with the Municipal Act, Municipal Freedom of Information and Protection of Privacy Act, and other applicable legislation regarding open meetings, accountability and transparency.

**7. ACCESS TO INFORMATION AND CONFIDENTIALITY**

7.1 A Member shall:

- (a) only be entitled to have access to information in the possession of the Town that is relevant to matters before Council, Committee, Local Board or Adjudicative Board or that is relevant to their role as Member. Otherwise, they have the same access rights to information as any member of the public.
- (b) follow the procedures for requesting information contained in the "Council - Staff Request for Information and Use of Resources Policy", as amended from time to time; and
- (c) have a continuing obligation to keep information confidential, even if the Member ceases to be a Member.

7.2 No Member shall:

- (a) obtain access, or attempt to gain access, to confidential information in the custody or control of the Town except in accordance with the Municipal Freedom of Information and Protection of Privacy Act;
- (b) disclose, release or publish by any means, including social media any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- (c) provide to any other person to disclose, release, publish any confidential information acquired by virtue of his or her office, in any form, except when required or authorized by Council or otherwise by law to do so;
- (d) use confidential information for personal or private gain or benefit, or for the personal or private gain or benefit of any other person or body; or
- (e) disclose or discuss, through written, electronic or verbal communication, to any individual or corporate third party, any information that has been or will be discussed at a closed session meeting of Council or a Committee until such time that Council or a Committee has determined or has been advised by staff that the matter, or any part of the matter, can be made public subject to review by the head or designate under the Municipal Freedom of Information and Protection of Privacy Act or if directed to do so by a court.

**8. UNDUE USE OF INFLUENCE**

7.1 No Member shall use their status as a Member of Council or a Local Board or an Adjudicative Board to improperly influence the actions or decisions of Staff or others to the private advantage of the Member or his or her family, staff, or associates, business or otherwise.

7.2 No Member of Council shall:

- (a) contact Members of any Adjudicative Board regarding any matter before the Adjudicative Board;
- (b) make representations to Adjudicative Boards.

7.3 A Member of Council may express their views to an Adjudicative Board through a letter addressed to the Secretary of the Adjudicative Board, which will be made available to all parties.

7.4 Members of Council shall not make representations of any kind to other tribunals such as the Local Planning Appeal Tribunal but may request Council to instruct the Municipal Solicitor to appear in a case before such tribunal.

## 9. STAFF RELATIONS

9.1 A Member shall:

- (a) respect staff and acknowledge that staff is required to provide objective advice while remaining neutral, carry out directions of council as a whole, and administer the policies of the town without undue influence from any Member.
- (b) respect the administrative structure and direct any staff performance concerns through the appropriate supervisory staff.

9.2 No Member Shall:

- (a) maliciously or falsely impugn the professional or ethical reputation of any staff;
- (b) compel staff to engage in partisan political activities, or subject staff to threat or discrimination for refusing to engage in such activities; or
- (c) use their authority or influence to threaten, intimidate, or coerce staff or improperly interfere with the lawful exercise of the duties of staff.

## 10. GIFTS

10.1 No Member shall accept a gift or personal benefit that is connected directly or indirectly with the performance of their duties unless authorized by one of the exceptions below.

10.2 Notwithstanding Section 10.1 of this code, the following exceptions are applicable:

- (a) gifts received as an incident of protocol or social obligation that normally accompany the responsibilities of elected or appointed office;
- (b) gifts that are not connected directly or indirectly with the performance or duties of office;
- (c) compensation authorized by law;
- (d) a reimbursement of reasonable expenses incurred and honorariums received in the performance of activities connected with a legitimate municipal purpose;

- (e) political contributions that are otherwise offered, accepted and reported in accordance with applicable law;
- (f) services provided without compensation by persons volunteering their time;
- (g) a suitable memento of a function honouring the Member or the Town;
- (h) food, lodging, transportation and entertainment provided by provincial, regional and local governments or political sub-divisions of them, and by the federal government or the government of a foreign country;
- (i) food, beverages and/or admission fees provided by banquets, receptions or similar events if attendance is the result of protocol or social obligation consistent with the responsibilities of office, and the person extending the invitation has done so infrequently and that person or a representative of the organization is in attendance; and
- (j) communications to offices of a Member including subscriptions to newspapers and periodicals.

## **11. USE OF TOWN PROPERTY**

### **11.1 A Member shall:**

- (a) only use Town property for activities relevant to their role as Members of Council or a Local Board or an Adjudicative Board;
- (b) comply with the procedures outlined in the “Council-Staff Request for Information and Use of Resources Policy” and the “Use of Corporate Resources and Election Campaign Activities Policy”, as both may be amended from time to time; and
- (c) no Member shall obtain any personal financial gain or advantage from the use of Town property.

## **12. POLITICAL ACTIVITY**

- 12.1 Members may not use Town resources for any type of political activity as outlined in the “Use of Corporate Resources and Election Campaign Activities Policy”, as amended from time to time, including promoting or opposing the candidacy of any person to elected office in any municipal, provincial and federal campaign.

## **13. PARTICIPATION IN COMMUNITY GROUPS AND ORGANIZATIONS AND THEIR EVENTS**

### **13.1 A Member of Council shall be entitled to:**

- (a) organize, establish, participate in and support community groups and organizations and their associated events,
- (b) hold positions, including positions on governing boards, within community groups and organizations, and be subject to the published rules of each applicable organization;
- (c) solicit donations on behalf of community groups and organizations;
- (d) use their discretionary expense budget to support community groups and organizations and their events, subject to the terms of the “Councillor Expense Policy”, as amended from time to time, and with regard to the “Guidelines for Discretionary Expenses”, as amended from time to time,

unless such organizations are in conflict with any position or decision of Council;

- (e) use staff in the executive offices, or additional staff as required in consultation with the Chief Administrative Officer for organizing and supporting events and meetings connected to their role as Members of Council in accordance with the “Council-Staff Request for Information and Use of Resources Policy” the “Use of Corporate Resources and Election Campaign Activities Policy” and other applicable policies and procedures.

**13.2 Members of Council shall:**

- (a) seek Council approval for the use of their name or position and title in the official name of any event where fundraising activities occur;
- (b) seek Council approval for the use of corporate resources beyond those provided for in Section 12.1 in support of any event organized by the Member where fundraising activities occur. The request shall be reviewed by the Chief Administrative Officer, and a report provided to Council with an assessment of the associated costs;
- (c) ensure that any funds for external or non-Member organized community groups or organizations are not received using Town staff, Town email, or other Town resources;
- (d) ensure that any funds, goods, or services received for community group or charitable events are not used for any other purpose;
- (e) respect the need for transparency with respect to their involvement in community groups and organizations and their events and perform their community service in a manner that promotes public confidence.

**14. HARASSMENT**

14.1 No Member shall harass any other Member, any staff, or any member of the public.

14.2 Any complaint of harassment involving a Member shall be referred to the Integrity Commissioner and the complaint will be dealt with in accordance with Section 18 of this Code.

**15. ENCOURAGEMENT OF RESPECT FOR THE TOWN AND ITS BY-LAWS**

15.1 No Member shall use the influence of their office for any purpose other than for the lawful exercise of their official duties and for municipal purposes.

15.2 A Member shall:

- (a) encourage the public, prospective contractors and lobbyists, and their colleagues to abide by the Town’s by-laws and policies, including this Code; and
- (b) accurately communicate the decisions of Council, Local Board, or Adjudicative Board even if they disagree with the majority decision of that body, and by so doing affirm the respect and integrity in the decision-making processes.

**16. SOCIAL MEDIA**

16.1 A Member shall:



- (a) adhere to all Town policies and guidelines, regarding social media use; and
- (b) always identify themselves without any attempt to cover, disguise or mislead as to their identity or status as an elected representative of the Town when using social media.

16.2 No Member shall:

- (a) use social media to publish anything that is dishonest, untrue, offensive, disrespectful, constitutes harassment, is defamatory or misleading in any way.

## 17. ROLE OF THE INTEGRITY COMMISSIONER

17.1 The Town shall appoint an Integrity Commissioner under Section 223.3 of the Municipal Act, 2001 who is an independent officer and who will report directly to Council and be responsible for carrying out his or her functions in accordance with the Municipal Act, 2001 and any other functions assigned by Council, in an independent manner.

17.2 The Integrity Commissioner will provide the following services as determined by the Town:

- (a) the application of the Code of Conduct for Members including review, dismissal, and investigation of complaints;
- (b) the application of any procedures, rules and policies of the municipality governing the ethical behaviour of Members including review, dismissal, and investigation of complaints;
- (c) the application of sections 5, 5.1 and 5.2 of the *Municipal Conflict of Interest Act* to Members including review, dismissal, and investigation of complaints;
- (d) requests from Members for advice respecting their obligations under the Code of Conduct;
- (e) provide advice in response to requests from Members for advice respecting their obligations under a procedure, rule or policy of the municipality governing the ethical behaviour or members;
- (f) provide advice in response to requests from Members for advice respecting their obligations under the *Municipal Conflict of Interest Act*;
- (g) the provision of educational information to Members, the municipality and the public about the municipality's Code of Conduct for Members and about the *Municipal Conflict of Interest Act*.

17.3 Requests for advice by a Member to the Integrity Commissioner shall be in writing.

17.4 Advice provided by the Integrity Commissioner to a Member shall be in writing.

## 18. COMPLAINT PROCESS

18.1 A complaint that a Member has contravened the Code may be initiated by any person, any Member, or by Council as follows:

- (a) a complaint shall be made in the form attached as Appendix A and is to be sent directly to the Integrity Commissioner by mail, e-mail, fax or

courier (if required, pre-addressed and postage paid envelopes are available from the Legislative Services Department);

- (b) a complaint shall be made in writing and must be signed and dated by the complainant who shall be an identifiable individual (complaints may not be submitted by any group, organization or corporation);
- (c) the alleged violation shall have taken place within sixty (60) days of filing the complaint with the Integrity Commissioner;
- (d) a complaint shall include:
  - (i) an explanation, with specific reference to sections of the Code, as to why the issue raised is alleged to be a contravention of the Code;
  - (ii) any evidence in support of the allegation; and
  - (iii) any witnesses in support of the allegation must be identified.

18.2 The Integrity Commissioner shall undertake an initial review of a complaint that has been filed and shall determine whether the matter relates to non-compliance with the Code or other corporate policy applying to Members. The Integrity Commissioner shall have no power or jurisdiction to investigate or otherwise deal with the complaint, if the complaint is not alleging a contravention of the Code or other corporate policy applying to Members or if the complaint relates to the following matters:

- (i) **Criminal Matter** – if the complaint relates to an allegation of a criminal nature consistent with the Criminal Code, the complainant shall be advised that pursuit of such an allegation must be made through the appropriate police service.
- (ii) **Municipal Freedom of Information and Protection of Privacy** – if the complaint relates to a matter under the Municipal Freedom of Information and Protection of Privacy Act, the complainant shall be referred to the Clerk.
- (iii) **Municipal Elections Act** – if the complaint relates to the enforcement of the Municipal Elections Act, the complainant shall be referred to the Compliance Audit Process if the matter relates to campaign finances or to such other avenues of investigation as dictated by that Act.

18.3 If the Integrity Commissioner determines they do not have jurisdiction as described in Section 18.2 the Integrity Commissioner shall advise the complainant in writing accordingly.

18.4 The Integrity Commissioner may dispose of a complaint on the basis that it is not within the jurisdiction of the Integrity Commissioner in a summary manner and may report same to Council. The Integrity Commissioner may also seek further information or clarification from the complainant and shall endeavour to apprise the complainant of subsequent steps and the processing of the complaint and any ensuing investigation.

18.5 If the Integrity Commissioner is of the opinion that a complaint is frivolous or vexatious or is not made in good faith, or that there are no grounds or insufficient grounds for conducting an investigation, the Integrity Commissioner may choose not to investigate or, if already commenced, may terminate any investigation, or may dispose of the complaint in a summary manner. The Integrity Commissioner shall advise the complainant in writing of his or her decision and reasons for not undertaking an investigation or terminating it.

- 18.6 If the Integrity Commissioner has decided to commence an investigation of a complaint (except where otherwise required by the Public Inquiries Act, 2009, if applicable), the Integrity Commissioner shall provide a copy of the complaint and supporting evidence to the Member whose conduct is in question with a request for a written response to be provided within 10 days. The Integrity Commissioner may provide the response from the Member to the complainant with a request for a written reply within 10 days.
- 18.7 The Integrity Commissioner shall review the written responses and may, if necessary discuss the matter with anyone that the Integrity Commissioner considers is relevant to the complaint. The Integrity Commissioner may access and examine any of the information described in subsections 223.4(3) and (4) of the Municipal Act, 2001 and may access any Town workplace relevant to the complaint, including any documents or records under the custody or control of the Town.
- 18.8 Before finalizing a report to Council which recommends sanctions, the Integrity Commissioner shall provide the Member with the basis for their findings and any sanctions that may be recommended. The Member shall have the opportunity to comment either in writing, verbally or in person to the Integrity Commissioner on the proposed findings and sanctions.
- 18.9 Upon conclusion of a complaint investigation, the Integrity Commissioner shall:
- (a) issue a report to Council on the findings of the investigation and, where there has been a contravention of the Code, the report shall contain the detailed findings, any recommended sanctions, or any settlement; and
  - (b) provide a copy of the final report to the Member at the same time as the final report is made available to the Clerk and to the complainant at the same time as the report becomes public.
- 18.10 The Integrity Commissioner's report on a complaint shall be placed on an agenda for consideration at a public meeting of Council, in accordance with the Procedure By-law, as determined by the Clerk in consultation with the Integrity Commissioner.
- 18.11 Any inquiry which the Integrity Commissioner has not completed before the nomination day for a regular election shall be terminated on that day. The Commissioner shall not commence another inquiry on the matter unless requested in writing within six weeks after voting day by the complainant or by the member whose conduct was concerned.
- 18.12 During the period of time starting on nomination day and ending on voting day in a regular election, the following rules apply:
- a. The Commissioner shall not accept requests for an inquiry into a breach of this Code of Conduct;
  - b. The Commissioner shall not report on whether a Member has contravened the Code of Conduct; and,
  - c. The municipality shall not consider imposing penalties on a Member.

## 19. PENALTIES

- 19.1 Upon receipt of a final report and the recommendations of the Integrity Commissioner, Council may, where the Integrity Commissioner has determined there was a violation of the Code, impose either of the following 2 penalties:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the Member in respect of his or her services as a Member for up to 90 days.

**19.2** The Integrity Commissioner may also recommend that Council take the following actions:

- (a) Removal from membership of a Committee, Local Board or Adjudicative Board;
- (b) Removal as Chair of a Committee, Local Board or Adjudicative Board;
- (c) Request for repayment or reimbursement of moneys received;
- (d) Request for return of property or reimbursement of its value;
- (e) Request for an apology to Council, Local Board or Adjudicative Board, the complainant or both.

## **20. INTERPRETATION**

**20.1** This code shall be interpreted as follows:

- (a) the headings in the Code form no part of the Code but shall be deemed to be inserted for convenience of reference only;
- (b) all changes in number and gender shall be construed as may be required by the context;
- (c) the reference to any Town official shall be deemed to include the Town official who performs the duties of such referenced person from time to time, including their delegates;
- (d) the reference to Integrity Commissioner shall be deemed to include any person who has been delegated powers and duties by the Integrity Commissioner in accordance with subsection 223.3(3) of the Municipal Act, 2001;
- (e) the reference to a statute or regulation, except as may be otherwise provided, shall be deemed to include such statute or regulation as may be amended or re-enacted from time to time or its successor legislation, and, in each case, the regulations made from time to time pursuant thereto;
- (f) the reference to a by-law, resolution, policy or guideline made, enacted, established or adopted by the Town, including the Code, except as may be otherwise provided, shall be deemed to include such by-law, resolution, policy or guideline as may be amended or re-enacted from time to time or its successor by-law resolution policy or guideline made, enact, established or adopted from time to time; and
- (g) if a court of competent jurisdiction should declare any section or part of a section of this Code to be invalid, such section or part of a section shall not be construed as having persuaded or influenced Council to pass the remainder of this Code and it is hereby declared that the remainder of this Code shall be valid and remain in force.

## **21. ATTESTATION**

Upon the adoption of this Code of Conduct and thereafter at the beginning of each term, Members of Council and Local Boards and Adjudicative Boards will be expected to sign two copies of the Code of Conduct (one for themselves and one for the Clerk) to convey to each other and all stakeholders that they have read, understood and accept it.

**AND THAT** By-Law 2016-10 be hereby repealed;

**AND THAT** this By-Law comes into force on XX

**ENACTED      THIS            29th    DAY    OF            FEBRUARY            2016**

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk

**Appendix B to By-Law 2016-10 Code of Conduct for Members of Council, Local Boards and Adjudicative Boards**

**ATTESTATION**

I have read and understood this document and agree to abide by its terms. I understand that I may approach the Integrity Commissioner for binding confidential guidance and advice on interpretation of its provisions to prospective decisions that I might make.

With my signature, as a Member of Council, Local Board or Adjudicative Board, I confirm that I have read, understood and accept this Code of Conduct.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date







## **Schedule 1 to By-Law 2019-XX Code of Conduct for Members of Council, Local Boards and Adjudicative Boards (the “Code”)**

### **Adjudicative Boards**

#### **1. APPLICATION**

- 1.1 This Schedule applies only to the following Adjudicative Boards of the Town of Newmarket:
- (a) Appeal Committee
  - (b) Committee of Adjustment
  - (c) Property Standards Committee

#### **2. COMMUNICATION**

- 2.1 Written communication to an Adjudicative Board shall take place only through the Board administrator, and shall be copied to all parties or their representatives as appropriate.
- 2.2 Oral communications with the Adjudicative Board about a current proceeding shall take place only in the presence of or with the consent of all parties.
- 2.3 Where a party is represented by a representative, all communication between the Adjudicative Board and the party shall be through the representative, with the exception of notices of hearing, which shall be served upon all parties known to the Adjudicative Board as appropriate. The Adjudicative Board shall not be copied on correspondence and documents exchanged by parties, unless the Board administrator has given prior approval to such copying.

#### **3. INDEPENDENT NATURE OF ADJUDICATIVE BOARDS**

- 3.1 The Chairs of Adjudicative Boards should ensure that the actions of any Member and staff attending adjudicative board meetings, are consistent with the arm's-length, quasi-judicial nature of the Adjudicative Board. Any actions compromising this position should be immediately dealt with by the Chair.
- 3.2 Members of Adjudicative Boards should refrain from seeking advice on their roles and responsibilities from Council Members. In clarifying their roles and responsibilities, members of these specific Boards should seek advice from appropriate legal staff or expert staff where such advisors are not otherwise involved in the case.

- 3.3 An Adjudicative Board operates at arm's-length from and independently of Council. Adjudicative Board Members should therefore not request Members of Council to intervene on applications considered by the Adjudicative Board. As per the Council Code of Conduct, Members of Council may communicate to the Adjudicative Board regarding a matter before the Board by a letter addressed to the Secretary of the Board, which will then be made available to all parties.



# Corporation of the Town of Newmarket

## By-law 2019-XX

A By-law to provide for the indemnification and defence of employees, Members of Council and Integrity Commissioners against loss or liability in certain circumstances arising out of acts or omissions done while acting on behalf of the corporation.

Whereas Section 279 of the *Municipal Act, 2001* (the “Act”) provides that a municipality may act as an insurer with respect to the protection of its employees or members of council, subject to section 14 of the *Municipal Conflict of Interest Act*, against risks that may involve pecuniary loss or liability on the part of those employees or members of council including the payment of any damages or costs awarded or expenses incurred by them as a result of any action or other proceeding arising out of acts or omissions done or made by them in their capacity as employees or members, including while acting in the performance of any statutory duty and for assuming the cost of defending the employees or members in the action or proceeding;

And whereas Section 223.3 of the *Municipal Act, 2001* provides that a municipality shall indemnify 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 this Part 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 it is deemed advisable to enact an indemnification by-law for this purpose.

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

### 1. Definitions:

In this By-law:

“Action or Proceeding” includes all civil actions, provincial offences, administrative proceedings, complaints to a professional association and third party proceedings except a proceeding brought under the *Municipal Conflict of Interest Act*, R.S.O. 1990, c.M.50, as amended, the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended, the *Criminal Code*, R.S.C. 1985, c.C.46, as amended, or municipal parking and traffic by-laws;

“Chief Administrative Officer” means the Chief Administrative Officer of the Town of Newmarket or his/her designate;

“Committee” shall mean a committee comprised of the Chief Administrative Officer (CAO); the Director, Legal Services; and the Town Clerk, with input from the respective Commissioner(s) and the Director, Human Resources as necessary, to be known as the Indemnification Review Committee;

“Corporation” means the Corporation of the Town of Newmarket;

“Council” means the Council of the Town of Newmarket;

“Covered Action or Proceeding” means an Action or Proceeding commenced after the passing of this By-law and arising out of alleged acts or omissions done or made by the Employee, Member or Integrity Commissioner acting in their capacity as an Employee, Member, officer of the Town or Integrity Commissioner, including while acting in the performance of a statutory duty imposed by any general or special act (duties arising out of an appointment to a Statutory Board or Committee) and having been determined by the Committee as entitled to indemnification;

“Department Head” means the Manager, Director, or Commissioner directly responsible for overseeing the work of the Employee. The Mayor is the “Department Head” for Members of Council;

“Director, Human Resources” means the Director, Human Resources of the Town of Newmarket or his/her designate;

“Director, Legal Services” means the Director, Legal Services of the Town of Newmarket or his/her designate;

“Employee” means any person in the employ of the Corporation or salaried officer and any former employee and salaried officer.

“Integrity Commissioner” means any person appointed by the Town of Newmarket to perform the functions assigned by Section 223.3 of the *Municipal Act*, 2001, S.O. 2001, c. 25 as amended, or by the Code of Conduct for Council, Local Boards, and Adjudicative Boards, as amended from time to time, or any person acting under the instructions of the Integrity Commissioner.

“Member” means a Member of the Council of the Town of Newmarket and any former Member of Council;

“Statutory Board or Statutory Committee” means any board or committee of Council as provided by acts under the Province of Ontario or whose members are appointed by By-law;

“Town” means the Corporation of the Town of Newmarket; and

“Town Clerk” means the Town Clerk of the Town of Newmarket or his/her designate.

## **2. Former Employees, Officers and Members**

This By-law also applies to any person who was an Employee, Member or Integrity Commissioner at the time the cause of Action or other Proceeding arose but who, prior to judgment or other settlement of the Action or Proceeding, has ceased to be an Employee, member or Integrity Commissioner.

## **3. Indemnification of Employees:**

- 3.1 Subject to the provisions of this By-law, the Town shall in respect of any Covered Action or Proceeding against an Employee, Member or Integrity Commissioner or in which the Employee, Member Integrity Commissioner is a party and in which their conduct is called into question, indemnify an Employee, Member or Integrity Commissioner and his or her heirs and

legal representatives in the manner and to the extent provided for in this By-law.

- 3.2 Where an Employee, Member or Integrity Commissioner becomes aware that an Action or Proceeding has been threatened against them, for which they may seek indemnification, the Employee, Member or Integrity Commissioner shall provide immediate and confidential written notice of the Action or Proceeding to their Department Head.
- 3.3 Where an Employee, Member or Integrity Commissioner is served with any document which commences an Action or Proceeding for which they seek indemnification, the Employee, Member or Integrity Commissioner shall provide the document or a copy thereof and a written request for indemnification, immediately and confidentially to the Committee, through the Town Clerk. A copy of the confidential documents submitted to the Committee shall also be provided to the Employee's or Member's Department Head.
- 3.4 Where the Employee, Member or Integrity Commissioner seeking indemnification is a member of the Committee, they shall be replaced by their designate.
- 3.5 The Committee shall in its own discretion determine whether an Employee, Member or Integrity Commissioner is entitled to indemnification pursuant to this By-law. The Committee may provide indemnity where it is determined that:
  - a) the Employee, Member or Integrity Commissioner acted honestly and in good faith with a view to the best interests of the Town and with no improper, immoral or objectionable purpose; or
  - b) in the case of a criminal or administrative action or proceeding that is enforced by a monetary penalty, the Employee, Member or Integrity Commissioner had reasonable grounds for believing that his/her conduct was lawful; or
  - c) the interests of the Town and Employee, Member or Integrity Commissioner are not adverse to each other; or
  - d) the actions of the Employee were not of a nature as to provide grounds for immediate dismissal; or
  - e) indemnification is not prohibited by statute or court order.
- 3.6 The Committee shall provide a written response to a request made under Subsection 3.3, within 10 business days of receipt of the request. Notwithstanding Subsection 7.1, the decision of the Committee shall be final.

#### **4. Manner and Extent of Indemnification:**

Where an Employee, Member or Integrity Commissioner is entitled to indemnification under this By-law, in a Covered Action or Proceeding, the Town shall:

- a) pay the costs of defending such Employee, Member or Integrity Commissioner; and/or,
- b) pay any damages or costs, including any monetary penalty or award against such Employee, Member or Integrity Commissioner; and/or,

- c) pay, either by direct payment or reimbursement, any expenses reasonably incurred by the Employee, Member or Integrity Commissioner; and/or,
- d) pay any sum required in connection with the settlement of a Covered Action or Proceeding, provided that as a condition precedent the Town approves the terms of the settlement.

to the extent that such costs, damages, expenses, monetary penalty, other award or other sums related to the Covered Action or Proceeding are not assumed, paid or reimbursed under any provision of the Town's insurance program for the benefit and protection of such person against any liability incurred by him or her.

## **5. Town's Right to Select a Lawyer:**

- 5.1 Subject to Section 12, the Town shall have the right to select and retain the lawyer to represent an Employee, Member or Integrity Commissioner and the Committee shall advise the Employee, Member or Integrity Commissioner of the lawyer selected to represent him/her.
- 5.2 The Town shall not be obliged to pay for the legal costs of an Employee's or Member's or Integrity Commissioner's lawyer unless, in addition to the other provisions of this By-law being met, the Town, through the Committee, has approved of the lawyer retained by the Employee, Member or Integrity Commissioner.
- 5.3 Where an Employee, Member or Integrity Commissioner seeks approval of a lawyer under Subsection 5.2, the Employee, Member or Integrity Commissioner shall advise the Committee through the written request in Subsection 3.3, and shall provide sufficient information to support the Committee's decision which may include the hourly rate charged by the lawyer, as well as, the experience of such lawyer in dealing with similar claims.

## **6. Excluded Actions and Proceedings**

- 6.1 This By-law does not apply to an Action or Proceeding:
  - a) which relates to a grievance filed under the provisions of a collective agreement or a disciplinary action to an Employee, Member or Integrity Commissioner taken by the Town as an employer, except insofar as the Employee, Member or Integrity Commissioner is exercising management or management support functions;
  - b) under the *Municipal Elections Act*, if the Member has been found to have committed bribery or a corrupt practice or to have otherwise contravened any of the provisions of the *Act*;
  - c) under the *Municipal Conflict of Interest Act*, if a Member has been found to have contravened Section 5 of the *Act*, other than through inadvertence or by reason of a bona fide error in judgment;
  - d) which relates to defamation.
- 6.2 Where the Committee has determined that an Employee, Member or Integrity Commissioner is not entitled to indemnification, the Employee, Member or Integrity Commissioner shall be responsible for all costs,

damages, penalties and legal fees in connection with representation in the Action or Proceeding.

- 6.3 Where an Employee, Member or Integrity Commissioner is charged with and subsequently acquitted of an offense under the *Criminal Code*, R.S.C. 1985, c.C.46, as amended; the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended; or municipal parking or traffic by-laws, because of any act done or any failure to act or allegations of same in the attempted performance or performance in good faith of his/her duties, the Employee, Member or Integrity Commissioner shall be indemnified by the Town for the necessary and reasonable legal costs incurred in the defense of such charges or allegations. The Employee, Member or Integrity Commissioner may be entitled to receive payment from the Town for a retainer and/or for interim payment of legal costs incurred in the defense of such charges or allegations, to a maximum of \$5,000.00, to obtain legal representation during the investigation, at the discretion of the Committee.
- 6.4 Despite Subsection 6.3 of this By-law, where an Employee is a firefighter and is charged with an offence under the *Highway Traffic Act*, R.S.O. 1990, c.H.8, as amended, whether or not the Employee is subsequently acquitted of the offence, the Employee shall be indemnified by the Town for the necessary and reasonable legal costs incurred in the defense of such charge or charges, provided that:
- a) the charge or charges arose while the Employee, in the attempted performance or performance in good faith of his or her duties, was travelling to the site of a call; and
  - b) the Committee is of the opinion, in their sole discretion, that providing indemnity to the Employee would be in the best interests of the Town.
- 6.5 Where an Employee, Member or Integrity Commissioner is the subject of an investigation in a matter which may result in charges being laid against the Employee, Member or Integrity Commissioner under the *Criminal Code*, provincial statute or regulation, or municipal by-law, because of any act done or any failure to act or allegations of same in the attempted performance or performance of his/her duties, the Employee, Member or Integrity Commissioner may be entitled to receive payment from the Town for a retainer and/or interim payment of legal costs, not to exceed \$5,000.00, to obtain legal representation during the investigation, at the discretion of the Committee.
- 6.6 As a condition precedent to the Town making any payment in respect of the costs of defense or representation of any Employee, Member or Integrity Commissioner pursuant to Subsections 6.3 and 6.5 of this By-law, the Employee, Member or Integrity Commissioner must agree in writing to repay the Town on demand in the event that the Employee, Member or Integrity Commissioner is convicted of an offence, except under Subsection 6.4, all sums paid by the Town in respect of the costs of defense or representation as to such charges, including the retainer referred to in Subsections 6.3 and 6.5, and must execute an indemnity or other documentation required by the Town to secure such repayment to the Town.
- 7. Limits to Indemnification:**
- 7.1 The Committee shall have the discretion at any time during or after the Action or Proceeding to review its decision to not provide indemnity and may provide indemnity where additional facts become available,

that demonstrate that the Employee, Member or Integrity Commissioner is entitled to indemnification pursuant to this By-law.

- 7.2 The Committee shall have the discretion at any time during or after the Covered Action or Proceeding to review its decision to provide indemnity, and may terminate or rescind indemnity where facts are available to the Town, that demonstrate that the Employee, Member or Integrity Commissioner was not entitled to indemnification pursuant to this By-law, including where an Employee, Member or Integrity Commissioner acted in bad faith or outside the scope of their authority. Prior to the Committee making a decision to terminate or rescind indemnity, the Employee, Member or Integrity Commissioner shall be provided with the opportunity to make submissions to the Committee in support of the Employee's, Member's or Integrity Commissioner's indemnification. Notwithstanding Subsection 7.1, the decision of the Committee shall be final and not subject to review or appeal.
- 7.3 The Committee, acting reasonably, may request or impose one or both of the following:
- (a) Periodic Budgets for anticipated legal costs, which may be revised and/or,
  - (b) Status Updates in respect of the progress of the proceedings.
- 7.4 The Town shall have the right to reasonably limit the amount which it shall pay an Employee, Member or Integrity Commissioner for legal costs, and may require that any account for legal costs for which reimbursement is sought, be assessed by Court Assessment Officer prior to payment by the Town. The Committee shall be provided with copies of the statements of account on a monthly basis, which shall outline all fees and disbursements, and shall be provided with information relating to these accounts, as may be requested from time to time.

## **8. Third Party Actions and Counterclaims:**

An Employee, Member or Integrity Commissioner may not commence a third party action or Counterclaim unless such Action or Counterclaim is part of the proper defense by the Employee, Member or Integrity Commissioner of a Covered Action or Proceeding under this By-law, and only if such Action or Counterclaim has been approved by the Committee.

## **9. Duty to Cooperate**

- 9.1 An Employee, Member or Integrity Commissioner involved in any Action or Proceeding who seeks indemnification shall co-operate fully with the Town.
- 9.2 Any Employee, Member or Integrity Commissioner involved in a Covered Action or Proceeding shall cooperate fully with any lawyer retained by the Town to defend such Covered Action or Proceeding and shall make available to such lawyer all information and documentation relevant to matter as are within his or her knowledge, possession, or control, and shall attend at all proceedings when requested to do so by such lawyer.

## **10. Failure to Comply With By-law**

If an Employee, Member or Integrity Commissioner fails or refuses to comply with the provisions of this By-law, the Committee shall have sole discretion to determine whether the Town shall be liable to assume or pay any of the costs, damages, expenses or sums mentioned in Sections 4 or



5, of this By-law. Prior to the Committee making a decision to terminate or rescind indemnity, the Employee, Member or Integrity Commissioner shall be provided with the opportunity to make submissions to the Committee in support of the Employee's or Member's or Integrity Commissioner's indemnification.

**11. Appeal**

Where a person seeks to appeal a judgment or decision in a Covered Action or Proceeding, the Employee, Member or Integrity Commissioner shall first consult with the Committee, and the Committee shall have sole discretion to determine indemnification eligibility for the appeal. If an Employee, Member or Integrity Commissioner pursues an appeal without first seeking indemnification approval from the Committee and is successful in that appeal, the Committee shall have sole discretion to determine whether the Employee, Member or Integrity Commissioner shall be indemnified for his or her legal costs.

**12. Conflict**

The Town maintains various policies of insurance for both the Town and its Employees, Members or Integrity Commissioners. The provisions of this By-law are intended to supplement the protection provided by such policies of insurance. In the event of conflict between this By-law and the terms of any such policy of insurance in place from time to time, the terms of such policy or policies of insurance shall prevail.

**13. Reimbursement**

Where the Employee, Member or Integrity Commissioner is to be indemnified by the Town, the amount of the indemnity shall be reduced by the amount of any costs or damages recovered by the Employee, Member or Integrity Commissioner and where the indemnity has been paid, any costs or damages recovered by the Employee, Member or Integrity Commissioner shall be paid or assigned to the Town up to the amount of the indemnity.

**14. Severability**

If any sections, section or part of a section of this By-law are found by any Court to be illegal or beyond the power of Council to enact, such sections or section or part of a section shall be deemed to be severable and all other sections or parts of sections of this By-law shall be deemed to separate and independent and shall continue in full force and effect.

**15. That By-law 2011-54 be hereby repealed and replaced with this by-law.**

Enacted this 11<sup>th</sup> day of February, 2019.

John Taylor, Mayor

Kiran Saini, Acting Town Clerk





Town of Newmarket  
 395 Mulock Drive P.O. Box 328,  
 Newmarket, Ontario, L3Y 4X7

## Statement to Disclose Pecuniary Interest or Conflict of Interest

This form is used to file a written statement of pecuniary interest or conflict of interest and its general nature with the Town Clerk as required by Section 5.1 of the Municipal Conflict of Interest Act, R.S.O. 1990, c. M.50.

Member's Name: \_\_\_\_\_

Position: \_\_\_\_\_

Council / Committee / Board: \_\_\_\_\_

Date of Meeting: \_\_\_\_\_

Agenda Item Number: \_\_\_\_\_

Agenda Item Title: \_\_\_\_\_

General nature of the pecuniary or conflict of interest:

This form will become part of the Town of Newmarket's registry of disclosures and will be made publically available in accordance with subsection 6.1(1) and 6.1(2) of the Municipal Conflict of Interest Act.





Town of Newmarket  
395 Mulock Drive P.O. Box 328,  
Newmarket, Ontario, L3Y 4X7

Email: [info@newmarket.ca](mailto:info@newmarket.ca) | Website: [newmarket.ca](http://newmarket.ca) | Phone: 905-895-5193

## 2018 Accessibility Status Update Staff Report

Report Number: 2019-13

Department(s): Legislative Services

Author(s): Andrew Walkom, Legislative Coordinator

Meeting Date: February 4, 2019

### Recommendations

1. That the report entitled “2018 Accessibility Status Update” dated February 4, 2019 be received; and,
2. That Council approve the 2018 Accessibility Status Update, attached as **Attachment A**; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### Purpose

The purpose of this report is to present the 2018 Accessibility Status Update (attached as **Attachment A**) for Council’s approval.

### Background

#### Ontario Legislation Requires Accessibility Planning

The Integrated Accessibility Standards Regulation (IASR) requires the municipality to establish, maintain and document a Multi-Year Accessibility Plan and provide annual reporting on the plan’s progress. Council approved the 2013 - 2017 Multi-Year Accessibility Plan on December 16, 2013. A new Multi-Year Accessibility Plan is now required for the Town and is currently being developed.

### Discussion

The development of the status update included input from staff across the organization. ‘Accessibility Champions’ were appointed from each department to

ensure all staff has access to accessibility related information/tools and that achievements and barriers are captured in each status update.

## **Conclusion**

Following Council approval of the Status Update for 2018, staff will:

1. Post the Council approved 2018 Status Update on the Town's website; and,
2. Draft a new Multi-Year Accessibility Plan in consultation with the Newmarket Accessibility Advisory Committee and Accessibility Champions from Town departments; and,
3. Seek Council approval for the new Multi-Year Accessibility Plan prior to the end of 2019.

## **Business Plan and Strategic Plan Linkages**

This Accessibility Status Update relates to the Well-equipped and managed link of the Town's Community vision.

## **Consultation**

Consultation has taken place with staff and the Newmarket Accessibility Advisory Committee in the development of the 2018 Status Update.

## **Human Resource Considerations**

There are no Human Resources considerations related to this report.

## **Budget Impact**

Costs to implement requirements of the Multi-Year Accessibility Plan will continue to be addressed by the various responsible departments.

## **Attachments**

Attachment A – 2018 Accessibility Status Update

## **Approval**

Kiran Saini, Acting Director of Legislative Services/Town Clerk

Lisa Lyons, Acting Commissioner of Corporate Services

## Contact

For more information on this report, please contact Andrew Walkom, Legislative Coordinator at 905-953-5300 extension 2208 or via email at [awalkom@newmarket.ca](mailto:awalkom@newmarket.ca)





# 2018 Status Update Town of Newmarket Multi-year Accessibility Plan



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Equal Opportunity | Integration | Independence | Dignity

## A Message from Newmarket Council

Council is pleased to present the 2018 Accessibility Status Report. A new Multi-year Accessibility Plan is currently being developed. The Town continues its efforts to improve its services, facilities and programs in order to encourage accessibility for everyone that lives in and visits Newmarket.

We remain committed to working with Newmarket's Accessibility Advisory Committee, staff, and business partners to enhance and foster a community that meets the needs of people with disabilities and supports the vision of the Town of Newmarket being a community 'Well Beyond the Ordinary'.

## A Message from the Newmarket Accessibility Advisory Committee

The Town of Newmarket's Accessibility Advisory Committee's mandate is to encourage and facilitate accessibility for all persons with disabilities in Newmarket by providing advice, recommendations and assistance to Council and staff to develop and facilitate strategies for the identification and elimination of barriers for citizens with disabilities. We are pleased to act on the community's behalf by advising Council on a number of key initiatives that support achieving an accessible Newmarket. The 2018 Accessibility Status Report demonstrates the work that has been completed to identify and remove barriers in accordance with the Accessibility for Ontarians with Disabilities Act (AODA). We encourage residents to review this Status Report to learn more about how Newmarket is working to create an accessible community.

### Accessibility Advisory Committee Members

Members	Staff
Aaron Firth Councillor Christina Bisanz (2014-2018) Councillor Grace Simon (2018-2022) David Hingsburger Jeremy Slessor Kelsy McIntosh Linda Jones, Vice Chair Richard Wilson Steve Foglia, Chair	Pat McIntosh Recreation Programmer  Andrew Walkom Legislative Coordinator  Kiran Saini Acting Town Clerk

## Accessibility Advisory Committee Update

The Newmarket Accessibility Advisory Committee continues to provide valuable advice and feedback to Council and staff, in addition to participating in various accessibility-related activities including National Access Awareness Week. In 2018, the Newmarket Accessibility Advisory Committee has:

- Consulted, reviewed plans and provided recommendations for the initiatives and projects which include the following:
  - Frank Stronach Splash Pad and Park updates
  - Internet and Telephone Voting for the 2018 Municipal Election
  - Accessible washroom renovation at Upper Canada Mall
  - Davis Drive Breathing Space
  - Arkinstall Splash Pad
  - Review of east entrance to Magna Centre
- Proposed new play equipment and park improvements to the following public spaces:
  - Beswick Park
  - Environmental Park
  - George Richardson Park
  - Whipper Watson Park
  - Fairgrounds Park Batting Cage
- Conducted audits of Town facilities including:
  - Old Town Hall
  - Ray Twinney Recreation Complex
  - Magna Centre
  - Newmarket Theatre
- Reviewed Site Plan applications and provided recommendations on accessibility related conditions to staff.
- Provided advice on the Town of Newmarket's Accessibility Plan update
- Provided ongoing public awareness of accessibility.

## Barrier Identification Update

Initiatives have taken place in the Town of Newmarket to identify, remove and prevent barriers to persons with disabilities. Since 2003, there have been over 100 actions completed through the accessibility planning process. These actions are identified in past Accessibility Plans which are available on the Town of Newmarket website, [newmarket.ca/accessibility](http://newmarket.ca/accessibility)

### Actions completed in 2018:

Town Departments and Programming		
Department	Item	Notes
Corporate Communications	Accessible documents and templates	<ul style="list-style-type: none"> <li>Chartered an Accessible Word Template Committee, that is championed by senior leadership on a Town-wide strategy to ensure accessible documents are produced from the all content/report writers</li> <li>All Town of Newmarket corporate word templates were refreshed and reproduced to ensure accessibility features were incorporated (i.e. alt text, alt tags, proper headings used, fonts, sizes etc.)</li> <li>Town-wide training for all departments was undertaken by the Accessible Word Template Committee</li> <li>Communications ensures that new accessible word templates are used by departments when approving content</li> </ul>
	Website, video and print media	<ul style="list-style-type: none"> <li>Communications ensures that an accessibility lens is used when approving graphically designs communication materials (posters, web graphics etc.)</li> <li>Use of proper font and font size on communication materials (at least size 12 and a sans serif font)</li> <li>Using colours that ensure a minimum 3:1 ratio of contrast on communication materials</li> <li>Regularly auditing the website to ensure appropriate tags are applied to website content for accessibility purposes</li> <li>Regularly auditing the website to ensure all PDF documents uploaded meet AODA requirements</li> <li>Provide training to staff on converting accessible word documents into accessible PDFs</li> <li>Communications, along with Information Technology and Legislative Services has begun to ensure that subtitles are added to all Town of Newmarket produced videos to ensure compliance with the AODA legislation</li> </ul>

Town Departments and Programming		
Department	Item	Notes
Engineering Services	Capital Projects	<ul style="list-style-type: none"> <li>• Queen Street Road Reconstruction Project (2017/2018 Construction):               <ul style="list-style-type: none"> <li>○ Widened existing sidewalk on the west side of the road to 1.5m</li> <li>○ Added new 1.5m AODA compliant sidewalk on the east side of the road between Millard Avenue and Parkside Drive</li> <li>○ Added Tactile Walking Surface Indicators</li> <li>○ Installed a Pedestrian Refuge Island (PRI) on Queen Street to improve pedestrian crossing. The PRI meets AODA requirements.</li> </ul> </li> <li>• Wilstead Drive Road Reconstruction Project (2018 Construction):               <ul style="list-style-type: none"> <li>○ Replaced existing sidewalks on both side of the roads with 1.5m AODA compliant sidewalks</li> </ul> </li> <li>• George Street Watermain Replacement Project (2018 Construction):               <ul style="list-style-type: none"> <li>○ Added Tactile Walking Surface Indicators</li> <li>○ Fixed broken sidewalk pieces to ensure firm, stable and slip resistant sidewalk surface</li> </ul> </li> <li>• Park Avenue Road Reconstruction Project (2018 Construction):               <ul style="list-style-type: none"> <li>○ Installed new sidewalk at the NW of Main Street and Park Avenue as a result of the AODA committee</li> <li>○ Removed and replaced 1.2m sidewalk with 1.5m AODA compliant sidewalks on both side of the road</li> <li>○ Moved hydro poles to facilitate the AODA compliant width sidewalks</li> <li>○ Added Tactile Walking Surface Indicators</li> </ul> </li> <li>• Ken Sturgeon Basketball Court/Ice Rink Project (2018 Construction) &amp; Frank Stronach Splash Pad (2018 Construction):               <ul style="list-style-type: none"> <li>○ Minimum 1.5m wide trail/walkway (most of our trails are 3 meters wide)</li> <li>○ Max slope of 6%</li> <li>○ Slope between 5% and 6% require 3 meter long landings every 9 meters – landing length is to be same as trail width and no less than 1.5 meters.</li> <li>○ All landings to have max slope of 2%</li> </ul> </li> </ul>

Town Departments and Programming		
Department	Item	Notes
		<ul style="list-style-type: none"> <li>○ Installing a continuous handrail where a guard is required on a max slope of 6% due to drop off greater than 0.6m.</li> <li>○ Slope less than 5 % or less can be continuous and does not require landings.</li> <li>○ Bench pads are to be 3 meters wide for a 1.8m wide bench to accommodate for wheelchair and/or stroller.</li> <li>○ Accessible swings</li> <li>○ Ground level play panels</li> <li>○ Accessible playground pit surfacing – fibre mulch and trowelled rubber surface.</li> <li>○ Concrete accessible ramps down into the playground pit.</li> <li>○ Concrete joints now sawn cut and not trowelled.</li> <li>○ Maintaining a minimum of 1.5 meter widths in and around site furniture and any vertical object to ensure full mobility of site.</li> <li>○ Picnic tables are to have accessible locations identified – number depends on quantity of tables proposed.</li> <li>○ Any areas of a play feature that needs to be accessed for play or activation are to be between 32 and 38” in height.</li> </ul> <ul style="list-style-type: none"> <li>• Charles Street and Granby Place Road Reconstruction Project (2018 Design &amp; 2019 Construction): <ul style="list-style-type: none"> <li>○ 60% design drawings have been forwarded to Accessibility Advisory Committee for their input</li> <li>○ Existing sidewalk on the east side are 1.2m or less. 1.5m AODA compliant sidewalks on both sides of the road have been incorporated into the design</li> <li>○ Tactile Walking Surface Indicators will be installed at all intersections</li> </ul> </li> <li>• Millard Avenue Culvert Replacement at Haskett Park (2018 Design &amp; 2019 Construction): <ul style="list-style-type: none"> <li>○ A Pedestrian Refuge Island (PRI) will be incorporated into the design to improve pedestrian crossing</li> <li>○ The PRI meets AODA requirements</li> <li>○ 60% design drawings have been forwarded to Accessibility Advisory Committee for their input</li> </ul> </li> </ul>

Town Departments and Programming		
Department	Item	Notes
		<ul style="list-style-type: none"> <li>Wayne Drive and Waratah Avenue Drainage Improvement Co-Creation Project (2018 Design &amp; 2019 Construction):               <ul style="list-style-type: none"> <li>AODA standards for public spaces will be incorporated into the design and construction phases. The attached matrix includes all of the AODA compliance standards for this project that have been incorporated into the design.</li> </ul> </li> <li>Tom Taylor Trail Tannery Trail Section Project (2018 Design &amp; 2019 Construction):               <ul style="list-style-type: none"> <li>Removal of existing paving stone and replacing with asphalt has been added to the design in order to ensure firm, stable and slip resistant sidewalk surface</li> </ul> </li> <li>Patterson Street Watermain Replacement Project (2018 Design &amp; 2019 Construction):               <ul style="list-style-type: none"> <li>Removal and replacement of all the existing sidewalks to meet AODA standards have been added to the design</li> <li>Installing a new sidewalk on the west side from Red Deer Street to Elgin Street has been added to the design</li> <li>Tactile Walking Surface Indicators will be installed at all intersections</li> </ul> </li> <li>Millard Avenue, Church Street and Elm Street Road Reconstruction Project (2018 Design &amp; 2019 Construction):               <ul style="list-style-type: none"> <li>Sidewalks will be widened from exist. 1.2m. to 1.5m. minimum, including relocations of hydro/light poles</li> <li>Tactile Walking Surface Indicators will be installed at all intersections</li> </ul> </li> <li>Lorne Ave Watermain Replacement Project from Eagle Street to Davis Drive (2018 Design &amp; 2019 Construction):               <ul style="list-style-type: none"> <li>Sidewalks will be widened from exist. 1.2m. to 1.5m. minimum, including relocations of hydro/light poles</li> <li>Tactile Walking Surface Indicators will be installed at all intersections</li> </ul> </li> </ul>

Town Departments and Programming		
Department	Item	Notes
		<ul style="list-style-type: none"> <li>• Cody Cres. Road Reconstruction Project (2018 Design &amp; 2019 Construction):               <ul style="list-style-type: none"> <li>○ Currently there are no sidewalks on this project, new AODA compliant sidewalks will be installed as part of this water main and water services replacement contract</li> <li>○ Tactile Walking Surface Indicators will be installed at all intersections</li> </ul> </li> </ul>
	Strategies to Improve AODA Compliance	<ul style="list-style-type: none"> <li>• AODA Compliance during the design of Capital Projects:               <ul style="list-style-type: none"> <li>○ Capital Department has ensured that the Town's consultants are made aware of AODA requirements during the design/review processes</li> <li>○ A clause indicating that all the design submissions shall comply with AODA standards has been added to all of our Consultants selection RFP documents</li> </ul> </li> <li>• AODA compliant public notices, construction corners and public communications:               <ul style="list-style-type: none"> <li>○ Capital Department has ensured that all the public notices, construction corners and public communication format and content are AODA compliant</li> </ul> </li> <li>• AODA compliant projects' websites and web content:               <ul style="list-style-type: none"> <li>○ Capital Department complies with AODA requirements (font size, contrast, image, etc.) when designing print and digital materials for the Town's website</li> </ul> </li> <li>• AODA compliant Reports and Studies:               <ul style="list-style-type: none"> <li>○ Capital Department has ensured that all the submitted reports to the Town that will be posted on the Town's website as public documents, are AODA compliant</li> <li>○ A clause indicating that all the submitted reports to the Town shall follow AODA standards formatting has been added to consultants selection RFP</li> </ul> </li> <li>• Accessibility Advisory Committee consultation:               <ul style="list-style-type: none"> <li>○ Capital Department circulates and presents all the Capital projects to the Accessibility Advisory</li> </ul> </li> </ul>



Town Departments and Programming		
Department	Item	Notes
		<p>Committee to receive and incorporate their input into the design</p> <ul style="list-style-type: none"> <li>○ Accessibility Advisory Committee has been added to the stakeholders list of Capital Projects on the Project Charter Template</li> </ul>
Human Resources	Recruitment and Corporate Policies	<ul style="list-style-type: none"> <li>• The Town's recruitment process has undergone a formal review and in doing so ensures that all applicants of all abilities are considered in a fair and transparent manner.</li> <li>• The Town's Human Resources Department has developed a Musculoskeletal Disorder Prevention program that will be implemented in 2019. The MSD Prevention program will provide tools and resources for staff to prevent MSD's but will also include effective return to work and stay at work strategies for employees with disabilities.</li> <li>• The development of a Diversity &amp; Inclusivity Strategy and the subsequent development of the Diversity &amp; Inclusivity Working Group will introduce a number of initiatives in support of the Town's core values, mission and vision for a diverse and inclusive environment for all employees. The Diversity &amp; Inclusivity Working Group will also develop a Diversity &amp; Inclusivity Lens to review corporate policy and procedures to address potential systemic barriers in employment.</li> <li>• The Town of Newmarket has partnered with York Region to develop and implement an Inclusivity Charter that demonstrates the Town's commitment to ensuring an inclusive environment for all diverse groups in the workplace and within the community.</li> </ul>
Legislative Services	Internet and Telephone Voting for 2018 Municipal Elections	<ul style="list-style-type: none"> <li>• Conducted 2018 Municipal Election through accessible online and telephone voting</li> <li>• Operated Voter Assistance Centres during the Municipal Election to provide additional accommodation for voters with multi-lingual staff available to provide assistance</li> <li>• Dedicated Voter Helpline that operated 12 hours every day for the full 10 day period.</li> <li>• Provided at-home voting assistance for voters with special needs</li> <li>• Special Voting Locations to provide assistance at long-term care facilities, the hospital, retirement homes, and apartment buildings with a high population of seniors</li> </ul>

Town Departments and Programming		
Department	Item	Notes
		<ul style="list-style-type: none"> <li>• Translations of Voter Information Letters and key pieces of communication into the top 5 languages within Newmarket in addition to English</li> <li>• Door to door enumeration</li> <li>• Offered classes on voting online or by phone</li> <li>• Comprehensive communication plan including:               <ul style="list-style-type: none"> <li>• All household mail outs on what you need to vote</li> <li>• Instructional closed captioned videos on how to vote online or by phone</li> <li>• Attending various events throughout the year to educate voters and residents on the new method of voting</li> <li>• Outreach to Service Ontario, Service Canada locations, and Welcome Centres</li> </ul> </li> </ul>
	Meeting Management Solution	<ul style="list-style-type: none"> <li>• Implemented a new meeting management solution which produces accessible HTML-based agendas and minutes</li> <li>• Staff reports created through meeting management solution using accessible Word templates</li> <li>• Council Meeting Video streaming solution includes closed captioning</li> </ul>
	Parking Control Service Enhancements	<ul style="list-style-type: none"> <li>• Implemented a new system that accepts online payments and disputes for parking tickets</li> <li>• Parking exemptions can be applied for online using the Town's new system</li> </ul>
Newmarket Public Library	Facility improvements	<ul style="list-style-type: none"> <li>• New self-service checkout stations installed which are electrically height adjustable</li> <li>• Carpet replaced on stairs with rubberized surface with photo luminescent strips</li> <li>• Library deposit collection at Southlake Hospital Cancer Centre Library</li> </ul>
Recreation and Culture	Facility improvements	<ul style="list-style-type: none"> <li>• Newmarket Youth and Recreation Centre               <ul style="list-style-type: none"> <li>○ Fully accessible washroom/change room at Recreation Youth Centre &amp; Sk8 Park being moved into capital over the next 2 years. Goal is to have an accessible washroom for BASE Participants (adult special needs day program) and summer camps participants</li> <li>○ New kitchen is more functional for those with exceptionalities – more space for those individuals to move around, especially if they are in wheelchairs. Low counter option for those working in a wheelchair. Step stools installed with cupboards as well.</li> </ul> </li> </ul>

Town Departments and Programming		
Department	Item	Notes
		<ul style="list-style-type: none"> <li>• Newmarket Seniors Meeting Place               <ul style="list-style-type: none"> <li>○ Assistive device installed on a door in the women's washroom</li> <li>○ Taken greater steps with food accommodations at all events</li> <li>○ Canopy installed over ramp of back entrance to Newmarket Seniors Meeting Place</li> <li>○ Parking spaces to be moved to back entrance to ensure safer accessibility to building</li> </ul> </li> <li>• Fitness Centre (At Magna Ctr.)               <ul style="list-style-type: none"> <li>○ The entire FC is accessible. We made sure to have the reception desk at an accessible height, along with the walkways, doors and ramp. The lockers have also been put in place and at a height that is accessible. The new custom cabinet and coat rack also is accessible as the communication board, shoe rack and bottom coat rack bar is also at accessible height.</li> </ul> </li> </ul>
	Programming	<ul style="list-style-type: none"> <li>• Summer (and seasonal) Camps               <ul style="list-style-type: none"> <li>○ Continuing to build and foster inclusive environments for all participants regardless of race, religion, sexual orientation in our staff trainings. 2018 Summer Camp Guest Speaker – Courtney Fraser</li> <li>○ Continuing to offer 1:1 or 1:2 support for participants with special needs to any/all of our summer camp programs.</li> <li>○ Individualized resources and kits created for each camper.</li> <li>○ All About Me Information packages developed with staff and parents to ensure best experience for all participants.</li> </ul> </li> <li>• Inclusion Specific Programs               <ul style="list-style-type: none"> <li>○ Recreation staff work together with the Accessible Advisory Committee to promote accessibility awareness and education.</li> <li>○ Staff facilitate within the schools experiential learning sessions and host sledge hockey and wheel chair sport session for the students. A community celebration is hosted in June.</li> <li>○ Support is provided to develop Para sport team opportunities (Canadian Women's Sledge</li> </ul> </li> </ul>

Town Departments and Programming		
Department	Item	Notes
		<p>Hockey) and increase community awareness with Try It opportunities for Sledge Hockey.</p> <ul style="list-style-type: none"> <li>○ Designated staff to facilitate program accommodation and support year round. Youth leadership training course developed.</li> <li>○ Continuing to offer varying levels of support for participants with special needs in all programs.</li> </ul> <ul style="list-style-type: none"> <li>• Special Events <ul style="list-style-type: none"> <li>○ Site plans are laid out with accessibility considerations. (E.g. vendor locations, width of aisles, entry/access with curb breaks, accessible parking etc.)</li> <li>○ We often charter shuttle buses for large events to assist with accessible sites – easier parking at our larger facilities, with accessible buses to transport patrons.</li> </ul> </li> <li>• Aquatics Programs <ul style="list-style-type: none"> <li>○ New Fully accessible Family Change Room construction completed September 2018 at Ray Twinney. Including Entrance from main foyer and direct access to pool deck. (previously, was only one private change room that could only be accessed from the deck).</li> <li>○ Increase in Therapeutic/Rehabilitative Programs within the Fitness Portfolio – Including T.I.M.E., Fitness for Breath</li> </ul> </li> </ul>
Public Works Services	Facility improvements	<ul style="list-style-type: none"> <li>• Ray Twinney Complex Pool Family Change room - Accessible stall with adult change table (Completed)</li> <li>• Ray Twinney Main Lobby Washroom renovation AODA standard (Underway)</li> <li>• Paul Semple Park Washroom (Underway)</li> <li>• Ken Sturgeon Park Washroom (Completed)</li> <li>• Magna Centre Family Change room - Adult Change table (Installed)</li> </ul>
	Parks	<ul style="list-style-type: none"> <li>• George Richardson Park <ul style="list-style-type: none"> <li>○ New playground at the south end including accessible components</li> <li>○ New asphalt around playground including rolled edge into swing set area and playground</li> <li>○ Swing set installed including an accessible bowl style seat</li> <li>○ Paved bleacher pads at soccer fields including larger area for any accessible needs</li> </ul> </li> </ul>

Town Departments and Programming		
Department	Item	Notes
		<ul style="list-style-type: none"> <li>○ New bench pads installed with larger concrete areas for accessible needs</li> <li>○ Engineered wood fibre installed for accessibility needs</li> <li>• Whipper Watson Park               <ul style="list-style-type: none"> <li>○ New playground installed including accessible components</li> <li>○ Gravel trails being paved for accessible needs including curb cuts where needed at street entrances</li> <li>○ Concrete ramp installed into engineered wood fibre installed for accessibility needs</li> <li>○ New bench pads installed with larger concrete areas for accessible needs</li> </ul> </li> <li>• Beswick Park               <ul style="list-style-type: none"> <li>○ New playground including accessible components</li> <li>○ New asphalt around playground including rolled edge into swing set area and playground</li> <li>○ Swing set installed including an accessible bowl style seat</li> <li>○ New bench pads installed with larger concrete areas for accessible needs</li> <li>○ Engineered wood fibre installed for accessibility needs</li> <li>○ Paved trail from street to street</li> </ul> </li> <li>• Environmental Park               <ul style="list-style-type: none"> <li>○ New playground installed including accessible components</li> <li>○ Concrete ramp installed into engineered wood fibre installed for accessibility needs</li> <li>○ Concrete ramp/walkway installed at the amphitheatre for accessible needs</li> </ul> </li> </ul>
Strategic Initiatives	Council's Strategic Priorities	While past practices were to use stop light colours (Green, Red, Yellow) to illustrate the status of priorities, staff have ensured that symbols are being incorporated to demonstrate the status of initiatives to differently abled members of the Community to ensure fairness of access to information to all community members. In addition, new performance reporting is designed to accessibility standards for readability by all.

Town Departments and Programming		
Department	Item	Notes
	Grants	Continued corporate support to apply for grant funding toward the accessibility improvements of Town facilities through both the physical environment and program experiences of participants. The intent of the applications is to assist to accelerate capital projects that remove barriers to accessibility. The Town continues to seek funding opportunities which serve to improve accessibility to facilities and playgrounds.
	Policy	Providing support to Human Resources to convert existing employment related policies to new policy and procedure document templates in compliance with AODA legislation requirements. Providing corporate support for new policy using the new document formats, applying a plain language approach for improved clarity, simplicity, transparency, and readability for all employees.
Planning	Design of Public Spaces Standard	<ul style="list-style-type: none"> <li>• Despite the obligation for compliance with the IASR resting with the organization with the authority to construct or develop a site, Planning staff have endeavoured to ensure that sites comply with the DOPS and municipal standards for accessibility through the Site Plan process.</li> <li>• One member of Planning staff has completed an online course and an in-person workshop in the Accessibility Standard for the Design of Public Spaces.</li> <li>• The Town's Zoning By-law (2010-40) has been amended to match the requirements for off-street parking facilities for persons with disabilities.</li> <li>• In support of accessibility improvements among other objectives, Planning Services has accomplished several initiatives: <ul style="list-style-type: none"> <li>○ An update to the Site Plan Approval Process Manual, which now includes accessibility-related development standards drawn from the AODA. Planning Services has also collaborates with the Accessibility Advisory Committee (AAC) to enhance their role in the site plan review process by engaging them as a review partner in all plans they select to review and ensuring response to their concerns and comments are provided by applicants as set out in the Site Plan Approval Process Manual.</li> <li>○ A review of the Town's zoning by-laws to ensure that AODA standards are integrated and that</li> </ul> </li> </ul>

Town Departments and Programming		
Department	Item	Notes
		<p>less-accessible standards are replaced by those of the AODA.</p> <ul style="list-style-type: none"> <li>○ Implementing the Urban Centres Secondary Plan Zoning By-law including updated accessibility standards therein.</li> <li>• Planning Services intends to engage additional training in the DOPS for Planning staff in 2019.</li> </ul>

## Other ways Newmarket continues to remove barriers and improve access

In addition to working through the requirements of Ontario's accessibility legislation, we are committed to improving our programs and services through other means.

The Town continues to ensure compliance in the following areas:

- Policies and procedures on providing goods or services to persons with disabilities
- Communication with persons with disabilities in a manner that takes into consideration their disability
- Policies related to persons with disabilities using assistive devices, service animals and support persons to access services
- Training for all staff and each person that interacts with members of the public or other third parties on behalf of the Town
- Customer feedback regarding the provision of customer service to persons with disabilities
- Notice of service disruptions when facilities or services that are accessed by the public are temporarily disrupted
- Town documents are available in an alternate format upon request

**As outlined in this Status Report, many initiatives are underway with more anticipated to be completed in the future. The Town of Newmarket will continue to identify and remove barriers in order to create accessible spaces and services that everyone can use. Newmarket is committed to moving forward and ensuring that the town continues with its commitment to being a community 'Well Beyond the Ordinary'.**



The Town of Newmarket is committed to meeting the needs of persons with disabilities in a timely manner through the implementation of policies and to ensure that persons with disabilities shall have equitable access to all Town programs, goods, services and facilities allowing them to benefit from the same services, in the same place and in a similar way as other customers, respecting the four core principles of:

- Independence
- Dignity
- Integration
- Equal Opportunity

The Town of Newmarket's policies related to accessibility align with the Town's Strategic Plan directions through:

- the enrichment of lives
- increased accessibility
- service excellence
- improved inter-connectivity
- being well respected in achieving balanced living

The Town of Newmarket welcomes your comments regarding this report. Feedback on this report and accessibility related matters can be provided to [info@newmarket.ca](mailto:info@newmarket.ca)





# Central York Fire Services

## Minutes

### Joint Council Committee

Date: Tuesday, September 4, 2018  
 Time: 10:30 AM  
 Location: Council Chambers  
 Municipal Offices  
 395 Mulock Drive  
 Newmarket, ON L3Y 4X7

Members Present: Councillor Twinney, Town of Newmarket, Chair  
 Councillor Thompson, Town of Aurora, Vice-Chair  
 Councillor Abel, Town of Aurora  
 Councillor Bisanz, Town of Newmarket  
 Councillor Mrakas, Town of Aurora

Members Absent: Councillor Hempen, Town of Newmarket

Staff Present: R.N. Shelton, Chief Administrative Officer, Town of Newmarket  
 D. Nadorozny, Chief Administrative Officer, Town of Aurora  
 R. Comeau, Deputy Chief, Central York Fire Services  
 R. Volpe, Deputy Chief, Central York Fire Services  
 C. Duval, Assistant Deputy Chief, Central York Fire Services  
 D. Elliott, Director of Financial Services/Town Treasurer, Town of Aurora  
 M. Mayes, Director of Financial Services/Treasurer, Town of Newmarket  
 D. Schellenberg, Manager of Finance & Accounting, Town of Newmarket  
 L. Georgeff, Director of Human Resources, Town of Newmarket  
 A. Walkom, Council Committee Coordinator, Town of Newmarket

The meeting was called to order at 10:35 AM with Councillor Twinney in the Chair.

#### 1. Additions & Corrections to the Agenda

None.

**2. Declarations of Pecuniary Interest**

None.

**3. Presentations**

None.

**4. Deputations**

None.

**5. Approval of Minutes**

**5.1 Central York Fire Services – Joint Council Committee Meeting  
Minutes of June 12, 2018**

Moved by: Councillor Mrakas

Seconded by: Councillor Abel

1. That the Central York Fire Services - Joint Council Committee Meeting Minutes of June 12, 2018 be approved.

**Carried**

**6. Items**

**6.1 CYFS Budget Report – Second Quarter 2018**

Deputy Chief Comeau provided an introduction to the budget report.

D. Schellenberg provided an overview of the report and explained the variances from the budget.

Moved by: Councillor Bisanz

Seconded by: Councillor Abel

1. That the report entitled CYFS Preliminary Budget Report – Second Quarter dated September 4, 2018 be received for information purposes.

**Carried**

## **6.2 News Article regarding Whitchurch-Stouffville Emergency Services**

R. N. Shelton advised that the new Council of Whitchurch-Stouffville will be debating a continuation of the agreement with CYFS or to transition away from the agreement.

Moved by: Councillor Thompson

Seconded by: Councillor Bisanz

1. That the the News Article regarding Whitchurch-Stouffville Emergency Services be received.

**Carried**

## **7. New Business**

### **7.1 Traffic Lights at Fire Station**

Councillor Thompson inquired if it was feasible to install traffic lights at the Fire Station on Wellington St. in Aurora. Deputy Chief Volpe advised that staff had looked into this option. D. Nadorozny advised that the traffic group had examined the options and found that other methods would be more suitable.

### **7.2 New Station Construction**

Councillor Thompson inquired if a sign would be put up at the site of the future Fire Station 4-5 to let residents know of the project.

Moved by: Councillor Thompson

Seconded by: Councillor Bisanz

1. That the Central York Fire Services Joint Council Committee direct staff to immediately put up a sign at the site of Station 4-5.

**Carried**

### **7.3 Fire Hydrant Maintenance**

Councillor Twinney inquired if the responsibility for maintaining fire hydrants was with Central York Fire Services or with the municipalities in

which they are located. R. N. Shelton advised that he would confirm that it is the responsibility of the municipality.

**8. Closed Session (if required)**

None.

**9. Adjournment**

Moved by: Councillor Thompson

Seconded by: Councillor Bisanz

1. That the Central York Fire Services Joint Council Committee adjourn at 10:59 AM.

**Carried**

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Councillor Twinney, Chair

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Date



## Town of Newmarket

### Outstanding Matters List (2018 – 2022 term of Council)

As of January 24, 2019

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
To Be Determined				
1.	<b>Meeting Date:</b> (1) Council – December 14, 2015  (2) Council – January 18, 2016 – Item 35  <b>Subject:</b> 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue	<b>Recommendation:</b> (1) 1. That staff provide alternate trail options for this area at a lower cost.  (2) 1. That Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered; and,  (2) 2. That staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail; and,  (2) 3. That staff also include in the report the option of installing lighting along the George Luesby Park Trail.  <b>Responsible Department:</b> ➤ Planning and Building Services ➤ Engineering Services	Timeline to be determined	Deferred subsequent to VivaNext construction

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
2019				
2.	<b>Meeting Date:</b> Council – June 7, 2016 – Item 35  <b>Subject:</b> Federal Infrastructure Funding	<b>Recommendation:</b> 1. That staff provide Council with a prioritized list of infrastructure projects currently not funded through Development Charges, the Asset Replacement Fund or Other Reserve Funds for implementation between 2018 to 2025 that augment existing priorities, strategies and master plans or leverage grant funding for initiatives that achieve our Corporate Vision of a 'Community Well Beyond the Ordinary'  <b>Responsible Departments:</b> ➤ Strategic Initiatives	2019	Awaiting next phase of funding announcements
3.	<b>Meeting Date:</b> Committee of the Whole – April 9, 2018  <b>Subject:</b> Council Remuneration	<b>Recommendations:</b> 1. That CAO/Human Resources Report 2018-05 be received; and,  2. That Council direct staff not to “gross up” or increase Council pay in 2019, at the time of the removal of the 1/3 tax free provision, which will result in a take home pay cut for all Members of Council; and,  3. That Council refer the consultant and staff report to the new term of Council to be considered along with updated information at that time and to allow for phasing of any further adjustments to occur if necessary; and,  4. That staff be authorized and directed to do all things necessary to give effect to this resolution.  <b>Responsible Department:</b> ➤ Office of the CAO/Human Resources	2019 Quarter?	

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
Q1, 2019				
4.	<b>Meeting Date:</b> Committee of the Whole – February 27, 2017  <b>Subject:</b> Report 2017-05 – Tree Removal, Protection Policies and Regulations	<b>Recommendation:</b> <ol style="list-style-type: none"> <li><del>1. That Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy. (completed)</del></li> <li>2. That Council direct staff to prepare and bring to a future meeting a by-law regulating and protecting significant trees on private property; and,</li> <li><del>3. That Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property. (completed)</del></li> </ol> <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>➤ Planning and Building Services</li> </ul>	Q1, 2019	
5.	<b>Meeting Date:</b> Council – December 5, 2016  <b>Subject:</b> Report 2016-25 – 178, 170, 184, 188, 190 and 194 Main Street s	<b>Recommendation:</b> <ol style="list-style-type: none"> <li>1. That in 120 days, staff be directed to bring back an amendment to the Heritage Conservation District Plan and By-law for consideration of Council that would outline the criteria which would need to be met by applicants in order to be considered for approval for a fourth storey set back from the street by a minimum of 15 (fifteen) feet.</li> </ol> <ul style="list-style-type: none"> <li>➤ Planning and Building Services</li> </ul>	Q1, 2019	

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
6.	<p><b>Meeting Date:</b> Committee of the Whole – May 8, 2017</p> <p><b>Subject:</b> Information Document for Residents Related to Construction Sites</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Council approve the following motion in principle:</li> <li>2. That staff be directed to prepare an information document that can be provided to residents in the vicinity of new construction sites, the purpose of which is to advise and to communicate to the residents, the various activities, potential impacts and expected timelines associated with each phase of construction, from site clearing through to house construction; and,</li> <li>3. That developers, through their consulting engineers, be required to ensure that residents, and the relevant Ward Councillor, in adjacent areas receive advance written notice of construction events to take place, so that they can be better informed and prepared for any disruption that may occur as a result; and,</li> <li>4. That the aforementioned motions be referred to staff for a report back including options and resource requirements.</li> </ol> <p><b>Responsible Department:</b> ➤ Planning &amp; Building Services</p>	Q1, 2019	
7.	<p><b>Meeting Date:</b> Committee of the Whole – May 8, 2017</p> <p><b>Meeting Date:</b> Committee of the Whole – September 25, 2017</p> <p><b>Subject:</b> Information Report 2017-15 regarding 2017 Newmarket East-West Bikeway PIC Report/ East West Bike Lanes on Park Avenue</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Development and Infrastructure Services Report – Engineering Services Information Report 2017-15 regarding 2017 Newmarket East-West Bikeway PIC Report be received; and,</li> <li>2. That staff monitor the implementation of the bike lanes, analyze the impacts for a one year period and provide a report back to Council in one year.</li> </ol> <p><b>Responsible Department:</b> ➤ Engineering Services</p>	Q1, 2019	Information Report to be provided



	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
8.	<p><b>Meeting date:</b> Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – October 16, 2017</p> <p><b>Subject</b> Development and Infrastructure Services Report – Engineering Services 2017-32- Town Wide Traffic Mitigation Strategy – 2017</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That Development and Infrastructure Services Report – Engineering Services 2017-32, dated October 2, 2017, entitled “Town-wide Traffic Mitigation Strategy 2017 - Timing” be received and the following recommendations be adopted:               <ol style="list-style-type: none"> <li>a. That the final report be brought back to Council by early Quarter 3 2018; and,</li> <li>b. That staff continue to expedite the process to provide the report sooner, if possible; and,</li> <li>c. That all current road safety, speed management and traffic calming programs that are currently underway, and are in accordance with the principles set out in “Appendix A” (draft strategy) from Development and Infrastructure Services Report ES 2017-29 (Town-wide Traffic Mitigation Strategy 2017), continue as planned throughout the consultation period and until the final strategy document is approved by Council, at which time the programs will be reviewed to plan their conformance with the new approved strategy.</li> </ol> </li> </ol> <p><b>Responsible Department</b> ➤ Engineering Services</p>	Q1, 2019	
9.	<p><b>Meeting Date:</b> Committee of the Whole – March 19, 2018</p> <p><b>Subject:</b> Vibration Control and construction activity (deputation)</p>	<p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the deputation by Stuart Hoffman regarding vibration control in regards to construction activity be received and referred to staff for review and report; and,</li> <li>2. That staff be directed to provide recommendations and approaches to address the issues identified to protect neighbouring sites from the effects of vibrations from adjacent construction projects; and,</li> <li>3. That the report should include, but not be limited to, potential by-law changes including the requirement of pre-condition surveys, effective monitoring and data reporting, resident notification and a process for complaint handling in all site plan approvals.</li> </ol> <p><b>Responsible Departments:</b> ➤ Planning and Building Services &amp; Engineering Services</p>	Q1, 2019	

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
10.	<b>Meeting Date:</b> Committee of the Whole - April 30, 2018  <b>Subject:</b> Heritage Designations – York Region Administrative Building and Newmarket Canal System	<b>Recommendation:</b> 1. The Senior Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report:  a. That the Heritage Newmarket Advisory Committee propose to the Region of York that the Administration Centre building be designated, due to its noted architect; and,  b. That the Heritage Newmarket Advisory Committee recommend the Town of Newmarket designate the Newmarket Canal system.  <b>Responsible Department:</b> ➤ Planning and Building Services	Q1, 2019	
11.	<b>Meeting Date:</b> Committee of the Whole - September 25, 2017  <b>Subject:</b> Diversity and Inclusivity Strategy	<b>Recommendation:</b> 1. That the report entitled “Diversity and Inclusivity Programs” be deferred to a future Committee of the Whole meeting, as York Region is currently amending its Diversity and Inclusivity Charter.  <b>Responsible Department:</b> ➤ Human Resources Department	Q1, 2019	York Region conducting further public consultation
12.	<b>Meeting Date:</b> Committee of the Whole – March 19, 2018  <b>Subject:</b> Cats at large (deputation)	<b>Recommendation:</b> 1. That the presentation by Sharon King Todd regarding cats at large be received and referred to staff  <b>Responsible Department:</b> ➤ Legislative Services	Q1, 2019	To be considered as part of Council's Regulatory Review Workshop on March 25, 2019.
13.	<b>Meeting Date:</b> Committee of the Whole – January 14, 2019  <b>Subject:</b> Clothing Donation Bins	<b>Recommendation:</b> 3. That the licensing of Clothing Donation Bins be referred to the Regulatory Review Workshop  <b>Responsible Department:</b> ➤ Legislative Services	Q1, 2019	To be considered as part of Council's Regulatory Review Workshop on March 25, 2019.

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
14.	<b>Meeting Date:</b> Committee of the Whole - February 26, 2018  <b>Subject:</b> Newmarket Public Library Study Implementation	<b>Recommendations:</b>  1. That staff, in conjunction with the Newmarket Public Library CEO, be authorized to implement the recommendations in accordance with the presentations made at the January 30, 2018 Joint Council and Newmarket Library Board Workshop provided implementation is in line with current and future approved operating budgets; and,  2. That Council refer the further consideration and direction with respect to library facility needs study to the 2018 – 2022 Council Strategic Priority setting process.  <b>Responsible Department:</b> ➤ Community Services/Newmarket Public Library	Q1/Q2, 2019	
<b>Q2, 2019</b>				
15.	<b>Meeting Date:</b> Committee of the Whole – August 28 – Motion  <b>Subject:</b> Item 3 of Accessibility Advisory Committee Meeting Minutes of March 23 re: Accessibility in the downtown area	<b>Recommendation:</b> That the Operational Leadership Team recommends that the follow recommendation be referred to staff for review and report:  1. That The Accessibility Advisory committee recommends to Council that Council consider ways to make as many entrances to Main Street buildings as accessible as possible.  <b>Responsible Departments:</b> ➤ Legislative Services (lead), Planning and Building Services, Engineering Services & Legal Services	Q2, 2019	Information Report to be provided.  Joint Meeting to be scheduled with Business Improvement Area and Newmarket Accessibility Advisory Committee
16.	<b>Meeting Date:</b> Committee of the Whole - September, 25, 2017  <b>Subject:</b> Report 2017-16 Vacant Building Report – Window Wrap Program	<b>Recommendation:</b> 1. That Corporate Services – Legislative Services Report 2017-16 dated September 14, 2017 entitled “Vacant Buildings/Storefronts” be received; and,  2. That staff be directed to report back on Option 2, a Window Wrap program.  <b>Responsible Departments:</b> ➤ Legislative Services/Economic Development	Q2, 2019	

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
17.	<b>Meeting Date:</b> Committee of the Whole - June 11, 2018  <b>Subject:</b> Intensification in Stable Residential Neighbourhoods	<b>Recommendation:</b>  1. That the report entitled Development And Infrastructure Services/Planning & Building Services Report 2018-37 dated June 11, 2018 be received; and,  2. That staff be authorized to issue a Request for Proposals for the Official Plan and Zoning By-law amendments as described in this report; and,  3. That early budget approval be granted to allow for the initiation of the Official Plan and Zoning By-law amendments to address intensification in stable residential areas, to be financed as set out in this report.  <del>4. That staff bring back an interim control by-law to the August 27, 2018 Committee of the Whole meeting for consideration. (completed)</del>  <b>Responsible Department:</b> ➤ Planning and Building Services	Q2, 2019	
18.	<b>Meeting Date:</b> Special Committee of the Whole - January 30, 2017  <b>Subject:</b> Internet Voting and Ranked Ballots	<b>Recommendation:</b> 1. That staff report back on Internet Voting and Ranked Ballots in 2019 immediately following the 2018 Municipal Election.  <b>Responsible Departments:</b> ➤ Legislative Services	Q2, 2019	
19.	<b>Meeting date:</b> Committee of the Whole – March 19, 2018  <b>Subject:</b> 500 Water Street Parking Information Report 2018-11 (Cachet Parking Lot)	1. That Engineering Services report 2018-11 dated March 8, 2018 entitled “500 Water Street Parking (Cachet Parking Lot Expansion) be referred to the Community Centre Lands Task Force; and,  2. That the Community Centre Lands Task Force be directed to immediately reengage in the exploration of all options, including cost and timelines, for enhanced parking in the downtown area, including but not limited to new spaces and temporary structured parking; and,  3. That the Community Centre Lands Task Force work form the basis of a report back to Council, to be brought forward in Q1/Q2, 2019.  <b>Responsible Department:</b> ➤ Engineering Services/ Community Centre Lands Task Force	Q2, 2019	

	Originating Meeting Date and Subject	Recommendation and Responsible Department	Target Quarter / Timeframe	Staff Comments
20.	<p><b>Meeting Date:</b> (1) Committee of the Whole – February 27, 2017</p> <p>(2) Committee of the Whole - November 6, 2017</p> <p>(3) Committee of the Whole – April 9, 2018 (Temporary Parking Exemption Report)</p> <p><b>Subject:</b> Residential Parking</p>	<p><b>Recommendation:</b> (1) <del>1. That staff prepare a report on options and opportunities to address residential on street and off street parking challenges. Specifically, the report should consider the impact that changing economics and demographics have on housing occupancy and ways in which the Town of Newmarket can better balance reasonable parking needs with streetscape aesthetics, active transportation objectives and effective by-laws enforcement.</del></p> <p>(2) 1. That Development and Infrastructure Services Engineering Services and Planning and Building Services - Report 2017-45 dated November 6th, 2017 regarding Residential Parking Review be received and the following recommendations be adopted:</p> <ul style="list-style-type: none"> <li>a. That staff be directed to include in the 2018 budget a provision for contracting a planning and engineering consultant to undertake a review of parking matters discussed in this report; and,</li> <li>b. That, subject to budget approval, staff be directed to undertake a review of the Parking By-law and report back to Committee of the Whole with recommendations on improvements to parking matters discussed in this report.</li> <li>c. That staff be directed to organize a Council Workshop to present options based on Council's comments and feedback received at the November 6, 2017 Committee of the Whole meeting and that staff receive Council direction regarding the scope, scale and expected deliverables of a parking review prior to moving forward with issuing a Request for Proposal.</li> </ul> <p>(3) Recommendation 5: That the Temporary Parking Exemption Program be implemented as a pilot project and reviewed as part of the overall residential parking review scheduled for Q1/Q2, 2019</p> <p><b>Responsible Department:</b> ➤ Planning and Building Services / Legislative Services</p>	Q2, 2019	

Q3, 2019				
21.	<b>Meeting Date:</b> Committee of the Whole - April 30, 2018  <b>Subject:</b> Asset Replacement Fund Strategy	<b>Recommendation:</b> 1. That the Asset Replacement Fund Strategy be referred to staff for further information and be brought back to Council for consideration at a later date.  <b>Responsible Departments:</b> ➤ Financial Services	Q3, 2019	
22.	<b>Meeting Date:</b> Committee of the Whole – January 14, 2019  <b>Subject:</b> Residents of Knapton Drive – Woodland Hills (stop signs - deputation)	<b>Recommendations:</b> 1. That the deputation be received and referred to staff.  <b>Responsible Department:</b> ➤ Transportation Services	Q3, 2019	
2020				
23.	<b>Meeting Date:</b> Council – June 26, 2017- Item 10  <b>Subject:</b> Application for Official Plan Amendment and Zoning By-law Amendment – 260 Eagle Street	<b>Recommendation:</b> 1. That traffic impacts be monitored post construction.  <b>Responsible Departments:</b> ➤ Engineering Services	Development is estimated to not be completed before 2020	

29. Development and Infrastructure Services Report - Planning and Building Services 2017-19 dated May 15, 2017 regarding a Tertiary Plan Study and an Interim Control By-law for Old Main Street.

Moved by: Councillor Hempen

Seconded by: Deputy Mayor and Regional Councillor Taylor

1. That Development and Infrastructure Services Report - Planning and Building Services 2017-19 dated May 15, 2017 regarding a Tertiary Plan Study and an Interim Control By-law for Old Main Street be received and the following recommendations be adopted:

- a. That Council direct staff to undertake a comprehensive land use, natural heritage, traffic and infrastructure study (the "Study") for Old Main Street, bounded by Main Street by-pass/Main Street North and Bexhill Road as shown on Appendix 'A' (the "Study Area"); and,
- b. That Council pass an Interim By-law on some of the lands subject to the Study as set out in the by-law presented in Appendix 'B'; and,
- c. That Council direct staff to send out a Request for Proposal for a consultant to undertake the Study, including assisting in preparing a Tertiary Plan for the Study Area.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None  
(8 in favour, 0 opposed)

**Carried**



## PLANNING AND BUILDING SERVICES

Town of Newmarket

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

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T: 905.953.5321

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May 15, 2017

### Development and Infrastructure Services – Planning & Building Services Report 2017-19

TO: Council

SUBJECT: Tertiary Plan Study and Interim Control By-law for Old Main Street

ORIGIN: Planning and Building Services

## Recommendations

THAT Development and Infrastructure Services/Planning & Building Services Report 2017-19 dated May 15, 2017 regarding a Tertiary Plan Study and an Interim Control By-law for Old Main Street be received and that the following recommendations be adopted:

1. THAT Council direct staff to undertake a comprehensive land use, natural heritage, traffic and infrastructure study (the “Study”) for Old Main Street, bounded by Main Street By-pass/Main Street North and Bexhill Road as shown on Appendix ‘A’ (the “Study Area”); .
2. AND THAT Council pass an Interim Control By-law on some of the lands subject to the Study as set out in the by-law presented in Appendix ‘B’;
3. AND THAT Council direct staff to send out a Request for Proposal for a consultant to undertake the Study, including assisting in preparing a Tertiary Plan for the Study Area.

## Background

### Current Situation on Old Main Street

Old Main Street is a very old street and was established prior to modern engineering and planning standards. It has “developed” organically over the years and without an overall or consistent plan. The lotting is haphazard; there are some fairly large lots and some lots which are much smaller. The road right-of-way does not meet current standards and probably cannot support a full two lane road. Part of the area is in the floodplain. Part of the area is on a steep slope. Residents have reported significant stormwater and flooding issues in the area. Due to its age and historical context, redevelopment of the area is extremely complex.

The proposed Study Area is the properties on Old Main Street bounded by Bexhill Road to the south-west, St John’s Cemetery to the north-west, Main Street By-pass to the north-east and south-east (see attached location map in Appendix ‘A’). It is currently designated Stable Residential in the Town’s Official Plan. The Stable Residential designation permits single and semi-detached dwellings.



There is a current development application at 172-178 Old Main Street (shown on Appendix 'A') to create six lots with semi-detached buildings for 12 new homes. This application has been deemed complete but has not yet had a Public Meeting (the "Development Application").

### **Interim Control By-laws**

Council is given the power to enact Interim Control By-laws through the *Planning Act*. They are, in effect, a pause button, allowing Council to put a freeze on development applications, in order to take some time out and study the situation. It allows for Council to take a bigger picture view of the potential for change in an area where large scale redevelopment was not previously considered. Council must have a justifiable planning rationale for enacting an Interim Control By-law. They can be appealed to the Ontario Municipal Board, after their passing. An Interim Control By-law can freeze development for a period of one year with a possible renewal of one more year (renewal requires Council enact another by-law); for a total of two years. Notice must be given to property owners within 120m of the By-law area within 30 days of Council passing the By-law. There is a 60 day appeal period.

### **The Study**

The Old Main Street Tertiary Plan Study would provide guidance to the overall pattern of development in the area and will assess matters such as the location of required infrastructure (i.e. streets and sidewalks), the layout of development blocks and land uses, the location of parks (if possible), the location of the natural heritage system (including environmental features and the floodplain), and urban design considerations. It would also encourage and provide direction for comprehensive development which will enhance the area as opposed to piecemeal redevelopments which may have negative impacts on the existing community. The Study will result in revised and updated policies for the Study Area.

The Study will result in a Tertiary Plan which once it is approved by Council, will require redevelopment applications be consistent with the principles, objectives and directions as set out in the new approved plan. A Tertiary Plan is a mini secondary plan. It is a policy document which sets out guidelines for development within a certain, small and specific area within the municipality. Tertiary Plans consider all of the planning elements that official plan and secondary plans speak to, such as density, unit type and housing mix, and land use. Engineering elements such as servicing capacity, road networks, stormwater management are also considered. Natural heritage and natural hazard features, such as wooded areas, potential steep slopes, and the flood plain area could all be studied.

## **Analysis**

### **Why now and Why here**

The Planning Division is aware of interest in redeveloping some of the larger properties along Old Main Street. Staff feel it is appropriate to pause redevelopment in the area and undertake a study to determine what is the best form of, and best course of action for, redevelopment.

An Interim Control By-law could freeze all development, including the current Development Application and prohibit the acceptance of any new applications. Council has the ability to exempt properties in the Study Area from the Interim Control By-law. Pausing development through the Interim Control would allow staff to look at the bigger picture of this area instead of considering redevelopment on a property by property basis as applications are brought forward. It would allow staff, and ultimately Council, to understand the impacts

of redevelopment on this unique area. As well, it would recommend guidelines and policies for the redevelopment which might require comprehensive approaches.

The Study could recommend the creation of design guidelines for redevelopment in the area. It may recommend investigating and/or implementing stormwater management solutions. It may recommend an investigation into converting Old Main Street to a one-way street. It may make recommendations regarding upgrading and urbanizing the road, if that is possible. It will provide guidance on the maximum density (units per hectares) that the area can support. It will provide guidance on the built form most appropriate for the area (singles vs semis vs townhouses, etc.).

### **Applicability to the Development Application**

Staff have reviewed the application of the legal doctrine of the Clergy Principle, which requires that a development application be subject to, and must be reviewed against, the policies in place at the time the application is deemed complete. It is staff's opinion that exempting Development Application from the Interim Control By-law will not impact or diminish the results of the Tertiary Plan Study.

Based on the Clergy Principle, when the Interim Control By-law is lifted, staff would still be required to review the Development Application against the policies in place at the time of the application (i.e. the policies in place today). Accordingly, there does not appear to be a benefit in pausing the progress of the Development Application with the Interim Control By-law as the new policies Tertiary Plan will not apply.

## **Conclusion**

It is staff's recommendation that an Interim Control By-law be applied to the properties on Old Main Street to allow staff to undertake a Tertiary Plan Study which will examine the redevelopment potential and limitations of the area. Staff believes this is the appropriate time to undertake the study as there is development interest in the area and a more comprehensive approach to redevelopment is required.

## **Next steps**

Should Council accept staff's recommendation and pass the Interim Control By-law, staff will send out a request for proposal and initiate the Tertiary Plan Study process. The Terms of Reference will establish a detailed study process with specific objectives, public consultation and deliverables. It is anticipated that the Tertiary Plan Study would be initiated in Q3 or Q4 of 2017 and completed by mid to late 2018.

## **Community Consultation**

There is no community consultation required to pass the Interim Control By-law. Staff will ensure notice is provided in accordance with *Planning Act* regulations.

There will be extensive community consultation and engagement required to complete the Tertiary Plan. Staff in consultation with the consultant undertaking the Study will develop a plan for enhanced community engagement.

Town of Newmarket Legal Services was consulted in the writing of this report.

## Human Resource Considerations

There are no immediate human resource considerations with this report.

## Budget Impact

There is no expected budget impact to passing the Interim Control By-law. Costs may be incurred if the By-law is appealed to the Ontario Municipal Board.

Staff anticipate the Tertiary Plan to cost approximately \$50,000. The funding for the Study would come from the general planning reserve. There may be other costs which arise from the study such as a detailed stormwater management study or the creation of detailed design guidelines. These would be optional costs that Council could choose to pursue, if recommended by the Plan.

## Business Plan and Strategic Plan Linkages

### *Well-planned & Connected:*

- Implement key elements of the Region's and Town's Official Plans.

### *Well-equipped and managed:*

- Efficient management of capital assets and municipal services to meet existing and future operational demands
- Small town feel with city amenities

### *Living well:*

- Environmental protection and natural heritage preservation

## Contact

For more information on this report, contact Meghan White at extension 2460; [mwhite@newmarket.ca](mailto:mwhite@newmarket.ca)



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Meghan White, MCIP RPP  
Planner



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Rick Nethery, MCIP, RPP  
Director of Planning & Building Services

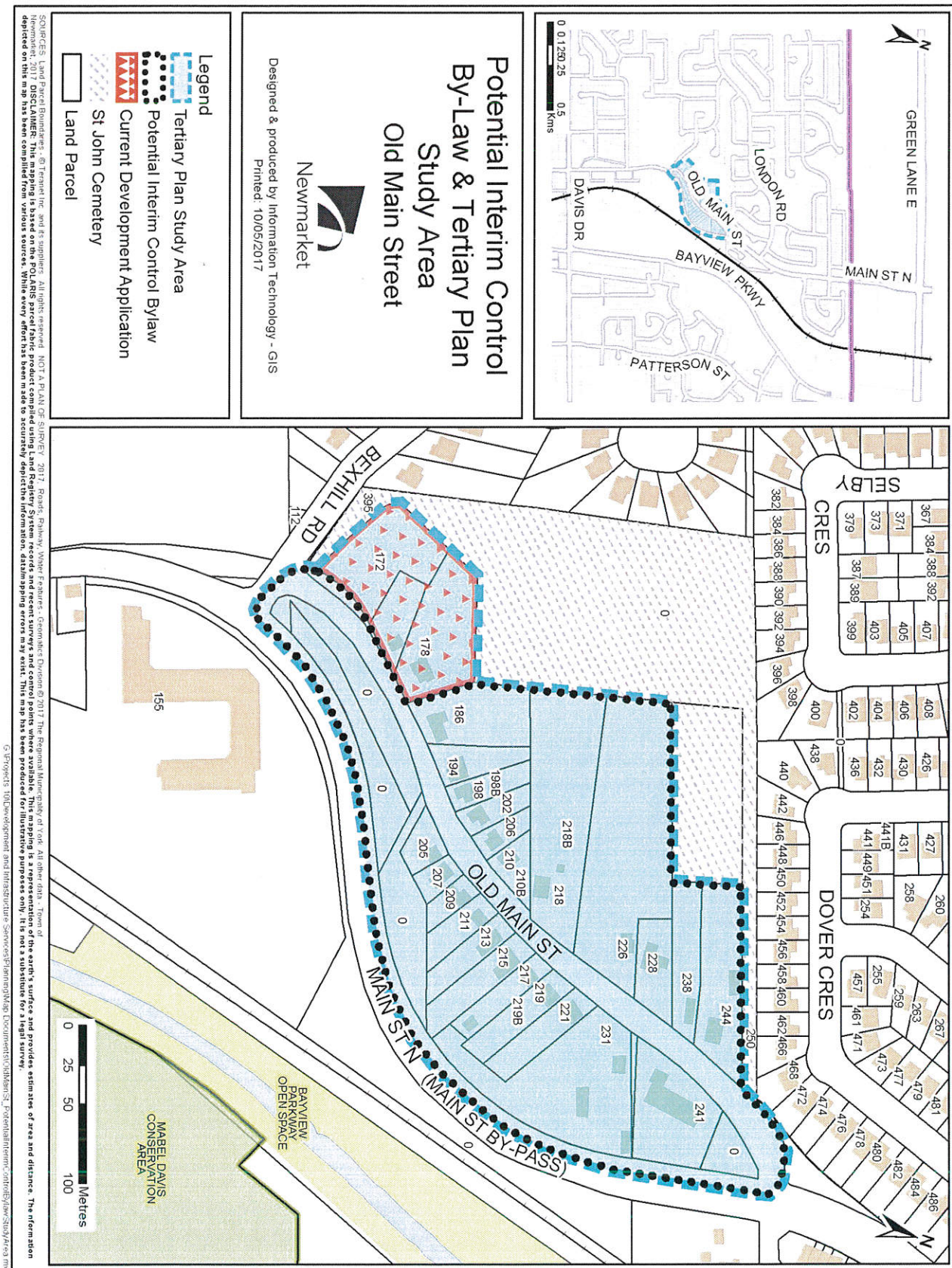


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Peter Noehammer, P. Eng.  
Commissioner Development and Infrastructure  
Services



## APPENDIX 'A'



## APPENDIX 'B'

### Proposed Interim Control By-law



Corporation of the Town of Newmarket

By-law Number 2017-26

An Interim Control By-law (Old Main Street)

Whereas Section 38 of the Planning Act, R.S.O. 1990 c.P. 13, as amended, permits the council of a local municipality to pass an Interim Control By-law where the Council has directed a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof;

And whereas the Council of the Town of Newmarket has authorized a Tertiary Plan to study redevelopment potential and limitations of properties on Old Main Street;

And whereas the Council of the Town of Newmarket has directed that an Interim Control By-law be passed on the subject lands, for a period of one year from the date of passage of the By-law;

Therefore be it enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

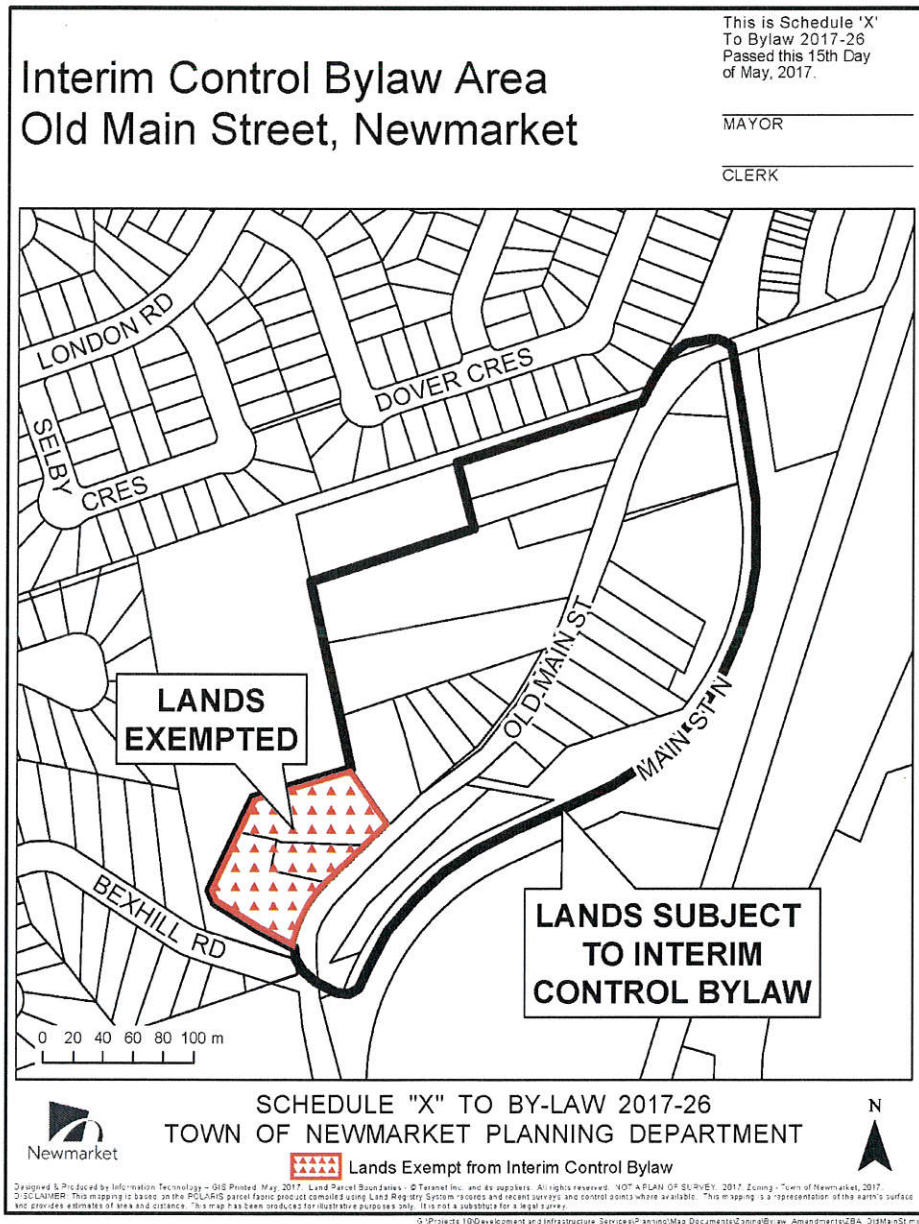
1. That subject lands shown on Schedule "X" to this By-law attached hereto and forming part of this By-law are subject to the interim control provisions of this By-law as set out herein;
2. That notwithstanding the provisions of Zoning By-law 2010-40, only those uses and lots legally existing on the date of passing of this By-law shall be permitted on the subject lands, except as the lands municipally known as 172 and 178 Old Main St (shown as exempted on Schedule 'X');
3. That nothing in this by-law shall prevent the construction, enlargement, repair, renovation or reconstruction of a building or structure which was otherwise legally permitted on the date of the passing of this by-law; and
4. This Interim Control By-law shall remain in effect for a period of one year from the date of passing of this By-law.

Enacted this 15<sup>th</sup> day of May, 2017.

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Lisa Lyons, Town Clerk







## Town of Newmarket **Council Extract**

Extract from the Minutes of the Council Meeting held on March 5, 2018.

### **(4) Old Main Street Tertiary Plan Background Report**

1. That Planning & Building Services Report 2018-14 entitled Old Main Street Tertiary Plan Background Report dated February 26, 2018 be received; and,
2. That the next report consider the effect and impact of the potential conversion of Main Street North to a Regional Road, noting that Council has not taken a position on this issue at this time.



Town of Newmarket  
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## **Old Main Street Tertiary Plan – Background Report Staff Report**

Report Number: 2018-14

Department(s): Planning & Building Services

Author(s): Meghan White

Meeting Date: February 26, 2018

### **Recommendations**

1. That Planning & Building Services Report 2018-14 entitled Old Main Street Tertiary Plan Background Report dated February 26, 2018 be received.

### **Purpose**

To inform Council of the status of the Old Main Street Tertiary Plan and provide an overview of the completed background studies.

### **Background**

In May 2017, Council passed an Interim Control By-law to freeze development applications along Old Main Street, thus allowing staff to hire a consultant and complete a Tertiary Plan. A Tertiary Plan is a policy document which sets out guidelines for development within a certain, small and specific area within the municipality. Tertiary Plans consider all of the planning elements that official plan and secondary plans speak to, such as density, unit type and housing mix, and land use. Engineering elements such as servicing capacity, road networks, stormwater management are also considered. Natural heritage and natural hazard features, such as wooded areas, potential steep slopes, and the flood plain area are studied as well.

In August, staff started to work with SvN Planners & Architects and Dillon Consulting on the Tertiary Plan. Over the last several months, staff and the consultants have been collecting data and information on the area, including a walking tour to gather input from the residents. This has now all been compiled into the two Background Studies appended to this report.



## Discussion

The Planning and Land Use background report covered the following topics:

- Spatial & Character Analysis
- Development Analysis
- Planning Policy and Regulatory Analysis
- Public and Stakeholder consultation Findings – Phase 1

The Infrastructure and Natural Heritage Background Study looked at the following issues:

- Transportation
- Water Services
- Waste Water Services
- Stormwater Management Conditions
- Natural Heritage Features

### Findings – Opportunities and Constraints

Key findings and emerging directions from the Planning & Land Use Background Study are listed below. These are possible directions and findings that could guide the vision of the Tertiary Plan and future policies; they will be considered in detail through the process and not all may prove to be feasible or possible.

1. Respect the Natural Heritage System and Existing Topography:
  - Consider protecting existing woodlots and significant natural heritage features, in order to maintain a continuous natural heritage system;
  - Consider providing adequate buffers and open space linkages, in order to protect local wildlife habitat;
  - Incorporate elements of the natural environment into future development; and
  - Respect existing topographical conditions.
2. Enhance Landscaping and Open Space Features:
  - Consider enhancing the existing informal open space and recreational area;
  - Improve existing landscape buffers, in order to mitigate acoustic and visual impacts associated with Main Street North, if feasible;
  - Consider the introduction of a new retention area or stormwater management pond at the foot of Old Main street, in order to increase flood storage capacity, mitigate flooding and stormwater runoff, and improve stormwater treatment; and
  - Encourage the use of permeable surface materials.

3. Establish Pedestrian Connections and Gateway Features:
  - Consider providing pedestrian connections to the surrounding park, open space, natural heritage, trail and public transit networks; and
  - Establish gateway treatments at either end of Old Main Street, through the provision of accent planting, enhanced landscaping, traffic calming measures.
4. Enhance the Design of Old Main Street:
  - Enhance the design of Old Main Street, while acknowledging its quiet, meandering and rural character, if possible;
  - Contemplate re-paving and re-grading Old Main Street;
  - Formalize shoulder areas, and enhance and beautify the existing swale system; and
  - Encourage planting street trees, and introduce sidewalks and landscape buffers.
5. Respect Prevailing Site Design Characteristics:
  - Maintain the predominant east-west alignment of existing lots, with primary building faces and entrances oriented towards Old Main Street;
  - Acknowledge the varied and porous character of Old Main Street, as well as prevailing front and side yard setbacks;
  - Promote unobstructed views between dwellings and adjacent streets and open spaces;
  - Maintain sky views, sunlight penetration, and privacy between adjacent dwellings; and
  - Minimize driveway and curb-cut widths.
6. Respect Prevailing Building Design and Architectural Characteristics:
  - Encourage a diverse and eclectic mix of traditional and contemporary architectural styles;
  - Acknowledge the “cottage-like” character of existing dwellings;
  - Minimize ground floor heights relative to established grade; and
  - Maintain the prevailing rhythm and organization of building features, and the character of 1 to 2 storey dwellings.

The Infrastructure and Natural Heritage Background Report found that the constraints identified to the redevelopment of the Old Main Street community include:

- The current road condition and narrow right of way will limit the amount of development that can occur. The current roadway is not built to today's standard and with increased traffic, efficiency and safety will be reduced as more development occurs;
- Groundwater conditions in the study area, specifically the high water table reported by residents, may be the cause of basement flooding;

- The existing stormwater management system which is haphazard (it consists of a surface drainage system and storm sewers), is suspected to have capacity issues, and is not part of a regular maintenance schedule;
- The Woodlot in the southwestern portion of the study area, which is identified as a natural heritage feature in Schedule B of the Town of Newmarket Official Plan 2006 – 2026, is to be protected;
- There is potential habitat for Species of Conservation Concern (Eastern Wood-Pewee) and Species at Risk (Butternut, Barn Swallow, Chimney Swift, Little Brown Myotis and Northern Myotis) within the study area; and
- The regulatory floodplain of the East Holland River, which occupies 28% of the study area, development within which (plus a 30 m setback) is subject to regulation.

The Infrastructure and Natural Heritage Background Study found that redevelopment of the study area will provide the opportunity to:

- Bring the roadway up to current design standards;
- Encourage water conservation practices through incentives to retrofit existing development and requirements to fit new development with high efficiency plumbing fixtures and rain water barrels for non-potable uses, and the implementation of education and outreach programs;
- Upgrade hydrant installations along Old Main Street to existing engineering design standards with respect to spacing and location;
- Connect all properties to the municipal sanitary sewer (septic systems are currently being used on one quarter of the properties in the study area);
- Upgrade the municipal sanitary sewer to existing design standards for minimum sewer line grades and manhole spacing;
- Upgrade the existing stormwater management works to achieve current environmental standards and criteria for water quality and water quantity control;
- Resolve the existing stormwater management and flooding issues currently being experienced by residents in the community; and
- Identify, design and implement Woodlot restoration and enhancement.

The background studies have found there are some opportunities for, and some constraints limiting, future development along Old Main Street. These findings are represented graphically in the Planning & Land Use Background Study in Figures 73, 75, 77 and 79. Staff and the consultants will take these constraints and opportunities identified in the background studies to formulate policies around how redevelopment might happen on Old Main Street.

### Next Steps

The consultants and staff will work on creating a draft vision and draft guiding principles for the future policies of the Tertiary Plan. The draft vision and guiding principles will be

brought back to Council and the community for input prior to the policies being written. Staff anticipate the draft vision and guiding principles will be available in mid to late March.

## Conclusion

The background studies have provided the technical knowledge to proceed with the next phases of the Tertiary Plan process, of drafting and finalizing the Plan.

## Business Plan and Strategic Plan Linkages

The background studies informing the Tertiary Plan will assist the Town in achieving the strategic directions of being:

- **Well-planned & Connected** through Implement key elements of the Region's and Town's Official Plans.
- **Well-equipped and managed** through efficient management of capital assets and municipal services to meet existing and future operational demands

And of **Living well** through maintaining a small town feel with city amenities and environmental protection and natural heritage preservation.

## Consultation

During the background study process, staff and the consultants invited local residents to participate in a guided walking tour of the Old Main Street neighbourhood. Throughout the course of the walking tour, participants were given the opportunity to discuss key issues facing the Old Main Street neighbourhood, and to provide preliminary verbal and written feedback to staff and the consultant team. The information gleaned from the walking tour has been summarized in the Planning & Land Use Background Study.

The completed reports are available to the public through the website: [www.newmarket.ca/oldmain](http://www.newmarket.ca/oldmain).

## Human Resource Considerations

None.

## Budget Impact

None.

## Attachments

Planning and Land Use Background Report, prepared by SvN, dated February 9, 2018

Old Main St Tertiary Plan - Background Report (2018-14)

Page 5 of 7

Infrastructure and Natural Heritage Background Study, prepared by Dillon Consulting,  
dated February 2018

## Approval



Meghan White, MCIP RPP, Planner,  
Planning & Building Services



Rick Nethery, MCIP RPP, Director,  
Planning & Building Services



Peter Noehammer, P. Eng, Commissioner  
Development & Infrastructure Services

## Contact

For additional information contact: Meghan White at [mwhite@newmarket.ca](mailto:mwhite@newmarket.ca) or 905-953-5300 x 2460.

## Appendices

Planning and Land Use Background Report, prepared by SvN, dated February 9, 2018

Infrastructure and Natural Heritage Background Study, prepared by Dillon Consulting, dated February 2018

## Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole or to receive further notification regarding an item on the agenda. If filling out by hand please print clearly.

Please email to [clerks@newmarket.ca](mailto:clerks@newmarket.ca), fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Name: <b>Craig Baker</b>	
Organization / Group/ Business represented:	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: Feb 4, 2018
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): To delay any decision on proposed Tertiary plan for Main St. North - to request changes to the proposed plan with further consideration given to higher use of the lands in question.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

### Deputation Guidelines:

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- Deputations related to items not on the agenda may be scheduled within sixty (60) days of receipt of this form;
- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

Be advised that all Council and Committee of the Whole meetings are audio-video recorded and live streamed online. If you make a presentation to Council or Committee of the Whole, your presentation becomes part of the public record and you will be listed as a presenter in the minutes of the meeting. We post our minutes online, so the listing of your name in connection with the agenda item may be indexed by search engines like Google.

Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100





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Name: <b>Lloyd McKee</b>	
Organization / Group/ Business represented:	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: <b>Monday, Feb. 4, 2019</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): To delay the proposed Tertiary Plan until concerns and questions can be further explored.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Trudy Baker</b>	
Organization / Group/ Business represented:	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: Feb 4 2019
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable):	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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## Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole or to receive further notification regarding an item on the agenda. If filling out by hand please print clearly.

Please email to [clerks@newmarket.ca](mailto:clerks@newmarket.ca), fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Name: <b>Sonya Reiter</b>	
Organization / Group/ Business represented:	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: Monday, February 4, 2019
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable):  To delay the proposed Tertiary Plan until concerns and questions could be further explored.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Everett Baker</b>	
Organization / Group/ Business represented:	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: Feb 4 2019
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable):  I wish to speak about the condition of the trees on the West of Old Main Street, and object to part of our private property becoming designated as future Heritage land	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Chris Baur</b>	
Organization / Group/ Business represented: [REDACTED]	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone: [REDACTED]
Email: [REDACTED]	Date of Meeting: February 4, 2019
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): I will be speaking to the DRAFT Tertiary Plan for Old Main Street and outline necessary amendments prior to the plan being put forward to council for a vote.	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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**VIA EMAIL**

2019-01-23

Mayor & Members of Council  
Town of Newmarket  
395 Mulock Drive  
P.O. Box 328 Station Main,  
Newmarket, Ontario L3Y 4X7

**Dear Mayor & Members of Council,**

**Re: Official Plan & Zoning By-law Amendments  
Town of Newmarket - Old Main Street Tertiary Plan & Zoning By-law Directions  
Final Report - January, 2019 (Draft V2)**

LARKIN+ Land Use Planners Inc. represents Larry Li, Lok Lee and ProPlus Construction Inc. (o/a ProPlus Contracting) regarding the property at 231 Old Main Street, within the limits of the proposed Tertiary Plan. On April 25, 2017 on behalf of our client, we met with Town staff for a preconsultation meeting to consider our client's proposal to develop this site for a Common Element Condominium Corporation (CECC) comprising Semi-detached dwellings fronting a private road. Our client's current proposal is to develop 12 of these dwellings on freehold lots fronting a private road running perpendicular to Old Main Street. Subsequently, the Town placed the property at 231 Old Main Street and the other properties in the study area for the Tertiary Plan under Interim Control. We have been monitoring the progression of the Tertiary Plan, including the January 2019 Drafts of the Tertiary Plan and Zoning By-law Directions.

In reviewing the January 2019 Draft Old Main Street Tertiary Plan, we note that Section 3.3.1iv - Residential Areas is a new policy which we welcome and which appears to facilitate our client's proposal:

"3.3.1 iv. New residential uses may be permitted on a private road, subject to the appropriate technical studies, including but not limited to a detailed Environmental Impact Statement, to the satisfaction of the Town and the Lake Simcoe Region Conservation Authority."

In reviewing these drafts of the Tertiary Plan and Zoning By-law Directions, there are other policies in the Plan which need to be clarified and/or strengthened to recognize the form of development permitted in Section 3.3.1iv of the Plan, and regulations need to be added to the Zoning By-law Directions to accommodate this form of development:

**Old Main Street Tertiary Plan January, 2019 (Draft V2)**

Section 2.1 – Vision Statement indicates that the Old Main Street Neighbourhood will retain its rural cottage-like and scenic natural character, while accommodating contextually-sensitive development. This vision is reflected throughout the content of the document including in Section 6.0 - Site Design which speaks to development details regarding the location and orientation of future development in the area. The Site Design objectives in Section 6.2 seek to "...facilitate future development, including the introduction of new building typologies, while respecting the prevailing lot development and site design characteristics of the Old Main Street Neighbourhood" which we do not take issue with.



However, in reviewing other portions of this draft of the Tertiary Plan we note that the following policies do not recognise development on private streets as permitted by Section 3.3.1iv of the Plan and should be clarified and/or strengthened to recognize this form of development:

- Section 2.2 – Guiding Principles (Respect Prevailing Site Design Characteristics) and Sections 6.3.3i and iii – Site Design Policies (Location and Orientation) indicate that future development shall generally maintain the predominant east-west alignment of existing parcels, and that generally dwellings shall be located near the front of the property, with facades and entrances oriented toward Old Main Street. We request that this policy be modified to recognize north-south dwelling orientations provided that dwellings in proximity to Old Main Street respect the existing east-west orientation with facades and entrances oriented to that street.
- Section 6.3.1 – Site Design Policies (Lot Dimensions) indicates that future development shall maintain the appearance of prevailing lot dimensions and areas. We request that this policy be modified to recognize the smaller lot dimensions and areas associated with CECC developments while respecting and being compatible with the prevailing lot dimensions and areas along the Old Main streetscape.
- Section 6.3.8 ii - Site Design Policies (Entrances) indicates that primary building entrances shall be located on the primary facade of the building, and shall be visible and directly accessible from Old Main Street. We request that this policy be modified to apply to those dwellings closest to Old Main Street.

The development that our client proposes has one perpendicular private road connection to Old Main Street and the development can be designed such that the dwellings closest to Old Main Street have facades (with main entrances) facing the street with a setback, massing and architectural features that maintain streetscape character. The Semi-detached dwellings on the balance of the site on north-south lots fronting the private street can be effectively screened and integrated and will not unduly detract from the Old Main Street character.

We note that Section 3.3.1 (iii) – Land Use and Density (Residential Areas) of the Plan allows a maximum Floor Space Index (FSI) of 1.0 (also reflected in the draft Zoning By-law Directions); the Town should clarify if a density credit will be provided for portions of lots comprising flood hazards and natural heritage features. Our client's currently proposed CECC development results in an FSI over the entire site of 0.41 which includes lands within the flood regulated area which cannot be developed. Additionally, we note that the Zoning By-law Directions allows a maximum coverage for the permitted uses of 50% and our client's proposal results in a coverage of only 22.6% over the entire site. This lower FSI and coverage will result in a scale and massing of development which is compatible and complementary to that envisioned by the Tertiary Plan for the area.

Lastly, we note that Section 4.3.1i – Transportation (Policies – Old Main Street) of the Tertiary Plan proposes an approximate 18 m ROW between Bexhill Road and Main Street, where feasible, and we request information about the impact of this widening on our client's property.

#### *Zoning By-law Directions January 2019 (Draft)*

It is our understanding from the Notice of Public Meeting and in liaising with Town planning staff that the Town intends to apply a Holding provision to the zoning for lands covered by the proposed Official Plan Amendment for the Tertiary Plan as an interim measure until new area-wide zoning can be developed and applied which implements the OPA. We understand that removal of the "H" Holding symbol will be conditional upon satisfying servicing allocation, consideration of property consolidation, and the completion of a storm water and drainage master plan. However, it is unclear what interim uses will be permitted prior to lifting the "H" Holding symbol and what uses will be permitted upon removal of the symbol and we request clarification on these matters as well as a copy of the proposed zoning by-law for the Holding



provision. It is our understanding that the Town will consider accepting and processing individual rezoning applications prior to the ultimate area wide zoning being passed.

In reviewing the January 2019 Draft Zoning By-law Directions, we note that the proposed regulations neither accommodate block development nor CECC development on private roads and that these regulations will need to be changed to implement Section 3.3.1iv of the January 2019 Draft Tertiary Plan. The proposed regulations require for Semi-detached dwellings:

- a minimum lot frontage of 9 m and minimum lot depth of 30 m for each dwelling;
- a maximum front yard setback for dwellings of 6 m from Old Main Street;
- minimum side yard setbacks of 2.5 m; and,
- a maximum curb cut width on Old Main Street and taper width for shared driveways of 3 m (two-way private roads will be wider).

Town Planning staff has acknowledged to us that these regulations will need to be changed. We suggest that in place of detailed regulations for CECC freehold lots that reliance on Site Plan Control be utilized to satisfy the intent of the Tertiary Plan's vision and Site Design objective and to avoid the need for minor variances which are common with this form of development.

### Conclusion

We appreciate the opportunity to provide comment on the January 2019 Drafts of the Tertiary Plan and Zoning By-law Directions and acknowledge that the Town has accommodated development on private roads within the Plan which would permit our client's proposal in principle. As discussed above, there are additional policies in the Plan that need to be clarified and/or strengthened to recognize this form of development, including allowing it in a north-south orientation, and the proposed zoning regulations for the area need to be amended to accommodate this form.

We reserve the right to provide further comments on any future drafts of the Tertiary Plan/proposed Official Plan Amendment and on any proposed zoning as it affects our client's property as the process unfolds. We also request notice of any additional public meetings and Committee of the Whole/Council consideration of recommendations relating to these documents, and notices relating to the adoption of the Tertiary Plan/Official Plan and Zoning By-law Amendments.

Sincerely,

**LARKIN+**

Robert Walters MCIP, RPP  
Planning Manager  
[www@larkinplus.com](mailto:www@larkinplus.com)

cc Larry Li, ProPlus Contracting



Hi Megan,

I am part of the group with interest in potential future development of the north part of Main Street North.

Like many others I am concerned that decisions regarding the use of these lands will be made prematurely and to the detriment of the property owners and in the long run the best interests of the Town of Newmarket.

This part of Newmarket has great potential for a well planned infill opportunity.

My parents have owned their property at 218 Main Street North since 1999 and bought the property with a vision of future development. They have grown to love living there and would wish to actively participate in it's redevelopment, even buying back into a new property as long as the development is done in a meaningful way.

The location with proximity to downtown and transit make it ideal for intensification. Medium density mix of semi detached, towns and even multistory condo units could be developed into the 7 or so acres in the area. This could also provide the necessary funding for upgrading the infrastructure on an old street.

I believe declaring a large portion of this as "heritage" as per the "preferred" option on the tertiary plan will prove to be a serious error in this land use.

It would be greatly appreciated if the town would take more time to consider all options and how this will effect the future of Newmarket and especially the landowners in this area.

With best regards,  
Craig

---

**Craig Baker | President**

T: [REDACTED] | F: [REDACTED] | T: [REDACTED]

[www.bakerandbakerbenefits.com](http://www.bakerandbakerbenefits.com)

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Good morning Meghan,

Thank you for your e-mail regarding the small parcel of land off Old Main Street.

Meghan, our concerns are as follows,

- 1] This is a very small piece of land
- 2] Several small homes are in existence already there and have been there for many years ....how fair is it to these residents of Newmarket to be changing or even removing them from their homes and changing the streetscape for both them and the rest of us who surround them?
- 3] This is a very busy traffic area at the present time and denser development will only make it worse.
- 4] One very important discussion that should be occurring right at the beginning of all of this is if this is actually on the flood plain mapping that was done years ago after Hurricane Hazel came through this area. It visibly seems very likely that it would be since it is very low lying and almost level to the creek/river across the road. Then as far as we are concerned it would be unsafe and probably unlawful to build there.
- 5] As long time home owners in this area, I would wish that our new council would carefully gauge the impact of new infill projects on the existing owners in and around the areas involved since builders are only there for their monetary gain and really nothing else.

Meghan, can you please bring our thoughts forward to the council and at the meeting, since we are out of town at the time of the meeting?

Your help is appreciated,

Sharon and Ian Gillespie,

[REDACTED]



**From:** [Peter Stott](#)  
**To:** [White, Meghan](#)  
**Cc:** [Herancourt Christina](#); [Taylor, John](#); [Tom Hempen](#); [Mayor Van Bynen](#)  
**Subject:** Re: Old Main Street Tertiary Plan - update  
**Date:** May 21, 2018 12:23:09 AM  
**Attachments:** [TON Tertiary Plan Feedback Dover Cres.pdf](#)  
[ATT00001.htm](#)

---

Hi Meghan

Not sure if you have received this already from Christina Herancourt, however, in the event you have not, please find attached feedback from each of the residents situated on the south side of Dover Cres backing onto the Old Main Street properties.

With the use of copies of the Draft Land Use Concepts that were presented at the workshop, I went about explaining the concepts presented and offering residents the opportunity to share their thoughts using the Preferences Model in respect of the three concepts. It must be noted that although the Draft Land Use Concepts Preferences model was shared with the residents, each and every resident expressed disappointment with the language used in the model and stated emphatically that NONE of the concepts were “preferred” options and that the “Least Preferred concept” should be re-phrased to say “intolerable”. Consequently, each respondent identified unanimously that: no concept was meeting the criteria for category #1 (“the concept you prefer the most”); Category 2 (“that which would be tolerable”) was for Concept A “Minor Development and Traffic Calming”, and; Category 3 (“least preferred concept” most accurately reflected by the respondents as “intolerable”) applied to both Land Use Concepts B and C, Moderate and Significant Development and Traffic Calming respectively.

The residents along Dover have a vested interest in how any development proceeds along Old Main Street and those who have email addressed have provided same in hopes that they be included on any distribution list that provides information regarding the Tertiary Plan and its progress. The attached includes both the street address and email address for those responding and sharing their perspectives.

In follow up to my earlier letter of April 13 referenced below, you had hoped to have responses to questions raised a couple of weeks ago. Please let me know how this is progressing.

Kindest regards,

Peter Stott

## Old Main Street Tertiary Plan

### Draft Land Use Concept Preferences

As part of its Tertiary Plan Study, the Town of Newmarket held a workshop on April 13, 2018.

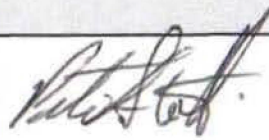
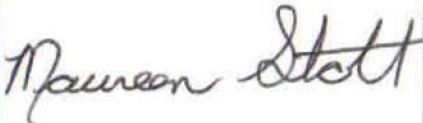
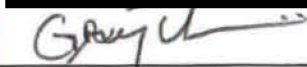
At the meeting, the following three Land Use Concepts were presented (please refer to "Draft Land Use Concepts" chart:

- A. Minor Development and Traffic Calming
- B. Moderate Development and Traffic Calming
- C. Significant Development and Traffic Calming

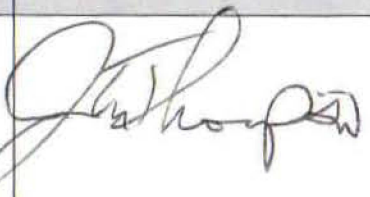

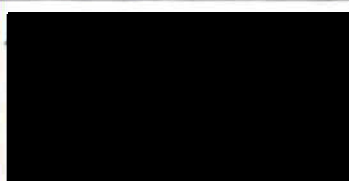

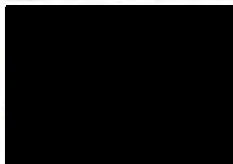

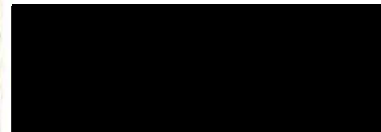
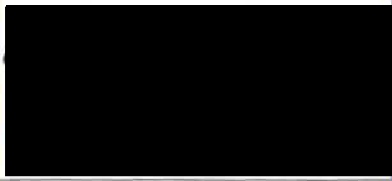
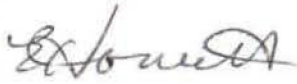


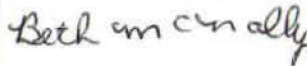
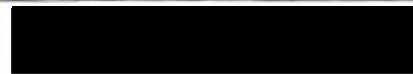
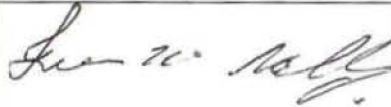

This is your opportunity to share with the Town Planning Department, Ward Councillors, Deputy Mayor and Mayor your vision for your community

The outcome of the Tertiary Plan is to define zoning by-laws and policies for the area which will prescribe what can and cannot be built on Old Main Street North.

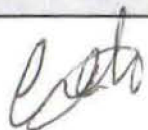
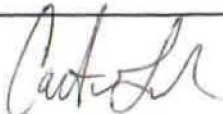



Below, please indicate the Land Use Concept you prefer the most (#1), would be tolerable to you (#2), and your least preferred concept (#3).









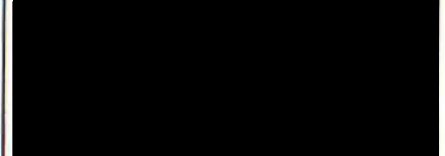



First Name	Land Use Preference	Signature	Address	City/Town	Date
Peter Stott	#1 — #2 A #3 B+C		[REDACTED]	[REDACTED]	03 May 18.
Maureen Stott	#1 — #2 A #3 B+C		[REDACTED]	[REDACTED]	May 3/18
GREG WINTER	#1 — #2 A #3 B+C.		[REDACTED]	[REDACTED]	May 3/18

Printed Name	Contact Preference	Signature	Address	Email Address	Date
GREG RUSSELL	#1 — #2 A #3 B+C	<i>G. D. Russell</i>	[REDACTED]	[REDACTED]	May 4/ 18
Catherine Rusnell	#1 — #2 A #3 B+C	<i>C. Rusnell</i>	[REDACTED]	[REDACTED]	May 04/18
Tania Risbridger	#1 — #2 A #3 B+C	<i>T. Risbridger</i>	[REDACTED]	[REDACTED]	May 4/18
PATRICK HAROLD	#1 — #2 A #3 B+C	<i>P. Harold</i>	[REDACTED]	[REDACTED]	MAY 4/ 2018
SUSAN HAROLD	#1 — #2 A #3 B+C	<i>S. Harold</i>	[REDACTED]	[REDACTED]	MAY 4 2018.

Printed Name	Concept Preference	Signature	Address	Email Address	Date
JOHN VIVIENNE THOMPSON	#1 . #2 -A #3 B-C				6/5/18
VIVIENNE THOMPSON	#1 #2 -A #3 B-C-				6/5/18
DAVID HOWETT	#1 — #2 A #3 B.C				6/5/18
ELIZABETH HOWETT	#1 — #2 A #3 B-C-				6/5/18.
BETH McNALLY	#1 — #2 A #3 B+C				6/5/18
IVAN McNALLY	#1 — #2 A #3 B+C				6/5/18.



Printed Name	Concept Preference	Signature	Address	Email Address	Date
Cindy Ta	#1 <input checked="" type="checkbox"/> #2 A #3 B/C		[REDACTED]	[REDACTED]	May 4/18
Carlin Gerber	#1 <input checked="" type="checkbox"/> #2 A #3 B+C		[REDACTED]	[REDACTED]	May 6, 2018
Randy & Cathy Vandekerckhove	#1 <input checked="" type="checkbox"/> #2 A #3 B+C		[REDACTED]	[REDACTED]	May 6 2018
Helen Wattie	#1 <input checked="" type="checkbox"/> #2 A #3 B/C		[REDACTED]	[REDACTED]	May 6/18
Neda Rajian	#1 <input checked="" type="checkbox"/> #2 A #3 B/C		[REDACTED]	[REDACTED]	May 6.18

Printed Name	Concept Preference	Signature	Address	Email Address	Date
Mohammad Fair Rafatian	#1 — #2 A #3 B-C				May. 6
BART TRENTADUE	#1 #2 A #3 B-C				May 6/18
Rose Schell	#1 #2 A #3 B-C				May 6/18
Alex Solayev	#1 #2 A #3				May 6/18



April 13, 2018.

**Meghan White, MCIP RPP**

Planner

Planning & Building Services

Town of Newmarket

[mwhite@newmarket.ca](mailto:mwhite@newmarket.ca)

**Re: Old Main Street Tertiary Plan**

Dear Ms. White

Thank you to you, your staff and your support resources for the session held last evening. It proved to be an informative exercise enabling us to gain a better understanding of the desired development ideas and limitations. During the presentation by Mr. Scorgie, certain thoughts and ideas were presented that generated questions in my mind that we were unable to discuss given the nature of the agenda. Consequently, I am addressing those questions to you below for your thoughts and commentary.

Questions arising from the presentation:

- Portions of the woodlot are deemed “protected”, while others are “sensitive” areas. What criteria differentiates the classification of these two areas?
- Groundwater flow patterns in this area are peculiar to say the least. While certain homes along Dover Cres experience continuous flow of groundwater into their sumps, others in immediate proximity experience no groundwater flow into their sumps at all and never have. How will development under the different land use concepts illustrated influence groundwater flow under residents on the south side of Dover Crescent?
- Several homes along Old Main are within the currently designated floodplain. Is it correct to understand that those homes are grandfathered in respect of occupancy within a floodplain, thereby no change is contemplated until the homes are vacated as no future development would be permitted?
- The presentation gave consideration to the various pros and cons of the draft land use concepts, however, there appears to be no consideration, assessment or disclosure of the merits and drawbacks of these concepts on property owners adjacent to the development area in question. In discussions with a representative of MPAC, the entity responsible and accountable for accurately assessing and classifying all properties in Ontario in compliance with the Assessment Act and regulations set by the Government of Ontario, it was clear that densification in the area of the west and northwest portions of the Plan would definitely result in a reduction in value of those properties along the south side of Dover Cres. What pros and cons for and against those living on the south side of Dover Cres would be anticipated in the three land use concepts proposed?
- With respect to the cost to develop the infrastructure under any of the land use concepts presented, would it not be the responsibility of the developer to pay for such improvements in the development? Those costs would then be taken into consideration by the developer when pricing the properties for resale.
- Concerning natural habitat and wildlife, development always pushes wildlife away and it is many years before it is returned to the pre-existing norm. We currently have numerous birds and small

mammals living within the area in question. How can development be undertaken in such a way as to retain and encourage natural habitat?

- Traveling north along Main Street passing the Newmarket Cemetery and approaching Bexhill, the vista that presents with the trees, open space and hillside is extremely pleasing. As we continue to develop into these areas we lose much of the appeal of Newmarket and more and more resemble the concrete jungles of other less desirable communities. As the Town grew through the 70's and early '80's, this area was not developed due to a number of issues including, the topography, the visual appeal, the ease of development elsewhere, the floodplain and the character of the little community. We purchased our home in 1986 due to the pleasant natural backdrop of the trees and low-density housing so that we could enjoy a quiet and tranquil environment. We could have easily paid less and bought in the neighborhood where we could back onto other houses and not enjoy this environment. We recognize and see that the Town is growing in leaps and bounds and developers are expanding into greenfield areas. The Town is also in the process of augmenting transportation services along the Davis and Yonge corridors. These are very appropriate areas for development and densification, given the intent of enhanced public transit. Why do we have this insatiable desire to backfill every underdeveloped space or green space in Town to satisfy a few landowners desire to cash out?
- Given the growth plans in more appropriate locations within Town (i.e. Yonge/Davis and greenfield locations), I understand there are already capacity constraints associated with the waste water / stormwater processing capabilities of the Town. Such capacity should not be consumed for nominal growth and current landowner desires at the expense of more strategic growth within the community. How is the Town balancing these priorities so as not to disadvantage strategic growth?

Also, I didn't leave my worksheet comments with you at the end of the evening, preferring to give further thought to the information and replying more comprehensively. I will attempt to capture these thoughts in the commentary below:

- I'm not so sure the process of a round table discussion and presentation was particularly effective in that there were very different perspectives at my table. The table was made up of two residents looking for significant development to maximize return on the sale of their property (and I don't blame them for wanting to do so) and two residents from the adjacent community who will only potentially suffer from the development, either by reduction of property value or by reduction in enjoyment of property and environment. We must not lose sight of the fact that the landowners looking to subdivide and develop will not likely continue to reside in this community, despite suggestions of wishing to be able to afford to have a condo in the development, while others will need to endure the changes made for some time to come. Furthermore, the more homes the developer can cram into the space, the higher the value to the landowner, so there really is only one motivation of the existing landowner within the Plan area.
- The Vision Statement is generally appropriate especially in respect of retaining the rural, cottage-like and scenic natural character, respecting the existing topography and open space features. However, certain questions and challenges remain with respect to how the character can possibly be maintained given the eclectic assortment of homes.
- The Guiding Principles are vague and loosely worded leaving considerable room for interpretations by stakeholders. In doing so, anyone can justify just about anything in making change and keep within the Guiding Principles. Will Standards be prepared to give precision to how the Principles are to be interpreted? Without such measurable Standards, the Principles are only warm and fuzzy ideas to appease stakeholders.

- Notwithstanding the concept of encouraging porosity and unobstructed views between dwellings, townhouses and future fencing will defeat this concept and we will have brick walls lining this street, especially as depicted in the third Draft Land Use Concept.
- Of the three Draft Land Use Concepts presented in the worksheets, clearly the first is the most tenable with the second being a remote possibility. The third concept incorporating numerous townhouses and development of the Sensitive area is completely unacceptable and inconsistent with the Vision and intentions of the Guiding Principles. Furthermore, the sheer increase in population density in this small area as compared to the current and as serviced by proximate infrastructure, such an increase in population would be better served by locating such population on Davis Drive where the transportation services exist and were intended.
- In Concepts 1 & 2, the development properties along the north west portion of the Plan extend up to the Sensitive area. Who will own the property within the Sensitive area?
- As the Newmarket population continues to grow and as the population ages, there will be an increasing demand for cemetery space. The adjacent St. John's Cemetery has a finite opportunity for expansion and, given the topography, any expansion would only be possible through the acquisition of one or both of the properties adjacent the Old Main Street laneway to the cemetery. If these properties are developed, it will forever eliminate any opportunity for growth within the Town. What consideration has been given by the Town to assist the existing cemetery in acquiring these properties and thereby augment this societal asset as a part of the community infrastructure? Consideration should also be given to acquiring from the cemetery the alternate laneway off of Bexhill Drive to preserve more green space.
- Given the challenges of stormwater management in this community, increasing the extent of hard surfaces through development will only exacerbate the problems of stormwater runoff. Minimizing this impact will be critical in light of climate change that is upon us resulting in increased storms and flash flooding. Also, the notion of improvements to the existing swale as an alternative to subsurface collection and direction will result in swales not maintained, a collection point for waste and debris and restriction of the existing landowners use of the property. Filling in the swale and incorporating a sidewalk with subsurface collection and direction of runoff in storm sewers would be an improvement.

Hoping the input provided above is useful and in anticipation of your commentary.

Kindest regards,

Peter Stott

[REDACTED]

Cc: Tom Hempen  
 Tony Van Bynen  
 B. Scorgie  
 Residents of Dover Crescent (South Side)



### Our thoughts on Old Main Street Tertiary Plan

We, Everett and Trudy Baker are the land owners at 218 Old Main Street. We purchased the property about 20 years ago as investment for our retirement. At that time, we and other neighbours spoke with a Town of Newmarket representative about our plans to develop the lot at or near our retirement. We were assured that to be OK.

We are pleased to read the opening sentence of the tertiary plan: “Newmarket is poised for growth.” We are happy that the Town of Newmarket plans call for substantial investment in a new infrastructure, to allow for improved stormwater management facilities, the establishment of new pedestrian connections, gateway features, and the enhancement of Old Main Street. Such a bold endeavor costs money, hence we support the proposed increase in population density so that the full burden of the tax required does not fall on the current homeowners, our neighbours on the street. Of the initial proposed plans, plan # 3 appears to best allow for enough density to subsidize the cost of the planned infrastructure. We would like to see blocked development. As well we like to see street-frontage semis with a private road with a mix of semis and towns. Private roads on the West side of the street will help maintain the rural, cottage-like character of Old Main Street. The recent (Jan 14) introduction and acceptance of a Private road on the West side of the street will help maintain the rural, cottage-like character of Old Main Street, and allow for the infill of more housing, of the types and sizes people need. It will also support the costs of developing the infrastructure.

We are seriously concerned about the designation of a large area on the West side of Old Main street as heritage lands. The area is not currently considered a protected area. Our property is listed as part of the ‘future’ heritage designation yet most of the trees are Scots Pines which have died and are dying. In fact, Scots Pines are detrimental to neighbouring native trees.

In an article written by the Ontario Invasive Plants Council I read that many imported Scots Pine were planted in the 1950s and 1980’s because they were one of the most sought-after Christmas trees at that time. They are fast growing trees with a short live span producing many seeds that spread and develop into aggressively growing seedlings which outcompete native wildflowers, grasses as well as native oak, maple and pine species. The Scots Pine has invasive characteristics and provide a home for some insect pests (also imported) and diseases which spread to valued native tree species. source [http://www.ontarioinvasiveplants.ca/wp-content/uploads/2016/07/OIPC\\_BMP\\_ScotsPine\\_FINAL\\_Mar292017\\_D4.pdf](http://www.ontarioinvasiveplants.ca/wp-content/uploads/2016/07/OIPC_BMP_ScotsPine_FINAL_Mar292017_D4.pdf)

There are a couple of large Oak trees just outside our fence line, large Oaks but they have not nearly reached their 400 years expected life span. Also, there are 3 young oaks about 6 to 10 feet tall, on our property. Five years ago, those Oak trees were healthy and well. Today the large Oaks are showing an unusual large amount of dead wood in them, and 2 of the 3 young Oaks are totally dead.

### **Why would anyone want to allocate an area with diseased imported trees that spread diseases and insects to native Oaks and Maples as Heritage lands?**

We really like living on Old Main Street. It is a very unique location in Newmarket with small-town charm close to big-city amenities. At this time in our lives, however, maintaining our

rather large property is becoming difficult. We would love to see meaningful development with new building typologies, interspersed with a select number of native feature trees, and be able to buy back into a new home of our choice and remain residents of this very special neighbourhood in Newmarket. We, like so many others, appreciate being close to the Davis Drive corridor, walking distance to public transportation, being able to get around with minimum use of a car, close to the Tom Taylor Trail for the opportunity to go for long walks enjoying the natural environment.

We appreciate the opportunity to have input into the process. We love the Town of Newmarket for their top-quality services and programs which provide a quality of life second to none. We are concerned about the future of people who wish to live close to public transportation to protect the environment. We are concerned about the presence of diseased imported trees that threaten native species. We are concerned about the costs of the plan and hence applaud the opportunity for meaningful infill of more homes of the types and sizes people need.

We request and strongly urge the town to delay the decision about what to allow for development of Old Main and do further study of the concerns raised today by many of our neighbours living on the street.

Respectfully submitted

Everett and Trudy Baker

January 2019

November 14, 2018

I write in response to the DRAFT Old Main Street Tertiary that was presented to stakeholders and the public on November 5<sup>th</sup>, 2018. I would like to state, for the record, that I disagree with the recommendation of the planners that townhouse development and other higher-density development is not included as part of the community's vision. Additionally, the suggestion that a designation is made to the low quality vegetation on the hill as a "heritage feature" should be abandoned.

Townhouses have less of a rental element look to them, are visually more pleasing, and are associated with a more upscale housing sentiment, thus attracting more ownership and a deeper community tie.

There are many examples of very attractive, higher-density, housing options that will accentuate the neighbourhood, while attracting the first or second-time homeowner, thereby leveraging the many amenities that surround the location of the development land. Here are two examples:







Newmarket is designated by the Province of Ontario as an **Urban Growth Centre**. The Town's own website looks to attract developers by stating, "Newmarket offers everything from industrial lands ready for development to downtown boutique studios. We have the lands and properties to meet your business needs". Furthermore, The Downtown Improvement Plan states, "There are a high proportion of single family homes in Newmarket. On the other hand, there are many semi-detached, apartments and row-houses clustered in the Main Street area. In order to sustain a vibrant Main Street and meet changing demographic needs, it will be important to encourage a broad mix of housing types". The development lands I write about border the Downtown Improvement lands, and the strategy for intensification should flow seamlessly to these properties.

At the Old Main Street Tertiary Plan Open House on November 5<sup>th</sup>, 2018, the attendees heard the opportunity to add more than 100 units to the area without impacting existing infrastructure (results of the traffic plan and comments by Blair Scorgie, Sr. Planner at SVN, and Meghan White, Planner for Town of Newmarket). This supports one of the key priorities of the Ontario Places to Grow Act, "to promote a rational and balanced approach to decisions about growth that builds on community priorities, strengths and opportunities and makes efficient use of infrastructure". The proposed changes to the current zoning do not go far enough to address the unique opportunity that the Town of Newmarket (and the Province of Ontario) has for the redevelopment of lands that are within 250 meters of the



Newmarket Go Train station, and a similar distance to the York Region Transit's Viva investments that have been made on Davis Drive. Furthermore, the restrictions that will be created by the declaration of a "heritage feature" of the poor quality trees that are on the incline will further limit the potential that exists within this community to reimagine the future of this part of downtown Newmarket.

In summary, I formally request two changes to the current vision for the Tertiary Plan:

- 1) Add higher-density zoning within the community (including townhouses)
- 2) Do not implement a "heritage feature" on the west lands at 218, 226, and 228 Main Street North, in Newmarket, Ontario

Thank you. I look forward to your reply.

Chris Baur



Trustee for:



---



Dear Meghan White.

I am the oldest son and one of the trustees holding the [REDACTED], Newmarket property for the estate of the late John F. Baur. My father purchased this property as an investment with plans of eventually developing it for residential purposes. Unfortunately the finances never materialized.

My brother Chris, living in the area, has been looking after the property and keeping my younger sister and I informed on all the activity surrounding [REDACTED]. In response to the draft he shared regarding Old Main Street Tertiary November 5, 2018, for the record, I would like to state my disagreement on the planners recommendation that townhouse development and other higher-density development in this area not be included as part of Newmarket's vision. Furthermore, designating the low quality vegetation on the hill as a *heritage feature* should be abandoned.

With the availability and cost of housing spiraling out of control within the GTA and Newmarket being designated as an Urban Growth Centre by the province, the need to develop lands for higher density residential has never been stronger. Young families are searching for their first time purchase, a sense of community and involvement, and the means to access public transit to manage their finances. Main Street North's location would check the boxes in all three categories.

At the open house to review the Old Main Street Tertiary Plan on November 5<sup>th</sup>, 2018, attendees were presented with an opportunity to add more than 100 units to the area without impacting existing infrastructure. This is in line with Ontario's Places to Grow Act, promoting "a rational and balanced approach to decisions about growth that builds on community priorities, strengths and opportunities and makes efficient use of infrastructure". Unfortunately, zoning changes that have been proposed will not provide for the unique opportunity given to the Town of Newmarket and the province to maximize the redevelopment of lands that are within very close proximity to both the Newmarket Go and York Region Transit Viva investments on Davis Drive. In addition, declaring a small stand of poor quality trees positioned on the properties' incline as a *heritage feature*, will definitely impact the vision to reimagine the future for this section of downtown.

In summary, I formally request two changes to the current vision for the Tertiary Plan:

- 1) Add higher-density zoning within the community (including townhouses)
- 2) Do not implement a "heritage feature" on the west lands at 218, 226, and 228 Main Street North, in Newmarket, Ontario

Thank you. I look forward to your reply.

Joachim Baur

[REDACTED]

[REDACTED]

[REDACTED]



## Deputation and Further Notice Request Form

Please complete this form to speak at a meeting of Town Council or Committee of the Whole or to receive further notification regarding an item on the agenda. If filling out by hand please print clearly.

Please email to [clerks@newmarket.ca](mailto:clerks@newmarket.ca), fax to 905-953-5100 or mail or drop off at Legislative Services Department, Town of Newmarket Municipal Offices, 395 Mulock Drive, PO Box 328, STN Main, L3Y 4X7

Name: <b>David Evans</b>	
Organization / Group/ Business represented:	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: <b>Feb. 4, 2019</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): I will provide factual data relating to the serious errors and omissions in the background reports and plan that are being used as rational to enact the final plan.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

### Deputation Guidelines:

- Deputations related to items on the agenda can be accommodated up to and including the meeting day;
- Deputations related to items not on the agenda may be scheduled within sixty (60) days of receipt of this form;
- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

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Personal information on this form will be used for the purposes of sending correspondence relating to matters before Council. Your name, address, comments, and any other personal information, is collected and maintained for the purpose of creating a record that is available to the general public in a hard copy format and on the internet in an electronic format pursuant to Section 27 of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c.M.56, as amended. Questions about this collection should be directed to the Director of Legislative Services/Town Clerk, Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN Main, Newmarket, ON L3Y 4X7; Telephone 905 895-5193 Ext. 2211 Fax 905-953-5100



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Name: <b>Joachim Baur</b>	
Organization / Group/ Business represented:	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting:
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): Communication on file re. development of Old Main Street North.	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Sandra Pettifer</b>	
Organization / Group/ Business represented: <b>Main Street North Tertiary Plan</b>	
Address: [REDACTED]	Postal Code: [REDACTED]
Daytime Phone No: [REDACTED]	Home Phone:
Email: [REDACTED]	Date of Meeting: <b>Feb. 4/19</b>
Is this an item on the Agenda? <input type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): To add to the discussion around maximizing the use of lands in the Tertiary Plan for Main Street North	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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February 4, 2019

Mayor and Members of Council  
Town of Newmarket  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

**Reference: Old Main Street Tertiary Plan - Final Report - January 2019 (Draft V2)**  
**244 Main Street, Town of Newmarket**

**Attention: Mayor and Members of Council**

Groundswell Urban Planners has been retained by the owner of 244 Old Main Street in the Town of Newmarket to provide comments on the proposed Tertiary Plan for Old Main Street. While we understand that the process has been underway for some time, we hope that this communication will be considered by Staff, its Consultants, as well as members of Council before the Plan is finalized and endorsed for approval.

We offer the following comments with respect to the policies and objectives of the Plan:

- 2.2 - Guiding Principles - support maintaining the east-west alignment of existing lots. We respectfully ask that the Town considers alternative development proposals in the future that may depend upon different lot fabric as part of a comprehensive plan amongst a number of property owners
- 3.3.1.i) - We note that single and semi-detached dwellings, tri-plexes and four-plexes are permitted. We would ask that townhouses be considered as well; this is a more modern style of built form and can be designed and articulated to have pleasing curb appeal that is respectful of the existing built form in the area
- 3.3.1.iii) - We would ask that the maximum density proposed in Residential Areas be increased from 1.0 FSI to facilitate the inclusion of townhouses. This is especially important if the Town wishes to see consolidation amongst the parcels to create a more cohesive, comprehensive plan.
- 4.3.1.i) - We note the consideration of widening Old Main Street in front of my client's property to 'approximately 18.0m'. Please confirm what - if any - expropriations or widenings that could impact my client's lands. It would also be helpful to confirm if this will in fact amount to an 18.0m ROW or some other dimension - this should be clarified before this Plan is finalized. We are otherwise supportive of the policies that urbanize and improve the Main Street ROW and the curbs, sidewalks, and implementation of low impact development practices and potential upgrades to municipal infrastructure
- 7.3.1v) - We note that triplexes shall have a maximum height of 3 storeys while single and semi-detached dwellings shall have a maximum of 2 storeys, and that preference is given to 2-storey buildings with basements. Given the challenges associated with flooding in existing basements in the area, the promotion of basements may not be the most prudent, even if improvements are made in the area to mitigate these effects. It may therefore be more practical in this area to encourage units without basements, but to allow some flexibility to extend up to 3 storeys.

95 MURAL STREET, SUITE 402  
RICHMOND HILL, ON L4B 3G2  
(905)597-8204  
www.groundswellplan.com



- 7.3.1v - this policy also shows that the height of 3 storeys has been considered as potentially appropriate for this area. It would therefore follow that 3-storey townhouses (without basements) would not present a more imposing presence in terms of maximum height than what is contemplated for triplexes. The emphasis must then be on ensuring that a high degree of design is imposed to promote a higher quality of streetscape.
- 7.3.1ix) - states that triplexes shall incorporate an up-down configuration only, and shall read as a large single detached dwelling. Side-side and front – rear triplexes are not permitted. We proffer that this type of triplex would essentially function as a townhouse but with more units within the actual building. There are numerous references throughout the Plan that indicate that there is an interest in preserving the ‘cottage-like’ feel in the area. Tri-plexes and fourplexes are not commonly associated with ‘cottage-style’ architecture. We would therefore ask that under this lens that a townhouse be considered as a permitted use in light of the similar height and design policies that are afforded to triplexes.
- 8.3.4.i) - We note the policies regarding the establishment of gateways and pedestrian connections to the adjacent community. In theory we are supportive of this, but ask that the locations of these features be more explicitly described and indicated on the plan. As our client’s lands are at the north boundary of the plan, this policy likely affects a portion of the property’s frontage along Old Main Street and it is imperative that we gain further knowledge of the gateways’ implications and impacts
- 9.2.2.ii) - We note that consolidated, cohesive development is encouraged, bringing multiple parcels and owners together to form a more comprehensive plan. Our client is supportive of this, but cautions that the only way to encourage this is to permit densities and built forms that justify the time, work, money, and effort to accomplish this. All development must have a business case, and there is a significant element of risk and unknowns in the development and building industry. The Town cannot hope that these owners will come together to simply rebuild improved versions of what is already there. It is only through thoughtful and appropriate intensification with urban built forms - including townhouses - that these lands will come together to fully realize the vision of the Tertiary Plan.

We offer the following general comments with respect to the whole of this Plan:

- We generally support the overarching goals and objectives of the plan and are pleased that there is renewed attention to consider a comprehensive plan for this older part of the Town
- The Town has an obligation to provide range of housing, densities, tenure. Town and Region directions and priorities suggest that there is a concerted interest in affordable housing. This is a logical location for creative, innovative housing options in the heart of the community
- We note the Region’s suggestion to include Live-Work units as permitted uses. It is common in modern architecture to see live-work units incorporated into townhouses, of which we are supportive.
- A significant amount of money was invested in Davis Drive and its transportation infrastructure, and it is now up to the Town and the Region to promote ridership along this route. The future residents of this Plan area are logical users and benefactors of this investment. It is therefore prudent to consider as much intensification as possible, while respecting the existing community’s built form
- Overarching provincial, regional and local policies support intensification in built-up areas, specifically in Urban Growth Centres. While this is adjacent to the Town’s Urban Centres and Corridors plan, it nonetheless represents an important opportunity for housing types with some degree of density that is compatible with the existing neighbourhood and pre-existing buffers and natural features



- The access road to the existing cemetery is immediately to the north of my client's property which is the limit of the proposed Tertiary Plan. This access provides a natural buffer and separation from my client's lands, thereby allowing the Plan to consider built forms that present a transition from existing homes to the north, through to the new Plan area
- Determination of the potential and eventual urbanization of Main Street should be further along before solidifying built forms and densities. Potential widenings should be understood so as to allow owners to understand the land areas that remain for their use

It is only by allowing higher densities that the Town will see collaboration and consolidation of the properties in this plan with the goal of an area of renewal. Should the densities facilitate a comprehensive development plan, my client is interested in working with the owners of the adjacent properties to realize a more cohesive, collaborative plan for this area.

We remain committed to working with Town Staff and its consultants to provide continued input into the plan, realizing that the process is substantially complete.

We would appreciate any notice of future opportunities for consultation and consideration of this Plan by the Committee of the Whole and/or Council. We reserve the right to provide future comment on this plan and its policies as it continues through the approvals process.

Sincerely,

**GROUNDSWELL URBAN PLANNERS INC.**

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