



# Town of Newmarket

## Agenda

### Committee of the Whole - Electronic

Date: Monday, May 3, 2021  
Time: 1:00 PM  
Location: Streamed live from the Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

#### 1. Notice

At this time, the Municipal Offices remain closed to the public. This meeting will be streamed live at [newmarket.ca/meetings](http://newmarket.ca/meetings).

#### Public Input

Individuals who wish to submit input to Council in relation to an item on this agenda have the following options available.

1. Email your correspondence to [clerks@newmarket.ca](mailto:clerks@newmarket.ca) by end of day on Wednesday, April 28, 2021. Written correspondence received by this date will form part of the public record; or,
2. Make a live remote deputation by joining the virtual meeting using the Town's videoconferencing software and verbally provide your comments over video or telephone. To select this option, you are strongly encouraged to pre-register by emailing your request and contact information to [clerks@newmarket.ca](mailto:clerks@newmarket.ca).

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

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

#### 3. Conflict of Interest Declarations

#### 4. Presentations & Recognitions

##### 4.1. Body Rub Parlour Review

**Note:** Flynn Scott, Manager, Regulatory Services and John Comeau, Municipal Enforcement & Licensing Officer will be in attendance to provide a presentation on

this matter. This item is related to item 6.1.

1. That the presentation provided by the Manager, Regulatory Services and Municipal Enforcement & Licensing Officer regarding Body Rub Parlour Review be received.

4.2. 2020 Customer Service Department Year End Summary and Pandemic Update

**Note:** Jamie Boyle, Supervisor, Customer Service Kiosks and Bonnie Munslow, Manager, Corporate Customer Services will be in attendance to provide a presentation on this matter. This item is related to item 6.2.

1. That the presentation provided by the Supervisor, Customer Service Kiosks and Manager, Corporate Customer Services regarding the 2020 Customer Service Department Year End Summary and Pandemic Update be received.

4.3. 2022 Budget Target and Process

**Note:** Andrea Tang, Manager, Accounting & Finance will be in attendance to provide a presentation in this matter. This item is related to item 6.3.

1. That the presentation provided by the Manager, Accounting & Finance regarding the 2022 Budget Target and Process be received.

## 5. Deputations

5.1. Body Rub Parlour Review

**Note:** Elene Lam, Butterfly (Asian and Migrant Sex Workers Support Network) will be in attendance to provide a deputation on this matter. This item is related to item 6.1.

5.2. Body Rub Parlour Review

**Note:** Robert Vallee, Parents Against Child Trafficking will be in attendance to provide a deputation on this matter. This item is related to item 6.1.

5.3. Body Rub Parlour Review

**Note:** Marnie Hill, Council of Women Against Sex Trafficking in York Region will be in attendance to provide a deputation on this matter. This item is related to item 6.1.

5.4. Body Rub Parlour Review

**Note:** Casandra Diamond, BridgeNorth will be in attendance to provide a deputation on this matter. This item is related to item 6.1.

5.5. Body Rub Parlour Review

**Note:** Kennes Lin, Co-Chair of the Chinese Canadian National Council Toronto Chapter will be in attendance to provide a deputation on this matter. This item is related to item 6.1.

5.6. Body Rub Parlour Review

**Note:** Vincent Wong will be in attendance to provide a deputation on this matter. This item is related to item 6.1.

5.7. Body Rub Parlour Review

**Note:** Chanelle Gallant will be in attendance to provide a deputation on this matter. This item is related to item 6.1.

5.8. Body Rub Parlour Review

**Note:** Katie Gilligan, Timeless Harmony Spa will be in attendance to provide a deputation on this matter. This item is related to item 6.1.

\*5.9. Body Rub Parlour Review

**Note:** Molly Bannerman, Women and HIV/AIDS Initiative will be in attendance to provide a deputation on this matter. This item is related to item 6.1.

\*5.10. Body Rub Parlour Review

**Note:** Amanda Stassen will be in attendance to provide a deputation on this matter. This item is related to item 6.1.

\*5.11. Body Rub Parlour Review

**Note:** Marie Morton, CAYR Community Connections will be in attendance to provide a deputation on this matter. This item is related to item 6.1.

\*5.12. Body Rub Parlour Review

**Note:** Sandra Ka Hon Chu, HIV Legal Network will provide a deputation on this matter through a pre-recorded presentation. This item is related to item 6.1.

\*5.13. Body Rub Parlour Review

**Note:** Tsz Chan and Lisa Zhang will be in attendance to provide a deputation on this matter. This item is related to item 6.1.

\*5.14. Body Rub Parlour Review

**Note:** Debbie Pond, U-R Home Awareness & Support Service will be in attendance to provide a deputation on this matter. This item is related to item 6.1.

\*5.15. 2022 Budget Target and Process

**Note:** Melanie Issett, Drawdown Newmarket-Aurora will be in attendance to provide a deputation on this matter. This item is related to item 6.3.

**6. Consent Items**

6.1. Body Rub Parlour Review

1. That the report entitled Body Rub Parlour Review dated May 3, 2021 be received; and,
2. That Council direct Staff to present regulations based on Option #1 in this report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

\*6.1.1. Correspondence - Melissa Bevins

1. That the correspondence provided by Melissa Bevins regarding the Body Rub Parlour Review be received.

\*6.1.2. Correspondence - Joanna Ewart-James

1. That the correspondence provided by Joanna Ewart-James regarding the Body Rub Parlour Review be received.

\*6.1.3. Correspondence - Rita Grant

1. That the correspondence provided by Rita Grant regarding the Body Rub Parlour Review be received.

\*6.1.4. Correspondence - Eric Grant

1. That the correspondence provided by Eric Grant regarding the Body Rub Parlour Review be received.

6.2. INFO-2020-06: Customer Service Department 2019 Year End Results and INFO-2021-02: Customer Service Department 2020 Year End Results

**Note:** INFO-2020-06 was placed on the agenda at the request of Councillor Simon in early 2020. Due to the pandemic, this item was delayed and will be discussed in combination with the 2020 Customer Service Year End.

The Strategic Leadership Team/Operational Leadership Team recommend:

1. That the Information Report entitled Customer Service Department 2019



Year End Results, dated February 12, 2020 be received; and,

2. That the Information Report entitled Customer Service Department 2020 Year End Results, dated February 10, 2021 be received.

6.3. 2022 Budget Target and Process

1. That the report entitled 2022 Budget Target and Process dated May 3, 2021 be received; and,
2. That the proposed budget schedule with a target budget adoption date of December 13, 2021 be approved; and,
3. That endorsement be given to staff to proceed with preparation of the 2022 budgets employing the structure and targets as outlined in this report; and,
4. That the form and timing of budget submissions for all entities accountable to Council be subject to the process outlined in this report; and,
5. That the proposed community engagement plan for the 2022 budget be adopted; and,
6. That the Treasurer be authorized and directed to do all things necessary to give effect to this resolution.

6.4. Q1 2021 Financial Update

1. That the report entitled Q1 2021 Financial Update dated May 3, 2021 be received; and,
2. That changes to the 2021 capital program be made as outlined in the report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

6.5. First Quarterly Update to the Outstanding Matters List for 2021

1. That the report entitled First Quarterly Update to the Outstanding Matters List for 2021 dated May 3, 2021 be received; and,
2. That Council adopt the updated Outstanding Matters List; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

6.6. Zoning Bylaw Amendment 17365 & 17395 Yonge Street

1. That the report entitled Zoning By-law Amendment – 17365 & 17395 Yonge Street, dated May 3, 2021 be received; and,

2. That the application for Zoning By-law Amendment, as submitted by Groundswell Urban Planners Inc., for 17365 & 17395 Yonge Street, be approved in its general form; and,
3. That 2143811 Ontario Limited (The Kerbel Group Inc.) and Groundswell Urban Planners Inc., be notified of this action; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

6.7. 2021 Annual Servicing Allocation Review

1. That the report entitled 2021 Annual Servicing Allocation Review dated May 3, 2021 be received; and,
2. That Council reinstate servicing allocation to the following developments as outlined in this staff report:
  - a. Azure Homes (172-178 Old Main Street);
  - b. Briarwood (NWMKT) Inc. (693 and 713 Davis Drive);
  - c. Redwood Properties Phase 1 (17645 Yonge Street);
  - d. Glenway East Phase 3;
  - e. Options Development (281 Main Street North) Phase 1; and,
  - f. Maple Lane Lands and Development (680 Gorham Street); and,
3. That Council commit serving allocation to the following developments as outlined in this staff report:
  - a. The Rose Corporation (200 Deerfield Road);
  - b. Kerbel (17365 and 17369 Yonge Street);
  - c. Redwood Properties Phase 2 (17645 Yonge Street); and,
  - d. Sundial Phase 3 (partial allocation); and,
4. That the Town's remaining servicing capacity (the Town Reserve) be maintained for future development; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

6.8. A By-Law to Regulate Central York Fire Services

1. That the memo entitled "A By-law to Regulate Central York Fire Services" dated May 3, 2021 be received; and,
2. That the report entitled "A By-law to Regulate Central York Fire Services"

dated November 24, 2020 be received; and,

3. That Newmarket Council adopt the By-law to regulate Central York Fire Services; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

6.9. An Update to the Consolidated Fire Agreement between the Corporation of the Town of Newmarket and the Corporation of Town of Aurora

1. That the memo entitled “Consolidated Fire Agreement (Aurora and Newmarket) – Update” dated May 3, 2021 be received; and,
2. That the report entitled “An Update to the Consolidated Fire Agreement between the Corporation of the Town of Newmarket and the Corporation of Town of Aurora” dated November 24, 2020 be received; and,
3. That Newmarket Council adopt the Consolidated Fire Services Agreement By-law; and,
4. That the Mayor and Town Clerk be authorized to renew the Consolidated Fire Services Agreement By-law with the Town of Aurora; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

6.10. Heritage Newmarket Advisory Committee Meeting Minutes of February 2, 2021

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of February 2, 2021 be received.

6.11. Main Street District Business Improvement Area Board of Management Meeting Minutes of March 3, 2021

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of March 3, 2021 be received.

**7. Action Items**

**8. Notices of Motion**

**9. Motions Where Notice has Already been Provided**

9.1. Hewitt Circle Parking Restrictions (Councillor Broome)

1. That staff be directed to conduct a study to determine the feasibility of parking restrictions on Hewitt Circle between house numbers 486 – 490.

9.2. Jordanray Boulevard Parking Restrictions (Councillor Broome)

1. That staff be directed to conduct a study to determine the feasibility of parking restrictions on Jordanray Blvd at the bend at house number 95.

9.3. Rushbrook Drive Parking Restrictions (Councillor Broome)

1. That staff be directed to conduct a study to determine the feasibility of further parking restrictions on Rushbrook Drive between house numbers 200 and 212.

**10. New Business**

**11. Closed Session**

11.1. Phased-in Staffing regarding the 2021 Budgeted Positions

Labour relations or employee negotiations as per Section 239 (2)(d) of the Municipal Act, 2001.

**12. Adjournment**



# Body-Rub Parlours

Flynn Scott  
John Comeau  
May 3, 2021



# AGENDA

01

**Background**

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02

**Proposed Options from Workshop**

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03

**Second Survey Results**

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04

**Staff Recommendations**

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01

**Questions**

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## Regulatory Framework: Definition of a body rub parlour

“Includes any premises or part thereof where a body rub is performed, offered or solicited in pursuance of a trade, calling, business, or occupation, but does not include any premises or part thereof where the body-rubs performed are for the purpose of medical or therapeutic treatment and are performed or offered by persons otherwise duly qualified, licensed or registered so to do under the laws of the Province of Ontario”

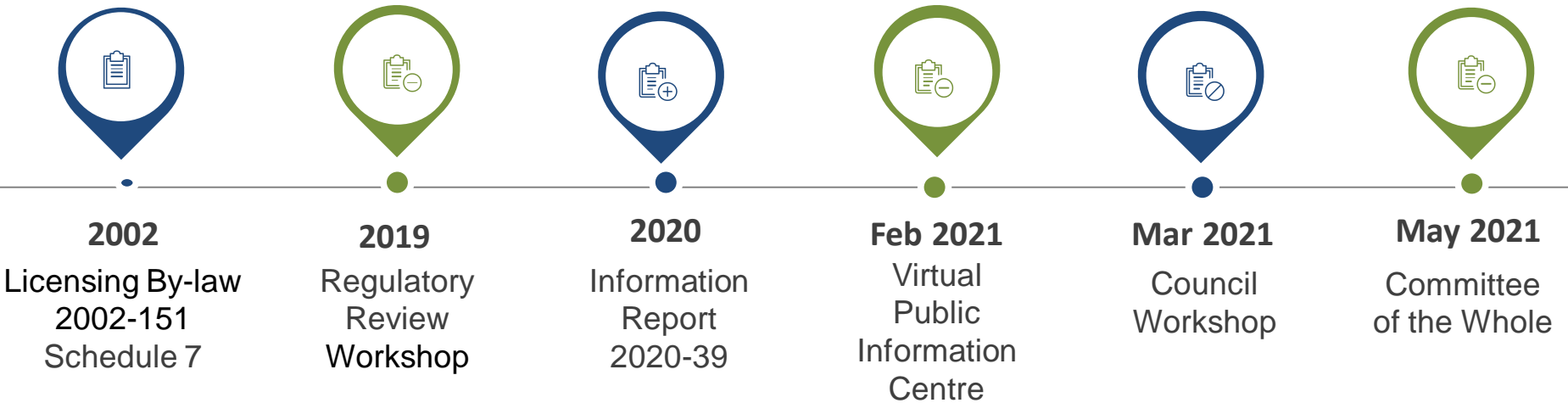
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## Goals of this review

- 1) To adopt a licensing framework which empowers the Town to take action against unlawful businesses within our community
  - This includes any business operating contrary to the Criminal Code of Canada
- 2) To modernize Town by-law regulations for the purpose of ensuring reputable businesses are able to operate and conduct business safely and responsibly through a licensing framework



## Background: How did we get here?



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## Options for Council: Different models to explore

01

Repeal BRP classification and replace it with new classification: Personal Wellness Centres

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02

Adopt two classifications: BRP and Personal Wellness Centres, with emphasis on training qualifications

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03

Adopt two classifications: BRP and Personal Wellness Centres, with emphasis on erotic vs non-erotic services

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04

Do not introduce a new classification and revamp existing BRP regulations

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## Public Consultation Results:

### What type of response have we received?

- ◆ One-on-one meetings with
  - 5 local businesses
  - Representatives from 6 different groups
  - Community Agencies – YRP, CYFS, By-law
- ◆ Survey Part 1 and PIC Polling (37 Respondents)
- ◆ Survey Part 2 (69 Respondents)

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## Survey Part 2 Results:



69 Participants

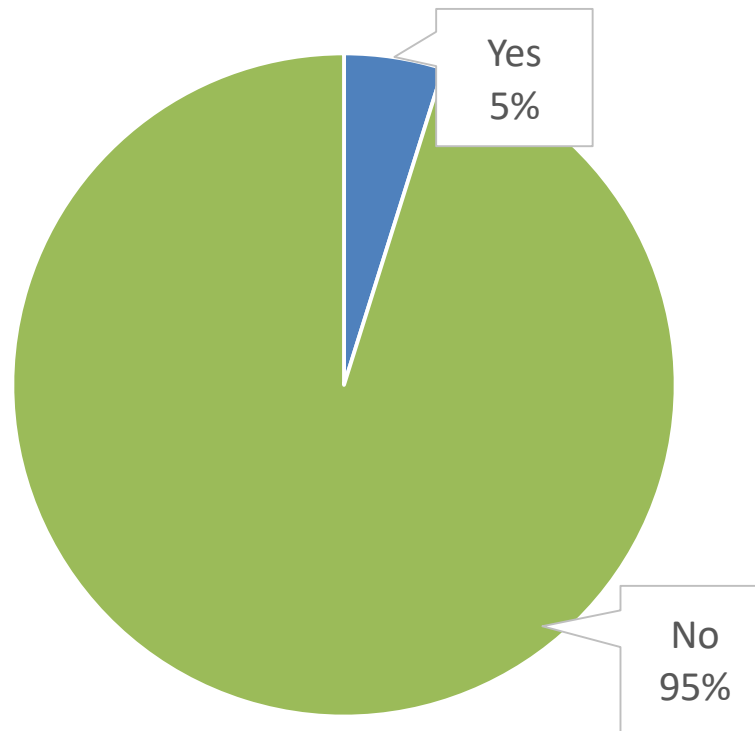


66.7% Newmarket Residents

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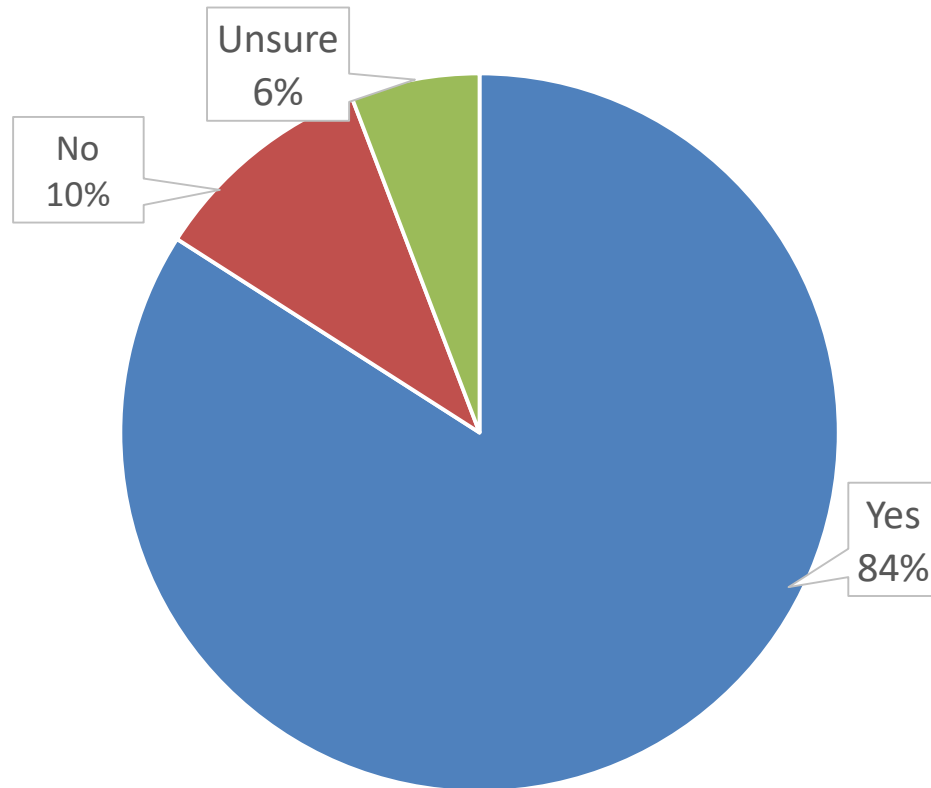
## Survey Part 2 Results:

Do you believe the Town should permit businesses to offer massages that appeal to sexual appetites?



## Survey Part 2 Results:

Do you believe the Town should require any person performing massage to be qualified to do so?



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## Survey Part 2 Results

01	Repeal BRP classification and replace it with new classification: Personal Wellness Centres	23.9%
02	Adopt two classifications: BRP and Personal Wellness Centres, with emphasis on training qualifications	14.9%
03	Adopt two classifications: BRP and Personal Wellness Centres, with emphasis on erotic vs non-erotic services	11.9%
04	Do not introduce a new classification and revamp existing BRP regulations	7.5%
05	None of the above	40.3%

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## Why is our community unsatisfied with any option?

- ◆ Strong desire to raise the standards of our community, and ensure only qualified persons are offering alternative massage services
- ◆ Concerns that some business owners will receive their licence under false pretences, as seen in other communities (eg. Toronto)
- ◆ Recommendations have been made to take a community based approach to drafting regulations. It was suggested that Council creates a Task Force comprised of various community members who can review options for regulations and provide suggestions
- ◆ It was suggested that the Town only permits Provincially Regulated Health Care Professionals (eg. Registered Massage Therapists) to perform massages in Newmarket



# Staff's response to these concerns

Concern	Response
Raise the standards of our community	<ul style="list-style-type: none"> <li>- Option 1 regulations would strongly support this concern as only persons who have qualifications would be permitted to offer massage services</li> </ul>
Risk of being licensed under false pretences	<ul style="list-style-type: none"> <li>- Create regulations that can be audited and enforced</li> <li>- Smaller community, smaller demand, this is a controllable/enforceable issue</li> </ul>
Task Force	<ul style="list-style-type: none"> <li>- Staff has consulted with a variety of stakeholders, and are committed to continuing these conversations</li> </ul>
Only RMT's	<ul style="list-style-type: none"> <li>- There is a demand for massage services that are more affordable</li> <li>- There are as many as 20 businesses in Town that would have their businesses severely affected</li> </ul>

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## Staff Recommendation: **Option #1**

**01**

***Repeal BRP classification and replace it with new classification: Personal Wellness Centres***

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- Any business owner wishing to obtain a Personal Wellness Centre Licence would be required to:
  - Submit proof of qualifications for every attendant offering massages
  - Provide an updated list of services offered and rates
  - Complete an application interview
  - Have their business inspected prior to issuance of a licence
  - Advertising requirements including messaging
- Zoning Implications

# Staff Recommendation: Option #1

## Pros and Cons



Raises community standards  
by requiring training  
qualifications

Eliminates the stigma  
associated with the term 'BRP'

Allows existing businesses to  
comply with by-law  
(i.e. spas, alternative  
massages)



Prohibits a person with no  
qualifications from offering  
massage services

Alternative massage service  
providers will undergo a  
more stringent application  
process

Businesses may attempt to  
obtain a business licence  
under false pretences



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## What's next?

- ◆ Staff is seeking direction from Town Council to bring forward regulations based on Option 1
- ◆ Staff is committed to ongoing engagement with our community stakeholders

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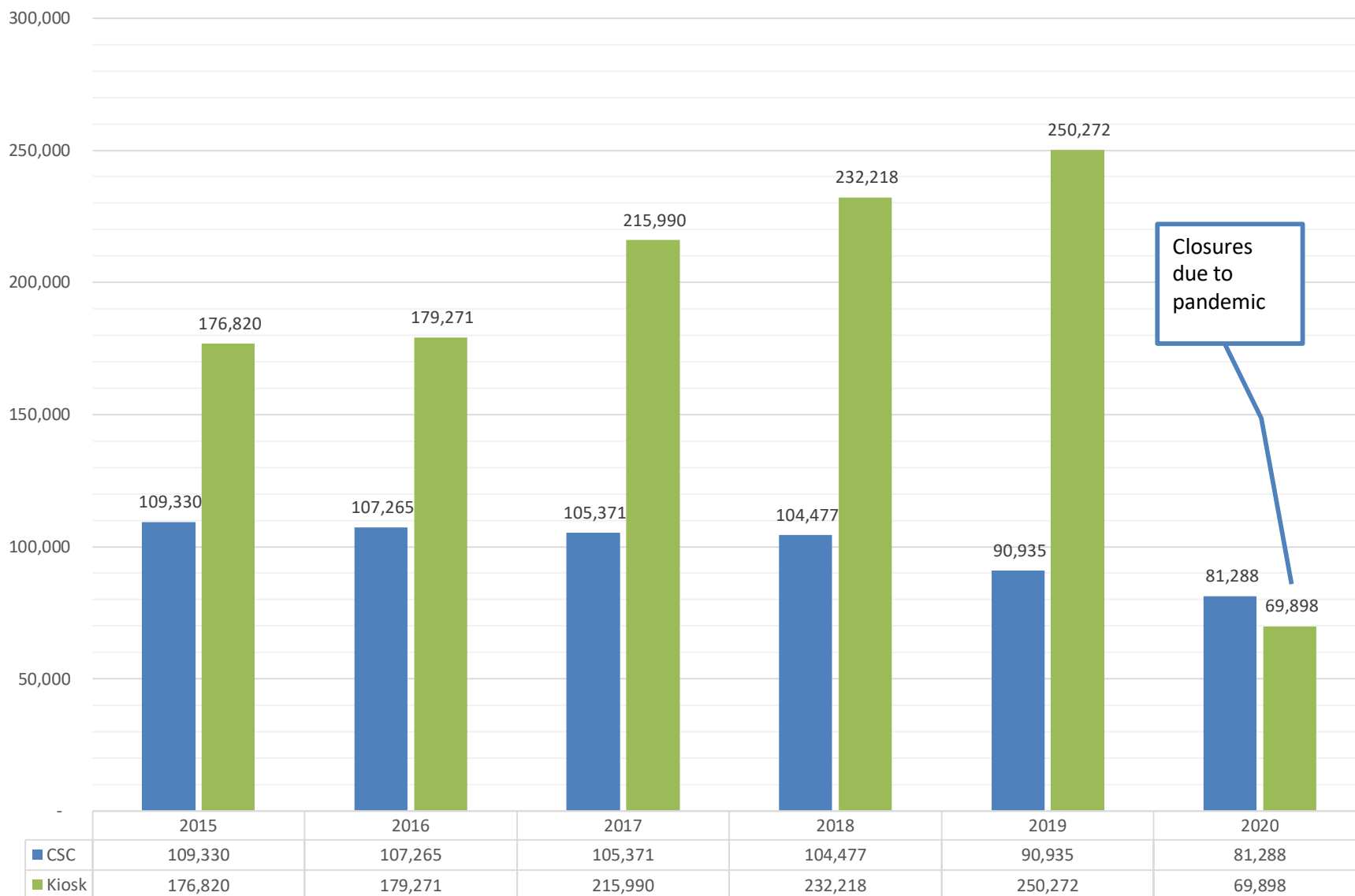
## Discussion and Questions



2020  
Customer Service  
Department - Year End  
Summary &  
Pandemic update

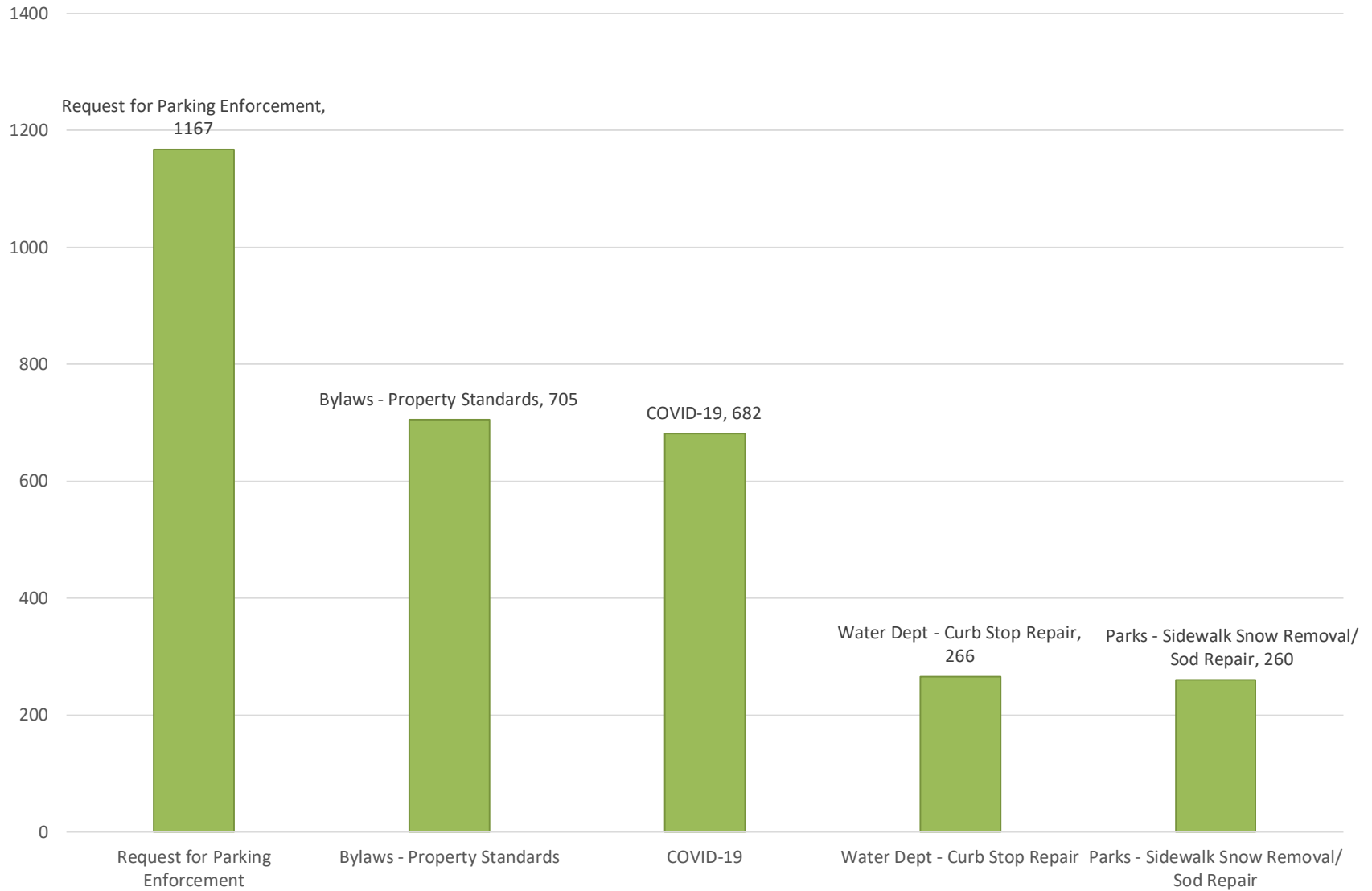


## Total Customer Contacts Customer Service Centre & CS Kiosks

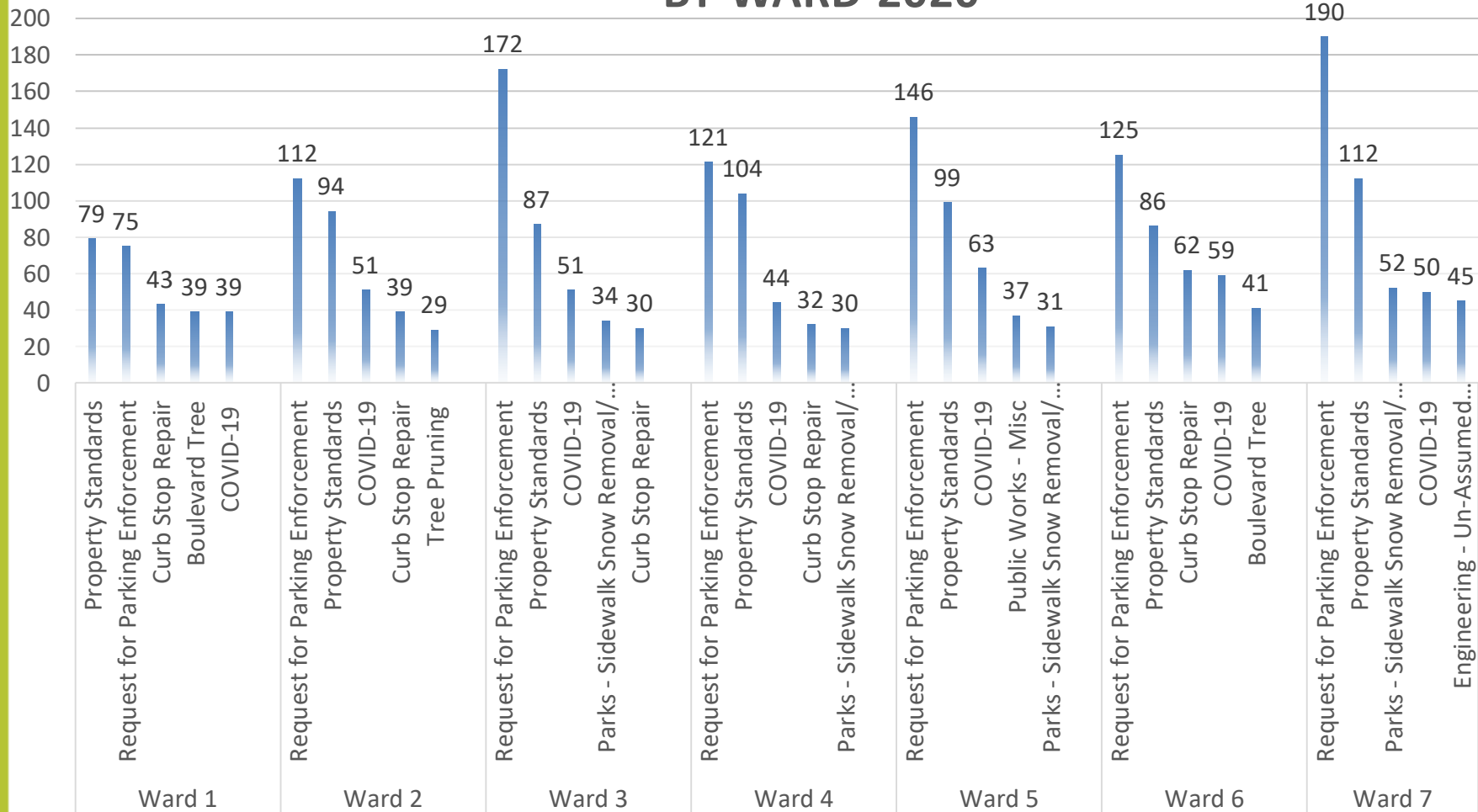




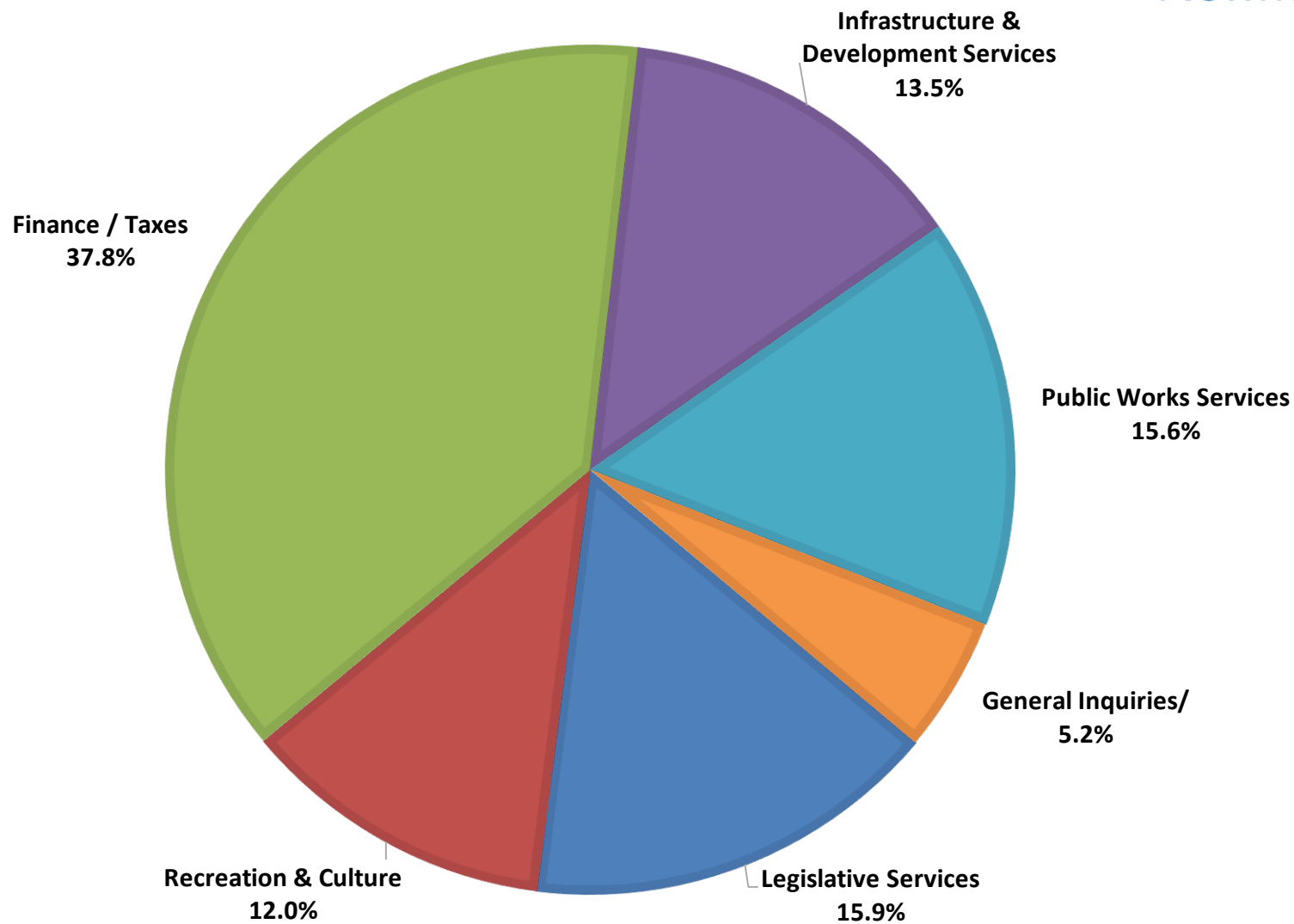
## Town Wide Top 5 Service Issues 2020



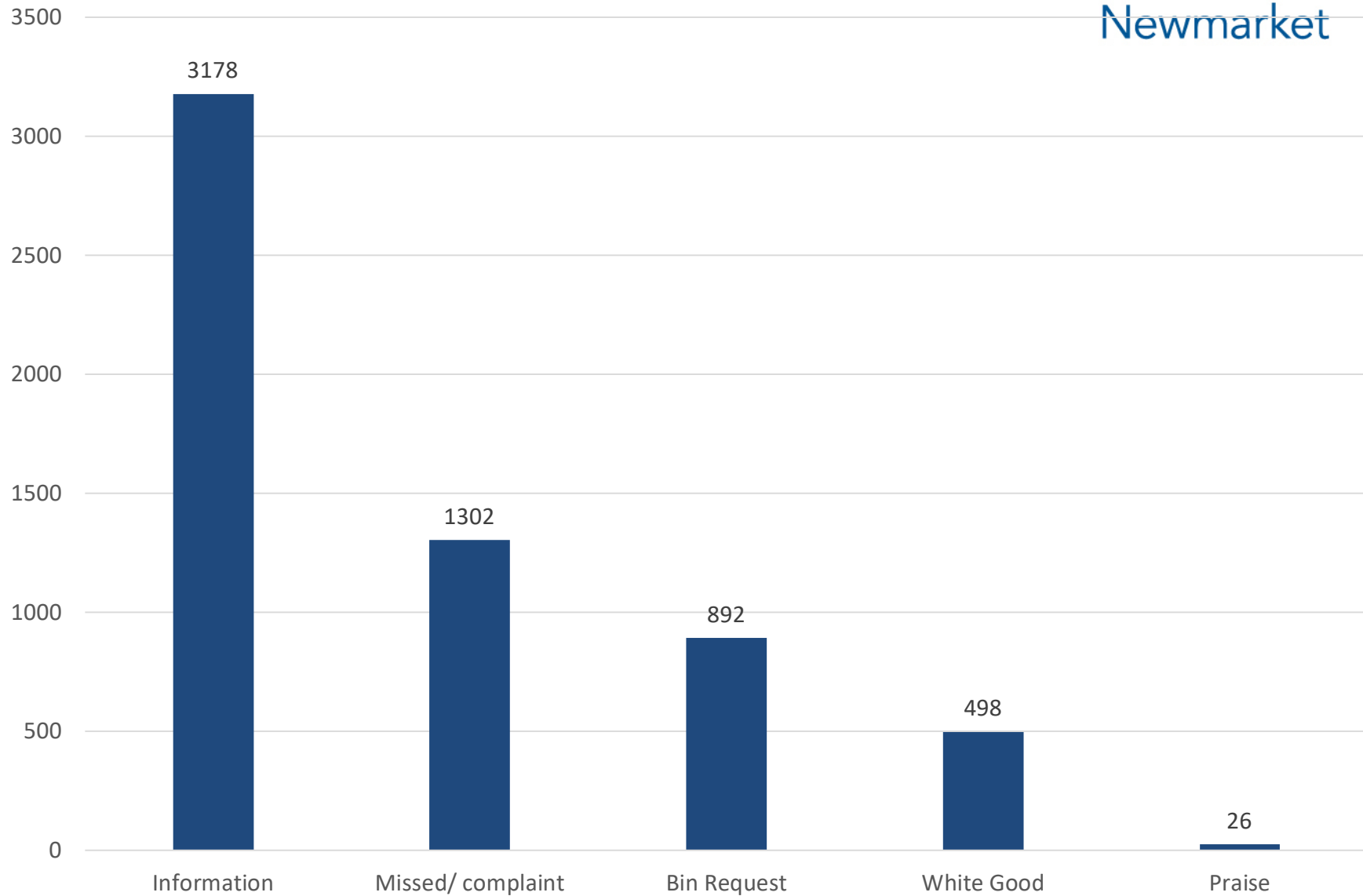
## TOP 5 SERVICE ISSUES BY WARD 2020



## DEPARTMENTAL BREAKDOWN 2020 - CUSTOMER SERVICE CENTRE

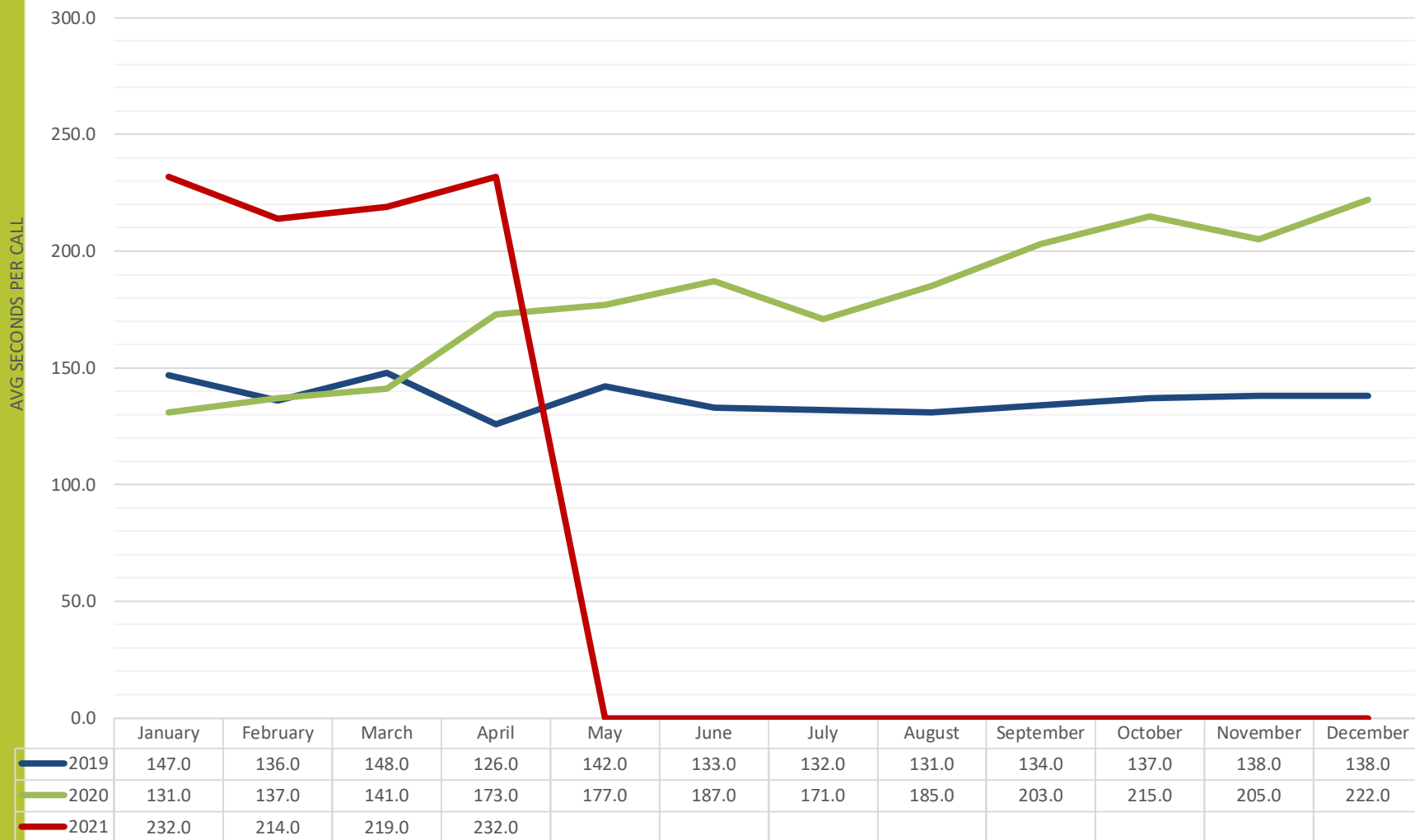


## GFL Call Types – 2020 Newmarket





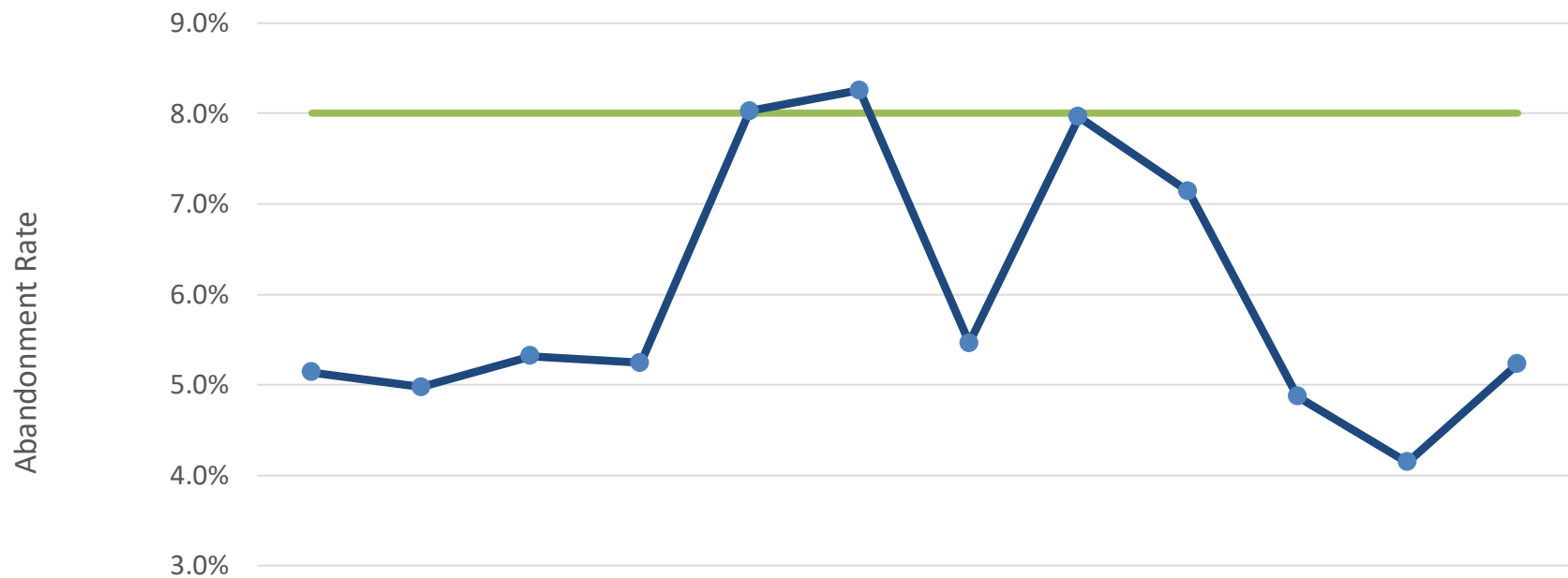
## Average Talk Time (secs) 2019 - YTD\*



— 2019 — 2020 — 2021

\*YTD April 19, 2021

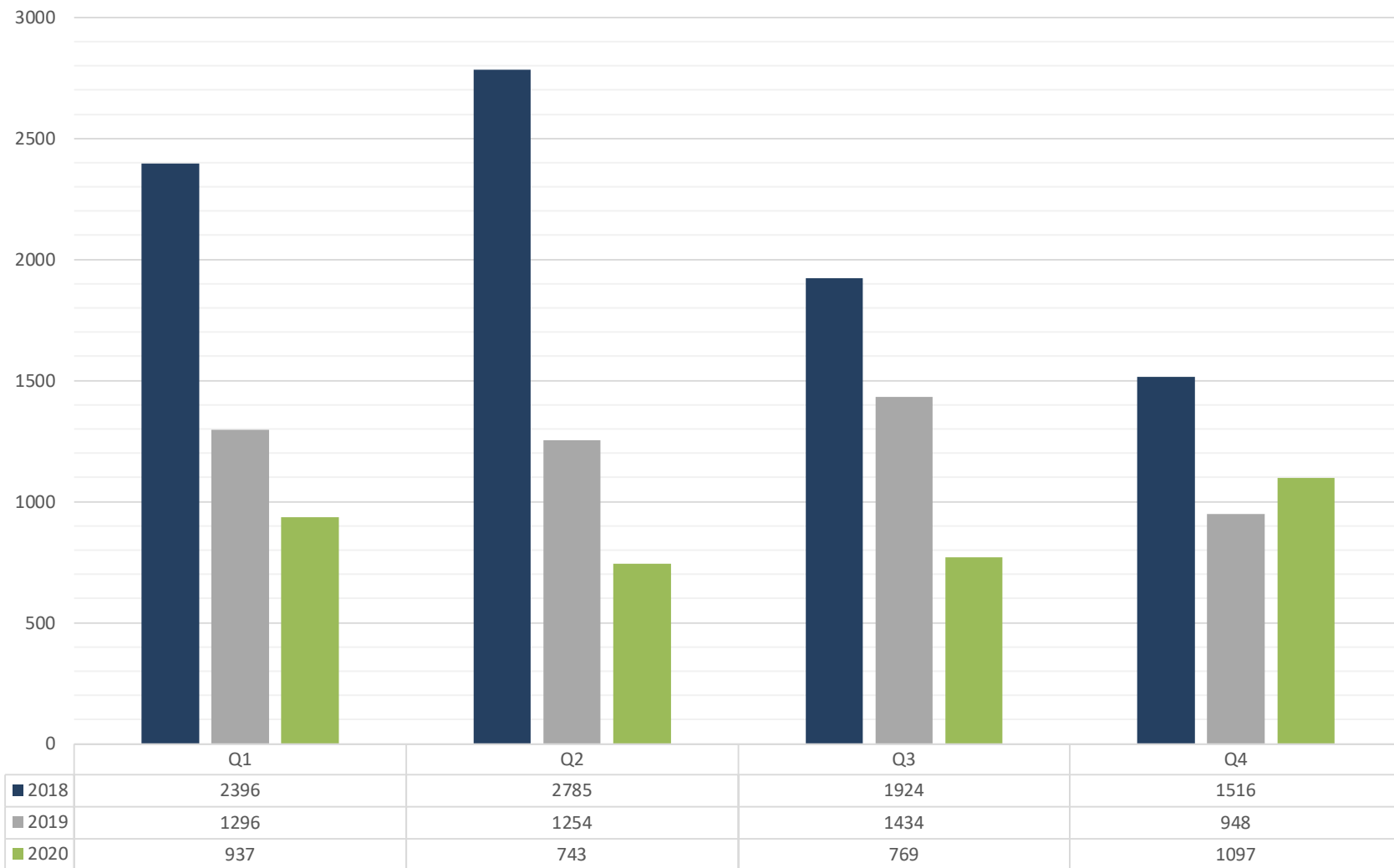
## Abandonment Rate 2020



	January	February	March	April	May	June	July	August	September	October	November	December
Abandonment rate	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%	8.0%
2020	5.1%	5.0%	5.3%	5.2%	8.0%	8.3%	5.5%	8.0%	7.1%	4.9%	4.1%	5.2%

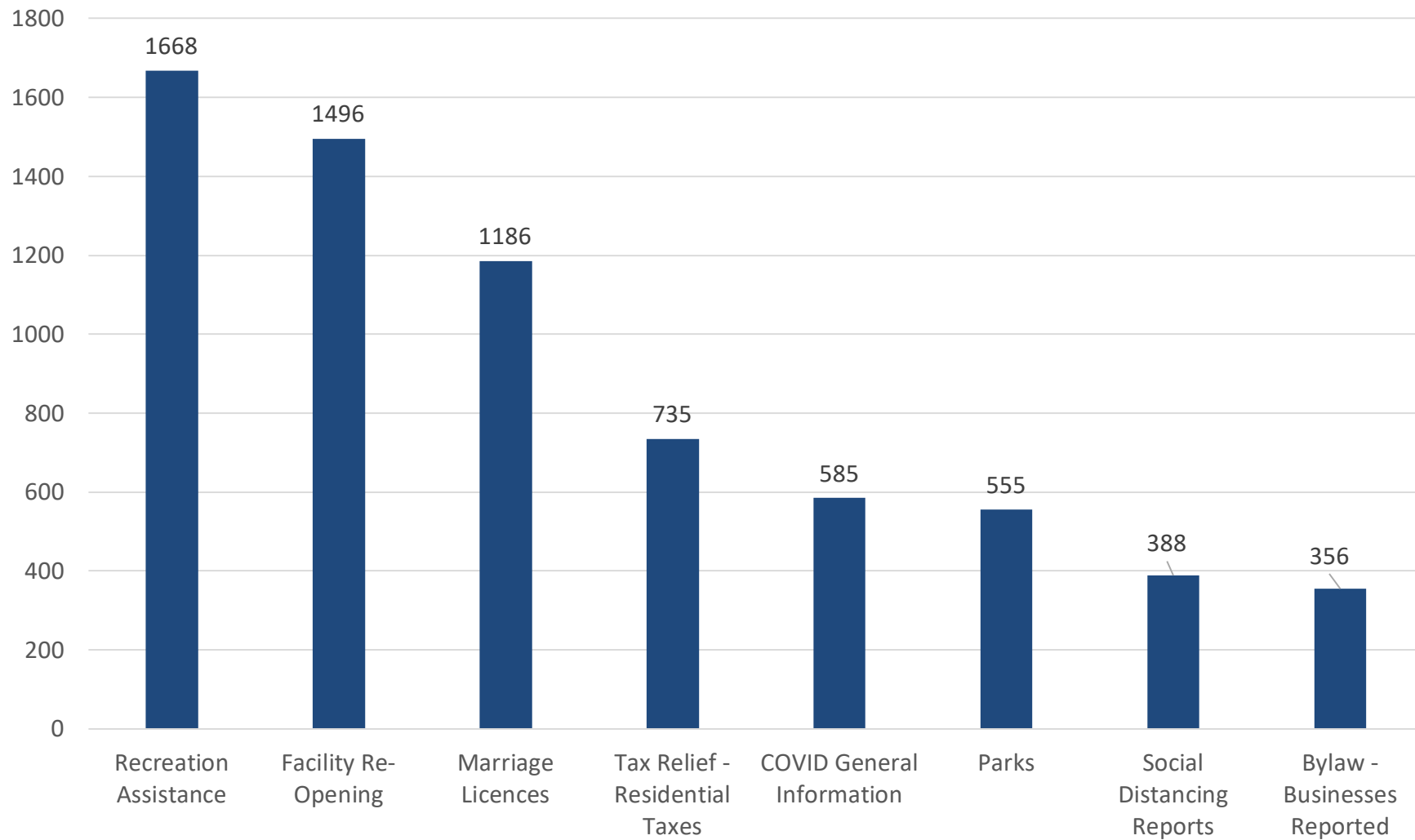
## After Hours Provider Calls by quarter 2018-2020

■ 2018 ■ 2019 ■ 2020

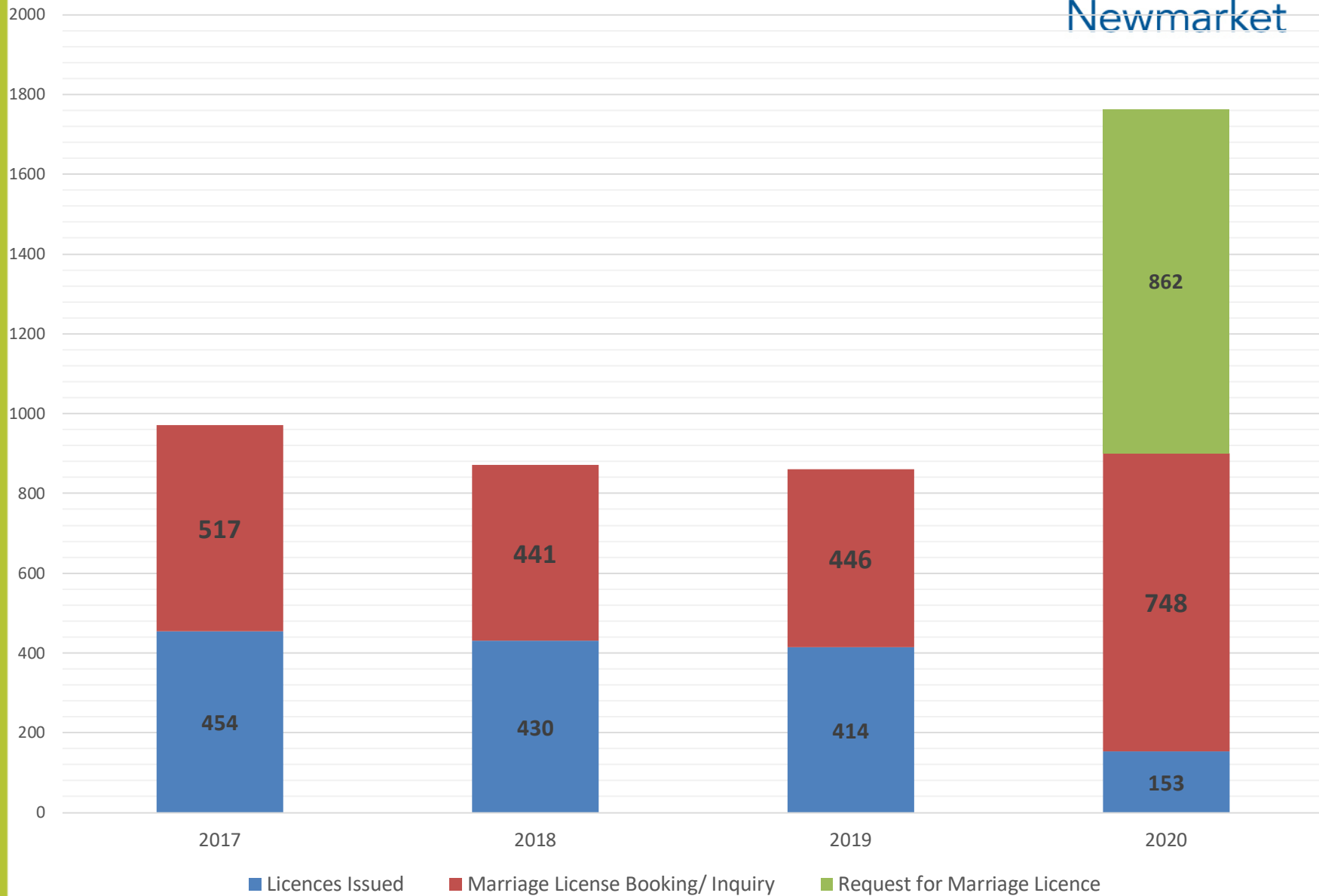




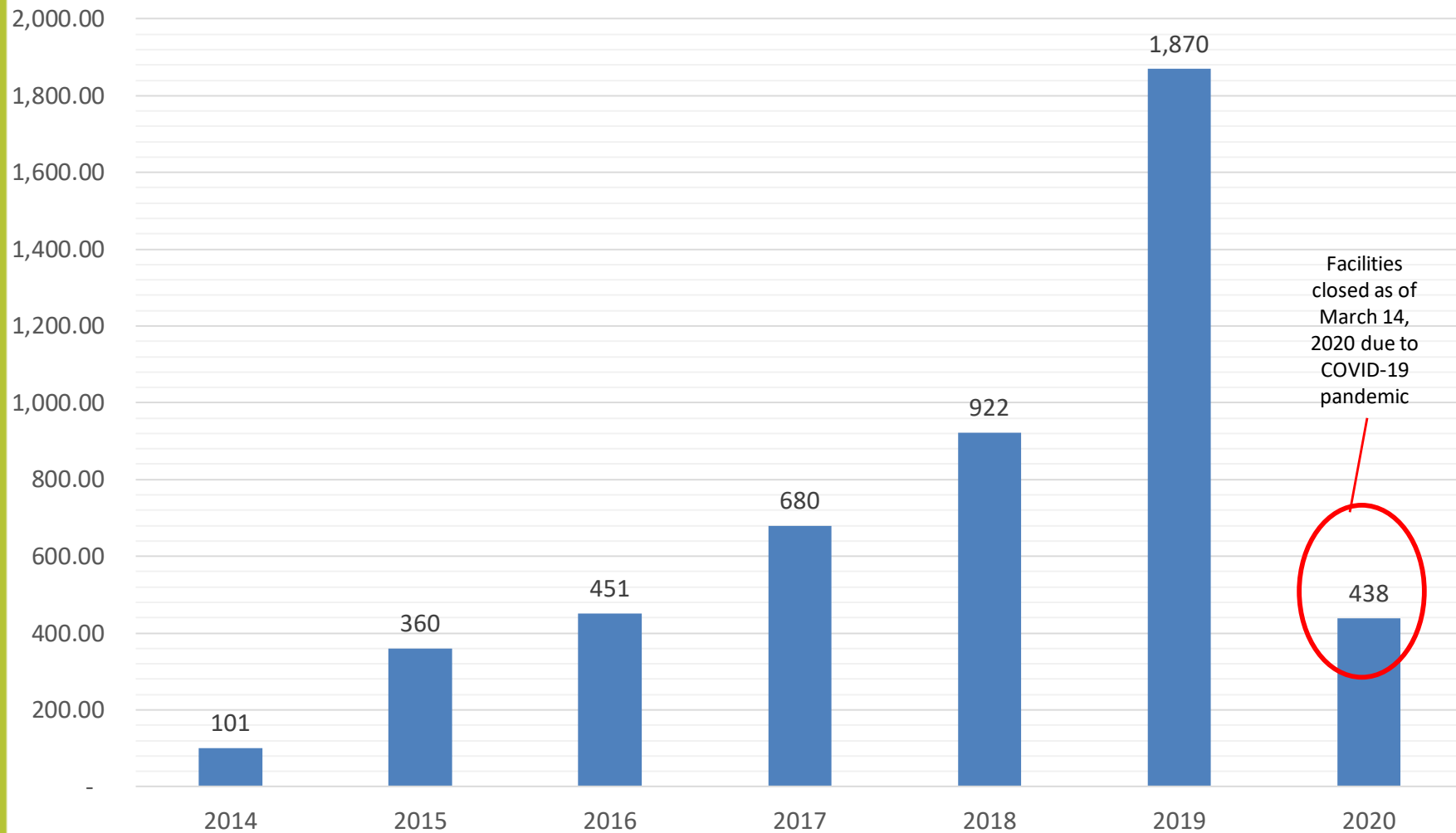
## COVID-19 Inquiries 2020



# Marriage Licences 2017 - 2020



## Kiosk Enhanced Services (Magna, RJT, NSMP)



# Enhanced Customer Service training

modern  
green  
forward-thinking  
inclusive  
community  
progressive  
creative  
smart  
urban  
innovative



# CERTIFICATE *of* ACHIEVEMENT

THIS ACKNOWLEDGES THAT

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**Hannah Grant**

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FOR SUCCESSFULLY COMPLETING ALL THE REQUIREMENTS FOR THE  
PUBLIC-SECTOR SERVICE SPECIALIST (PSSS) TRAINING PROGRAM

The Town Of Newmarket's |  
Public Sector Training

OCTOBER  
**2020**



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Jamie Boyle, Facilitator



**Delivering Exceptional Service in the**

**PUBLIC SECTOR**

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Town of Newmarket

# Customer Service Excellence In the Public Sector

*Seneca College*





# Thank You

modern  
green  
forward-thinking  
inclusive  
community  
progressive  
creative  
urban  
smart  
innovative





# 2022 Budget Process and Target

Prepared by: Andrea Tang

Financial Services

Date: May 3, 2021

# 2022 Budget Process

1. Budget process
2. Schedule
3. Budget Structure
4. Tax-Supported Operating Budget
  - a) Base Budget
  - b) Contingency
  - c) ARF
  - d) Other
5. Rate-supported budgets
6. Capital Budget and Program
7. Next Steps



# 1. Budget Process



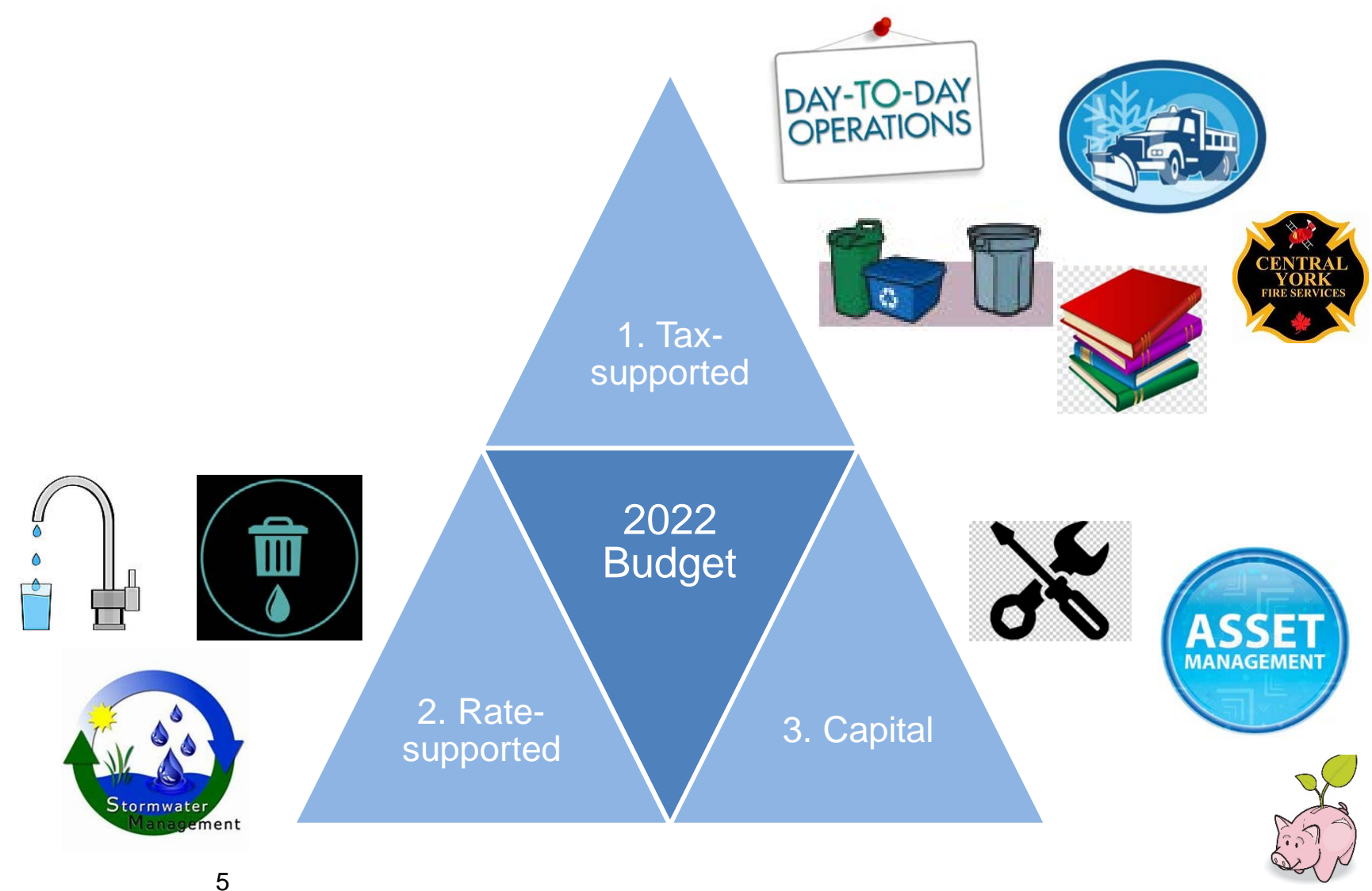
## 2. Schedule

Activity	Date	Meeting
Recommendations on process and target	May 3	CoW
Community Engagement	Jun to Nov	
Fees & Charges for early approval	Jun 14 Jun 21	CoW Council
Preliminary Draft Budgets	Oct 3	CoW
Capital and Rate-Supported Budgets	Oct	Special CoW (TBD)
Tax-Supported Operating Budget	Nov	Special CoW (TBD)
Draft Budgets and remaining Fees & Charges	Dec 6	CoW
Approval	Dec 13	Council

CoW – Committee of the Whole



# 3. Budget Structure



## 4. Tax-Supported Operating Budget

- Supports day-to-day operations
- Includes Fire, Library and BIA
- Components include:
  - Base budget
  - Contingency
  - Asset Replacement Fund (ARF)



## 4. Tax-Supported Operating Budget

- 1% tax rate increase = \$667,000 tax revenues
- Target tax rate increase of 2.99%

Component	Tax Rate Increase
a. Base Budget	1.74%
b. Contingency	0.25%
c. ARF	<u>1.00%</u>
<b>Target</b>	<b>2.99%</b>



## 4. Tax-supported operating budget

### a. Base Budget

#### Growth

- Assessment growth at 1%
- Growth revenues offset against growth expenses only

Growth item	\$
Assessment growth	667,000
Less: growth related expense	
Mulock Park	250,000
Incremental growth	37,000
Fire (Newmarket's portion)	66,000
Library	17,400
Unallocated portion	296,600





## 4. Tax-supported operating budget

### a. Base Budget

#### Inflation / CPI

- Inflationary factor of 1.5% is assumed (Provincial forecast at 1.7%)
- Toronto February CPI at 0.85%
- Inflation for contractual expenses

#### Fees and Charges

- Increase by inflation / CPI



## 4. Tax-supported operating budget

### b. Contingency

- 2021 base budget currently includes \$500,000
- 0.25% levy will increase base budget by \$167,000

	\$ in millions	Tax rate increase
2021 Base Budget	500,000	
2022 Proposed increase	<u>167,000</u>	0.25%
2022 Base Budget	667,000	



## 4. Tax-supported operating budget

### c. ARF

- Contribution to ARF aligns with the Fiscal Strategy
- 1% increase in ARF contribution – consistent with 2021 approved budget
- 2021 tax-supported base budget for ARF is close to \$6.5 million
- A strategy for ARF will be developed based on the upcoming Reserve and Reserve Fund Review



## 4. Tax-supported operating budget

### d. Other

- Currently, there is no change in the following areas:
  - Service level adjustments
  - Extraordinary items
  - REV IT Up initiatives



## 5. Rate-Supported Budgets

Budgets to be derived from Council-approved financial plans for:

- Water and Wastewater
  - Financial plans were updated in March 2021
  - Region conducting a 2021 User Rate Study to recommend rates in 2022 and beyond
- Stormwater
  - Financial plan with Council approved incremental improvement option



## 6. Capital Budget and Program

- Funds the purchase, construction and financing of Tangible Capital Assets (TCA) for infrastructure, land, buildings, machinery, equipment and other assets
- 2022 Capital Spending Authority is currently set at \$22.7 million

	Standard	Major	Total
2021 commitments	1,800,000	2,700,000	4,500,000
2022 capital program	13,200,000	-	13,200,000
Unallocated	<u>5,000,000</u>	<u>-</u>	<u>5,000,000</u>
Total	20,000,000	2,700,000	22,700,000



## 7. Next Steps

- Staff will proceed with preparation of the 2022 budgets employing the structure and targets as outlined in the presentation and report







April 22, 2021

Mayor John Taylor and Town of Newmarket Council Members,

My deputation at the Committee of the Whole on May 3-2021 will guide you in making the legally-appropriate decision in the matter of the existence of body rub parlours in Newmarket.

It is based on Bill C-36, known as the *Protection of Communities and Exploited Persons Act*. Be advised that it received Royal Assent on November 6, 2014. For your review of Bill C-36, I've attached the Department of Justice's document – FACT SHEET.

Bill C-36 came into being as a result of a legal challenge to the constitutionality of the prostitution laws in place in 2013. The Court ruled that they were unconstitutional and gave the Minister of Justice, Peter MacKay, 12 months to introduce new laws. He did. Parliament passed Bill C-36.

The Supreme Court of Canada articulated its position that Bill C-36 treats prostitution as a form of sexual exploitation that disproportionately and negatively impacts on women and girls. And to that effect, I quote from the Supreme Court's findings: ***"Prostitution reinforces gender inequalities in society at large by normalizing the treatment of primarily women's bodies as commodities to be bought and sold. In this regard, prostitution harms everyone in society by sending the message that sexual acts can be bought by those with money and power. Prostitution allows men, who are primarily the purchasers of sexual services, paid access to female bodies, thereby demeaning and degrading the human dignity of all women and girls by entrenching a clearly gendered practice in Canadian society."*** End of quote.

As a result, the Department of Justice added sections to Canada's Criminal Code. One such addition is Section 286.2.

It is very important that Council understand the definition of 'Receiving Material Benefit Offence', as it speaks of the men who make money from the purchase of sex in the BRPs, erotic spas and bogus wellness centers that they, of course, operate. And so, I quote from the Department's document: ***"Receiving a financial or other material benefit obtained by or derived from the commission of the purchasing offence."***

As for its implications, I will, once again, quote the Department's document: ***"It is illegal to earn money by owning, managing or working for a commercial enterprise, such as a strip club, massage parlour or escort agency, knowing that sexual services are purchased there."*** End of quote.

Let's put the jail terms and fines aside for now.

Instead, let's focus on the legislative implications of Bill C-36 that should have taken place at the provincial and municipal levels.

Provincially, in early 2015, what should have happened in the Legislature is the tabling of revisions and amendments to the Ontario Municipal Act of 2001 in order to align itself with the new sections of the Criminal Code. Specifically, the deletion of section 154 (page 69), pertaining to adult entertainment venues, and the addition of a section that reflects the illegality of earning money by owning, managing or working in now-illegal commercial enterprises.

Fact is the Wynne government did no such thing. Had this been done, we would not be discussing the 'To-Be-Or-Not-To-Be-Involvement-With-BRPs-Questions-&-Options?' put forward by Mr. Flynn Scott, Manager of Regulatory Services.

Let's focus FURTHER on the community and political implications should you decide to do any of the following:

- a) hide/camouflage the existence of BRPs by creating new classifications or renaming existing ones that, nevertheless, continue to enable the purchase and sale of sexual services (deceitfully and illegally); and
- b) maintain the public existence of BRPs, as per Question #5 published in the Town's Body Rub Parlour Survey - Phase 2- entitled Reviewing Potential Options, which asks: ***"Do you believe the Town of Newmarket should allow businesses to offer any form of massage that appeals to sexual appetites? For greater clarity, this does not include the purchase or sale of sex, but does include massages that are erotic in nature."***

To assist all concerned, I refer you to two definitions of the word 'erotic'. One is from the Oxford dictionary as an adjective, and I quote: *"relating to or tending to arouse sexual desire or excitement"*.

The second is from Vocabulary.com.

Its meaning as an adjective is as follows: *"giving sexual pleasure; sexually arousing"*.

That said, if the male in question is paying for this 'erotic-in-nature' massage and his condition is described as:

-sexually aroused, and/or

-excited with sexual desire, then he is buying sex which is illegal to do so.

This, also, means that the 'erotic-in-nature' massage option could, in effect, expose the masseuse to a potential sexual assault by a sexually-aroused customer who is seeking full relief from his sexual state of mind.

In closing, Marnie Hill on behalf of the Council of Women Against Sex Trafficking in York Region and I, on behalf of Parents Against Child Trafficking – Markham & Richmond Hill, strongly recommend that the Town **REFRAIN** from legitimizing the commercial services of massages and personal wellness services *"that appeal to sexual appetites or are erotic in nature"*.

Instead, we ask you to focus on preventing all sexual activity taking place in commercial enterprises, licensed or otherwise, in your municipality.

**It is the LAW!**

Thank you.



Robert Vallée

Board Chair & CEO

Parents Against Child Trafficking - **PACT-Markham & Richmond Hill**

and

Council of Women Against Sex Trafficking in York Region - **CWASTYR**

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**Make York Region the FIRST ZONE in Ontario FREE from Human Trafficking & Sex Exploitation!**

**Prostitution Criminal Law Reform:**  
**Bill C-36, the *Protection of Communities and Exploited Persons Act***  
**In force as of December 6, 2014**

**Fact Sheet**

Bill C-36, the *Protection of Communities and Exploited Persons Act*, received Royal Assent on November 6, 2014. Bill C-36 treats prostitution as a form of sexual exploitation that disproportionately impacts on women and girls. Its overall objectives are to:

- Protect those who sell their own sexual services;
- Protect communities, and especially children, from the harms caused by prostitution; and
- Reduce the demand for prostitution and its incidence.

The new criminal law regime seeks to protect the dignity and equality of all Canadians by denouncing and prohibiting the purchase of sexual services, the exploitation of the prostitution of others, the development of economic interests in the sexual exploitation of others and the institutionalization of prostitution through commercial enterprises, such as strip clubs, massage parlours and escort agencies that offer sexual services for sale. It also seeks to encourage victims to report incidents of violence to the police and to leave prostitution. Toward that end, \$20 million in new funding has been dedicated to help individuals exit prostitution.

Bill C-36 contains prostitution and human trafficking-related amendments. It also includes an amendment to the *Criminal Code*'s definition of "weapon". These amendments are explained below.

**Prostitution Offences**

Bill C-36 enacts new prostitution offences and modernizes old ones:

**1) Purchasing Offence:**

- Obtaining sexual services for consideration, or communicating in any place for that purpose (section 286.1)
- Those who sell their own sexual services are protected from criminal liability for participating in the commission of this offence if the offence relates to their own sexual services (subsection 286.5(2))

**Penalty:**

Adult victim (subsection 286.1(1))

- Dual procedure offence with maximum penalties of 5 years imprisonment if prosecuted on indictment and 18 months if prosecuted by summary conviction
- Escalating mandatory minimum fines starting at \$500 on summary conviction for a first offence, including higher mandatory minimum fines if the offence is prosecuted by indictment, is a subsequent offence or is committed in a public place that is or is

next to parks, schools, religious institutions or places where children can reasonably be expected to be present

Child victim (subsection 286.1(2))

- Indictable offence with maximum penalty of 10 years imprisonment and mandatory minimum penalties of 6 months imprisonment for a first offence and one year for subsequent offences

**Explanation:**

This offence criminalizes purchasing sexual services, or communicating in any place for that purpose, for the first time in Canadian criminal law. Since prostitution is a transaction that involves both the purchase and the sale of sexual services, the new purchasing offence makes prostitution illegal; every time the prostitution transaction takes place, an offence is committed by the purchaser.

**2) Advertising Offence:**

- Knowingly advertising an offer to provide sexual services for consideration (section 286.4)
- Those who sell their own sexual services are protected from criminal liability for committing this offence if they advertise their own sexual services (paragraph 286.5(1)(b)), or for participating in the commission of this offence if the offence relates to their own sexual services (subsection 286.5(2))

**Penalty:**

- Dual procedure offence with maximum penalties of 5 years imprisonment if prosecuted by indictment and 18 months if prosecuted by summary conviction

**Explanation:**

This offence criminalizes advertising the sale of sexual services, also for the first time in Canadian criminal law. This new offence applies to individuals who advertise the sale of another person's sexual services, including in print media, on websites or in locations that offer sexual services for sale, such as erotic massage parlours or strip clubs.

The offence also applies to publishers or website administrators, if they know that the advertisement exists and that it is in fact for the sale of sexual services. The new laws also allow the court to order the seizure of materials containing advertisements for the sale of sexual services, as well as their removal from the Internet, regardless of who posted them. However, the new laws protect from criminal liability a person who advertises the sale of their own sexual services.

**3) Material Benefit Offence:**

- Receiving a financial or other material benefit obtained by or derived from the commission of the purchasing offence (section 286.2)
- Those who sell their own sexual services are protected from criminal liability for committing this offence if the only benefit they receive is from the sale of their own

sexual services (paragraph 286.5(1)(a)), or for participating in the commission of this offence if the offence relates to their own sexual services (subsection 286.5(2))

**Penalty:**

Adult victim (subsection 286.2(1))

- Indictable offence, with a maximum penalty of 10 years imprisonment

Child victim (subsection 286.2(2))

- Indictable offence, with a maximum penalty of 14 years imprisonment and a mandatory minimum penalty of 2 years imprisonment

**Exceptions:**

This offence does not prevent those who sell their own sexual services from entering into legitimate family and business relationships, or otherwise interacting with others, on the same basis as anyone else. In this regard, no offence is committed in the following contexts, which are exceptions to the material benefit offence:

- Legitimate living arrangements (e.g., children, spouses, roommates, paragraph 286.2(4)(a));
- Legal or moral obligations (e.g., supporting a disabled parent, gifts, paragraph 286.2(4)(b));
- Goods and services offered to the general public (e.g., accountants, landlords, pharmacists, security companies, paragraph 286.2(4)(c)); and,
- Goods and services offered informally for fair value (e.g., babysitting or protective services, paragraph 286.2(4)(d)).

However, none of these exceptions apply if a person otherwise entitled to one of the exceptions listed above:

- Used, threatened to use or attempted to use violence (paragraph 286.2(5)(a));
- Abused a position of trust, power or authority (paragraph 286.2(5)(b));
- Provided any intoxicating substances to encourage the sale of sexual services (paragraph 286.2(5)(c));
- Engaged in conduct that would amount to procuring (paragraph 286.2(5)(d)); or,
- Received the benefit in the context of a commercial enterprise that offers sexual services for sale (paragraph 286.2(5)(e)).

**Explanation:**

This offence criminalizes receiving money or other material benefit from the prostitution of others in exploitative circumstances, including in the context of a commercial enterprise that offers sexual services for sale. This means that it is illegal to earn money by owning, managing or working for a commercial enterprise, such as a strip club, massage parlour or escort agency, knowing that sexual services are purchased there.

Since the new law protects from criminal liability those who receive money from the sale of their own sexual services, the material benefit offence does not apply to sellers of sexual services, including when they work together cooperatively and pool resources to pay for legitimate goods or services, provided that they keep only the earnings from

the sale of their own sexual services. In these circumstances, the only person who commits an offence is the purchaser of sexual services.

#### **4) Procuring Offence:**

- Procuring a person to offer or provide sexual services for consideration (section 286.3); or,
- For the purpose of facilitating the purchasing offence, recruiting, holding, concealing or harbouring a person who offers or provides sexual services for consideration, or exercising control, direction or influence over the movements of that person (section 286.3)
- Those who sell their own sexual services are protected from criminal liability for participating in the commission of this offence if the offence relates to their own sexual services (subsection 286.5(2))

#### **Penalty:**

Adult victim (subsection 286.3(1))

- Indictable offence, with a maximum penalty of 14 years imprisonment

Child victim (subsection 286.3(2))

- Indictable offence with a maximum penalty of 14 years imprisonment and a mandatory minimum penalty of 5 years imprisonment

#### **Explanation:**

This offence criminalizes active involvement in the prostitution of others. For example, a person procures another for prostitution if they cause or induce that person to sell sexual services. This distinguishes the procuring offence from the material benefit offence, which requires only passive involvement in the prostitution of others. For example, a “classic pimp” is likely to be guilty of both the procuring offence and the material benefit offence, because the pimp both induces another person to sell sexual services and receives money from the sale of those services. In contrast, a “bouncer”, who works at a strip club, knowing that prostitution takes place there, may only receive money from the sale of sexual services. In such a case, the bouncer would only be guilty of the material benefit offence.

#### **5) Communicating Offence:**

- Communicating for the purposes of offering or providing sexual services for consideration in public places that are or are next to school grounds, playgrounds or daycare centres (subsection 213(1.1))

#### **Penalty:**

- Summary conviction offence with a maximum penalty of 6 months imprisonment

#### **Explanation:**

This offence criminalizes communicating for the purposes of selling sexual services in public places that are or are next to specific locations that are designed for use by children, i.e., school grounds, playgrounds, and daycare centres.

## **Trafficking in Persons Offences**

Bill C-36 harmonizes the penalties imposed for human trafficking and prostitution-related conduct to ensure a consistent response to practices that are linked:

### **1) Main Trafficking Offences:**

- Recruiting, transporting, transferring, receiving, holding, concealing or harbouring a person, or exercising control direction or influence over the movements of a person, for the purpose of exploiting them or facilitating their exploitation (sections 279.01 and 279.011)

#### **Penalty:**

Adult victim (section 279.01)

- Indictable offence with a maximum penalty of life imprisonment and a mandatory minimum penalty of 5 years if kidnapping, aggravated assault, aggravated sexual assault or death results and a maximum penalty of 14 years and a mandatory minimum penalty of 4 years in all other cases

Child victim (section 279.011)

- Indictable offence with a maximum penalty of life imprisonment and a mandatory minimum penalty of 6 years if kidnapping, aggravated assault, aggravated sexual assault or death results and a maximum penalty of 14 years and a mandatory minimum penalty of 5 years in all other cases

### **2) Material Benefit Offence:**

- Receiving a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of a human trafficking offence (section 279.02)

#### **Penalty:**

Adult Victim (subsection 279.02(1))

- Indictable offence with a maximum penalty of 10 years imprisonment

Child Victim (subsection 279.02(2))

- Indictable offence with a maximum penalty of 14 years imprisonment and a mandatory minimum penalty of 2 years

### **3) Documents Offence:**

- Concealing, removing, withholding or destroying travel or identity documents for the purpose of facilitating a human trafficking offence (section 279.03)

#### **Penalty:**

Adult Victim (subsection 279.03())

- Indictable offence with a maximum penalty of 5 years imprisonment

Child Victim (subsection 279.02(2))

- Indictable offence with a maximum penalty of 10 years imprisonment and a mandatory minimum penalty of 1 year

**Explanation:**

Research shows that increased demand for sexual services leads to higher rates of human trafficking for sexual exploitation to meet the demand. Research also shows that the decriminalization of prostitution leads to increased demand for sexual services. The human trafficking offences address the most egregious human rights abuses that take place in the context of prostitution.

**Definition of Weapon**

Bill C-36 amends the *Criminal Code*'s definition of "weapon" (section 2) to include anything used or intended to be used to restrain a person against their will (e.g., handcuffs, rope, duct tape). This amendment applies to three offences:

- Possession of a weapon with intent to commit an offence (section 88)
- Assault with a weapon (section 267)
- Sexual assault with a weapon (section 272)

**Explanation:**

A person, who possesses handcuffs, rope, duct tape or other items of restraint with intent to commit an offence, including assault or sexual assault, is guilty of an offence under section 88. A person who uses an item of restraint to commit an assault or sexual assault is guilty of the more serious form of those offences: assault with a weapon or sexual assault with a weapon, as the case may be.

For more information on the law reform implemented by Bill C-36 and the research on which it is based, please see:

<http://www.justice.gc.ca/eng/rp-pr/other-autre/protect/index.html>.





April 22, 2021

Mayor John Taylor and Town of Newmarket Council Members,

Mr. Mayor, Council Members, thank you for the opportunity to speak to you today.

I take you back to an article in the Newmarket Era dated January 11-2021.

In it, Flynn Scott is quoted as saying: “The town is now updating its bylaw to properly capture the difference between spas and body rub parlours. The new bylaw would strengthen language indicating body rub parlours include services that are sexual in nature. And that’s the kind of clean-up we need to put in place to, really, catch up to the times and how business practices have evolved.”

Mr. Scott is right to want to catch up with the times. However, he is way off base in thinking that body rub parlours have a place in your municipality. In fact, the operations of body rub parlours were made illegal back in late December 2014. Made illegal by the Parliament of Canada when it passed Bill C-36 – also known as the Protection of Communities and Exploited Persons Act.

The ongoing debate that is before Council and the citizens of Newmarket, muddies the water. On the table are 4 models to explore:

1. Repeal BRP classification and replace it with new classification: Personal Wellness Centres.
2. Adopt two classifications: BRP and Personal Wellness Centres with emphasis on training qualifications.
3. Adopt two classifications: BRP and Personal Centres, with emphasis on erotic vs non-erotic services.
4. Do not introduce a new classification and revamp existing BRP regulations.

At their core, all these options decriminalize the buying of sexual services through legislative process.

My questions to you are:

- One, why is so much time, energy and effort being spent to legitimize BRPs – those that appeal to the sexual appetites of entitled men -- when Bill C-36 made BRPs illegal 7 years ago. It’s definitely time to “catch up with the times” as Mr. Flynn has stated. It’s time to get out of the pimping, selling and exploitation of women business. It’s that clear and it’s that simple.
- And two, when did the City of Newmarket, its Mayor and Council become responsible for ensuring the sexual appetites of men are satisfied?

What about your responsibility for the young women – also your citizens – who are exploited and abused? What about your responsibility to uphold the law? And what about your responsibility to future generations – daughters, sons, grandchildren – to ensure Newmarket stands out as a place they can aspire to be their very best?

Ladies and gentlemen, based on the 4 models placed on the table today, you are misguided if you think any of them address the real issues at hand. BRPs are illegal. They exploit women, they traffic them, abuse them and scar them for life.

- If you think by-law inspections and police oversight makes a difference ... you are wrong.
- If you think BRPs qualify as legitimate businesses ... you are wrong.
- If you think that no illegal activities take place at BRPs ... wrong again.

Listen to what survivors of sexual exploitation in local BRPs have to say. I quote:

- I was hit, spit on, choked and beaten
- The owner called us his 'stable', after hours he'd send us out to parties, stags, to his own friends ... where ever he could make money
- It wasn't a massage parlour, it was a brothel, the owner was my pimp. A pimp licensed by the city.
- Police and by-law officers inspected our facilities and yet it continued to operate. No one appeared to care or notice that our situation was unbearable. End quotes.

And here's what Casandra Diamond, also a survivor has to say. Again I quote:

"The licensing system degrades the value of the women exploited within it from humans to mere objects of trade. It turns them into commodities. The women and the services they provide are exchanged and traded for money. When women are reduced to a simple dollar value, they are debased and left with no sense of human worth or dignity." End quote.

As you can see, this discussion goes beyond the "to license, not to license" debate. It's one of moral ethics and values. Quite simply, Body Rub Parlours are illegal and they need to be shut down.

In closing, Mayor and Council, this is your opportunity to take a truly leadership role. Say no to the licensing and operations of Body Rub Parlours in your municipality. Commit to make Newmarket the first Sex Trafficking Free Zone in Canada.

If you are ready to make this bold move, we are here to help.

On behalf of the Council of Women Against Sex Trafficking in York Region and the many brave survivors, I thank you for your time.



Marnie Hill  
Director of Communications  
Council of Women Against Sex Trafficking in York Region

# Newmarket Town Council Body Rub Parlour Review:

## The Need to Center Worker Safety

Sandra Ka Hon Chu, Director of Research and  
Advocacy

HIV Legal Network

May 2021



# What is the root of the concern?

Unchallenged perception among Newmarket Council and Council staff that body rub parlours in Newmarket are sites of human trafficking. **This has not been borne out by the evidence:**

- York Regional Police have confirmed that they are unaware of human trafficking in Newmarket's body rub parlours.
- Local women's organizations and organizations that provide support to women in body rub parlours have also confirmed that **a crackdown on body rub parlours would fuel human trafficking.**

# Conflating sex work & human trafficking

In many municipalities including Newmarket, **body rub workers are often Asian and migrant women who have made the choice to work in body rub parlours to meet their own basic needs, maintain economic security, and provide for their families.**

Targeted investigations, regulation, and surveillance of body rub parlours are not an effective means of addressing human trafficking or promoting worker safety.



# Harmful impacts of crackdowns

Municipal governments cause harm when they assume body rub parlours are sites of human trafficking:

- 2015: Ottawa police charged 11 migrant women working in massage and body rub parlours; these women were detained by CBSA and faced deportation.
- 2017: following reports from anti-human trafficking groups that holistic centers in Toronto were operating outside their licensing parameters, bylaw inspections increased by 212% & inspections of practitioners increased by 323%; HIV Legal Network research illustrated how this resulted in law enforcement abuse, intimidation, threats, harassment, and unwarranted searches.

# The legal status of sex work: the “criminal element”

Two Ontario courts (*R. v. Anwar* (2020) and *R. v. N.S.* (2021)) found three criminal prohibitions on sex work introduced by Bill C-36 (PCEPA) unconstitutional:

- The prohibitions on procuring, materially benefiting from, and advertising sexual services violate sex workers’ Charter rights to safety and security.

Since PCEPA was passed in 2014, extensive research has shown how the law causes grave harm to sex workers and prevents them from taking measures to ensure their safety.

# Centering Worker Safety

For any new regulation governing body rub parlours:

- Repeal the prohibition on locked doors
- Remove unnecessary zoning restrictions
- Remove the cap on total # of licenses allowed to be issued
- Reduce costly and prohibitive licensing fees



# Centering Worker Safety

- Of the four options presented to the Newmarket Council, **Option 2 — which would create two separate classifications for massage services with and without training credentials — presents the fewest harms to body rub parlour workers, and in particular those who are racialized and/or migrant.**
- In implementing Option 2, **we recommend Newmarket rename the “body rub parlour” category with a new designation that distinguishes between massage services provided with and without training qualifications:**
  - non-credentialed vs. credentialed personal wellness centres
  - holistic health centres vs. personal wellness centres

# Centering Worker Safety

- We urge Newmarket to **refrain from further empowering law enforcement to regulate and police body rub parlours or wellness centres.**
- Law enforcement models conflate sex work with human trafficking, which alienates workers from health, social, legal and police services in times of actual need, and perpetuates — rather than addresses — exploitation.
- Instead, **adopt a human rights-based approach, centering worker safety and the perspectives of people who are most directly affected by regulatory amendments.**

# Thank you



April 28, 2021

**RE: BODY RUB PARLOUR BYLAW AMENDMENT**

To Newmarket Town Council and Town Staff:

We are labour rights, racial justice, human rights, migrant rights, and women's rights organizations from across Ontario who are writing to express our concern with Newmarket Town Council's current review of bylaws governing the Town's body rub parlours, the basis of which are stigmatizing and unfounded perceptions that body rub parlours are "disreputable" sites of human trafficking. Already, Newmarket's body rub parlour bylaws are extraordinarily restrictive: not only is there is a two-license cap for body rub parlours, as well as costly and prohibitive licensing fees for owners, operators and attendants, but the bylaws also impose extremely restrictive zoning requirements and prohibit locked doors — jeopardizing worker safety.

Newmarket Town Council must prioritize the health and safety of the workers most directly affected by any bylaw amendments, many of whom are racialized and/or migrant workers. If new bylaws are to be established, a framework likely to present the fewest barriers and harms to body rub parlour workers and particularly those who are racialized and/or migrant would create **two separate classifications for massage services with and without training credentials**. These classifications should be renamed "non-credentialed vs. credentialed personal wellness centres," or "holistic centres vs. personal wellness centres." A new designation would minimize the stigma currently attached to the term "body rub parlour" which has encouraged Newmarket staff and law enforcement to erroneously conflate body rub parlours with sites for human trafficking.

**Newmarket must also refrain from further empowering law enforcement to regulate and police body rub parlours or wellness centres.** Research has shown how law enforcement models conflate sex work with human trafficking, which negatively affects sex workers, and particularly racialized and migrant sex workers who are wrongly perceived as being involved in trafficking and experience harassment, discrimination and other abuse at the hands of officers. This alienates workers from health, social, legal and police services in times of actual need, and perpetuates — rather than addresses — exploitation. **Law enforcement-led anti-trafficking campaigns do not address real concerns around worker safety, and instead cause more harm by encouraging racial profiling and over-policing of Asian and migrant women working in this industry.**

Therefore, we call on Newmarket Town Council to:

- Further consult with and center the perspectives of the workers most directly affected by the proposed bylaw amendments, i.e., workers in body rub parlours and wellness centres, particularly those who are racialized and/or migrant.

- Remove bylaw restrictions that stigmatize and endanger workers, including the two-license cap on body rub parlours, restrictive zoning requirements, prohibitions on locked doors, and prohibitive licensing fees.
- Establish two separate classifications for massage services with and without training credentials and name these classifications “non-credentialed vs. credentialed personal wellness centres” or “holistic centres vs. personal wellness centres.”
- Refrain from further empowering law enforcement to regulate and police body rub parlours or wellness centres, which does not promote worker safety and encourages racial profiling and over-policing of Asian and migrant women working in the industry.

Signed,

Butterfly - Asian and Migrant Sex Worker Support Network

HIV Legal Network

Parkdale Community Legal Services

Chinese and Southeast Asian Legal Clinic

Toronto Rape Crisis Centre Multicultural Women Against Rape

Workers' Action Centre

International Human Rights Program

Collaborative Network to End Exploitation

Ontario Coalition of Rape Crisis Centres

Women and HIV / AIDS Initiative of Ontario (WHAI)

CAYR Community Connections

Chinese Canadian National Council Toronto Chapter

John Howard Society of York Region



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## **Body Rub Parlour Review Staff Report to Council**

Report Number: 2021-36

Department(s): Legislative Services

Author(s): Flynn Scott, Manager of Regulatory Services & John Comeau, Municipal Licensing and Enforcement Officer

Meeting Date: May 3, 2021

### **Recommendations**

1. That the report entitled Body Rub Parlour Review dated May 3, 2021 be received; and,
2. That Council direct Staff to present regulations based on Option #1 in this report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary (use if report is longer than 5 pages)**

The Town's existing body rub parlour regulations are under review as part of the Regulatory Services Division project plan for 2021. An initial licensing framework was adopted by Council in 2002, however, the massage service industry has greatly evolved since implementation. This report presents Council with next steps in the ongoing review of body rub parlour regulations for the Town of Newmarket. After completing various methods of consultation from January – April 2021, Town staff is requesting Council's direction to proceed with Option #1, as outlined in this report, for the purpose of presenting a draft by-law and proposed regulations at the June 14, 2021 Committee of the Whole meeting.

### **Purpose**

The purpose of this report is to present Council with next steps regarding a review of body rub parlour regulations and the potential licensing of massage service providers

throughout Town. Town staff is seeking Council's direction to move forward with Option #1 presented in this report as a framework and report back with a proposed By-law and regulations at the June 14, 2021 Committee of the Whole meeting.

## **Background**

### **Legislative Authority**

Under the Municipal Act, the Town may provide for a system of licences with respect to certain classifications of business by adopting a licensing by-law. As specified in the Municipal Act, a licensing by-law should relate to consumer protection, the economic and social well-being of the municipality, and the health, safety, and well-being of persons in the municipality. Conditions may be imposed on a licence to ensure a business is compliant with regulations established to reflect community objectives.

### **Historical Reference and Background of Review Process**

In 2002, the Town's [Licensing By-law 2002-151](#) was adopted and a licensing framework was implemented for body rub parlours at that time.

On March 25, 2019, a Regulatory Review Workshop was conducted with Council, which identified a body rub parlour by-law review to be brought forward by Q4 2020.

On December 23, 2020, [Information Report 2020-39](#) was provided to Council to highlight the Regulatory Services Division project plan. Body rub parlours were identified by Council as a priority and a regulatory review was requested to be brought forward by Q2 2021. Following this direction, Town staff began drafting a consultation and implementation process.

In late January 2021, an online survey was posted to [HeyNewmarket](#) to engage the public as a first step in the consultation process. A total of 19 responses were received.

On February 16, 2021, a virtual [Public Information Centre \(PIC\)](#) was held to engage stakeholders and receive feedback on potential regulatory changes. This was an interactive presentation that allowed participants to answer polling questions throughout. Staff also included an open forum question and answer period at the end of the presentation in order to receive additional feedback.

On March 8, 2021, Town staff conducted a virtual [Council Workshop](#) to present feedback received to date by the community. This Workshop also highlighted four potential options that staff explored in relation to a licensing framework for massage service providers in Newmarket.

Following the Workshop presentation, Council provided comments to staff which included expanding consultation efforts for further engagement, reviewing the proposed options with relevant stakeholders, and providing Council with further information at a future Council meeting. Town staff proceeded to conduct a second round of public



consultation by releasing staff's proposed options as part of an online survey, in addition to holding one-on-one virtual meetings with interested stakeholders and community advocacy groups. The results from all rounds of consultation have been summarized within this report and a copy of the raw data has also been attached to this report for reference (**Attachment #1**).

## **Discussion**

The Town's existing body rub parlour regulations are under review as part of the Regulatory Services Division project plan. A licensing framework was adopted by Council in 2002, however, the massage service industry has greatly evolved since implementation. New practices have emerged for providing alternative forms of massage services that do not include practitioners as Registered Massage Therapists (RMTs). Throughout the years, various reputable businesses have emerged in Newmarket which do not comply with the existing regulatory framework established. This has resulted in a gap in legislation to permit such businesses from lawfully operating within the Town. In addition to this, concerns have also been raised by the community in relation to unlawful massage service practices being provided which directly correlates to criminal and sexual activity.

## **Public Consultation Results**

### **HeyNewmarket Survey #1: Posted Online from January 22 – February 22, 2021**

As an initial form of engagement, Town staff circulated an online survey to request feedback from residents, local business owners, and relevant stakeholders such as community or advocacy groups. A total of 19 participants were engaged and a highlight of key questions asked is provided as follows:

- 47% of respondents have purchased a massage from someone who is not a Registered Massage Therapist (RMT);
- 58% of respondents were either not familiar or not satisfied with existing body rub parlour regulations for our community;
- 68% of respondents believe that existing zoning regulations for body rub parlours are not restrictive enough;
- 47% of respondents believe that the 2 business licence cap on body rub parlours is not restrictive enough; and
- 68% of respondents feel that the hours of operation (11:00am-11:59pm) is not restrictive enough.

In addition to the survey questions presented, Town staff received further feedback through the comments section of the survey. Common themes cited throughout this round of consultation has been summarized as follows:

- Respondents strongly support distinguishing between body rub parlours and alternative massage service providers with some form of qualifications and credentials to eliminate the stigma associated with the term 'body rub parlour';
- Some respondents would like to see stronger regulations imposed (or a flat-out ban) to help mitigate concerns of human trafficking, while others believe that stronger regulations will only push human trafficking underground and there is a need to stop stigmatizing sex work; and
- Most respondents support stronger enforcement efforts to address concerns relating to body rub parlours.

### **Virtual Public Information Centre: Held on February 16, 2021**

Throughout the virtual Public Information Centre (PIC) held on February 16, 2021, staff polled the attendees by asking a series of questions embedded within the presentation. A total of 18 participants were engaged and a highlight of key questions asked is provided as follows:

- 94% of respondents support regulations to distinguish between massage services provided by an attendant with credentials versus no credentials;
- 66% of respondents were either not familiar or not satisfied with existing body rub parlour regulations for our community;
- 72% of respondents believe that massage service providers with no credentials should be prohibited from offering massage services in Newmarket;
- 71% of respondents support restrictive zoning to remain in effect if the Town continues to license massage service providers with no credentials or qualifications;
- 94% of respondents support easing zoning restrictions to allow massage service providers with some form of qualifications or credentials to operate in various zones throughout Town; and
- 77% of respondents support regulatory changes to require all massage service providers demonstrate some form of qualifications or credentials.

### **HeyNewmarket Survey #2: Posted Online from March 23 – April 12, 2021**

Following the Council Workshop conducted on March 8, 2021, Town staff circulated a second online survey for the purpose of gathering additional feedback from the community. A total of 69 participants were engaged and a highlight of key questions asked is provided as follows:

- 85.5% of respondents do not support any business that offers massage services that may be sexual or erotic in nature;
- 84% of respondents believe that all massage service providers should have credentials or qualifications to perform such services;
- When asked about the four options presented during the Council Workshop on March 8, 2021:
  - 40% of respondents do not support any of the options presented;

- 24% of respondents support Option #1;
- 15% of respondents support Option #2;
- 12% of respondents support Option #3;
- 7.5% of respondents support Option #4; and
- 1.5% of respondents were undecided on any option presented.

In addition to the survey questions presented, Town staff received further feedback through the comments section of the survey. Common themes cited throughout this round of consultation is summarized as follows:

- Some respondents believe that any option which permits massage services to be performed by any person other than a RMT will likely lead to sexual services being provided and purchased;
- Some respondents believe that the options presented support criminal activity contrary to the Criminal Code of Canada;
- Respondents from advocacy community groups have recommended the formation of a task force committee to provide recommendations on a future licensing framework and prior to the adoption of any new regulations;
- Respondents that are local business owners strongly support creating two classifications of business to separate body rub parlours from alternative massage service providers who demonstrate some form of credentials but are not as qualified as RMTs;
- Some respondents believe that rebranding the term body rub parlours will not resolve concerns – citing Toronto’s challenges;
- Respondents that are local business owners commented that if only RMTs are permitted to offer massage services, their businesses will be negatively impacted or forced to shut down;
- Some respondents believe that there is a demand in the community for alternative massage service providers that are not as expensive as RMTs;
- Some respondents believe that a less stringent licensing framework will better support economic opportunities for migrant workers who may not have the means to pursue formal training as a RMT; and
- Some respondents believe that licensing regulations are not the solution to human trafficking, however, they can assist in disrupting the industry or increasing barriers to prevent human trafficking from occurring in Newmarket.

### **Feedback Received from York Regional Police**

Both prior to and following the Council Workshop on March 8, 2021, Town staff engaged with York Regional Police (YRP) to receive their input. A YRP Detective was also a co-presenter at the February 16, 2021 PIC conducted by Town staff. When most recently asked for input pertaining to the four options presented at the Council Workshop, YRP representatives cited Options #2 or #3 as being favoured when circulated within the Drug and Human Trafficking Division. However, it is relevant to note that YRP representatives commented that no one option is recommended by York Regional

Police: all options appear to have pros and cons and any option selected will have enforcement capabilities to better support both by-law and police efforts, alike.

### **Additional Feedback Received**

In addition to the above consultation methods, Town staff also engaged with six community advocacy groups and five local business owners to receive their feedback.

### **Options for Council's Consideration**

In an effort to mitigate growing public concern and to enhance the overall licensing framework for our community, this report presents options for Council's consideration to modernize regulations pertaining to all massage service providers within the Town of Newmarket. However, it is relevant to note that during the Council Workshop held on March 8, 2021, four options were presented to Council as possible options to address community concern. After further consultation, Town staff has eliminated two of the four options initially presented, as all forms of consultation did not strongly support Option #3 or Option #4.

### **Current Licensing Framework for Body Rub Parlours and Registered Massage Therapists**

Under the Town's current licensing framework for body rub parlours, persons with no qualifications are permitted to operate by obtaining a body rub parlour business licence. A capped total of two business licences can be issued by the Town. Any person who demonstrates some level of qualifications is permitted to apply for and obtain an exemption permit in order to operate within the permitted use zones (General Employment and Heavy Employment), with additional setback restrictions imposed.

Registered Massage Therapists (RMTs) are regulated by the province and are not classified as a 'body rub parlour', therefore not required to obtain a business licence in order to offer their services. As part of this regulatory review, Town staff are also proposing to exempt RMTs from a licensing framework at this time. However, they are still required to comply with applicable zoning regulations pursuant to the Town's Zoning By-law.

### **Option #1 (Recommended)**

**Repeal Body Rub Parlour classification and replace it with a new classification, which introduces standards of training qualifications for all massage service providers.**

By selecting this option, the following regulations could be further explored as follows:

- Any business owner seeking to obtain a business licence would be required to submit proof of some form of qualifications for every attendant offering massage services;

- Standards for the type of training qualifications accepted would be further explored and considered through the proposed regulatory framework presented at a later date;
- Advertising requirements, including messaging, would be regulated;
- A strongly vetted application process, including pre-interview audits, would be conducted prior to the issuance of a business licence to ensure business practices align with this new classification;
- All businesses will be inspected prior to the issuance of a business licence to ensure all criterion has been met; and
- Specific regulations will be explored during the regulatory framework process to ensure that the health and safety of residents and workers, alike, is addressed.

Under this proposed option, there are also zoning implications which will require amendments to the Town's Zoning By-law 2010-40. The recommended amendments for this option would be as follows:

- Repeal the definition of "body rub parlour";
- Repeal body rub parlours as a permitted use under the General Employment (GE) and Heavy Employment (HE) zones; and
- Introduce a new term and classification for massage service providers and explore new permitted use zones as part of the regulatory framework process.

### **How does Option #1 align with the feedback received?**

1. Local business owners, community advocacy groups, and the general public all provided input that there is a stigma associated with the term 'body rub parlour' and strong support exists to break such stigmas associated with the terminology.
  2. Support for increasing our community's standards by requiring some form of training qualifications be provided in order to offer massage services.
  3. Concerns were raised regarding the ability for Town staff to ensure businesses do not obtain a business licence under false pretenses.
    - A stringent application process, including a pre-interview audit and inspection proposes to address this.
    - A new regulatory framework, utilizing the Administrative Monetary Penalty System, would more strongly support staff's enforcement initiatives to ensure all businesses comply with the regulations imposed.
1. Considerations in relation to Option #1 and the feedback received Concerns exist for the level of training standards to be imposed.
    - Feedback was received that many workers in the massage service industry are migrant workers and their ability to obtain proper training is limited and would therefore restrict them from being able to operate.

2. Concerns that stronger enforcement efforts or over-policing can lead to other systemic issues that can be discriminatory in nature.
  - Recommendations were received to be less restrictive and to not be punitive with enforcement efforts.

**Option #2: Adopt two classifications for massage service providers: maintain the body rub parlour classification for persons with no training qualifications, while introducing a new classification for persons with some form of training qualifications.**

By selecting this option, the following regulations could be further explored as follows:

- A new classification of massage service providers would be introduced and would mirror the proposed regulatory framework provided under Option #1 above;
- The body rub parlour classification would be revamped and the following regulatory framework would be further explored:
  - Requiring no training qualifications for any attendants performing services;
  - A less stringent application process would be proposed;
  - Current zoning restrictions would be reviewed to determine if amendments are required or recommended; and
- Specific regulations will be explored during the regulatory framework process to ensure that the health and safety of residents and workers, alike, is addressed.

**How does Option #2 align with the feedback received?**

1. Addresses the comments regarding migrant workers potentially not having any training qualifications to operate their business.
2. Establishes a less stringent application and enforcement process for the body rub parlour classification while simultaneously increasing standards for other alternative massage service providers.

**Considerations in relation to Option #2 and the feedback received**

1. Does not eliminate the stigma associated with the term 'body rub parlour'.
2. A less restrictive or vetted application and enforcement process may lead to locations offering sexual services, services that are erotic in nature, or potentially remain a front for criminal activity.
3. Enforcement challenges may arise for ensuring businesses are not obtaining a business licence under false pretenses.

## Conclusion

After completing a rigorous public consultation process, Town staff has recognized that no 'one-size fits all' model can be applied to a regulatory framework for massage service providers within the Town of Newmarket. Varying models exist across different municipalities to reflect that particular community's specific needs or expectations. Town staff has also recognized that, within Newmarket, there are a wide range of recommendations being proposed with conflicting views on how best to approach this matter.

Town staff believes that Option #1 most closely reflects the feedback received during public and stakeholder engagement, in addition to the feedback received from other municipalities on the enforceability of the framework. Similarly, Option #2 mirrors the rationale referenced above regarding Option #1, but also proposes to allow massage service providers who are unable to obtain the proper training qualifications to operate a business in Town. However, Option #2 does not address feedback received surrounding increasing community standards or removing the stigma associated with the term and practices of a 'body rub parlour', and for this reason it is not recommended by Town staff.

## Next Steps

After receiving direction from Council, Town staff will present a draft by-law with proposed regulations at the June 14, 2021 Committee of the Whole meeting.

## Business Plan and Strategic Plan Linkages

This report aligns with the Town's mission to make Newmarket *Well Beyond the Ordinary* through continuous improvements and review of the regulatory and licensing frameworks.

## Consultation

Consultation has been completed through research or direct correspondence with all York Region municipalities, Brampton, Guelph, Hamilton, London, Oakville, Toronto, and Windsor.

Public and stakeholder engagement has been completed as follows:

- two surveys circulated online via HeyNewmarket from January 22 – April 12, 2021;
- a Public Information Centre held on February 16, 2021; and
- direct consultation with five local business owners and six community advocacy groups.

Further consultation has also been completed with York Regional Police and Central York Fire Services to incorporate their feedback and recommendations into the proposed options presented in this report.

The Town's Planning and Legal departments have also been consulted, in addition to an external legal opinion being provided to verify the options presented in this report.

## **Human Resource Considerations**

None.

## **Budget Impact**

None.

## **Attachments**

**Attachment #1** – Raw Data Survey Results

## **Approval**

Lisa Lyons, Director/Town Clerk, Legislative Services

Esther Armchuk, Commissioner, Corporate Services

## **Contact**

Flynn Scott, Manager of Regulatory Services at [fscott@newmarket.ca](mailto:fscott@newmarket.ca)



# Massage Services (Body Rub Parlour) Review Survey

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## SURVEY RESPONSE REPORT

25 January 2021 - 23 February 2021

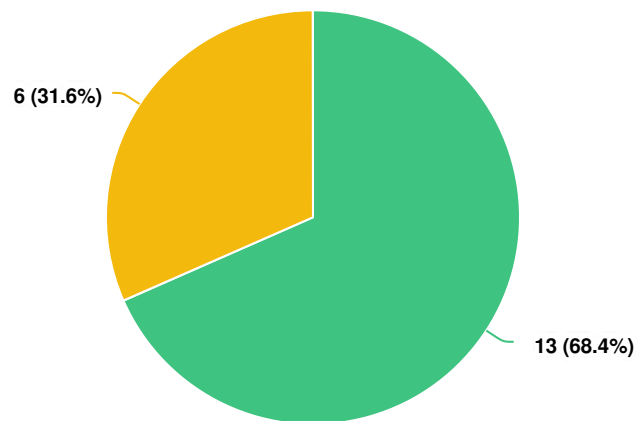
### PROJECT NAME:

Body Rub Parlour By-Law



# SURVEY QUESTIONS

**Q1** Are you a resident of Newmarket?

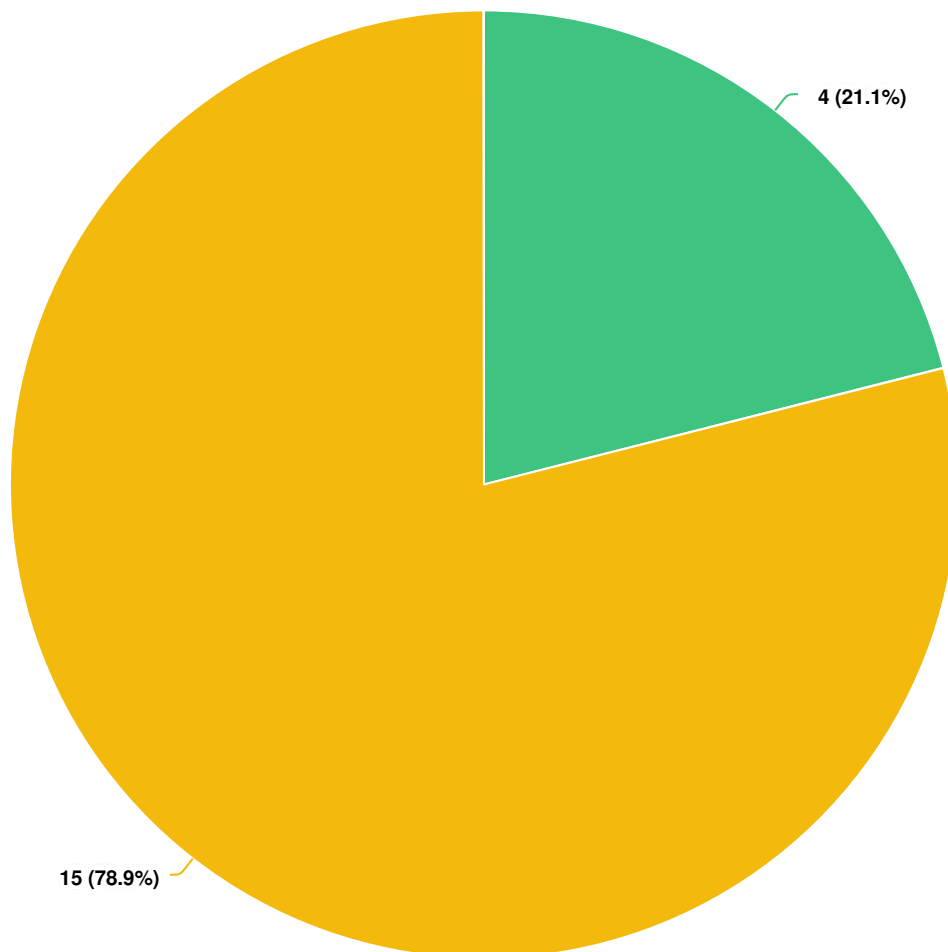


**Question options**

☒ Yes ☐ No

*Mandatory Question (19 response(s))  
Question type: Radio Button Question*

**Q2** | Do you own a business that offers massage services in Newmarket?

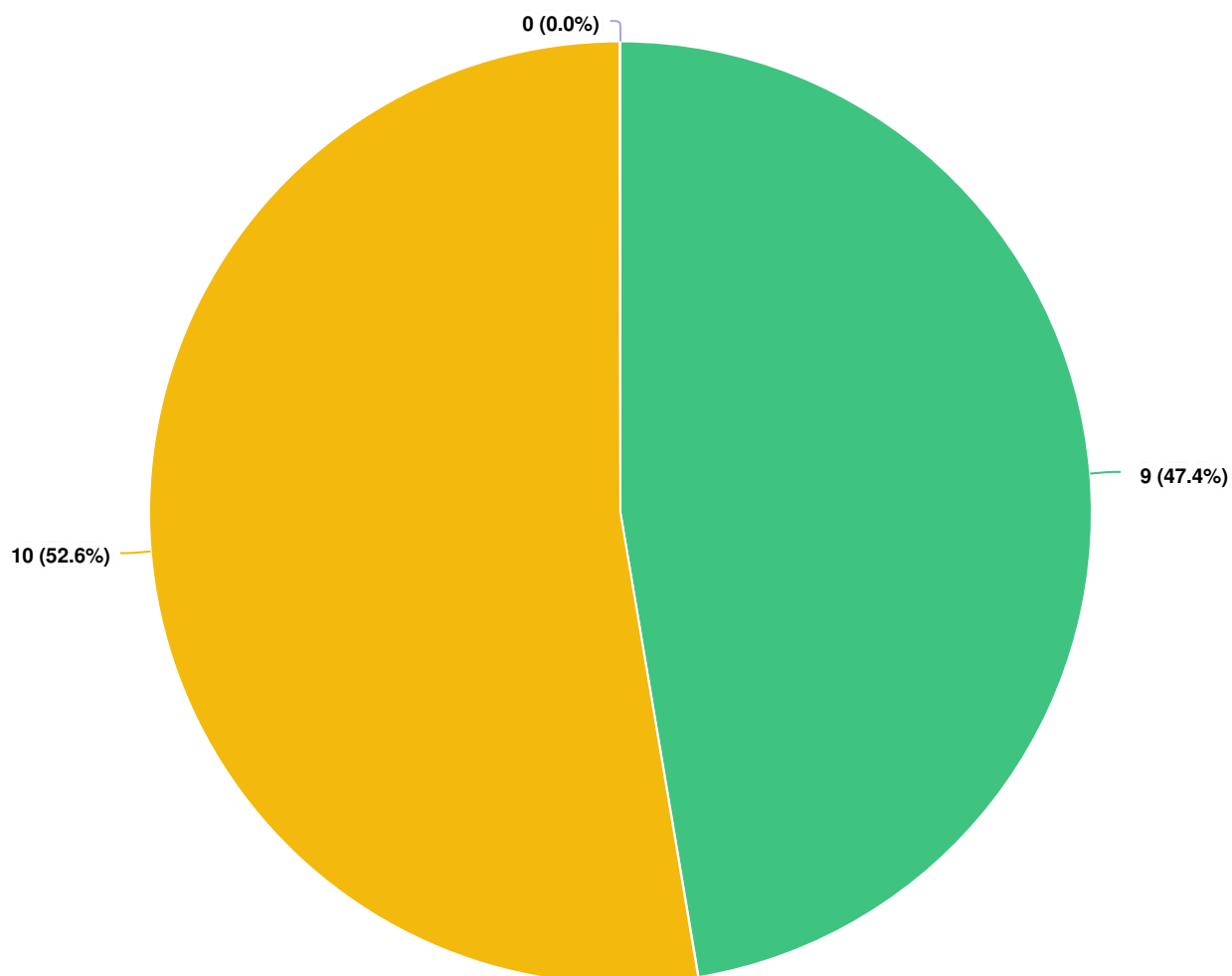


**Question options**

☒ Yes ☐ No

*Optional question (19 response(s), 0 skipped)  
Question type: Radio Button Question*

**Q3** | Have you ever paid for a massage by a person who is not a Registered Massage Therapist?

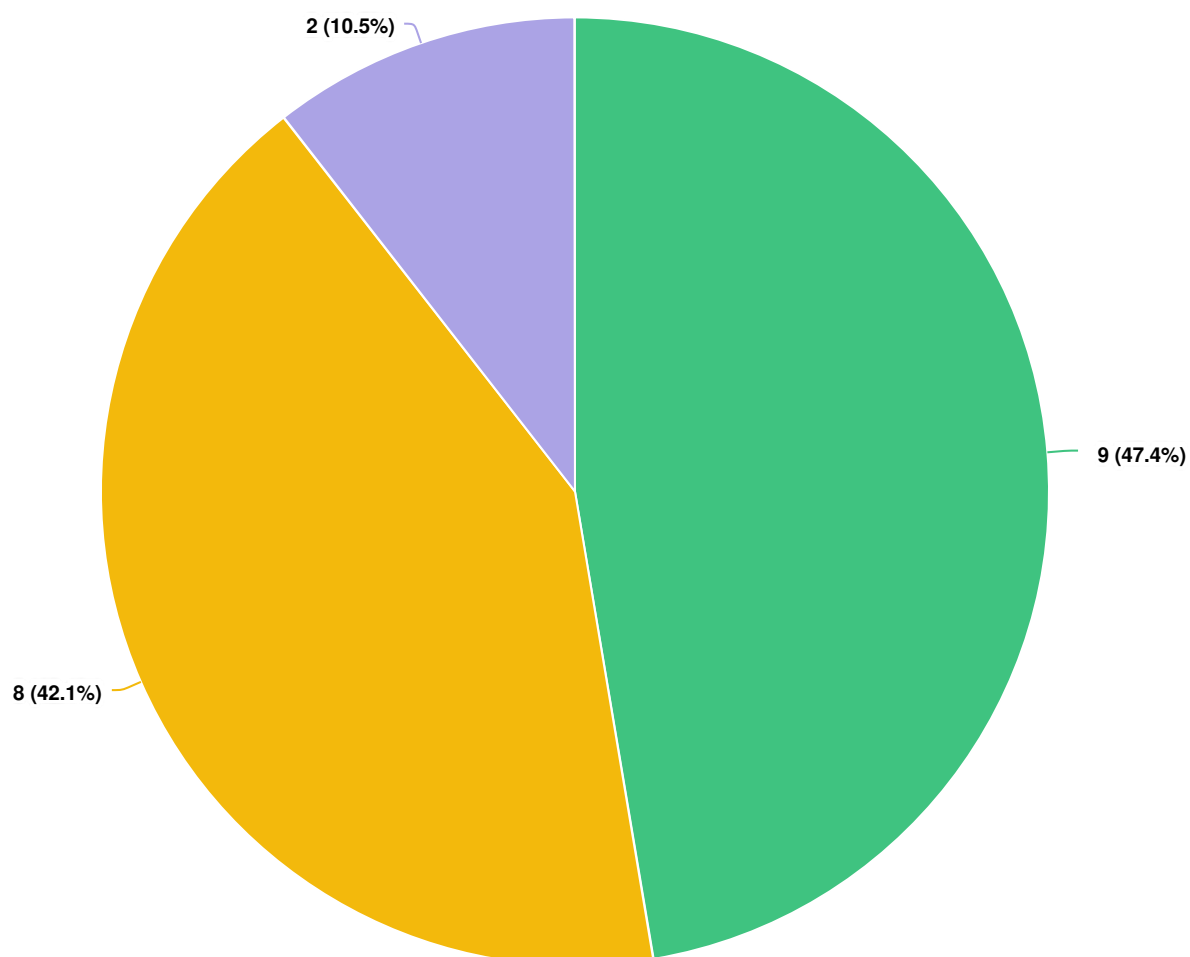


**Question options**

☒ Yes ☒ No ☐ Not sure

*Optional question (19 response(s), 0 skipped)*  
*Question type: Radio Button Question*

**Q4** Are you familiar with the existing Body Rub Parlour regulations in Newmarket?



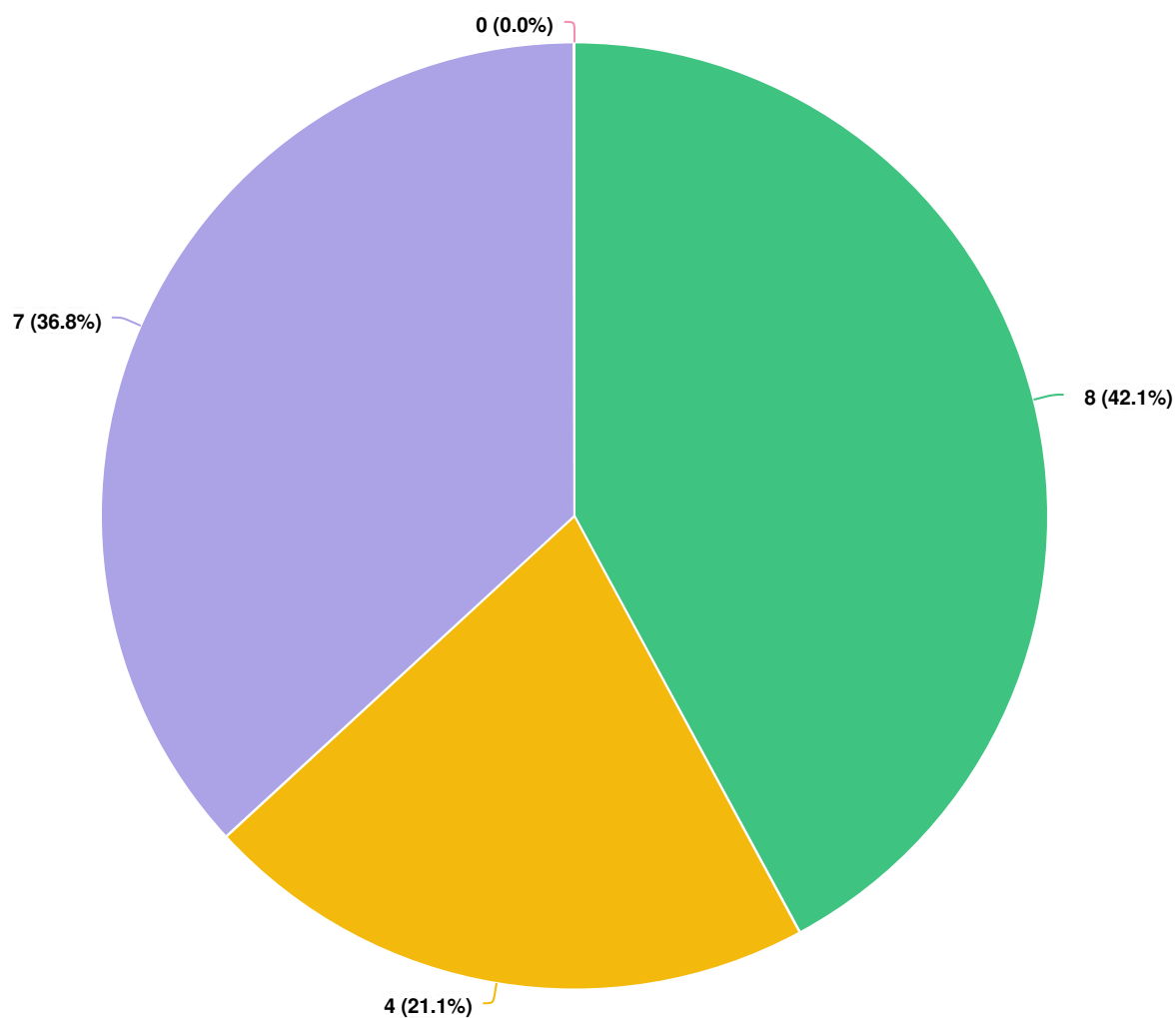
**Question options**

☒ Yes ☐ No ☐ Not sure

*Optional question (19 response(s), 0 skipped)*

*Question type: Radio Button Question*

**Q5** Are you satisfied with the Town's current regulations on Body Rub Parlours?



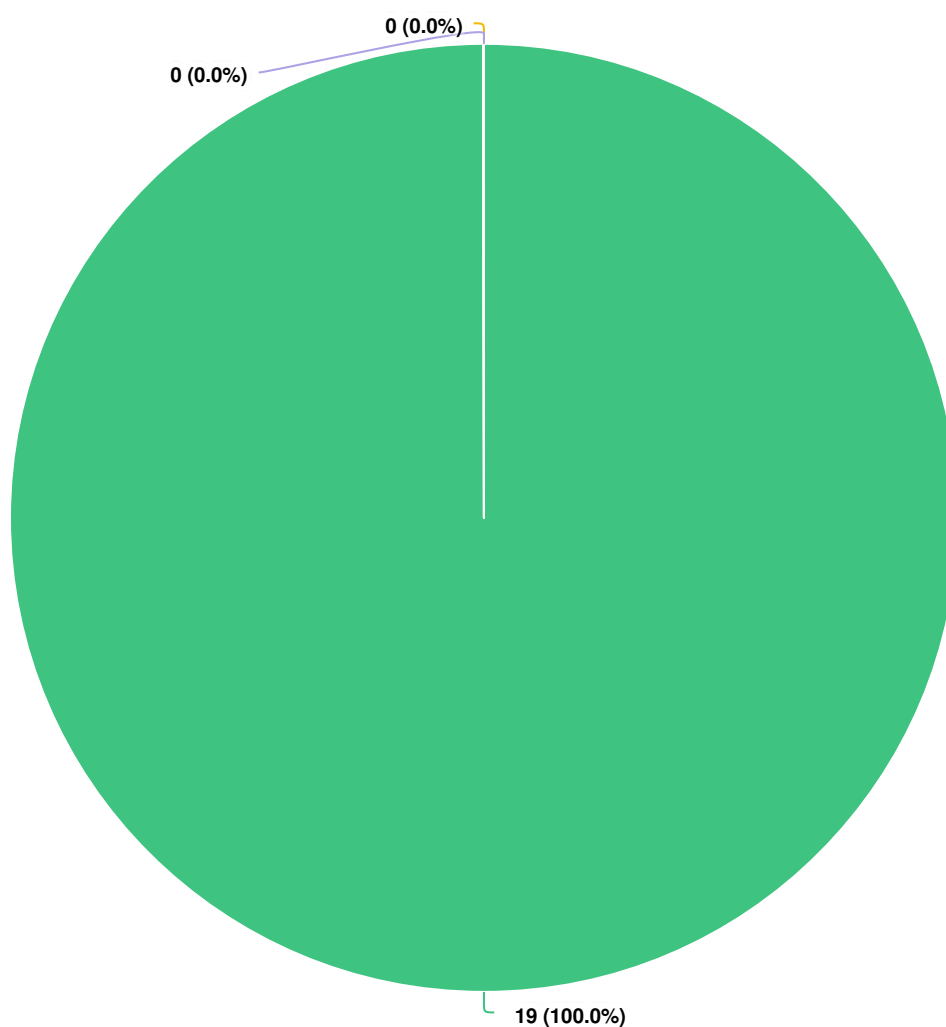
**Question options**

☒ No ☒ Undecided ☒ Not familiar with existing regulations ☐ Yes

Optional question (19 response(s), 0 skipped)

Question type: Radio Button Question

**Q6** | The current Town of Newmarket Body Rub Parlour By-law classifies massage services not offered by regulated health professionals (i.e. Registered Massage Therapists) as 'body rub parlours'. It is important to distinguish between body rub parlours an...



**Question options**

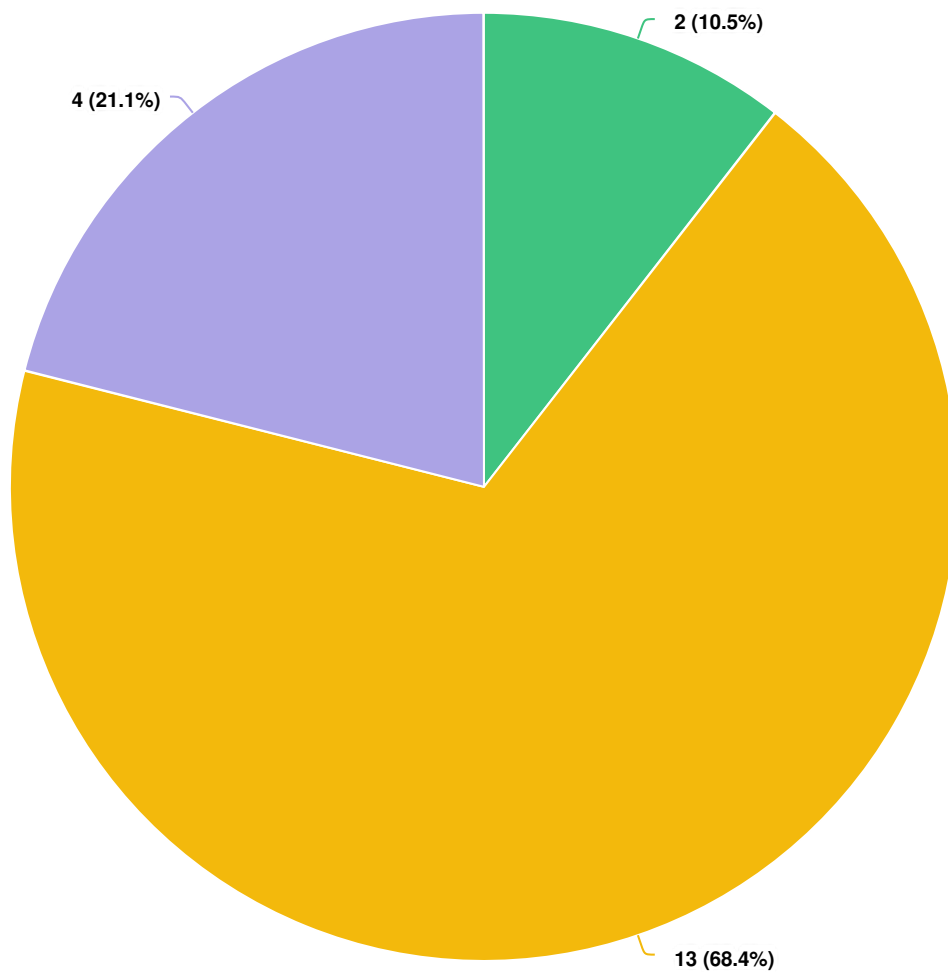
☒ Yes ☐ No ☐ Undecided

Optional question (19 response(s), 0 skipped)  
Question type: Radio Button Question





**Q7** | The Municipal Act (provincial legislation) does not allow municipalities to flat out ban certain classifications of business by by-law. The Town's current Zoning By-law allows body rub parlours to be located here: Do you feel the current zoning regu...



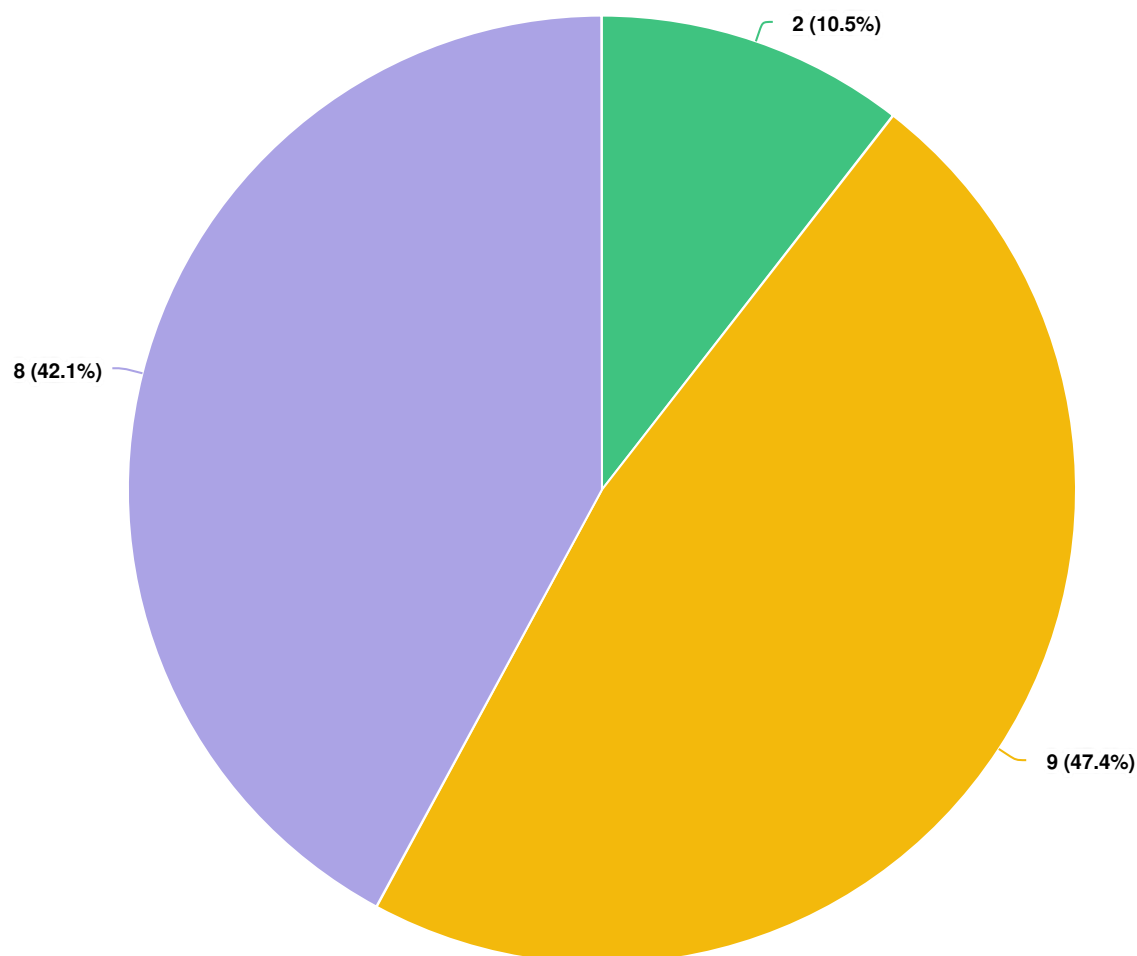
**Question options**

● Too restrictive    ● Not restrictive enough    ● Appropriate

*Optional question (19 response(s), 0 skipped)*  
*Question type: Radio Button Question*



**Q8** The current Town of Newmarket Body Rub Parlour By-law restricts the number of business licences to two. Do you feel this is:



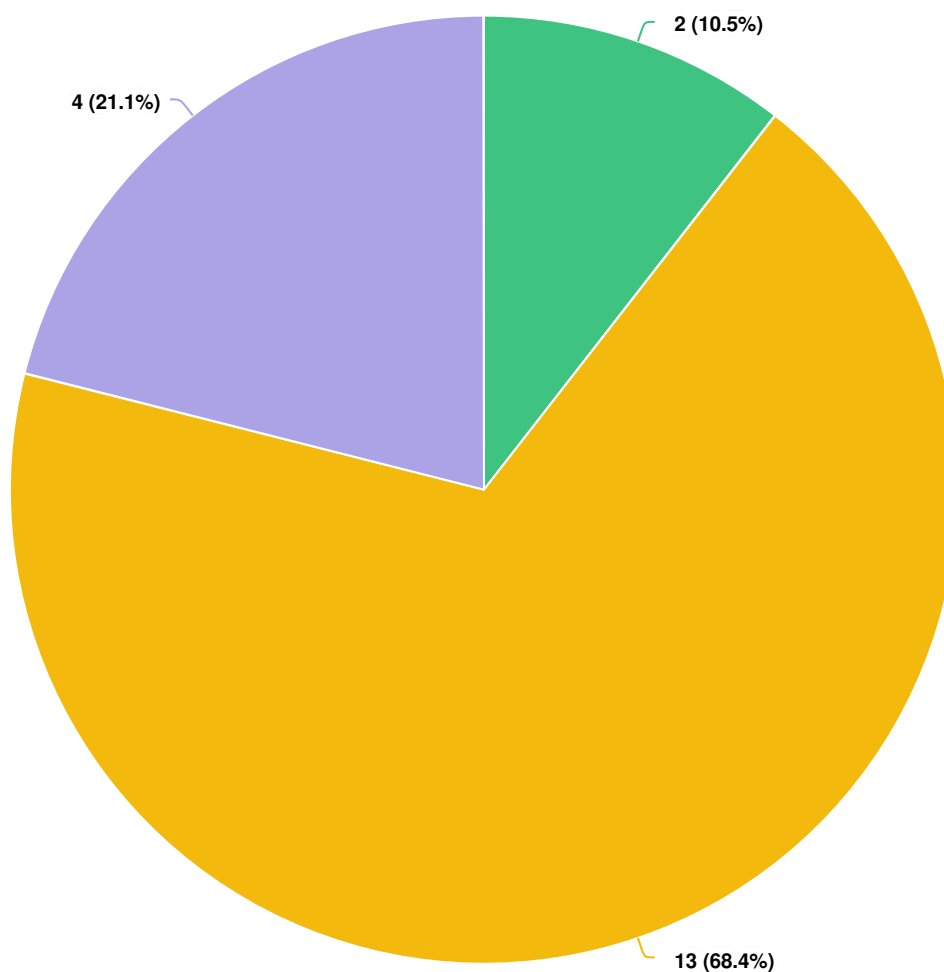
**Question options**

☐ Too restrictive ☐ Not restrictive enough ☐ Appropriate

*Optional question (19 response(s), 0 skipped)*

*Question type: Radio Button Question*

**Q9** | The Town's current Body Rub Parlour By-law permits hours of operation to be 11:00am until 11:59pm. Do you feel these hours are:





**Question options**


☐ Too restrictive    ☒ Not restrictive enough    ☐ Appropriate


*Optional question (19 response(s), 0 skipped)*  
*Question type: Radio Button Question*


**Q10 Do you have any additional comments?**


  
1/25/2021 01:28 PM  
I hope that zoning regulations will be changed for the area around the new mulock go station as this area develops in time.


  
1/25/2021 04:00 PM  
All touch therapies should be performed by health care professionals who have standards and a regulatory body I think it is important to be as restrictive as possible to curb body rub parlours ( human trafficking in many cases) to bypass rules. I would hate to see Newmarket dilute its moral integrity by not facing this incoming problem head on.


  
1/25/2021 09:44 PM  
Must implement heavy penalties associated with sex parlours operating under a legitimate business umbrella.


  
1/26/2021 07:32 PM  
Canada's Criminal Code Section 286.2 states: Receiving a financial or other material benefit obtained by or derived from the commission of the purchasing of sex is a criminal offence. It is illegal to earn money by owning, managing or working for a commercial enterprise, such as a strip club, massage parlour or escort agency, knowing that sexual services are purchased there.


  
2/01/2021 03:47 PM  
We fully support creating a distinction between body rub parlors and businesses that have regulated, certified practitioners that receive accreditation from a school or program specifically training how to perform proper massage. We feel this distinction would help the public distinguish between body rub parlors and establishments such as day spas.


  
2/08/2021 11:21 AM  
Let people do what they want as long as No one is being hurt. Stop stigmatizing sex work

  
2/08/2021 01:04 PM  
I am fully aware of a body rub parlor operating within 500 meters of Davis Drive and in a residential area. This has been reported for years yet they have never been relocated or shut down even thru mandated shutdowns.

  
2/08/2021 06:40 PM  
For the safety and protection of the workers, these facilities should be completely shut down. These facilities enslave workers who are victims of human / sex trafficking. It is unconscionable that these facilities are able to exist and thrive.

  
2/08/2021 08:12 PM  
I think body rub parlours should be banned outright. They take advantage and exploit women, some of whom may be human trafficked or vulnerable members of society.

  
2/17/2021 04:40 PM  
These are not the type of businesses that we want in the town.

  
Body rub parlor should not use their service name include word massage.

2/19/2021 08:17 PM

This will lead to misunderstandings about massage services.

**Optional question** (11 response(s), 8 skipped)

**Question type:** Essay Question

# Body Rub Parlour Survey - Phase 2- Reviewing Potential Options

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## SURVEY RESPONSE REPORT

24 May 2018 - 12 April 2021

### PROJECT NAME:

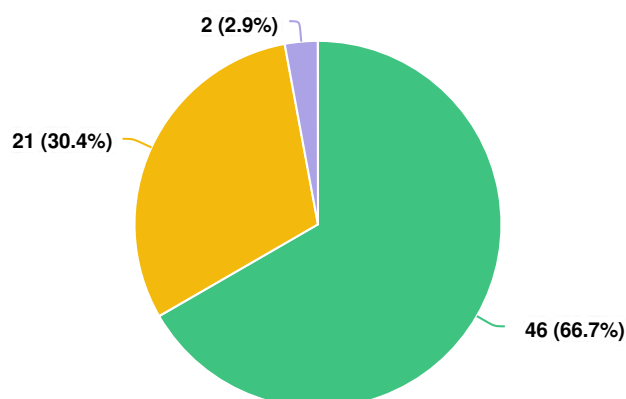
Body Rub Parlour By-Law





# SURVEY QUESTIONS

**Q1** Are you a resident of Newmarket?

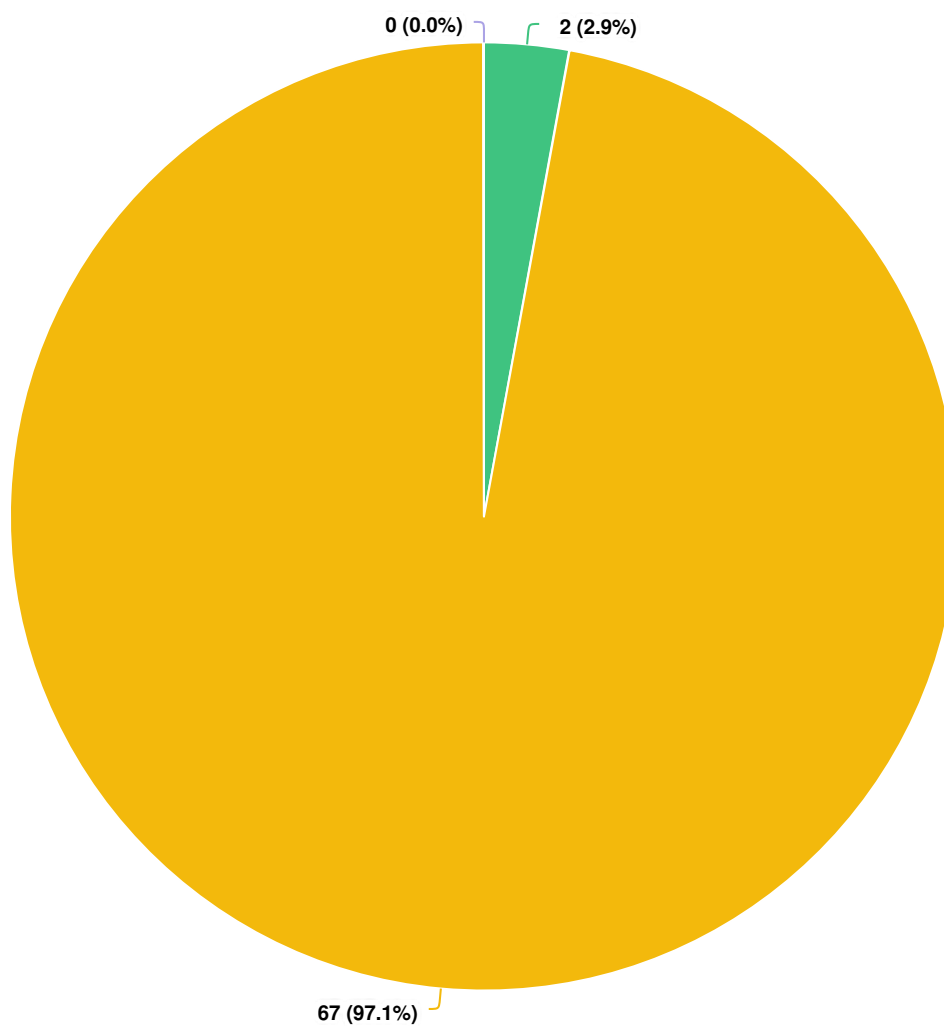


**Question options**

● Yes ● No ● Option 3

*Mandatory Question (69 response(s))  
Question type: Radio Button Question*

**Q2** | Do you own a business that offers massage services in Newmarket?

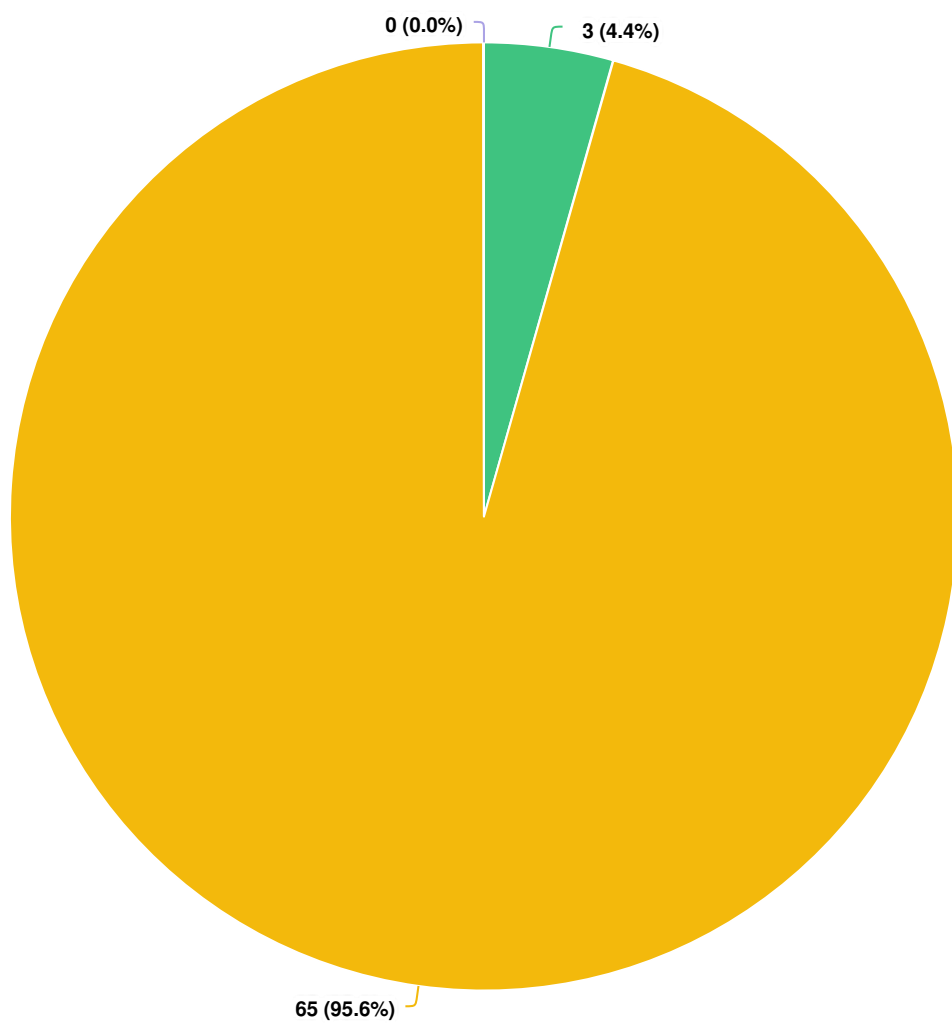


**Question options**

☒ Yes ☒ No ☐ Option 3

*Mandatory Question (69 response(s))  
Question type: Radio Button Question*

Q3 Do you work in a business that offers massage services in Newmarket?

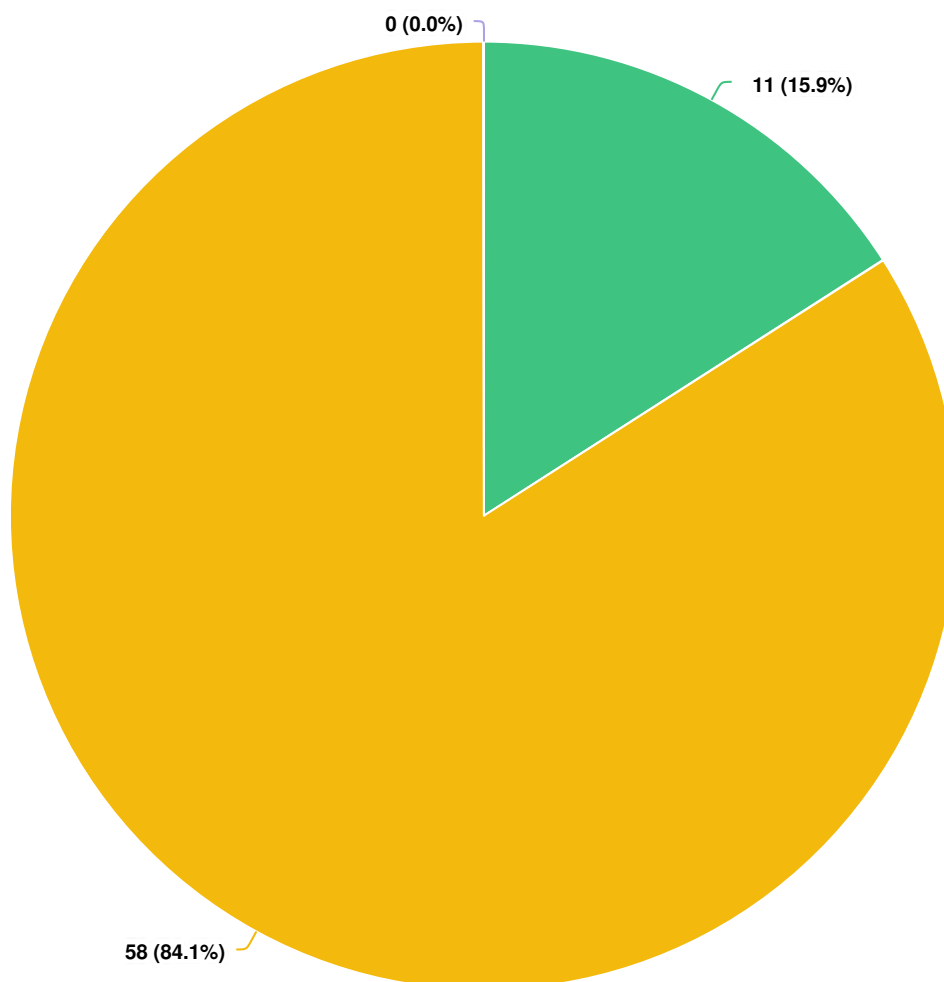


Question options

Yes No Option 3

Optional question (68 response(s), 1 skipped)  
Question type: Radio Button Question

**Q4 | Have you gotten massages from service providers other than Registered Massage Therapists in Newmarket?**

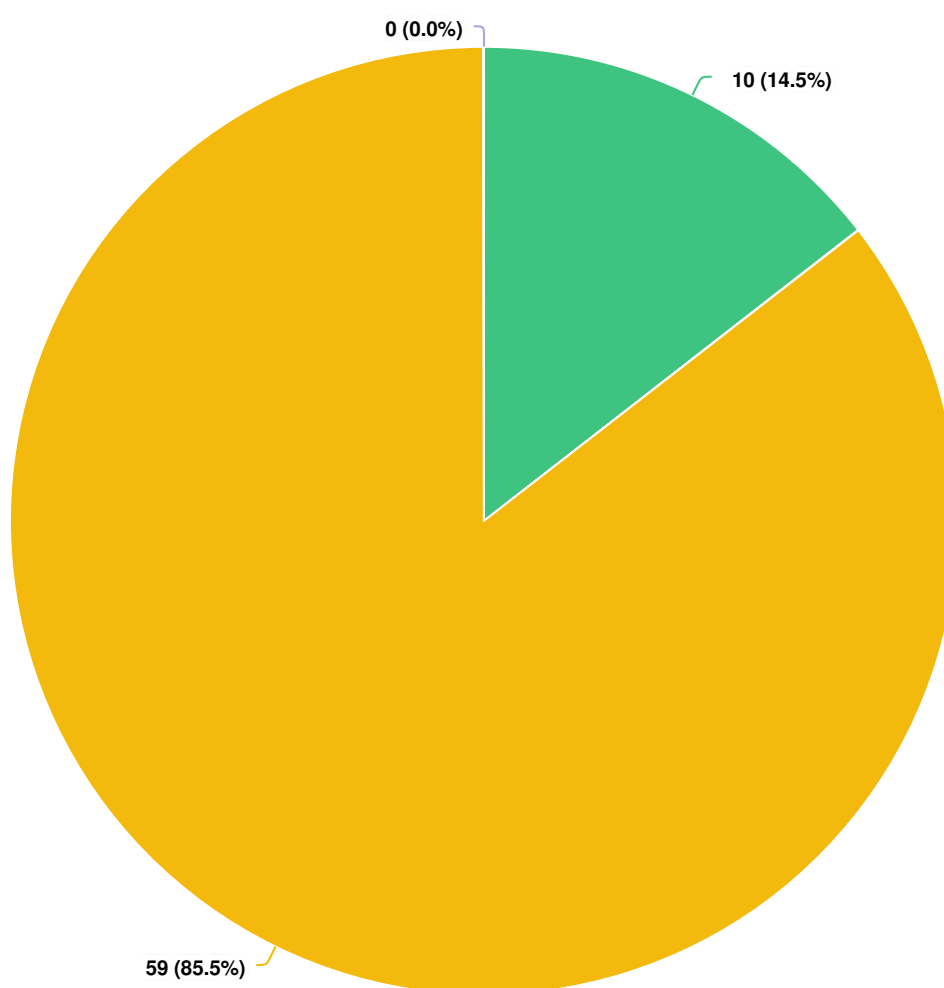


**Question options**

☒ Yes ☒ No ☐ Option 3

*Optional question (69 response(s), 0 skipped)*  
*Question type: Radio Button Question*

**Q5** | Do you believe the Town of Newmarket should allow businesses to offer any form of massage that appeals to sexual appetites? For greater clarity this does not include the purchase or sale of sex, but does include massages that are erotic in nature.



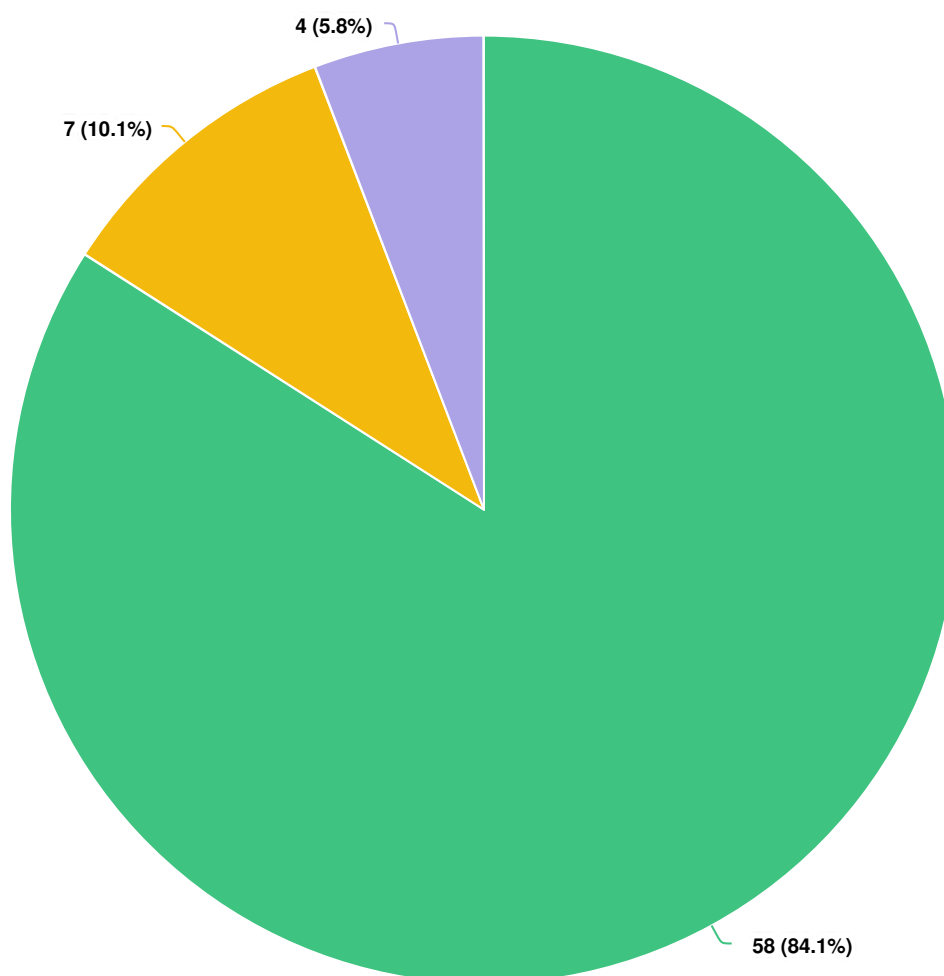
**Question options**

☒ Yes ☒ No ☐ Option 3

Optional question (69 response(s), 0 skipped)  
Question type: Radio Button Question



**Q6** | Do you believe the Town should require massage service providers to have some form of training qualifications?



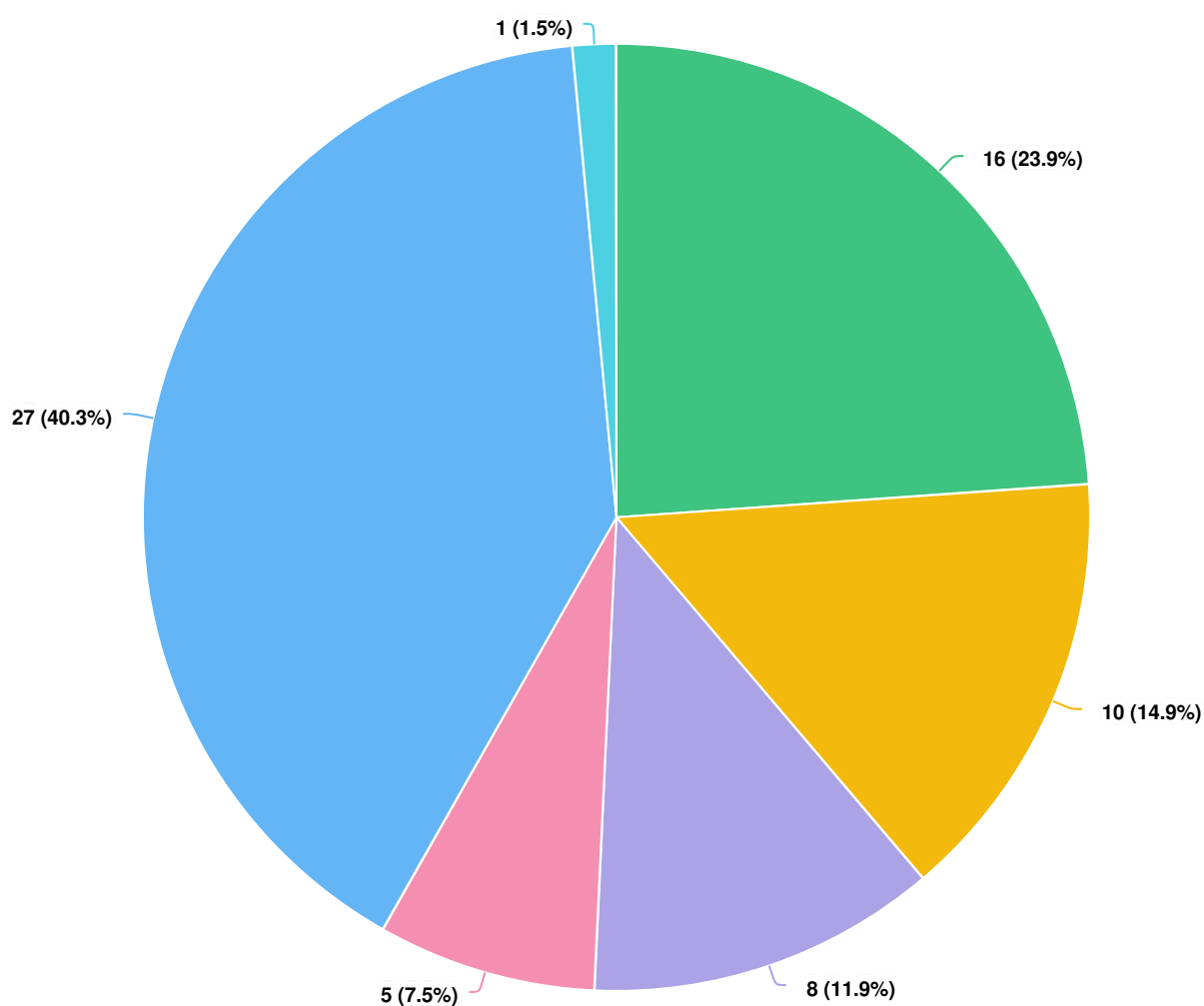
**Question options**

● Yes ● No ● Option 3

*Optional question (69 response(s), 0 skipped)*  
*Question type: Radio Button Question*



**Q7** During a Council Workshop held on March 8, 2021, Town staff presented 4 potential options for a licensing framework for massage service providers. Please review a summary of each option prior to responding to the next question. Option 1: All massage...



**Question options**

Option 1 Option 2 Option 3 Option 4 None of the above Not sure

Optional question (67 response(s), 2 skipped)  
Question type: Radio Button Question

**Q8** Please note that all options are in their early infancy of development and there are several opportunities for future engagement regarding a specific regulatory framework for massage services.If you would like to be updated on this review or notified of any future reports to council please provide your email address:

[REDACTED]

3/24/2021 09:58 PM

[REDACTED]

[REDACTED]

3/30/2021 08:44 AM

[REDACTED]

[REDACTED]

3/30/2021 09:45 AM

[REDACTED]

[REDACTED]

3/30/2021 09:53 AM

[REDACTED]

[REDACTED]  
4/04/2021 08:22 AM

[REDACTED]

[REDACTED]  
4/06/2021 11:19 AM

[REDACTED]

[REDACTED]  
4/06/2021 05:19 PM

[REDACTED]

[REDACTED]  
4/06/2021 05:48 PM

[REDACTED]

[REDACTED]  
4/06/2021 08:18 PM

[REDACTED]

[REDACTED]  
4/07/2021 05:11 AM

[REDACTED]

[REDACTED]  
4/07/2021 07:58 AM

[REDACTED]

[REDACTED]  
4/07/2021 08:20 AM

[REDACTED]

[REDACTED]  
4/07/2021 09:20 AM

[REDACTED]

[REDACTED]  
4/07/2021 09:41 AM

[REDACTED]

[REDACTED]  
4/07/2021 09:27 PM

[REDACTED]

[REDACTED]  
4/09/2021 11:54 AM

[REDACTED]

[REDACTED]  
4/09/2021 11:59 AM

[REDACTED]

[REDACTED]  
4/11/2021 01:12 PM

[REDACTED]

[REDACTED]  
4/12/2021 01:04 PM

[REDACTED]

**Optional question** (19 response(s), 50 skipped)

**Question type:** Email Question

**Q9** | Please leave any further comments below:

[REDACTED]

3/24/2021 09:58 PM

I am completely opposed to any kind of erotic massage business operating in Newmarket. The reality is that even with the best of intentions and most comprehensive regulations, due to the nature of the sex trade, a few realities emerge: (1) these massage parlors eventually covertly operate as brothels offering full-service sex work; (2) these massage parlors are often operated to the benefit of organized crime operators; (3) these massage parlors contribute greatly to the trafficking and victimization of women; and (4) as a result of the above, studies have shown that the presence of massage parlors is associated with crime and physical disorder in nearby neighborhoods. There have been posts on the Stonehaven community Facebook group of neighbors observing disorderly behavior of a nearby body rub parlor patron (the patron was verybally harassing a random girls that happened to be in the vicinity of the establishment, because he could not get in) For these reasons I believe Newmarket should aim to enact a bylaw completely prohibiting the establishment of body rub parlors in city limits.

Anonymous

3/29/2021 02:58 PM

No sexually exotic services should ever be provided and licensed in Newmarket - this is often just a form of sex trafficking and modern slavery that is often legalized. Please protect those who have are being trafficked and stop all body rub parlours.

Anonymous

3/30/2021 08:44 AM

Body massage parlors whether for Wellness Center or Erotic in Nature should be prohibited, these places are usually fronts for prostitution, and some of these people are young children held as sex slaves. Who will take the responsibility that ANYONE that either works there or uses the facility will not be exploited.

Anonymous

3/30/2021 09:45 AM

I currently own a spa in Newmarket, I went to Seneca College, my part time Esthetician went to Newmarket's Canadian Beauty College and the other to Humber College. I also teach esthetics and massage at Humber College. We are highly trained therapists who love what we do. I would look at leaving Newmarket if I can no longer massage since I cant find RMT's and massage is 70% of my business.

Anonymous

3/30/2021 09:08 PM

It is clear that the "massage services that appeal to sexual appetites and are erotic in nature", do indeed constitute the purchase of sexual services. This should not be considered a legal business and should therefore not be licensed at all anywhere in Ontario. To be clear, to license this in Newmarket is to approve of sexual trafficking. This is a racket run by criminals and as a city, we would be complicit in victimizing these young ladies.

Anonymous

3/31/2021 12:47 PM

Body Rub Parlours are known for participating in underlying issues of selling women's bodies for sexual transactions. Whether they're permitted or not, these are the premises that start this kind of activity. The fact that we allow for this type of activity in our town is reproachable. Human trafficking is a very serious issue, and to allow for these parlours to function with certain permits says that we are ok

with these activities and putting our most vulnerable at risk. Please remove any ability to operate these "businesses" legally.

Anonymous

4/03/2021 11:37 AM

Any unlicensed body massage parlour has the potential for sexual abuses. I believe it is in the best interest of our youth that we protect them from places that could be abusing them

Anonymous

4/05/2021 11:32 AM

None of these options are suitable because they are in direct contravention of Protection of Communities and Exploited Persons (PCEPA). All of the options decriminalize buying sexual services through legislative process. Most egregiously there is zero mention about curbing trafficking and exploitation which is rampant in adult entertainment categories: body rub, personal wellness centers, holistic spas etc. It is sickening that these options are being proposed at the risk of women and girls who will be recruited and trafficked as a result of body rub parlours being licenced and promoted. The suggestion that "an erotic massage does not include the purchase or sale of sex" is insanity. Anyone put in a position to make decisions and proposals on behalf of a community should be a well aware of what really happens at body rub parlours, and who you are victimizing by promoting their licensing. The Town of Newmarket should be focussing their efforts on the human trafficking and sex trafficking that that is occurring under their noses in their community.

Anonymous

4/06/2021 10:46 AM

I think there are not enough regulations and if we don't set a foundation first, women and girls will exploited and abused. It will then be

Anonymous

4/06/2021 11:19 AM

seen as normal behavior which it is not. I am concerned for the next generation.

Licensed practitioners with professional designations are the only individuals who should be permitted to perform massages under the current licensing (RMT's). We need to be rigorous in our licensing and in the words we use so that exploitation and trafficking cannot occur under the auspices of a licensed business. The government also needs to deploy a sufficient number of personnel to regularly monitor these businesses and to work with police to ensure that no illegal activity, misconduct, abuse, exploitation, or trafficking takes place within properly licensed establishments. Municipal governments need to:

- 1) Immediately place a cap on the body rub category of licenses.
- 2) Not further broaden this category to include any of the proposed options within the survey or any services appealing and providing adult entertainment services (i.e., a massage that may be erotic in nature and appeals to sexual appetites). At this time, there are not enough safeguards or structures in place to facilitate the rapid expansion this could create.
- 3) Establish appropriate categories for already regulated professions, chiropractors, podiatrists, naturopaths, lifestyle medicine, etc.
- 4) Assist businesses to be rightly classified within those categories.
- 5) Train all staff that intersect with the body rub category to recognize and report human trafficking.
- 6) Provide ongoing, consistent funds specifically to combat sexual exploitation and human trafficking within licensed facilities. This should at least include

a hotline that licensed holders can use to call and lodge anonymous complaints or report incidences of human trafficking and human rights violations. 7) Revoke existing licenses for major bylaw infractions. 8) Establish multidisciplinary teams used when inspecting facilities including survivors/experiential women of the industry and social workers as a team.

Anonymous

4/06/2021 02:46 PM

All options you have provided will allow for the sexual exploitation of women and girls. This is intolerable. Such businesses have no place in society. Their existence is a shame for Canada.

Anonymous

4/06/2021 03:18 PM

Just do what's best for vulnerable people who are trafficked in these establishments. Please don't be fooled by the guise of "wellness".

Anonymous

4/06/2021 03:54 PM

I don't believe it's okay to allow a business, categorized by whatever label, to sell a person as a service. These things that "appeal to sexual appetites" require the sale of another human being, and that is immoral by all standards. We as a society should stand up for people's dignity. I hope that our governing body can see that these types of services are degrading to both women and men, and do not produce any positive outcomes for those involved.

Anonymous

4/06/2021 04:17 PM

I believe the following steps should be taken instead of the proposed options: 1. Immediately place a cap on the body rub category of licenses. 2. Not further broaden this category to include any of the proposed options within the survey or any services appealing and providing adult entertainment services (i.e., a massage that may be erotic in nature and appeals to sexual appetites). At



this time, there are not enough safeguards or structures in place to facilitate the rapid expansion this could create. 3. Establish appropriate categories for already regulated professions, chiropractors, podiatrists, naturopaths, lifestyle medicine etc. 4. Assist businesses to be rightly classified within those categories. 5. Train all staff that intersect with the body rub category to spot and report human trafficking. 6. Provide ongoing, consistent funds specifically to combat sexual exploitation and human trafficking within licensed facilities. This should at least include a hotline that license holders can use to call and lodge anonymous complaints or report incidences of human trafficking and human rights violations. 7. Revoke existing licenses for major bylaw infractions. 8. Establish multidisciplinary teams used when inspecting facilities including survivors/experiential women of the industry and social workers as a team.

Anonymous

4/06/2021 05:48 PM

As a survivor of human trafficking, I can assure you that 'Body Rub Parlour' cannot be operated without sexual services. What the Town of Newmarket is considering right now is generating revenue by exploiting women. Once Newmarket allows the operation of Body Rub Parlour, trafficking will be skyrocketed. "Erotic in nature" is a joke. A man who is aroused by the massage will unlikely end his pleasure-seeking before he ejaculates. The johns will try to touch, finger, or penetrate the masseuse without consent. How do I know? Based on my experience and the story of hundreds of women I met when I was trafficked. This type of business only contributes to

perpetuating gender-based slavery. It is violence and oppression against women. Paid rape and sexual services leave great mental and physical damages to women. I am deeply disappointed that Newmarket is even considering this. It is 2021. Wake up and listen to the voice of the oppressed.

Anonymous

4/06/2021 08:18 PM

I do not promote body rub parlours. If someone has stiff and sore muscles that is ok, but for no other reason, eg, sexual gratification, or ANY thing of that suggestion or of that nature, only for back massage, leg, arms, feet, but not peritoneal or breast area. It is not acceptable, and an infraction of human dignity, and going beyond the scope of practice.

Anonymous

4/07/2021 07:58 AM

This is not a good idea! This will exploit woman's and young Girls!! We call it the sex trade and this is not good!!!! Newmarket do not go down this road. Keep the town beautiful

Anonymous

4/07/2021 08:20 AM

Unfortunately, none of the options outlined are suitable for Newmarket. They are not suitable because they are in direct contravention of Protection of Communities and Exploited Persons (PCEPA), a federal law.

Anonymous

4/07/2021 09:20 AM

I do not believe anyone should practice massage without proper licencing.

Anonymous

4/07/2021 09:41 AM

I believe we must better protect and advocate for our women and girls (our daughters, our sisters...) Women are not commodities to be sold and exploited. I'm deeply ashamed to see that there is no mention on how you plan to curb human trafficking, which we all know is rampant in this industry and in our region. Shame on the Town of Newmarket. I have also been made aware that these options

are in direct contravention of Protection of Communities and Exploited Persons (PCEPA), a federal law. All of the options decriminalize buying sexual services through legislative process.

Anonymous

4/07/2021 10:30 AM

my concern is human trafficking. whatever is implemented must address these concerns and have approval of all workers and regular inspections to insure workers are their being paid and of their free will

Anonymous

4/07/2021 11:32 AM

Unfortunately, none of the options outlined are suitable for Newmarket. They are not suitable because they are in direct contravention of Protection of Communities and Exploited Persons (PCEPA), a federal law. All of the options decriminalize buying sexual services through legislative process. Most egregiously there is zero mention about curbing trafficking and exploitation which is rampant in adult entertainment categories: body rub, personal wellness centers, holistic spas etc.

Anonymous

4/07/2021 11:46 AM

There is no good option for this.

Anonymous

4/07/2021 12:32 PM

If you are in the business of providing massage for money, you need to be qualified. And it seems to me that we already have a system for that : an RMT

Anonymous

4/07/2021 09:27 PM

Do not want any unlicensed massage therapy in Newmarket.

Anonymous

4/08/2021 03:21 PM

We need to protect our female population.

Anonymous

4/09/2021 11:54 AM

The town should listen to the women who have been involved in these establishments and know the facts.

In all circumstances it is a business to exploit women for sex. Never ever approve its establishment in your town if you have any respect for women .

Anonymous

4/09/2021 11:59 AM

There is nothing wrong with getting a massage from an attendant that cost \$60 that is not an rmt that cost \$85 an hour. Not everyone can afford the rmt. And a lot of the wellness places aren't providing erotic massage. And it shouldn't matter to anyone else even if that was the case

Anonymous

4/09/2021 12:36 PM

Unfortunately, none of the options outlined are suitable because they are in direct contravention of Protection of Communities and Exploited Persons (PCEPA), a federal law. All of the options decriminalize buying sexual services through legislative process. Most egregiously there is zero mention about curbing trafficking and exploitation which is rampant in adult entertainment categories: body rub, personal wellness centers, holistic spas etc.

Anonymous

4/09/2021 12:39 PM

All massage businesses in Newmarket should be required to have all staff with RMT certification who perform massages.

Anonymous

4/09/2021 08:22 PM

This type of business should not exist at all. If you do not have any qualifications in my opinion you should not be given a license.

Anonymous

4/11/2021 12:13 PM

I feel we need to be very careful that there are no misunderstandings when licensing. I would hate to see so called "massage parlours" that exist in Toronto make their way to Newmarket. Although the population has grown, as a long time resident (1972), I would like to see the small town values kept.

Anonymous

4/11/2021 01:12 PM

Body rub parlours are essentially brothels owned by pimps It is a myth that body rub parlours provide a safer environment for sex workers . By licensing body rub parlours Newmarket is essentially licensing prostitution and profiting by it as well .I.e.taxes and licensing fees. Rather than being complicit in the sexual exploitation of women I believe that more time and effort should go into setting standards and licensing for legitimate wellness spas and treatments as well as bylaws that would increase the powers of inspectors and police. It is a complex issue but I also believe it is the time for Newmarket to stand up and acknowledge that women being bought and sold for sex is dehumanizing and not acceptable in Our growing and evolving town. This is serious stuff Newmarket We are on the cusp of exponential growth and are ripe for the picking for criminal money to be invested in seemingly harmless hamans and and spas Now is the time to be different .

Anonymous

4/12/2021 01:04 PM

None of these options are suitable because they are in direct contravention of Protection of Communities and Exploited Persons (PCEPA), a federal law. All of the options decriminalize buying sexual services through legislative process. I do not want to live in a town that profits by dehumanizing young women. These changes will effectively lead to the proliferation of human trafficking in our community. The town of Newmarket needs to do more to reduce these types of business as the cost to our community is greater than your revenues.

Anonymous

In option 3 you say: "For greater

4/12/2021 05:30 PM

clarity, an erotic massage does not include the purchase or sale of sex. It does include massage services that appeal to sexual appetites and are erotic in nature." My question back to you is: what do you think is going to happen when the man's sexual appetite is aroused? Will he leave and now go home to his wife / girlfriend in that condition ... I hardly doubt it. If you think this had nothing to do with the "sale of sex" ... you are so very naive. Go to any website where these "massage parlours" you are referencing advertise their services and you will see exactly what they are selling.

**Optional question** (35 response(s), 34 skipped)

**Question type:** Essay Question

April 28, 2021

Dear Newmarket Town Council and Town Staff,

I am writing to you from Freedom United, an international anti-trafficking NGO home to the world's largest anti-slavery community, to express our concern with Newmarket Town Council's current review of bylaws governing the Town's body rub parlours, based on the stigmatizing perception that body rub parlours are simply "disreputable" sites of human trafficking. Already, Newmarket's body rub parlour bylaws are extraordinarily restrictive: not only is there a two-license cap for body rub parlours, as well as costly and prohibitive licensing fees for owners, operators and attendants, but the bylaws also impose extremely restrictive zoning requirements and prohibit locked doors. In this letter we explain how a restrictive bylaw would limit the ability of the Council to effectively address trafficking, as well as the need to uphold workers' rights and prevent exploitation.

We have watched the council's workshop meeting presenting four policy options to better understand the concerns of council members. Fundamentally, the council has conflated two separate matters – sex trafficking and sex work by suggesting that the presence of sex work inevitably indicates the presence of human trafficking. Assisting victims of human trafficking is a valid goal of Newmarket, but to do this effectively, bylaws should focus on making working conditions in body rub parlours safer as a means to promote workers' resilience to trafficking — not imposing restrictions that would further marginalize workers, making it easier for perpetrators to exploit trafficked victims and harder for cases of trafficking to be identified.

The council, as well as input from the police, highlights the risk of new regulations driving sex work underground. From an anti-trafficking perspective, when this occurs it isolates those who are trafficked for sexual exploitation, making it harder for them to access support. In a similar way this also impacts sexual health, a topic raised by several members during the council's workshop. Body rub parlour workers are required to undergo medical screenings — including STI testing — however when sex work is driven underground, this decreases the negotiating power of sex workers, meaning that they may accept clients that they may not have otherwise, making them not only more vulnerable to being exploited, but putting them in a weaker position to negotiate safe sex or condom use.

Accordingly, restrictive regulations in this bylaw that drive sex work underground increase the risk of HIV and STI transmission. As UNAIDS, the United Nations Development Programme (UNDP), and the United Nations Population Fund (UNFPA) stress, "Any conflation of voluntary, adult sex work with trafficking in persons is an abuse of sex workers' human rights, and greatly increases the risk of HIV and violence for both sex workers and trafficked women and girls, by driving it to be further hidden 'underground'."<sup>1</sup>

Newmarket Town Council must prioritize the health and safety of the workers most directly affected by any bylaw amendments. If new bylaws are to be established, we support proposals made by Butterfly and their allies, to instead **classify massage services according to whether**

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<sup>1</sup> [https://www.ohchr.org/Documents/HRBodies/CEDAW/GRTrafficking/UNAIDS\\_UNDP\\_UNFPA.docx](https://www.ohchr.org/Documents/HRBodies/CEDAW/GRTrafficking/UNAIDS_UNDP_UNFPA.docx)

**or not they hold training credentials**, such as their proposed categories “non-credentialed vs. credentialed personal wellness centres,” or “holistic centres vs. personal wellness centres.” Such a designation would minimize the stigma currently attached to the term “body rub parlour” which has encouraged Newmarket staff and law enforcement to erroneously assume that human trafficking is taking place at all body rub parlours and that restrictions on their operations will help victims of trafficking.

**We also recommend Newmarket invests in community resources and policy change to address worker safety, following the “do no harm” model** and preventing racial profiling and over-policing of Asian and migrant women working in this industry. Research has shown how law enforcement models of regulation can conflate sex work with human trafficking, which negatively affects sex workers, and particularly racialized and migrant sex workers who can be wrongly perceived as being involved in trafficking and experience harassment, discrimination and other abuse at the hands of officers. This alienates workers from health, social, legal and government services in times of actual need and so perpetuates — rather than addresses — exploitation and fails to correctly distinguish victims of trafficking from consenting sex workers.

Therefore, we call on Newmarket Town Council to further consult with and center the perspectives of the workers most directly affected by the proposed bylaw amendments, i.e., workers in body rub parlours and wellness centres, particularly those who are racialized and/or subject to immigration rules, to better understand their concerns and ensure that the focus is on improving working conditions, thereby using a rights-based approach to making these premises more resilient to human trafficking and upholding workers’ rights.

Yours sincerely,

Joanna Ewart-James  
Executive Director  
Freedom United



## **Body Rub Parlour Review**

Respected Officials:

I wish to submit my personal input regarding the above meeting.

Unfortunately, I do not have a device that allows me to be part of or witness viral meetings.

I do not believe these parlours should be allowed to carry out business in the Town of Newmarket.

The people running these parlours have not had formal training to carry on this service. Which I believe, undercuts people who have spent many hours of training to get a licence to carry out legal massage services.

They are run by criminals and therefore, if allowed, would be able to carry on illegal activity without any consequence.

I believe it would be legal prostitution which is illegal and worry about the lives of woman that are made to perform such services.

Thank you for allowing me to voice my opinion.

Rita Hooper



### **Body Rub Parlour Review**

There are enough on other towns , patrons can simply drive to one . Not in my town pls .

Thanks so much,  
Eric Grant





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

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## **Customer Service Department 2019 Year End Results Information Report to Council**

Report Number: INFO-2020-06

Department(s): Customer Service

Author(s): Hannah Grant, Supervisor, Customer Service Kiosks  
Jamie Boyle, Supervisor, Customer Service Centre

Distribution Date: February 12, 2020

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

### **Purpose**

This report provides Members of Council with the highlights, overall results, and trends for 2019 as well as the key areas of focus in 2020, for the Customer Service Department

### **Background**

The Customer Service Department provides Members of Council with the quarterly results which includes volumes, trends, key project updates, and highlights related to service delivery.

### **Discussion**

The attached charts represent service requests as captured in our CRM system by either Customer Service staff or by staff in the Mayor and Councillors' offices.

Some of the highlights in the Customer Service department are as follows:

### **Overall Volumes and Trends**

- Over 336,000 customer contacts were made to the Customer Service Department in 2019. These contacts were made by phone, counter, e-mail, mail, and social media at any of our Customer Service counters or kiosks.
- Total call volumes are trending downward, while use of e-services, email and social media contacts continue to increase;
- Request for Parking Enforcement (1149) is the highest type of service request across the whole Town of Newmarket in 2019, followed by Bylaws – Property

Standards (782) and the annual routine of Curb Stop Repair service requests (385) respectively;

- Request for Parking Enforcement is the top service request in every ward, except Ward 4, where it is only narrowly behind Property Standards;
- In June 2019, Storm Water bills were mailed to all residential households, separate from Property Tax bills, resulting in an additional 5,734 contacts (2,000 calls, 3,442 Counter payments) to the Customer Service Department in June.

## **Revenue Opportunities**

- The Town of Newmarket Customer Service Centre Supervisor is leading the “Enhanced Customer Service training for the Public Sector” program, available to all staff across the N6 municipalities. To date we have two certified facilitators. Two, 2-Day courses have been completed; four more 2-day courses scheduled in 2020 & 28 public sector ‘Customer Service Specialists’ have been trained or certified to date.
- The Supervisor, Customer Service Centre, and Manager, Corporate Customer Service presented at the AMCTO conference in Muskoka, Ontario in June 2019 regarding the Town’s ‘Enhanced Customer Service Training for the Public Sector’. This networking led to discussions with Seneca College about partnerships with their Public Administration program.
- Negotiations with Seneca College, led to two separate partnerships with both the school’s Public Administration program, and their Government Relations program. We worked with each program to deliver workshops on best practices, our centralized customer service model and career development panels with municipal professionals. These highly successful workshops have led to further negotiations for ongoing partnerships in 2020 and beyond.

## **Customer Service Delivery at Customer Service Kiosks**

- “Enhanced Service” transactions at the Magna Centre and Ray Twinney Complex kiosks continue to increase. From 2018 to 2019 there was a 6.1% increase in these types of transactions, the majority being tax payments.
- Volumes at the Customer Service Kiosks have been increasing year over year. For 42 straight months, these counters have had higher total contacts than the same month the previous year. For reference, Kiosk staff assisted with over 20,000 more customer contacts in 2019 compared to 2018. This is a result of increased Recreation programming at our facilities, more members in the Fitness Centre and a greater uptake of enhanced services (tax payments, subsidy requests, pet licensing, customer inquiries, etc.) at the Customer Service Kiosks.
- The Newmarket Seniors Meeting Place began offering enhanced services to its members in 2019. The service usage was successful with almost 6,000 contacts accessing this convenient location, and over 250 enhanced services transactions were made.
- In an effort to better serve the increased number of customers at the Magna Centre Kiosk, and allow for better service for residents who need one-on-one help, a fourth window was added to the Magna Centre kiosks.

## More Efficient Service Delivery

- Customer Service Kiosk staff are now able to complete ice and facility bookings at the front desk. This service was launched with a small group of regular user groups to ensure the process is efficient for both the user and Customer Service staff. This makes for a more convenient customer experience, while eliminating a significant portion of administrative components associated with facility and ice bookings. Terms & Conditions have been refined and consolidated. The Recreation and Customer Service departments are now exploring an application, “Catch Corner”, to further enhance the customer experience related to all bookings including birthday parties, facility rentals and ice bookings. This program will improve the customer experience and increase revenues by booking previously unused spaces.
- In 2019, Customer Services, in partnership with Recreation, started a new York Region recreation subsidy program. In addition to PLAY, Summer Camps subsidies, Inclusion subsidies, and the Jump Start program, the new Daycare Subsidies Program provides qualifying residents funding to allow youth an opportunity to participate in recreation programs during the summer months. The Customer Service department enrolled approximately 100 additional children, and registered and tracked attendance of over 750 programs to these children in 2019 to attend summer camps through this new program.
- An electronic employee scheduling software was introduced to properly accommodate the Customer Service Kiosks. Due to the complex and fluctuating nature of the Kiosk staff schedules and extended hours at various facilities, the time to prepare and maintain the staff schedule has been immensely reduced. Both management and employee feedback unanimously agree that the electronic scheduling software has allotted more time towards essential projects and other departmental responsibilities.

## Staff Development and Succession Planning

In following with the Town’s vision of staying well- connected, and in attempts to foster a viable succession plan, Customer Service staff have been exposed to various development opportunities:

- The Customer Service Centre Supervisor has been working in conjunction with Human Resources Corporate Learning by facilitating courses on the N6 Learning & Development catalogue.
- Acting Supervisors have supported a maternity leave, and supported the Customer Service Centre’s Supervisor while he participated in Corporate Learning.
- Customer Service Associate co-facilitated the ‘Enhanced Customer Service Delivery’ course in 2019.
- Front-line associates have been heavily involved in User Acceptance Testing for various system upgrades and new programs introduced to our residents.

## **Continuous Improvement – 2020 and beyond**

As part of our continuous improvements to provide even better service to our residents, the following projects are planned for the upcoming year:

- Introduce on-line chat option on our website, to help customers to better complete on-line services and to determine where improvements can be made on our web-site;
- Continue the rollout of corporate-wide, and Northern Six municipalities Enhanced Customer Service Training (created by the Town of Newmarket & our N6 partners for all staff working in a municipal environment.)
- Prepare the Customer Service department for the Town of Newmarket's implementation, installation and management of the new Smart Water Meter program, scheduled to commence in 2020.
- Our focus for 2020 is to continue our efforts in identifying and closing any service delivery gaps, working even more closely with our departmental stakeholders, while promoting ourselves as a strong partner for internal and external customers.

## **Conclusion**

The Customer Service Department remains committed to providing Council with the most recent trends and statistics by ward and the Town of Newmarket as a whole.

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

Tracking and reporting on trends and customer feedback supports the Town's strategic directions of being Well-Equipped and Managed by demonstrating Service Excellence.

## **Consultation**

Not applicable to this report.

## **Human Resource Considerations**

Not applicable to this report.

## **Budget Impact**

None.

## **Attachments**

- Town Wide Top 5 Service Issues - 2019
- Top 5 Service Issues By Ward – 2019
- Customer Service Centre Service Levels - 2019
- Total CSC Contacts Handled vs. Service Requests –2019



- Total Customer Contacts - CSC vs. Kiosks 2014 – 2019
- 2019 Departmental Breakdown – Customer Service
- 2019 Contact Sources - CS Kiosks
- 2019 Contact Sources – Customer Service Centre
- CSC Average Talk Time per Phone Call (Seconds) – 2014 - 2019
- Storm Water Billing Breakdown
- York Region Subsidies Comparison – 2019
- Green For Life Call Types - Newmarket 2019

## **Contact**

For more information on this report contact: Jamie Boyle (jboyle@newmarket.ca or extension 2254) or Hannah Grant (hgrant@newmarket.ca or extension 2705) or Bonnie Munslow (bmunslow@newmarket.ca or extension 2251).

## **Approval**

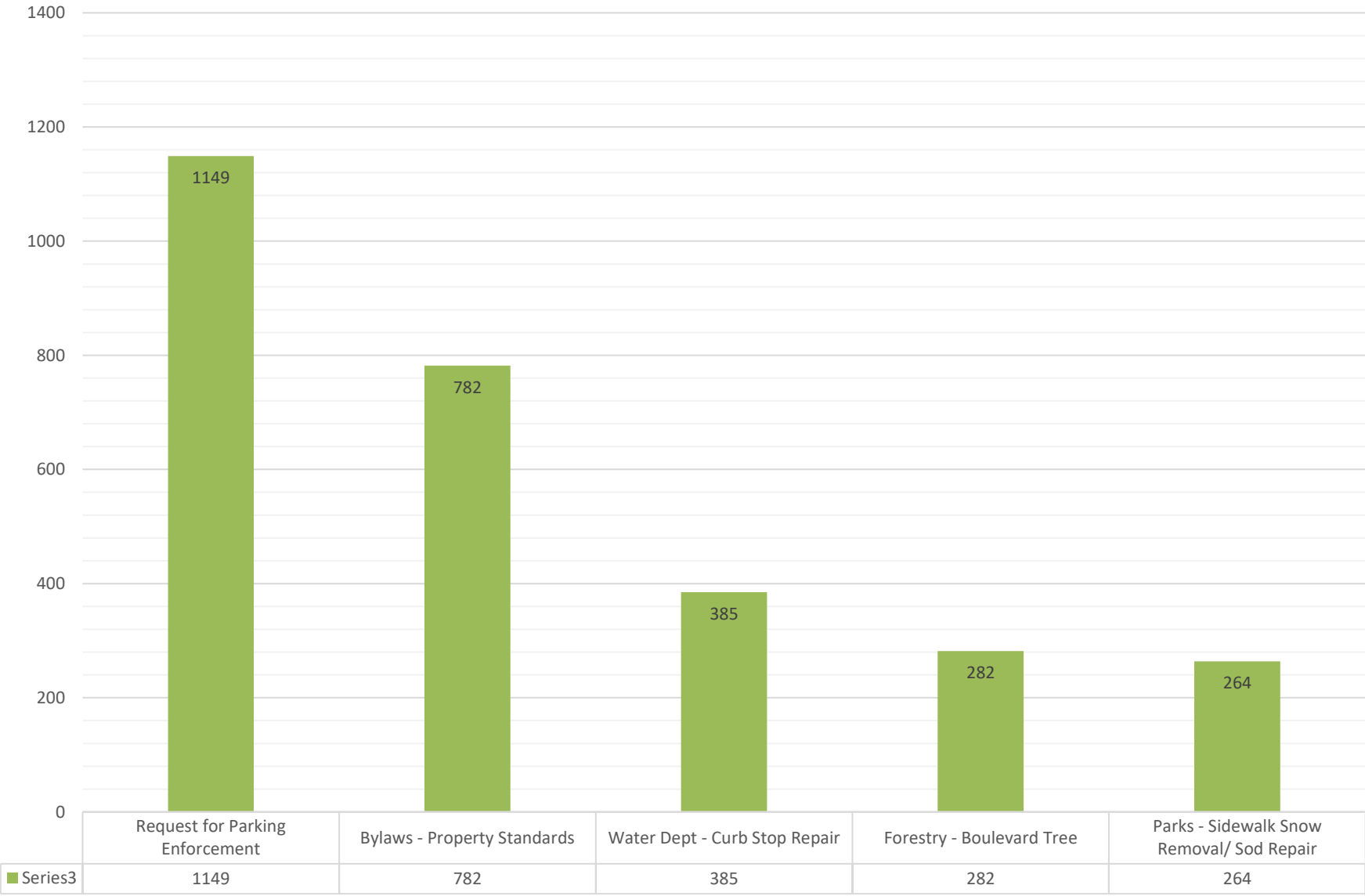
Hannah Grant, Acting Supervisor, Customer Service Kiosks

Jamie Boyle, Supervisor, Customer Service Centre

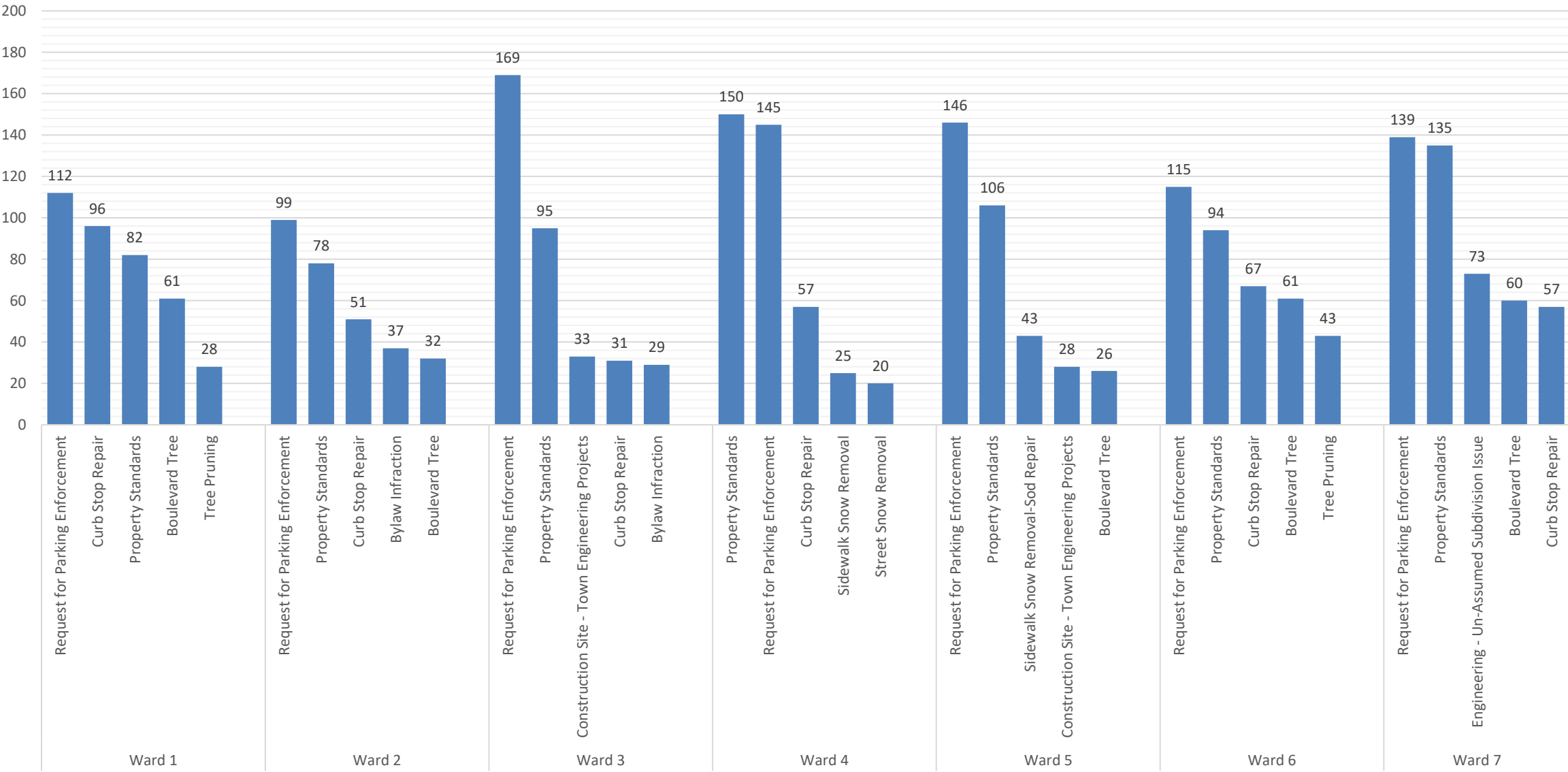
Bonnie Munslow, Manager, Corporate Customer Service

Ian McDougall, Commissioner, Community Services

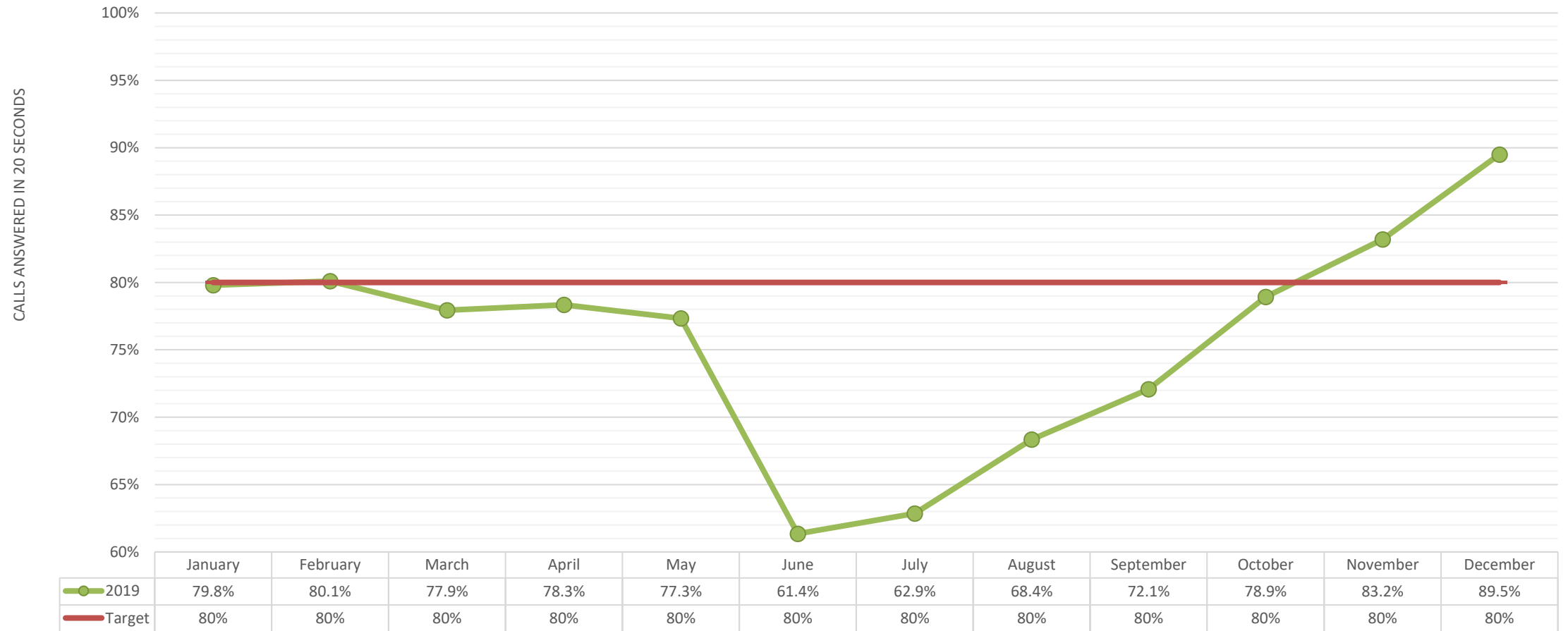
# Town Wide Top 5 Service Issues 2019



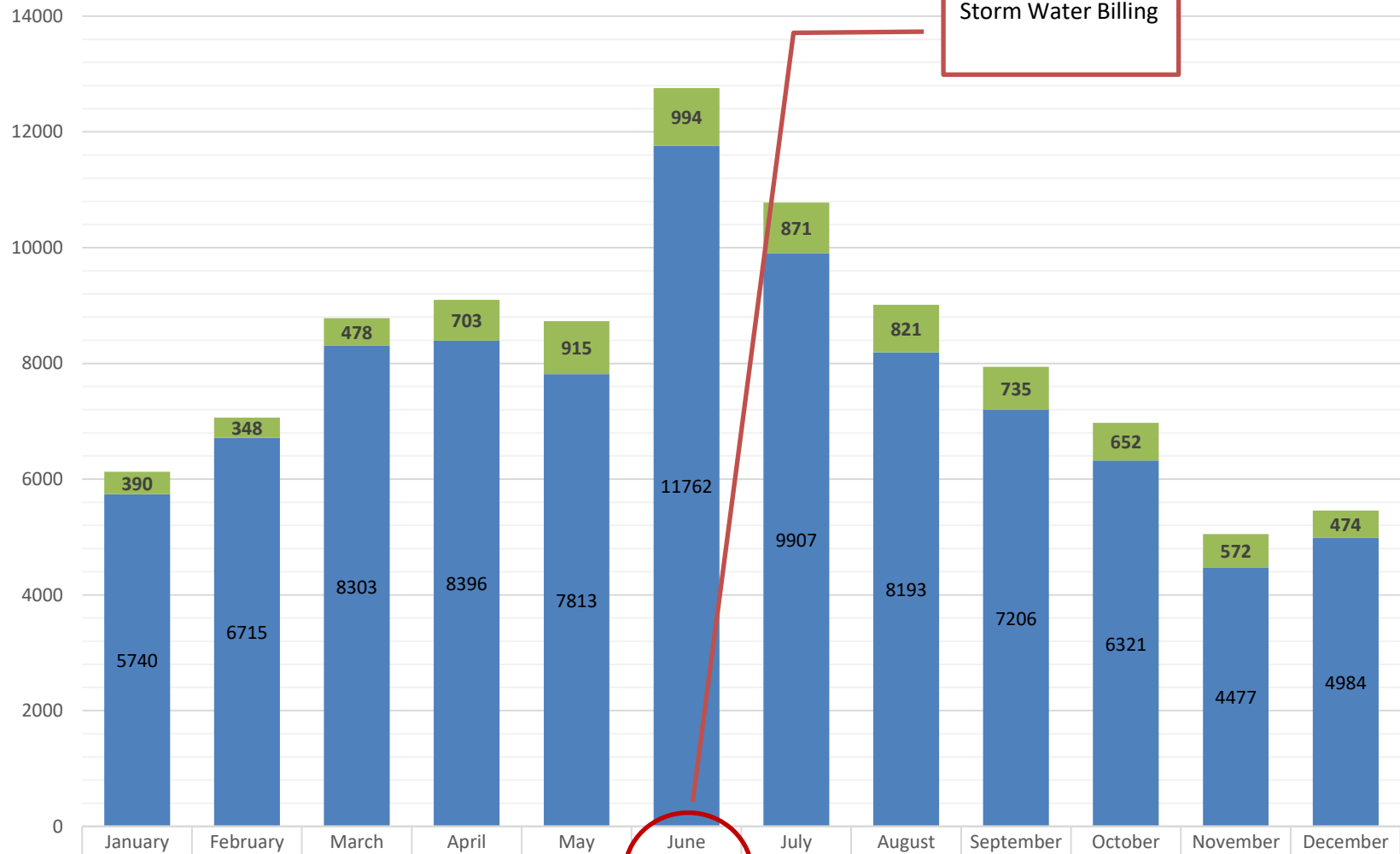
# Top 5 Service Issues By Ward 2019



## Customer Service Centre Service Levels - 2019

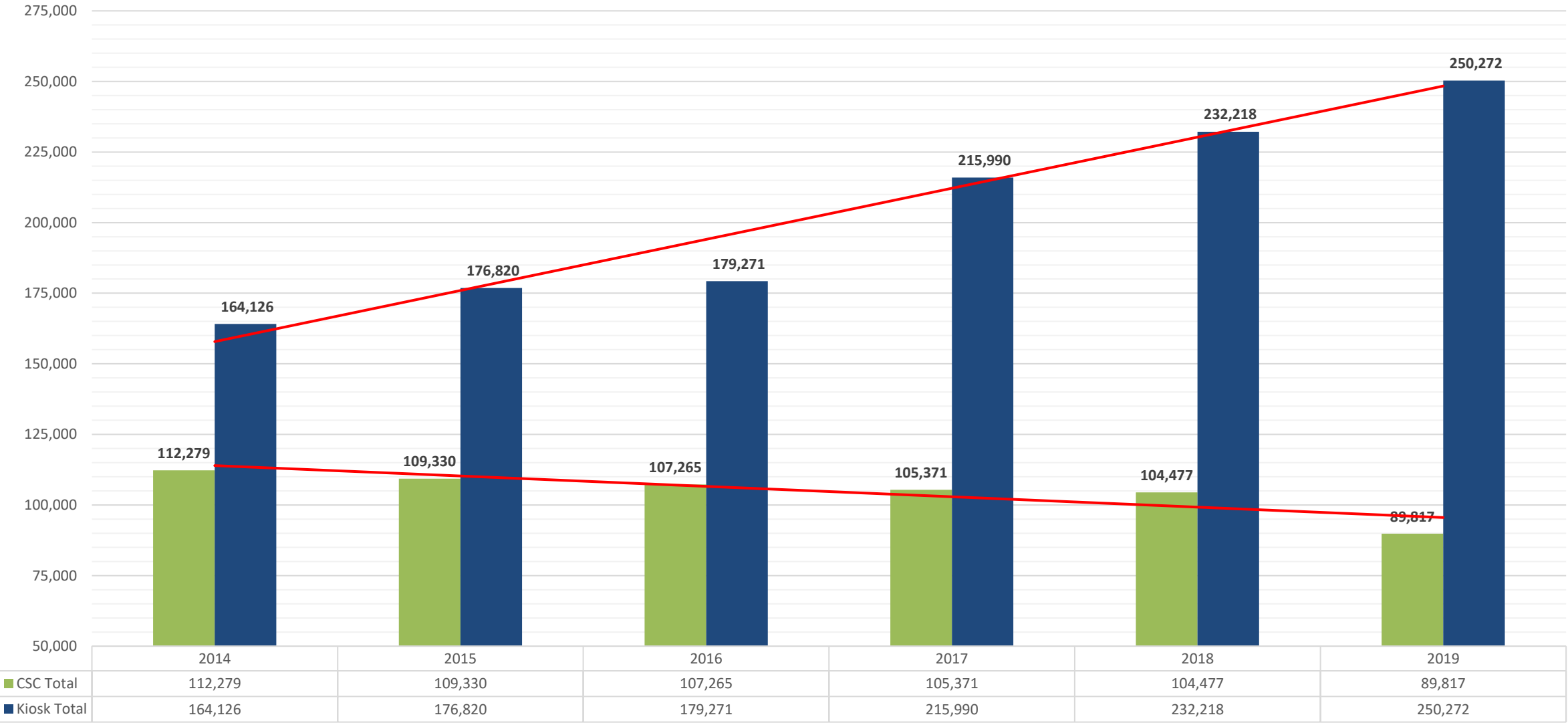


# Total Contacts Handled by CSC vs. Service Requests Customer Service Centre 2019

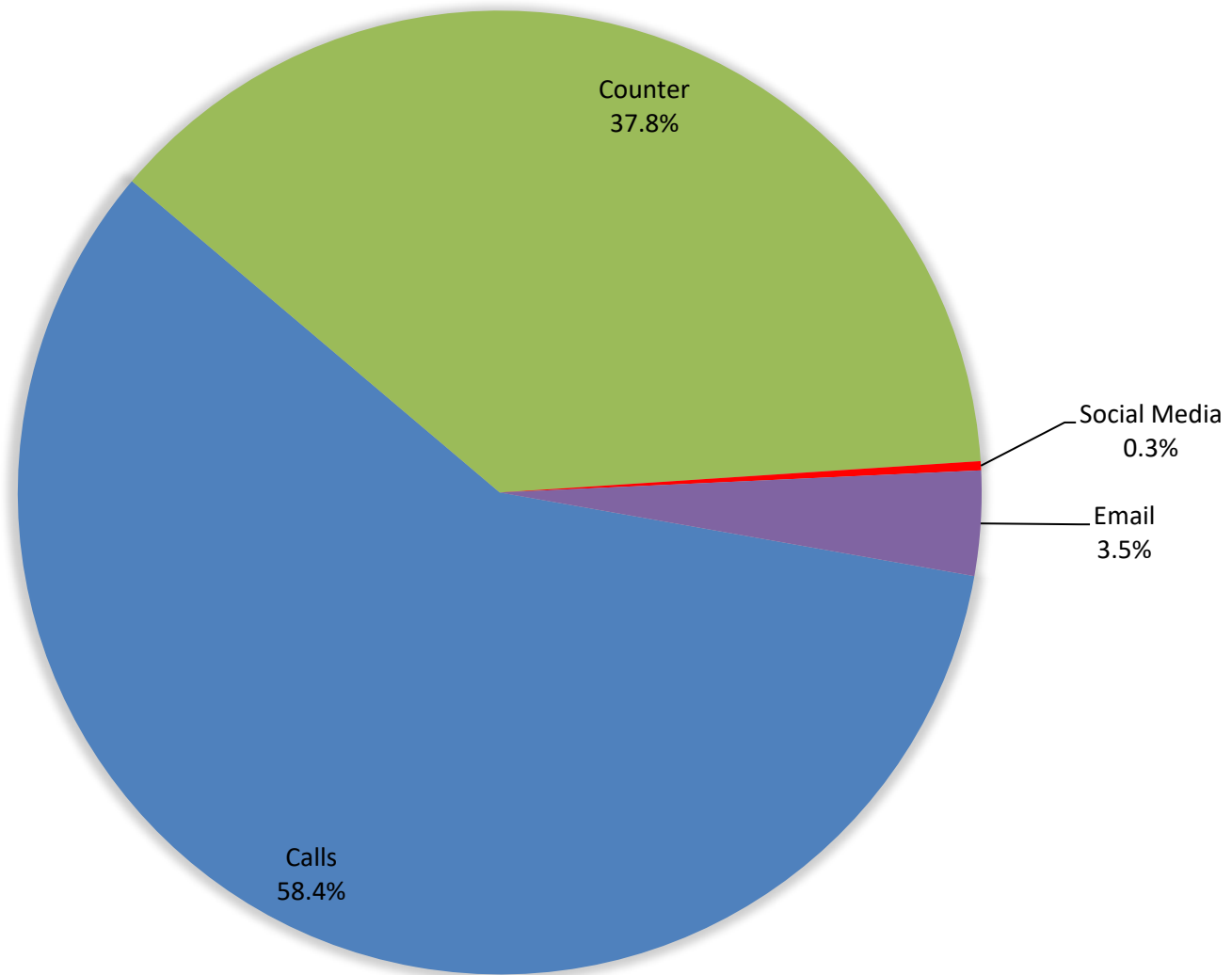


Service Requests	390	348	478	703	915	994	871	821	735	652	572	474
Contacts	5740	6715	8303	8396	7813	11762	9907	8193	7206	6321	4477	4984

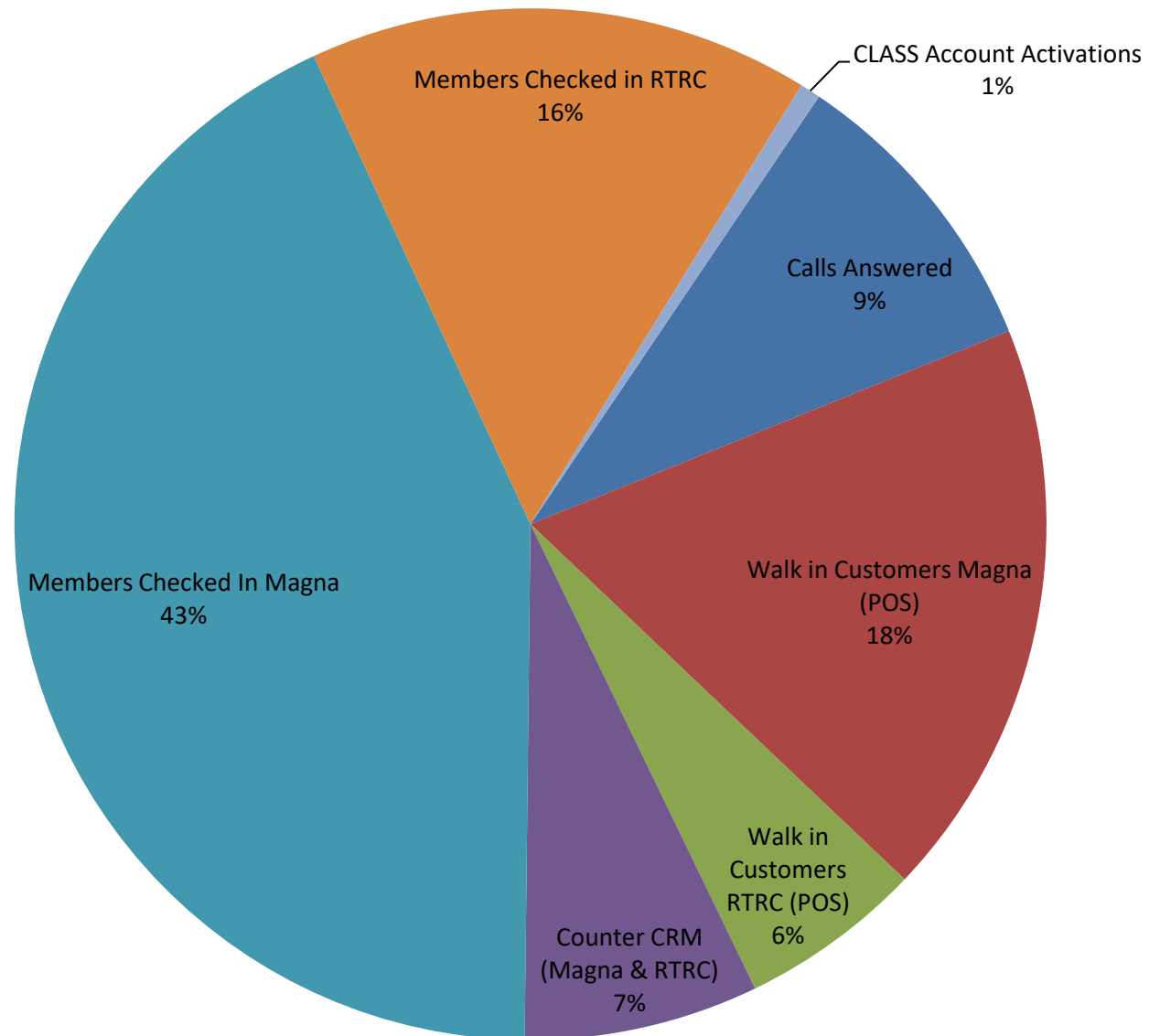
Total Customer Contacts  
CSC vs. Kiosks  
2014 - 2019



## Contact Sources 2019 - Customer Service Centre



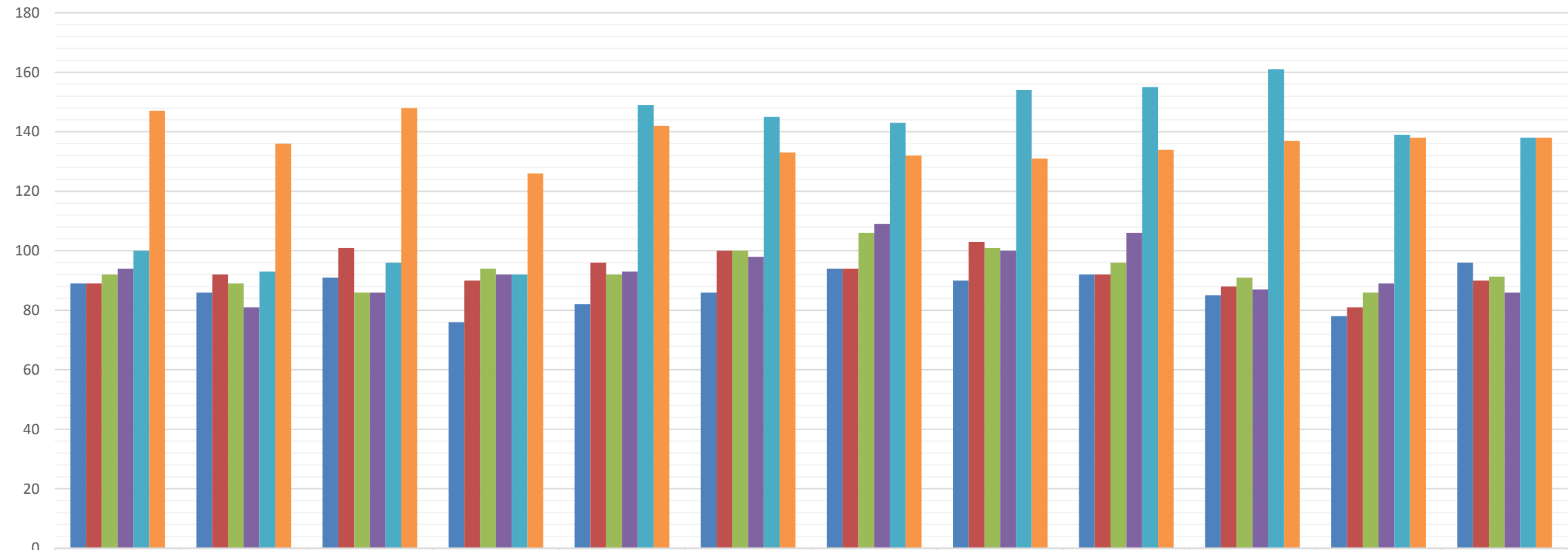
## 2019 Contact Sources - CS Kiosks





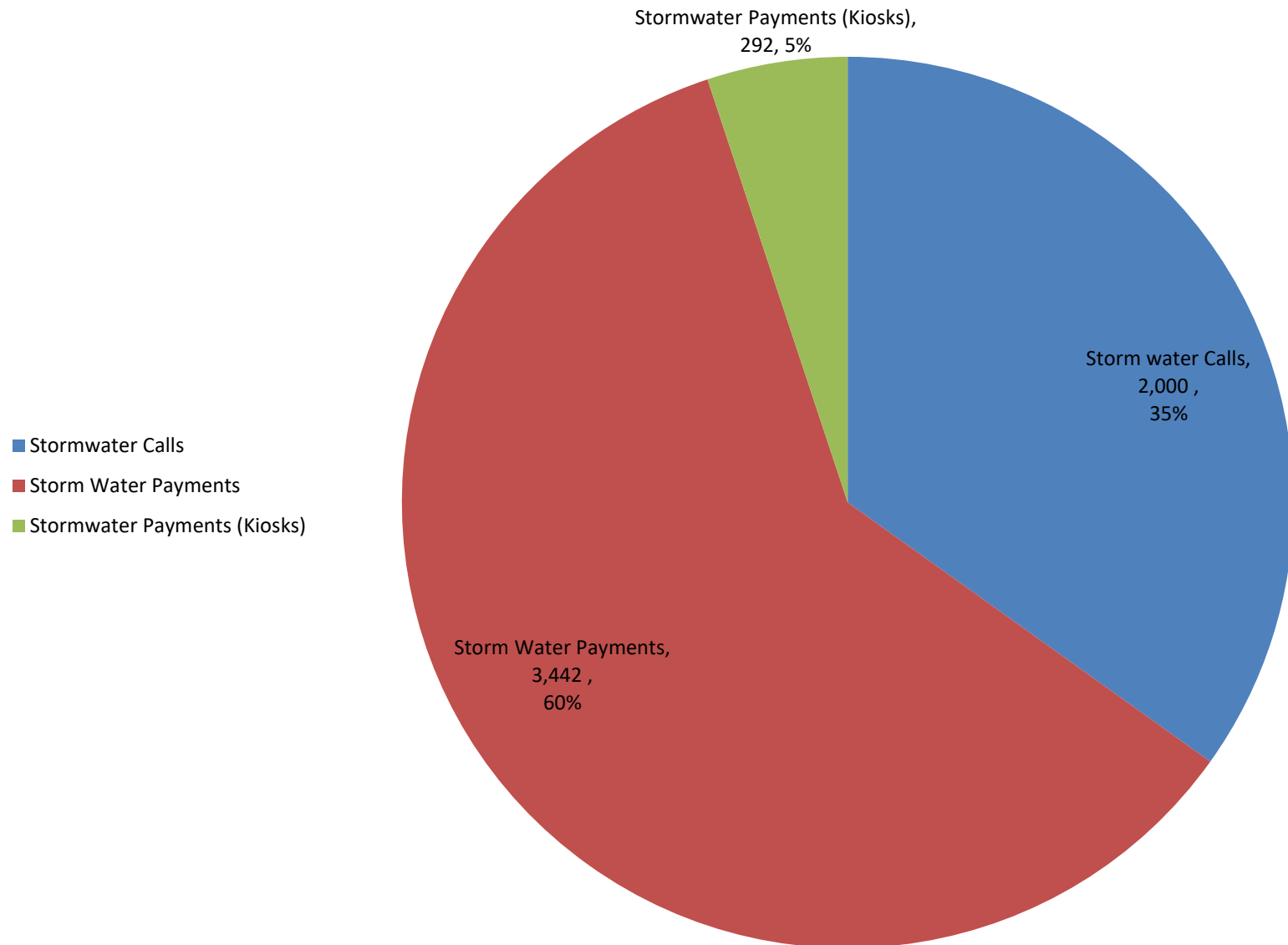
# CSC Average Talk Time per Phone Call (Seconds)

■ 2014 ■ 2015 ■ 2016 ■ 2017 ■ 2018 ■ 2019



	January	February	March	April	May	June	July	August	September	October	November	December
■ 2014	89	86	91	76	82	86	94	90	92	85	78	96
■ 2015	89	92	101	90	96	100	94	103	92	88	81	90
■ 2016	92	89	86	94	92	100	106	101	96	91	86	91.3
■ 2017	94	81	86	92	93	98	109	100	106	87	89	86
■ 2018	100	93	96	92	149	145	143	154	155	161	139	138
■ 2019	147	136	148	126	142	133	132	131	134	137	138	138

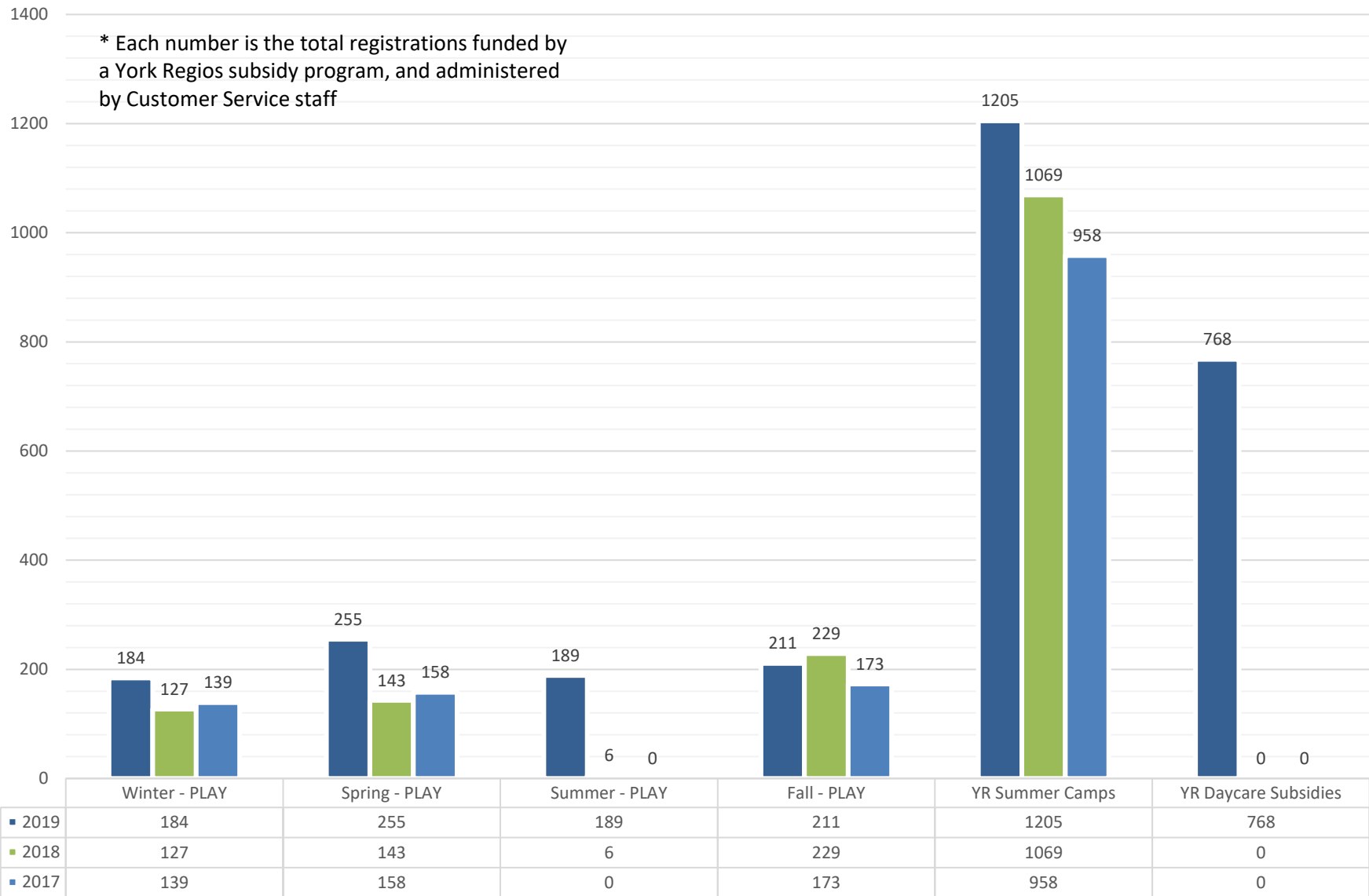
## Storm Water Billing Breakdown



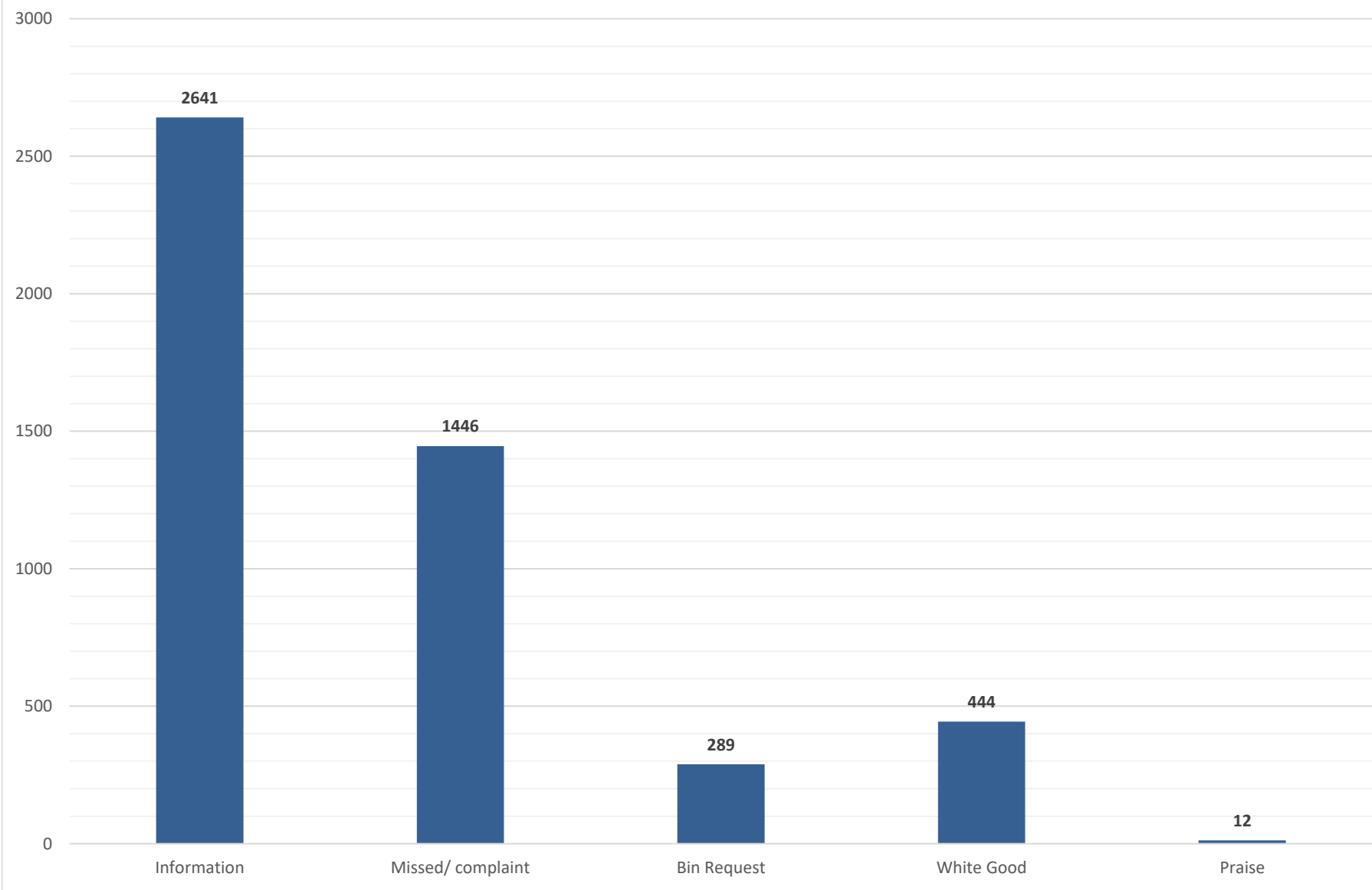
## York Region/ Newmarket Subsidy Registrations\*

### Managed by Customer Service

\* Each number is the total registrations funded by a York Regios subsidy program, and administered by Customer Service staff



# Green For Life - Call Types NEWMARKET 2019





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

## **Customer Service Department 2020 Year End Results Information Report to Council**

Report Number: INFO-2021-02

Department(s): Customer Services

Author(s): Hayley Fryer, Supervisor, Customer Service Centre  
Jamie Boyle, Supervisor, Customer Service Kiosks

Distribution Date: February 10, 2021

In accordance with the Procedure By-law, any member of Council may make a request to the Town Clerk that this Report be placed on an upcoming Committee of the Whole agenda for discussion.

### **Purpose**

This report provides Members of Council with the highlights, overall results, and trends for 2020 as well as the key areas of focus in 2021, for the Customer Service Department

### **Background**

The Customer Service Department provides Members of Council with the quarterly and yearly results that include volumes, trends, key project updates, and highlights related to service delivery.

### **Discussion**

The attached graphics represent service requests as captured in our CRM system by either Customer Service staff or by staff in the Mayor and Councillors' offices.

Some of the highlights in the Customer Service department are as follows:

### **Overall Volumes and Trends**

- The Customer Service Department fielded over 7700 inquiries related to the COVID-19 Pandemic between March and December 2020
  - The highest volume of inquiries were related to requests for Recreation assistance, inquiries related to Recreation amenity re-openings and requests for Marriage Licenses.

- Total contacts continue to trend downward while length and complexity of each contact continues to trend upward, as do the percentage of service requests.
- As a result of the pandemic, the length of each call and the overall volume of emails have increased substantially.
- Request for Parking Enforcement (1167) is the highest type of service request across the whole Town of Newmarket in 2020, followed by Bylaws – Property Standards (705) and requests related to the COVID-19 pandemic (682) respectively;
- Request for Parking Enforcement is the top service request in every ward, except Ward 1, where it is only narrowly behind Property Standards;

## **Customer Service Responds to the COVID-19 Pandemic**

- On March 17, 2020, the Municipal Offices closed for all walk-in customers. Customer Service staff worked with IT Services to quickly move associates into remote work stations. CS Associates continue to answer calls, emails, and social media requests remotely.
- A limited number of staff continue to work in the office to provide few processes which require on-site resources.
- Processes are continuously being evaluated and streamlined to ensure that all services are available in the most safe and efficient manner for our residents. All payments are processed by credit card over the phone and paper-reliant processes have been modified and moved to electronic means where possible.
- A “walk up” window was installed in the fall of 2020 in the Customer Service Centre. This window allows essential services which were previously “in person” to be completed without contact and the Town of Newmarket is one few municipalities who continue to offer these important services, particularly during lockdown. Marriage licenses and commissioning of documents are currently offered by appointment at the window.
- Customer Service Kiosk staff have been trained and continue to back up CSC staff. Kiosk staff are the first line of contact for all payments; as well, they monitor and respond to emails and voicemails as appropriate. Over 10,500 payments have been taken by phone and drop box since the onset of the pandemic with the majority being processed by Kiosk staff, working out of the Magna Centre.
- Staff who are working in the office have been provided with appropriate materials and protocols to ensure safety. Protocols have been adjusted as necessary in accordance with Provincial restrictions.
- Once appropriate, the Customer Service Department is prepared to accommodate a soft re-opening plan for “in person” services.

## **Revenue and Cost Saving Opportunities**

- Customer Service Supervisor, Jamie Boyle, is now leading the “Enhanced Customer Service training for the Public Sector” program virtually. This program

has been very well received and is available to all staff across the N6 municipalities. The course is considered 'mandatory' for Town of Newmarket staff and 9 individual sessions were offered throughout 2020. 120 TON staff representing all levels across the organization and 30 N6 staff completed the course in 2020.

- In 2019, two partnerships were created with Seneca College's Public Administration Program and Government Relations Program. Workshops were created and delivered for both programs focusing on best practices in municipal service delivery, our centralized customer service model and career development panels with Town of Newmarket municipal professionals from across the organization. These workshops were both very successful and lead to a 2-day course being developed and offered in January 2020 as part of Seneca's Public Administration Program. The course titled "Excellence in Municipal Government" was well received and the partnership has continued with this course being delivered again in early 2021. These workshops and courses were all developed internally and delivered by Jamie Boyle.
- Due to the increased demand for marriage licenses and commissioning, these procedures were reviewed, streamlined and non-resident fees are now being charged on both services.
- In October of 2019, the Town of Newmarket signed a contract with a new "after hours" answering service which allowed us to negotiate a lower rate per minute based on the calls answered. The new contract, in addition to the streamlining of our website and changing the process flow of the 'after hours greeting' has allowed for a cost savings of approximately \$7,000 in 2020 (compared to 2018 billing).

## **Continuous Improvement – 2021 and beyond**

- Customer Services, IT Services and Communications are working together to launch a "live chat" application on the website. We are in the final stages of implementation and the application is scheduled for soft launch in Q2, 2021. This project aims to assist customers in navigating and accessing online services and information.
- Prepare the Customer Service department for the Town of Newmarket's implementation, installation and management of the new Smart Water Meter program, scheduled to commence in 2021.
- Continue the rollout of corporate-wide, and N6 municipalities' Enhanced Customer Service training.
- Continue building partnerships with post-secondary institutions to build and deliver municipal government based programming.
- Represent the customer through the ongoing pandemic by participating in discussions and decisions related to the re-opening and/or closing of facilities, amenities, and programs

## **Conclusion**

The Customer Service Department remains committed to providing Council with the most recent trends and statistics by ward and the Town of Newmarket as a whole.

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

Tracking and reporting on trends and customer feedback supports the Town's strategic directions of being Well-Equipped and Managed by demonstrating Service Excellence.

## **Consultation**

Not applicable to this report.

## **Human Resource Considerations**

Not applicable to this report.

## **Budget Impact**

None

## **Attachments**

Overall Volumes and Trends Graphics (3 Pages)

## **Contact**

For more information on this report contact: Hayley Fryer (hfryer@newmarket.ca or extension 2706), Jamie Boyle (jboyle@newmarket.ca or extension 2254) or Bonnie Munslow (bmunslow@newmarket.ca or extension 2251).

## **Approval**

Hayley Fryer, Supervisor, Customer Service Centre

Jamie Boyle, Supervisor, Customer Service Kiosks

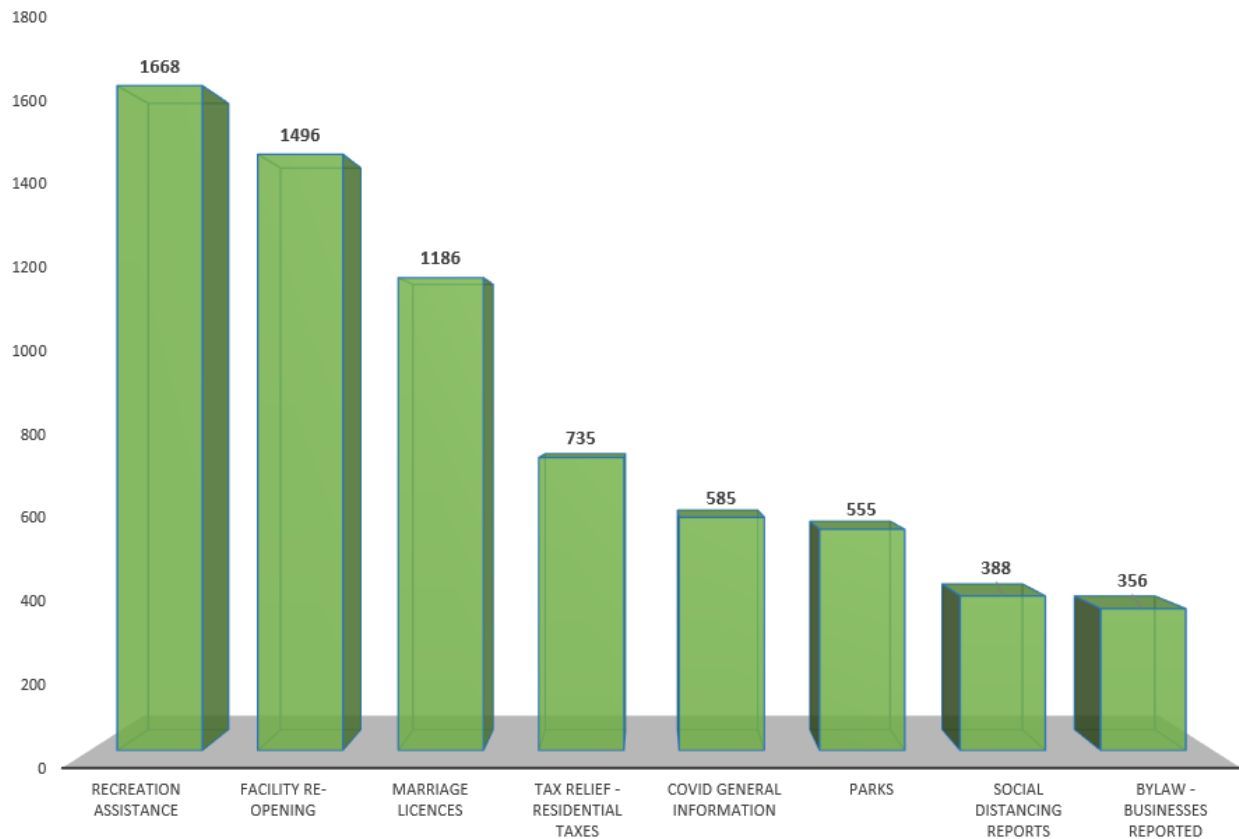
Bonnie Munslow, Manager, Corporate Customer Service

Ian McDougall, Commissioner, Community Services



# Overall Volumes and Trends

## COVID-19 Inquiries, March - December 2020

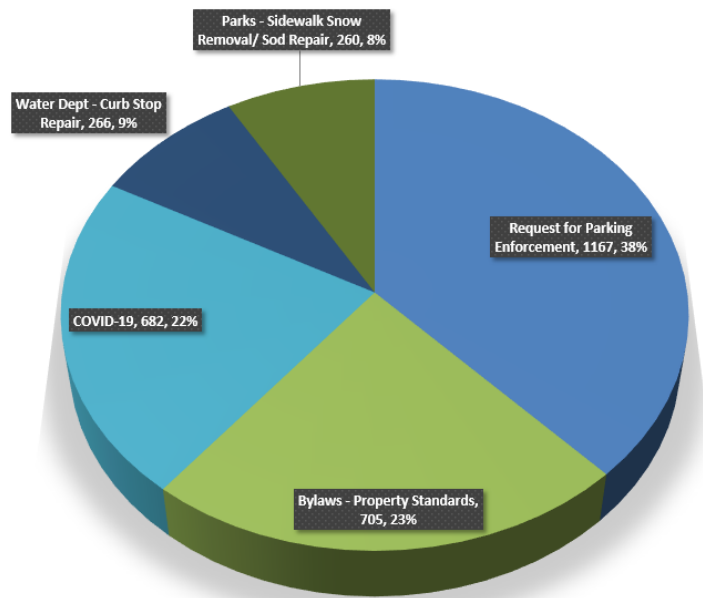


Over 7700 calls, emails, and social media inquiries related to the COVID-19 Pandemic were fielded between March and December 2020. The most requested information was related to Recreation programming, facilities and assistance with new booking procedures. Marriage licensing was also a highly sought after service. At the start of the pandemic, marriage licenses were arranged only based on urgent circumstances. By the end of the summer, licenses and commissioning were provided by appointment to all qualifying couples. The installation of a “walk up” window at the Customer Service Centre has allowed us to continue to offer this contactless service, even during the lockdowns in the fall and winter. The Town of Newmarket is one of few municipalities that has offered continuous marriage licensing service throughout the pandemic.

## Town Wide

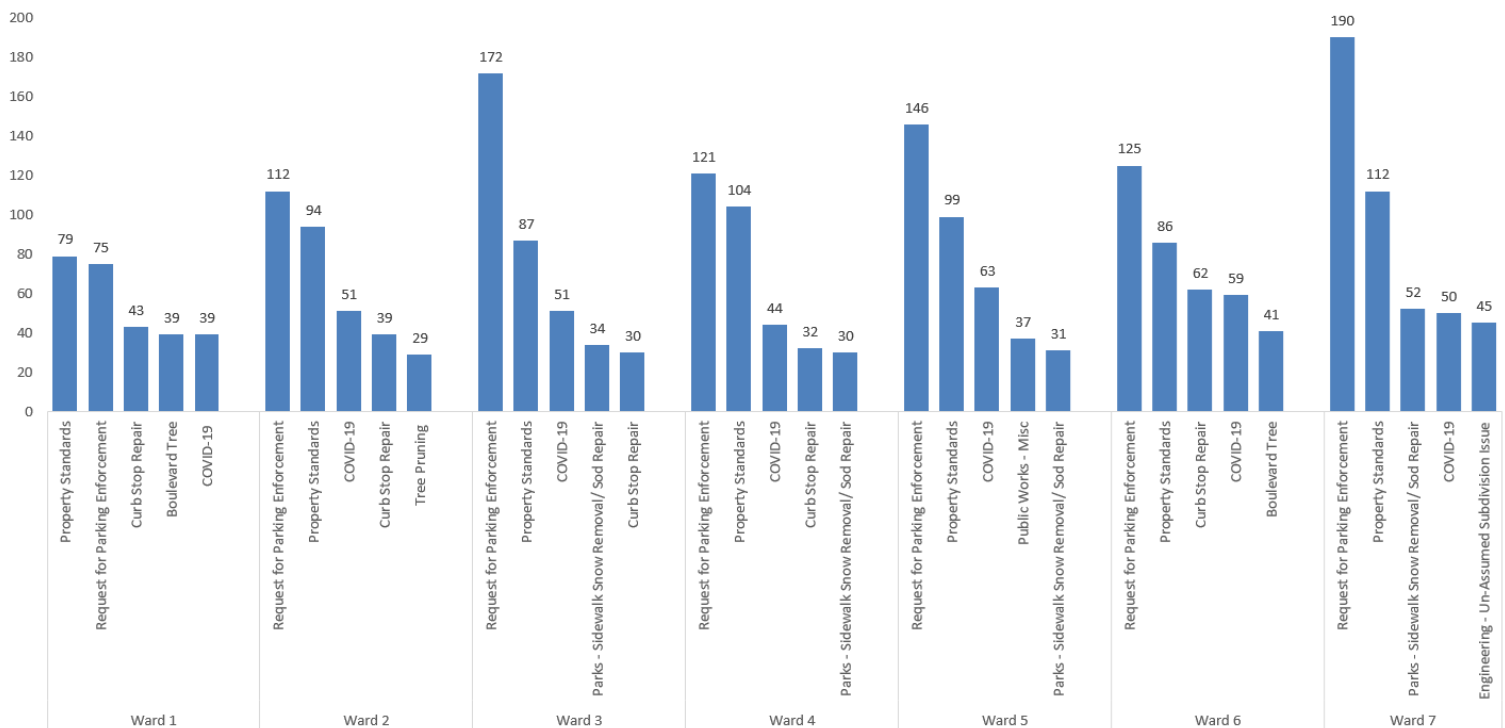
### Top 5 Service Requests for 2020

Town wide, the top service requests in 2020 were for parking enforcement followed by property standards investigations. This is consistent with previous years data. Of note, the third highest service requests were for COVID-19 related matters. A breakdown of these requests shows that the highest COVID-19 related service requests were for by-law related business complaints (236), social distancing (183) and park usage (85). Service requests related to routine curb stop repairs and sidewalk snow removal/ sod repair were all consistent with previous years data.



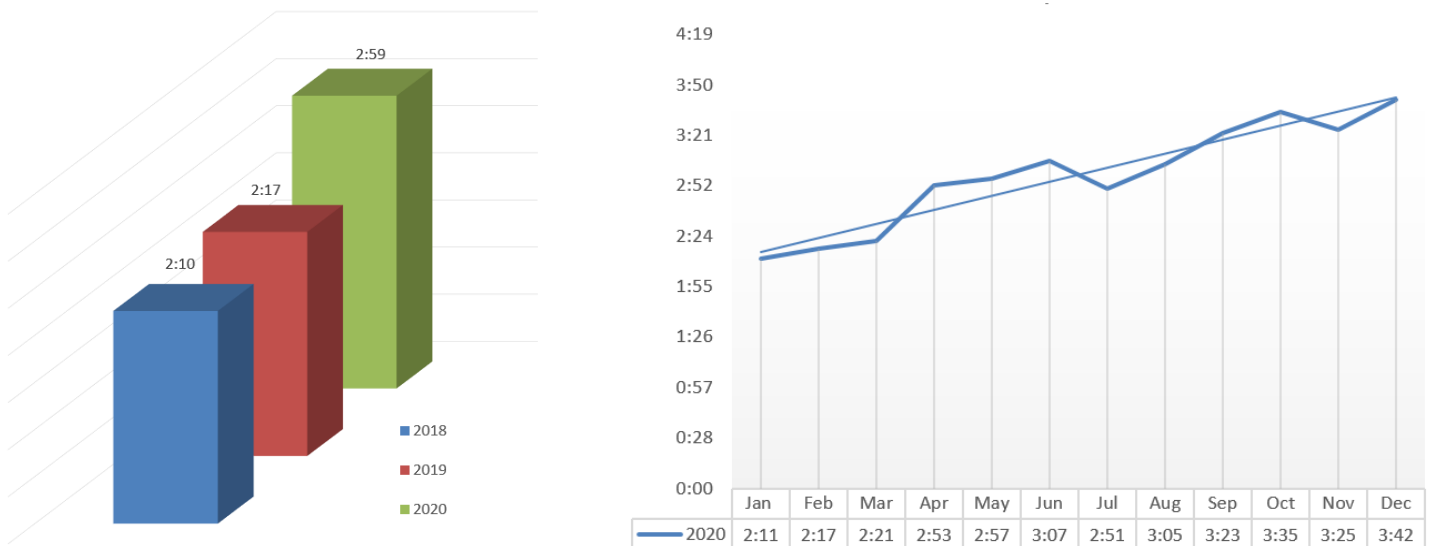
# Overall Volumes and Trends

## Top 5 Service Requests for 2020 by Ward



COVID-19 related enforcement requests are prevalent across all wards in 2020. The majority of these requests pertain to business related social distancing enforcement. The other service requests are consistent with previous years data. In Ward 7 the service requests in “un-assumed” areas refer to complaints and inquiries mostly related to construction, grading/ drainage and fencing and are lower than reported in 2019 (73 and 52 respectively).

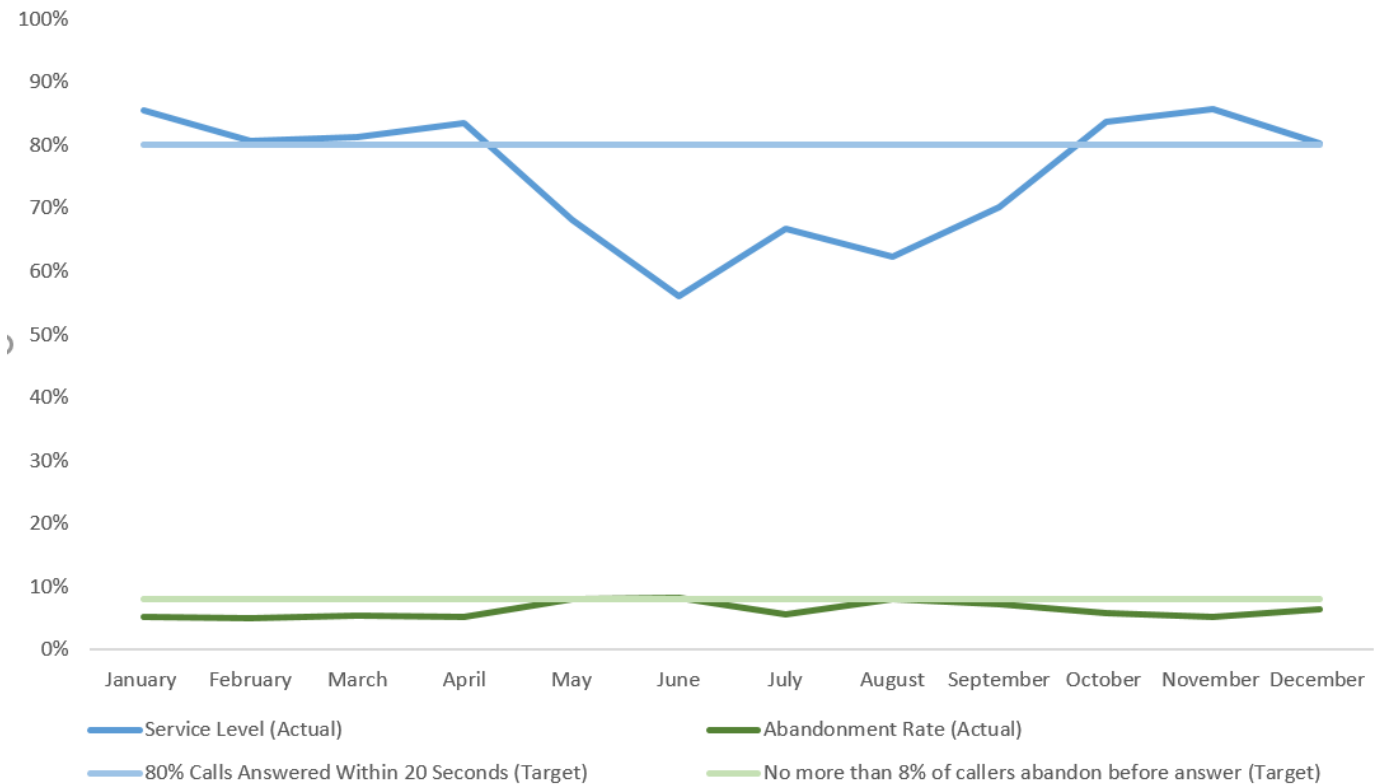
## Average Length of Call



The average time spent on each incoming phone call to the Customer Service Centre increased significantly in 2020. This is a result of the COVID-19 Pandemic, and also, the increasing complexity of the subject matter and service requests that associates deal with on a regular basis. The pandemic has increased the length of calls for a variety of reasons including the vast amount of ever changing information that associates are expected to provide. Verifying information from the Ontario Regulations and local sources has increased talk time. In addition, many processes which were once available in person have been moved to the phone. Examples include Recreation booking assistance and payments for a variety of services including waste bin and stickers. The average length of each call increased significantly in April 2020 and has continued to trend upward.

# Overall Volumes and Trends

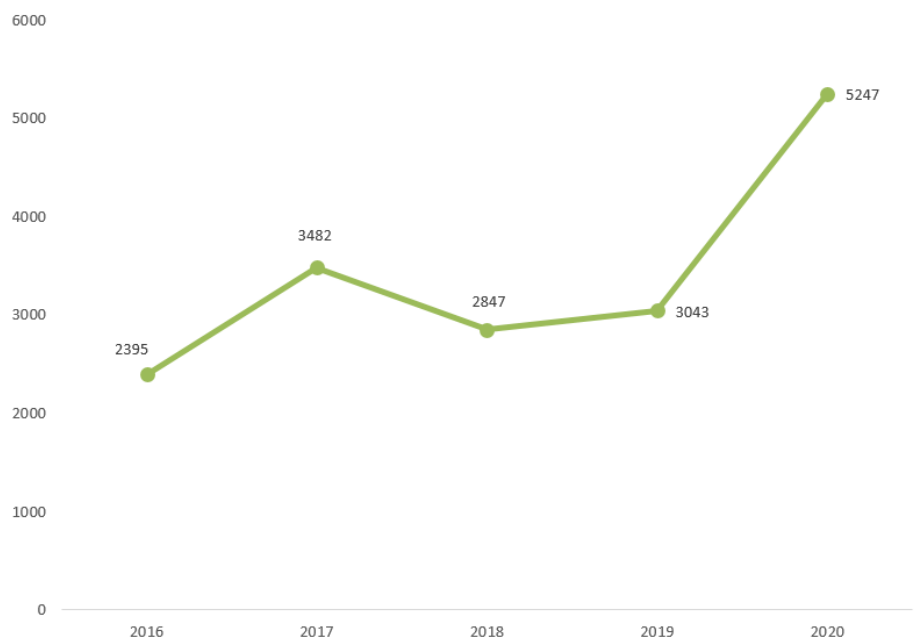
## Telephone Service Levels vs. Abandonment Rates 2020



The Customer Service Department aims to answer 80% of incoming calls within 20 seconds (service level) and have no more than 8% of callers hang up before reaching an associate (abandonment rate). Generally the department is able to perform within these parameters. When the COVID-19 Pandemic began, the length of time spent with each call (on average) increased. Coupled with increased email volumes, this resulted in service levels dropping well below the established threshold. Abandonment rates were also affected. Callers were waiting longer to speak with an associate which resulted in more residents hanging up prior to be served. Once the Customer Service Kiosk team was trained to back up the Customer Service Centre associates were once again able to manage volumes and performance indicators

## Email Volumes

As a result of the COVID-19 Pandemic, email requests to the Customer Service Centre have increased substantially. Customer Service Kiosk staff have been trained to respond to general inquiries and have contributed greatly to the management of these volumes. This has allowed us to maintain our service goal of responding to most email inquiries and service requests within one business day.







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## **2022 Budget Target and Process Staff Report to Council**

Report Number: 2021-32

Department(s): Financial Services

Author(s): Andrea Tang, Manager Finance & Accounting / Deputy Treasurer

Meeting Date: May 3, 2021

### **Recommendations**

1. That the report entitled 2022 Budget Target and Process dated May 3, 2021 be received; and,
2. That the proposed budget schedule with a target budget adoption date of December 13, 2021 be approved; and,
3. That endorsement be given to staff to proceed with preparation of the 2022 budgets employing the structure and targets as outlined in this report; and,
4. That the form and timing of budget submissions for all entities accountable to Council be subject to the process outlined in this report; and,
5. That the proposed community engagement plan for the 2022 budget be adopted; and.
6. That the Treasurer be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

The 2022 budget deliberation process will commence in October 2021 with meetings scheduled in October and November to discuss and review the tax-supported operating budget, rate-supported operating budgets and capital budget.

The target is to obtain Council approval on the 2022 budget by the end of 2021. There will be public engagement throughout the process to seek residents' feedback. The proposed process for the 2022 budget is consistent with previous years.

## Purpose

The purpose of the report is to obtain Council's approval of the schedule, process and initial targets for the 2022 budget.

## Background

### Guiding Principles

It has been the Town's practice for Council to set budget targets at the beginning of the budget process. This process facilitates efficient preparation of budgets while meeting Council's expectations.

The following guiding principles have been applied in building the budget:

1. The budget is divided into segments based on:
  - a. Operations, capital or reserve and reserve fund;
  - b. Major funding sources - tax-supported, rate-supported;
  - c. Governance - Town, Central York Fire Services (CYFS), Newmarket Public Library (Library), Downtown Business Improvement Area (BIA);
  - d. Relationship to service levels – base, growth, enhancements, extraordinary.
2. Growth revenues are applied to growth related expenditures only.
3. A preliminary inflationary factor is applied as a starting point to set a target for the base operating budget.
4. Service level enhancements and extraordinary items are not included in the base budget.
5. Requests for Operating and Capital budget changes are documented on the respective Decision Packages which outline all relevant budgetary impacts.
6. Each budget segment must confine its expenditures to the applicable available funding source(s).
7. Where applicable, budgets will be derived from the Council-approved multi-year financial plans.

### Budget Structure

The Town's budget is segregated into the following components:

1. Operating budgets
  - a. Tax-supported operating budgets (including consideration for growth, inflation, levy, contributions to Asset Replacement Fund (ARF), service level enhancements, extraordinary items and REV It Up initiatives)
    - Town's operating base budget
    - CYFS
    - Library
    - BIA
  - b. Rate-supported operating budgets

- Water and Wastewater
  - Stormwater
  - Building Permits
2. Capital Budget
  3. Reserve and Reserve Fund Budget

## Discussion

### Budget Schedule

The proposed 2022 budget schedule is outlined on Appendix A. Schedule for the latter part of the year is subject to change pending progress of the budget deliberation process.

Key milestone dates are:

**October 3** – the preliminary draft budgets will be presented to Committee of the Whole outlining the operating and capital budgets.

**October (TBD)** – A Special Committee of the Whole meeting will be scheduled to review the capital and rate-supported operating budgets.

**November (TBD)** - A Special Committee of the Whole meeting will be scheduled to review the tax-supported operating budgets.

**December 6** – the draft budgets and remaining fees and charges will be presented to Committee of the Whole for approval.

**December 13** – target date for Council decision on 2022 Budget. Time may be extended for further deliberations.

### 1a. Tax-Supported Operating Budget

The operating budgets support day-to-day operations and include net costs to maintain infrastructure.

For the Town's tax-supported operating budget, a tax rate increase of 2.99% is recommended which includes the following components:

Components	%
Base Budget	1.74%
Contingency	0.25%
Asset Replacement Fund (ARF)	1.00%
<b>Total tax rate increase</b>	<b>2.99%</b>

### Base Budget - Town

The base budget is defined to be the net cost to carry out day-to-day operations and to maintain the Town's service levels. This is net of ancillary revenues and efficiencies. The major funding source for the tax-supported operating budget is property taxes.

For the 2022 budget, a 1% tax rate increase will generate incremental \$667,000 in property tax revenues.

The two major factors impacting the base budget are growth and inflation.

For the 2022 budget, the Town will continue to apply the sustainable practice of applying growth revenue to growth related expenditures only. Assessment growth of 1% is currently assumed for 2022. Assessment growth for 2021 is forecasted to be around 0.82% and actual assessment growth in recent years were around 1.25%. 2021 is anticipated to be the commencement of recovery period. Therefore, 1% is being applied for 2022 at this time. Staff will continue to monitor and adjust for the Preliminary Draft Budget if necessary. Below outlines the preliminary allocation of the assessment growth revenues:

	\$
Assessment growth revenues	667,000
Growth related expenditures	
Mulock Park	250,000
Incremental growth	37,000
CYFS - Newmarket's portion	66,000
Library	17,400
<b>Unallocated revenues</b>	<b>296,600</b>

The unallocated revenues are available for:

- new growth-related operating expenses not directly related to capital as supported by Decision Package requests
- growth related Council Strategic Priorities
- future uses by transferring to a reserve

An inflationary factor of 1.5% (Provincial Forecast projects inflation of 1.7% for 2021) has been applied to the base budget to account for inflation on contracted services, supplies and goods. Staff will continue to monitor the Toronto Consumer Price Index (CPI) throughout the process and make adjustment if necessary.

The base operating budget also includes the operating budgets for the CYFS, Library and BIA.



### **Base Budget - CYFS**

CYFS 10-year financial plan projects a total increase of \$714,500 for the 2022 budget. Newmarket's share (approximately 59%) represents an increase of \$418,000 which is comprised of the following components:

<b>Components</b>	<b>\$</b>
Base	332,000
Growth	66,000
ARF	20,000
<b>Total increase</b>	<b>418,000</b>

The allocation of funding from the Town of Aurora is subject to change; however it is not expected to be significant.

### **Base Budget – Library**

The 2021 Library operating budget is \$3,487,000. The Newmarket Public Library Board has adopted a multi-year budget target of inflation of 1.5% plus a growth factor of 0.5%. Therefore, the 2022 base budget will increase by \$69,700.

<b>Components</b>	<b>\$</b>
Base	52,300
Growth	17,400
<b>Total increase</b>	<b>69,700</b>

### **Base Budget – BIA**

The BIA currently levies \$30,000 on its members. This amount has been unchanged since 2011. Its expenses are paid from the levy. Any surplus or deficit will be transferred to/from its dedicated reserve. As a result, the BIA budget has no impact on the Town's budget. However, the BIA requires the Town's approval of its annual budget.

### **Contingency**

Council approved a 0.8% contingency levy as part of the 2021 Budget. The contingency provision provides a funding source to address unforeseen events such as the pandemic.

The 2021 operating budget currently includes \$500,000 in contingency funds. An incremental 0.25% contingency levy in the 2022 budget will increase the contingency funds by \$167,000 to a total of \$667,000.

### **ARF**

The Town should continue to build up the ARF to ensure sufficient funds are available to replace Town's assets in order to maintain them in state of good repair. A 1% increase in the contributions to the ARF is the target for 2022 which aligns with recommendations from the Fiscal Strategy.

## Service Level Adjustments, Extraordinary Items and REV It Up Initiatives

There is no change identified for the 2022 Budget at this time.

### 1b. Rate-Supported Operating Budget

The 2022 rate-supported operating budgets (water, wastewater and stormwater) will be established based on the respective six-year financial plans. The water and wastewater financial plans were updated and approved by Council in March 2021.

Building permit fees will continue to fund the Building Department. The reserve fund is within the target range at 105% of total annual costs. Annual review of fees and expenditures is conducted to ensure financial sustainability.

## 2. Capital Budget

The capital budget funds the purchase, construction and financing of Tangible Capital Assets (TCA) for infrastructure, land, buildings, machinery, equipment and other assets. It also provides funding source for major corporate studies.

The capital budget will continue to be separated according to major funding sources. Capital requests will be subject to the availability of funding and operational capacity.

The 2022 capital budget should be set at \$22.7 million with the following breakdown:

	<b>Standard</b>	<b>Major</b>	<b>Total</b>
2021 commitments for 2022	1,800,000	2,700,000	4,500,000
2022 capital program	13,200,000	-	13,200,000
Unallocated provision	5,000,000	-	5,000,000
<b>Total</b>	<b>20,000,000</b>	<b>2,700,000</b>	<b>22,700,000</b>

The 2022 budget process will continue to use the \$20 million on threshold as the operational capacity for standard projects. Of the \$20 million, \$5 million is set aside as an allowance to be allocated later to allow flexibility for new projects into the program as the year progresses. The remaining \$15 million will define the 2022 capital program of which \$1.8 million has been identified to be included in the 2022 capital program from the 2021 budget process.

Major projects are projects that require minimal effort from dedicated capital project staff such as construction of Station 4-5 in the amount of \$2.7 million.

Upon approval of the Mulock Park project, \$3.5 million will be required to be included in the 2022 budget as a major project. This is currently not included in the capital budget of \$22.7 million.

### **3. Reserve and Reserve Fund Budget**

Contributions to and from reserve and reserve funds are derived from the operating and capital budgets resulted from operational surpluses or deficits and transfers included in the operating and capital budgets.

The Reserve and Reserve Fund Budgets will be compiled following the approval of the operating and capital budgets due to the interdependence on other budgets.

### **Conclusion**

Staff will start preparing the 2022 budget requests based upon the process and targets set by Council as outlined in this report. The goal is to present the preliminary draft budgets on October 3, 2021 and to approve the 2022 budget by the end of 2021.

There will be community engagement throughout the budget process to obtain residents' input.

Interim appropriations should not be required for 2022 if the budget is approved on December 13, 2021 as per the proposed schedule.

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

The budget process aligns with the Council Priority in the Town's continuous journey to strive for Long Term Financial Sustainability by developing budgets that align with budget policies and Fiscal Strategy. There is ongoing improvement and service level analysis for consideration to support effective and efficient long term planning.

### **Consultation**

Financial Services consulted with the Senior Leadership Team (SLT) and Operational Leadership Team (OLT) on the 2022 budget target and process. The Corporate Communications department has also been consulted on public engagement plan.

### **Public Engagement for the 2022 Budget**

Public engagement for the 2022 budget will continue to build on the success of previous year's virtual/online engagement. As always, community engagement will be very important in helping to shape the 2022 budget. The Town will continue to utilize traditional communications tools and tactics (Town page advertisements, media releases, website updates, e-newsletters and more), while continuing to seek out new and creative ways to engage and interact with the community virtually. This could include a budget-themed Facebook Live event, budget-themed game or survey, virtual 'drop-ins' for the community, and further interactive elements on Hey Newmarket, the Town's online engagement platform. If/When the COVID landscape stabilizes, staff will consider in-person public education opportunities for the 2022 budget.

The Corporate Communications department will be preparing a detailed communications plan, with community engagement beginning over the summer in advance of the preliminary draft budget (October).

## **Human Resource Considerations**

Not applicable.

## **Budget Impact**

This report sets out the process for developing the 2022 operating and capital budgets. The target for tax-funding operating budget is a tax rate increase of 2.99% as a starting point which is consistent with past practice. Targets for rate-supported operating budgets will be based upon their respective approved six-year financial plans. The capital budget will be within its available funding envelope.

## **Attachments**

Appendix A – Proposed 2022 Budget Schedule

## **Approval**

Mike Mayes, CPA, CGA, DPA  
Director of Financial Services

Esther Armchuk, LL.B  
Commissioner, Corporate Services

## **Contact**

Andrea Tang, CPA, CA  
Manager, Finance & Accounting / Deputy Treasurer, [atang@newmarket.ca](mailto:atang@newmarket.ca) (ext. 2104)

## Proposed 2022 Budget Schedule

<b>Activity</b>	<b>Date</b>	<b>Meeting</b>
Recommendations for budget process, target and community engagement plan	May 3	Committee of the Whole
Community Engagement	June - November	
Fees & Charges for early approval – licensing, recreation	June 14	Committee of the Whole
Approval of early Fees & Charges	June 21	Council
Presentation of the Preliminary Draft budgets	October 3	Committee of the Whole
Consideration of the Capital and Rate-supported Budgets	October	Special Committee of the Whole
Consideration of the Tax-supported Operating Budget	November	Special Committee of the Whole
Presentation of the Draft Budgets and remaining Fees & Charges for approval	December 6	Committee of the Whole
Approval of the Budgets and remaining Fees & Charges	December 13	Council





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## **Q1 2021 Financial Update Staff Report to Council**

Report Number: 2021-33

Department(s): Financial Services

Author(s): Andrea Tang, Manager, Finance & Accounting/Deputy Treasurer

Meeting Date: May 3, 2021

### **Recommendations**

1. That the report entitled Q1 2021 Financial Update dated May 3, 2021 be received; and,
2. That changes to the 2021 capital program be made as outlined in the report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of the report is to:

- provide a financial status update on the 2021 Budget for the first quarter; and
- obtain Council approval on the changes to the 2021 capital program.

### **Background**

Council approved the 2021 Budget totaling \$174.7 million on December 14, 2020. Quarterly Financial Update reports are provided to advise results of the tax-supported operating budget, rate-supported operating budgets and capital budget. As recommended by the Fiscal Strategy, investment performance results are reported separately.

## Discussion

The 2021 Budget totals \$174.7 million and is comprised of the following:

	\$ (in millions)
Tax-supported	89.8
Rate-supported	47.0
Capital	37.9
Total	174.7

This report outlines the financial results on each component for the first quarter ending March 31, 2021. The first quarter results are usually not significant and the capital budget update will focus on recommended changes to the capital program.

### 1. Tax-Supported Operating Budget

At the end of the first quarter of 2021, revenues were lower than budget by \$1.39 million, and expenditures were lower than budget by \$4.75 million resulting in a net favourable variance of \$3.36 million. This includes the year-to-date March COVID-19 expenditures of \$1.32 million. At this time, the Safe Restart grant of \$769,000 and 2021 COVID-19 Recovery Funding for Municipalities Program of \$2,458,182 have not been netted against the Q1 COVID-19 expenditures. These grants will be applied at year-end to offset full-year COVID-19 expenditures.

The major driver for lower revenues was facility closures resulted from the COVID-19 pandemic which impacted recreation, art and culture programs, ice rentals, fitness programs and memberships.

Facility closures also resulted in lower direct expenditures, such as casual wages and supplies associated with delivering the above programs. Winter control expenditures from January to March were lower than budget. In addition, there were temporary favourable variances in general consulting, road maintenance and sidewalk rehabilitation. Staff anticipate that these expenditures will incur as budgeted in the 2021 fiscal year.

#### Central York Fire Services (CYFS)

CYFS incurred a net favourable variance of \$0.28 million mainly due to temporary lower expenditures in uniforms and clothing, repairs and maintenance (equipment, vehicle and facilities) and consulting. Staff anticipate that these expenditures will incur as budgeted in the 2021 fiscal year.

A report on the first quarter results will be tabled to Joint Council Committee (JCC) on May 4, 2021.



## **Newmarket Public Library**

The first quarter results were presented to the Library Board on April 21, 2021. There were no significant year-to-date variances.

## **2. Rate-Supported Operating Budget**

### **Water and Wastewater**

At the end of the first quarter, water and wastewater incurred a net favourable variance of \$0.60 million. Revenues were higher than budget by \$0.47 million. This is consistent with the 2020 trend that residential consumption was higher during the pandemic.

Expenditures were lower than budget by \$0.13 million mainly due to temporary variance in repairs and maintenance. Staff anticipate that these expenditures will incur as budgeted for the 2021 fiscal year.

Year-to-date March expenditures included \$0.09 million in water rebates from the 2021 Financial Relief Program, to be offset by the savings from the waived 2021 water and wastewater rate increase from the Region.

### **Stormwater**

Stormwater incurred a net favourable variance of \$0.20 million mainly due to temporary lower expenditures in repair, maintenance and cleaning. Staff anticipate that these expenditures will incur as budgeted for the 2021 fiscal year.

## **3. Capital Budget**

Capital expenditures of \$0.60 million were incurred at the end of the first quarter against the original capital program of \$36.27 million. The 2021 capital program and capital spending authority were amended to \$41.62 million and \$42.01 million respectively based on the “2020 Preliminary Q4 Operating and Capital Budget” dated April 12, 2021.

The following additional capital project is being requested to be included in the 2021 capital program:

- \$0.85 million for consulting services associated with the Ray Twinney outdoor rink. This includes schematic design, design development, tender and tender support, contract administrative and site inspection.

Further, based on the Q1 procurement status update on the 2021 capital program, there were capital projects totaling \$2.27 million where procurement process had not started. It is very unlikely that the original capital delivery on these projects will materialize by year-end. Therefore, a provision of \$1.0 million is being set up at this time. A comprehensive review will be conducted in Q2 and the provision will be allocated to specific projects based on revised project delivery timelines. Revisions to the 2021

capital program will be reported as part of the Q2 Financial Update report that will be tabled to Committee of the Whole in September 2021.

Upon Council approval of the above changes, the unallocated portion of the standard program will be increased by \$0.15 million in order to maintain the overall standard program at \$20.00 million. The 2021 capital spending authority will remain at \$42.01 million.

	<b>2021 Capital Spending Authority</b>	<b>Proposed Changes</b>	<b>Provision</b>	<b>Revised 2021 Capital Spending Authority</b>
Standard	19,639,300	850,000	- 1,000,000	19,489,300
Unallocated	<u>360,700</u>	<u>150,000</u>	<u>-</u>	<u>510,700</u>
Subtotal - Standard	20,000,000	1,000,000	- 1,000,000	20,000,000
Major	<u>22,009,500</u>	<u>-</u>	<u>-</u>	<u>22,009,500</u>
<b>Total</b>	<b>42,009,500</b>	<b>1,000,000</b>	<b>- 1,000,000</b>	<b>42,009,500</b>

In addition, as outlined in the report “Mulock Park Budget Report” dated April 20, 2021, there is a potential request to further increase the 2021 capital program by \$2.00 million for the design phase of the Mulock Park project.

## Conclusion

This report provides a summary on the first quarter financial results on the tax-supported operating budget, rate-supported operating budgets and capital budget. Staff will continue to monitor the budgets and provide quarterly financial updates. Q2 Financial Update report will be tabled to Committee of the Whole in September 2021.

## Business Plan and Strategic Plan Linkages

This report supports the Council priority under the strategic pillar of Long Term Financial Sustainability. To align with recommendation from the Fiscal Strategy, Q1 investment results are now reported separately under the Information Report “2021 Q1 Investment Summary”.

## Consultation

Operational Leadership Team (OLT) and Strategic Leadership Team (SLT) were consulted to advise of any extraordinary items in Q1.

## Human Resource Considerations

Not applicable.

## **Budget Impact**

Year-end projections will be provided in the Q2 Financial Update report to be tabled to Committee of the Whole in September 2021.

## **Attachments**

Appendix 1 – 2021 First Quarter Operating Results

Appendix 2 – 2021 First Quarter Water, Wastewater and Stormwater Operating Results

Appendix 3 – 2021 First Quarter Capital Expenditures

## **Approval**

Mike Mayes, CPA, CGA, DPA  
Director of Financial Services

Esther Armchuk, LL.B  
Commissioner, Corporate Services

## **Contact**

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**Town of Newmarket**  
**2021 First Quarter**  
**OPERATING RESULTS**

Departments	Year-to-Date to March 31, 2021			Full Year
	ACTUAL	BUDGET	VARIANCE	Budget
	\$	\$	\$	\$
<b>Members of Council</b>				
Revenues	-	-	-	-
Expenditures	261,931	298,721	36,790	1,286,948
<b>Net surplus/(deficit)</b>	<b>(261,931)</b>	<b>(298,721)</b>	<b>36,790</b>	<b>(1,286,948)</b>
<b>C.A.O. - Office</b>				
Revenues	-	71,130	(71,130)	284,520
Expenditures	750,811	969,717	218,906	3,471,480
<b>Net surplus/(deficit)</b>	<b>(750,811)</b>	<b>(898,587)</b>	<b>147,776</b>	<b>(3,186,960)</b>
<b>Corporate Services</b>				
Revenues	240,768	545,969	(305,201)	2,383,899
Expenditures (note 1)	3,996,603	4,581,856	585,253	14,417,754
<b>Net surplus/(deficit)</b>	<b>(3,755,835)</b>	<b>(4,035,887)</b>	<b>280,052</b>	<b>(12,033,855)</b>
<b>Central York Fire Services</b>				
Revenues	34,798	114,874	(80,076)	459,503
Expenditures	2,924,206	3,288,233	364,027	16,057,910
<b>Net surplus/(deficit)</b>	<b>(2,889,408)</b>	<b>(3,173,359)</b>	<b>283,951</b>	<b>(15,598,407)</b>
<b>Community Services</b>				
Revenues	1,212,011	1,943,790	(731,779)	7,950,135
Expenditures	1,484,429	2,474,632	990,203	11,533,371
<b>Net surplus/(deficit)</b>	<b>(272,418)</b>	<b>(530,842)</b>	<b>258,424</b>	<b>(3,583,236)</b>
<b>Development &amp; Infra. Services</b>				
Revenues	1,251,437	1,311,194	(59,757)	6,318,590
Expenditures	6,546,520	9,022,864	2,476,344	35,832,386
<b>Net surplus/(deficit)</b>	<b>(5,295,083)</b>	<b>(7,711,670)</b>	<b>2,416,587</b>	<b>(29,513,796)</b>
<b>Library Services</b>				
Revenues	1,336	34,765	(33,429)	203,473
Expenditures	845,303	882,466	37,163	3,690,895
<b>Net surplus/(deficit)</b>	<b>(843,967)</b>	<b>(847,701)</b>	<b>3,734</b>	<b>(3,487,422)</b>
<b>General Government</b>				
Revenues	748,037	789,900	(41,863)	4,809,600
Expenditures	767,474	1,246,242	478,767	4,082,113
<b>Net surplus/(deficit)</b>	<b>(19,438)</b>	<b>(456,342)</b>	<b>436,904</b>	<b>727,487</b>
<b>Debt Servicing</b>				
Revenues	539,690	605,189	(65,499)	2,420,745
Expenditures	2,006,415	1,591,716	(414,699)	5,178,801
<b>Net surplus/(deficit)</b>	<b>(1,466,725)</b>	<b>(986,527)</b>	<b>(480,198)</b>	<b>(2,758,056)</b>
<b>Property Taxes</b>				
Revenues	31,704,379	31,704,379	(0)	67,968,845
Expenditures	-	-	-	-
<b>Net surplus/(deficit)</b>	<b>31,704,379</b>	<b>31,704,379</b>	<b>(0)</b>	<b>67,968,845</b>
<b>COVID-19</b>				
Revenues	-	-	-	67,968,845
Expenditures	1,315,580	-	(1,315,580)	-
<b>Net surplus/(deficit)</b>	<b>(1,315,580)</b>	<b>-</b>	<b>(1,315,580)</b>	<b>67,968,845</b>
<b>Allocations</b>				
Revenues	-	-	-	-
Expenditures	(668,514)	(688,153)	(19,639)	(2,752,348)
<b>Net surplus/(deficit)</b>	<b>668,514</b>	<b>688,153</b>	<b>(19,639)</b>	<b>2,752,348</b>
<b>GRAND-TOTAL</b>				
Revenues	35,732,455	37,121,190	(1,388,735)	92,799,310
Expenditures	18,915,179	23,668,293	4,753,115	92,799,310
<b>Net surplus/(deficit)</b>	<b>16,817,277</b>	<b>13,452,897</b>	<b>3,364,380</b>	<b>-</b>



# Town of Newmarket

## 2021 First Quarter

### Water, Wastewater & Stormwater Operating Results

Area	Year-to-date (March 31, 2021)				Full Year Budget
	Actual	Budget	Variance		Budget
	\$	\$	\$	%	\$
<b>Water Rate Group</b>					
Revenues	4,815,853	4,634,299	181,554	3.9%	19,646,000
Expenditures	3,927,458	4,253,825	326,367	7.7%	18,211,427
<b>Net</b>	<b>888,396</b>	<b>380,474</b>	<b>507,922</b>	<b>57.2%</b>	<b>1,434,573</b>
<b>Wastewater Rate Group</b>					
Revenues	5,515,615	5,223,899	291,716	5.6%	22,164,000
Expenditures	5,127,409	4,935,468	(191,941)	-3.9%	20,990,633
<b>Net</b>	<b>388,206</b>	<b>288,431</b>	<b>99,775</b>	<b>34.6%</b>	<b>1,173,367</b>
<b>Storm Water Rate Group</b>					
Revenues	-	-	-	0.0%	2,410,960
Expenditures	330,063	528,620	198,557	37.6%	2,173,708
<b>Net</b>	<b>(330,063)</b>	<b>(528,620)</b>	<b>198,557</b>	<b>-37.6%</b>	<b>237,252</b>
<b>Allocations</b>					
Revenues	-	-	-	0.0%	-
Expenditures	665,807	665,807	(0)	0.0%	2,663,256
<b>Net</b>	<b>(665,807)</b>	<b>(665,807)</b>	<b>(0)</b>	<b>0.0%</b>	<b>(2,663,256)</b>
<b>Transfer To/ From Rate Stabilization Reserves</b>					
Revenues	-	-	-	0.0%	-
Expenditures	-	(0)	(0)	100.0%	181,936
<b>Net</b>	<b>-</b>	<b>0</b>	<b>(0)</b>	<b>0.0%</b>	<b>(181,936)</b>
<b>GRAND-TOTAL</b>					
Revenues	10,331,469	9,858,198	473,271	4.8%	44,220,960
Expenditures	10,050,736	10,383,720	332,984	3.2%	44,220,960
<b>Net</b>	<b>280,732</b>	<b>(525,522)</b>	<b>806,254</b>	<b>-153.4%</b>	<b>-</b>





# Town of Newmarket

## 2021 First Quarter

### CAPITAL EXPENDITURES

Commission / Department / Area	Year-to-Date Actual (March 31, 2021) (\$)	Budget 2021 (\$)	% of Spending
<b><u>General Government</u></b>			
	-	115,000	0.0%
<b>Total</b>	<b>-</b>	<b>115,000</b>	<b>0.0%</b>
<b><u>Corporate Services</u></b>			
Information Technology	-	777,749	0.0%
Legislative Services	-	-	0.0%
<b>Total</b>	<b>-</b>	<b>777,749</b>	<b>0.0%</b>
<b><u>Community Services</u></b>			
Recreation & Culture Services	-	-	0.0%
<b>Total</b>	<b>-</b>	<b>-</b>	<b>0.0%</b>
<b><u>Development &amp; Infrastructure Services</u></b>			
Planning & Building	70,835	533,000	13.3%
Roads	153,682	9,054,000	1.7%
Water	116,290	8,562,903	1.4%
Wastewater	-	-	0.0%
Storm Water	-	510,000	0.0%
Facilities	50,020	1,816,000	2.8%
Parks	235,912	4,015,020	5.9%
Trails	(170)	390,000	0.0%
Asset Mgmt	-	-	0.0%
Other	(43,151)	45,000	-95.9%
<b>Total</b>	<b>583,418</b>	<b>24,925,923</b>	<b>2.3%</b>
<b><u>Library Services</u></b>			
	-	225,500	0.0%
<b>Total</b>	<b>-</b>	<b>225,500</b>	<b>0.0%</b>
<b><u>Central York Fire Services</u></b>			
	13,930	10,224,328	0.1%
<b>Total</b>	<b>13,930</b>	<b>10,224,328</b>	<b>0.1%</b>
<b>GRAND TOTAL (A)</b>	<b>597,348</b>	<b>36,268,500</b>	<b>1.6%</b>
<b>Additions* (B)</b>		<b>5,348,800</b>	
<b>Revised 2021 capital program (C = A+B)</b>		<b>41,617,300</b>	

\* - additions as outlined in the "2020 Preliminary Q4 Operating and Capital Budget" report dated April 12 2021





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## **First Quarterly Update to the Outstanding Matters List for 2021 Staff Report to Council**

Report Number: 2021-37

Department(s): Legislative Services

Author(s): Jaclyn Grossi, Legislative Coordinator

Meeting Date: May 3, 2021

### **Recommendations**

1. That the report entitled First Quarterly Update to the Outstanding Matters List for 2021 dated May 3, 2021 be received; and,
2. That Council adopt the Outstanding Matters List (**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 Council with the first quarterly update to the Outstanding Matters List in 2021.

### **Background**

Following the Procedure By-law Review at Council's meeting on March 2, 2020, staff were directed to provide Council with an updated Outstanding Matters List quarterly at their Committee of the Whole meetings. Staff will continue this practice in 2021 to ensure that both Council and the public are aware of staff's intended timeline to bring certain items forward.

Council adopted the fourth quarterly update for 2020 at their February 8, 2021 Council - Electronic meeting. This report serves to present the first quarterly report for 2021.

## Discussion

An updated Outstanding Matters List (**Attachment A**) has been provided and is presented to Council for adoption. As a reminder, the items included in Attachment A are only items from the Outstanding Matters List, which require Council decision or consideration. The chart does not depict other projects or work that staff continue to dedicate resources towards. It also does not include the Council-approved action items contained in the REV it Up Campaign or within Council's Strategic Priorities.

Corresponding item numbers have been enumerated to ensure that Council has ease of reference for specific matters should there be questions about associated timeframes or the subject matter itself. Insert main content and include options where applicable.

### **Staff have completed 6 items on the Outstanding Matters List**

The following items have been removed from the Outstanding Matters List (the "List"):

#### **(1) Traffic and Parking Petitions**

Recommendations:

That the petition regarding Traffic Calming Measures/Speed Mitigation on Flagstone Way be referred to Staff; and,

That the petition regarding Traffic Calming Measures/Speed Mitigation on Simcoe Street be referred to Staff.

This item has been removed as Council received reports regarding traffic mitigation measures on both Flagstone Way and Simcoe Street at their February 8, 2021 Council - Electronic meeting.

#### **(2) Traffic Calming Measures/Speed Mitigation at William Roe Boulevard and Dixon Boulevard**

Recommendation:

That the petition regarding Traffic Calming Measures/Speed Mitigation at William Roe Boulevard and Dixon Boulevard be referred to Staff.

This item has been removed as Council received a report regarding traffic calming and speed mitigation measures at William Roe Boulevard and Dixon Boulevard at their February 22, 2021 Committee of the Whole - Electronic meeting. Council referred this report back to Staff to gather further traffic data, and this new direction has been captured as item 4 on the List.

### **(3) Multi Use Pathways**

Recommendation:

That Council direct Staff to report back in 2020 regarding the best practices and options for improving the signage and markings on the Tom Taylor Trail system.

This item has been removed as Council received a presentation and report at their February 22, 2021 Committee of the Whole - Electronic meeting. Council directed Staff to schedule a Council Workshop for this item by Q3 2021, and this new direction has been captured as item 10 on the List.

### **(4) Parking Petition - Clematis Drive**

Recommendation:

That the petition regarding Parking Restrictions on Clematis Drive be referred to Staff.

This item has been removed as Council received a report regarding parking on Clematis Drive at their February 22, 2021 Committee of the Whole - Electronic meeting.

### **(5) Atkins Drive and Quick Street All-way Stop Request**

Recommendation:

That Staff provide Council with data regarding All-Way Stop warrants related to Bob Gapp Drive and Atkins Drive, including modelling the anticipated near-term growth.

This item has been removed as Council received INFO-2021-01 entitled Bob Gapp Drive and Atkins Drive All-Way Stop Review, dated February 8, 2021.

### **(6) Single Use Plastics**

Recommendations:

That Council direct staff to bring back a report which outlines the roles and responsibilities of the Province, the Region and the Town in relation to recycling and diversion and provides the following:

- information on what work is currently being done to address the reduction and eventual elimination of single use plastics; and,
- clear options for Council to consider to ensure the town is taking steps within its jurisdiction to reduce and eventually eliminate single use plastics.

This item has been removed as Council received a presentation and report at their March 22, 2021 Committee of the Whole - Electronic meeting.

## **Conclusion**

Staff will continue to provide Council with an updated Outstanding Matters List quarterly in 2021 to reflect the current status of items which Staff have been directed to report back to Council on.

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

As this report highlights an updated Outstanding Matters List for the Corporation, this report aligns with all six pillars of Council's Strategic Priorities.

## **Consultation**

Members of the Strategic Leadership Team and Operational Leadership Team were consulted in this report.

## **Human Resource Considerations**

There are no human resource considerations specific to this report. However, individual projects within the List may have associated human resources impacts, and any such considerations will be noted in the individual reports on those matters.

## **Budget Impact**

There are no budget impacts specific to this report. However, individual projects within the List may have associated budget impacts, and any such considerations will be noted in the individual reports on those matters.

## **Attachments**

**Attachment A** – Outstanding Matters List.

## **Approval**

Kiran Saini, Deputy Clerk

Lisa Lyons, Director of Legislative Services/Town Clerk

Esther Armchuk, Commissioner, Corporate Services

Ian McDougall, Commissioner, Community Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

Jag Sharma, Chief Administrative Officer

## **Contact**

For more information about individual projects contained in Attachment A, please contact the responsible Department Director or respective Commissioner.





Item	Subject Matter	Council Direction from Outstanding Items List	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in Q2 2021					
1.	Extending the 30 Minute Downtown Parking Restrictions on Main Street	<b>Meeting Date:</b> Committee of the Whole - Electronic - September 14, 2020  <b>Recommendations:</b> <ol style="list-style-type: none"> <li>That staff report back on the findings of the public consultation, and any recommendations to further amend Main Street parking restrictions by Q1 2021;</li> </ol> <b>Responsible Departments:</b> <ul style="list-style-type: none"> <li>Legislative Services</li> </ul>	Q1 2021	Q2 2021	Staff will prepare and distribute an Information Report to Council. Staff will be working with Economic Development to conduct a survey with the BIA. This item is related to recommendation #2 in the Downtown Parking Review (see item 2).
2.	Downtown Parking Review	<b>Meeting Date:</b> Council - Electronic - August 31, 2020  <b>Recommendation:</b> <ol style="list-style-type: none"> <li>That staff be directed to consult with the BIA and report to Council by Q1 2021 on potential permanent 30 minute parking restrictions on Main Street including a review of other options; and,</li> <li>That Council direct staff to present a report on parking wayfinding in the downtown area for Council consideration in Q2 2021;</li> </ol> <b>Responsible Departments:</b> <ul style="list-style-type: none"> <li>Innovation &amp; Strategic Initiatives</li> </ul>	Q1 2021	Q2 2021	
3.	INFO-2020-32: Vacant/Derelict Buildings	<b>Meeting Date:</b> Council - October 13, 2020  <b>Recommendations:</b> <ol style="list-style-type: none"> <li>That Council direct staff to report back to Council with options for a Vacant Building Registry Program by Q1 2021.</li> </ol> <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Legislative Services</li> <li>Planning &amp; Building Services</li> </ul>	Q1 2021	Q2 2021	

Item	Subject Matter	Council Direction from Outstanding Items List	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in Q2 2021					
4.	Traffic Calming Measures/Speed Mitigation at William Roe Boulevard and Dixon Boulevard	<b>Meeting Date:</b> Committee of the Whole - Electronic February 1, 2021  <b>Recommendation:</b> 2. That the report entitled William Roe Boulevard /Dixon Boulevard Traffic Review dated February 1, 2021 be referred back to staff in order to gather further traffic data and to provide a report to a future Committee of the Whole meeting.  <b>Responsible Departments:</b> <ul style="list-style-type: none"> <li>Engineering Services</li> </ul>		Q2 2021	
5.	Alex Doner Drive Traffic Mitigation Request	<b>Meeting Date:</b> Committee of the Whole - Electronic - July 22, 2020  <b>Recommendation:</b> 1. That the request for a review of traffic control and traffic calming measures on Alex Doner Drive between Sykes Road and Kirby Crescent be referred to Staff.  <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Engineering Services</li> </ul>	Q1 2021	Q2 2021	Staff are awaiting traffic counts for this area and will be prepared to provide Council with a report in Q2 2021.
6.	Traffic Calming Measures on Stonehaven Avenue	<b>Meeting Date:</b> Committee of the Whole – Electronic - October 26, 2020  <b>Recommendations:</b> 8. That Council direct Staff to review and report back to Council with options for temporary and permanent traffic calming measures or features to be added to Stonehaven Avenue; and, 9. That Council direct Staff to review and report back to Council regarding a three way stop to be added to the west side of Best Circle and Stonehaven Avenue.  <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Engineering Services</li> </ul>		Q2 2021	
7.	Damage to Lawns Due to Snow Removal	<b>Meeting Date:</b> Committee of the Whole - Electronic - January 11, 2021  <b>Recommendations:</b> 1. That Council direct staff to provide an information report regarding damage to lawns caused by snow removal.  <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Public Works Services</li> </ul>		Q2 2021	Staff will prepare and distribute an Information Report.

Item	Subject Matter	Council Direction from Outstanding Items List	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in Q3 2021					
8.	Hollingsworth Arena and Future Ice Allocation Considerations	<b>Meeting Date:</b> Committee of the Whole – April 8, 2019  <b>Recommendations:</b> <ol style="list-style-type: none"> <li>That the Town of Newmarket operate with six ice pads and report back annually on the status of ice allocations, and ability to accommodate users; and</li> <li>That within six months staff bring back a report on any plans for public amenity use at this location;</li> </ol> <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Recreation and Culture Services</li> </ul>	Q1 & Q3 2020	Q3 2021	Staff will provide two information reports on this item 1) regarding the public amenity use of this facility; and 2) regarding the status of ice allocations after the needs of the organizations for the 2020-2021 season have been identified.  The information reports were delayed due to operational disruptions caused by the Pandemic. Staff will be prepared to present a Staff report in Q3 2021. The Covid-19 Pandemic has had a significant impact in how user groups were able to use ice this season. As such, any data collected from this season will be ineffective in determining long term needs of users and allocation processes and strategies.
9.	INFO-2020-34: Active Transportation Implementation Plan - Bicycle Lanes	<b>Meeting Date:</b> Committee of the Whole - Electronic February 22, 2021  <b>Recommendation:</b> <ol style="list-style-type: none"> <li>That the information report entitled Active Transportation Implementation Plan - Bicycle Lanes be referred to staff to organize a Council Workshop in Q3 2021, to look at ways to continue to implement bike infrastructure while looking at best practices to mitigate community impact; and,</li> </ol> <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Engineering Services</li> </ul>		Q3 2021	Staff will schedule a Workshop in Q3 2021.
10.	Multi Use Trails Safety Enhancements	<b>Meeting Date:</b> Committee of the Whole - Electronic February 22, 2021  <b>Recommendation:</b> <ol style="list-style-type: none"> <li>That staff proceed with coordinating a Council Workshop to explore the future direction and priorities for developing multi use trails, by Q3 2021; and,</li> </ol> <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Public Works Services</li> </ul>		Q3 2021	Staff will schedule a Workshop in Q3 2021.

Item	Subject Matter	Council Direction from Outstanding Items List	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in Q3 2021					
11.	Protection of Trees on Private Property	<b>Meeting Date:</b> Committee of the Whole - June 17, 2019  <b>Recommendations:</b> 4. That following the internal and public consultation, issues identified in this report, together with comments from the public, and Committee, be addressed by staff in a comprehensive report to the Committee of the Whole with a draft by-law;  <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Planning and Building Services</li> </ul>	Q2 2021 Q1 2021 Q4 2020 Q1 2020	Q3 2021	A Council Workshop has been scheduled for April 26, 2021. Following the workshop, additional public consultation may be required on the draft by-law, which could occur over some or all of the summer, with a final recommended by-law expected to come forward in Q3
12.	Short Term Rentals & Municipal Accommodation Tax	<b>Meeting Date:</b> Committee of the Whole – February 3, 2020  <b>Recommendations:</b> 3. That Council direct Staff to proceed with Option 3 as described in the report. Option 3 would require the adoption of a Licensing By-law, presented to Council in April or May 2020 and amendments to the Zoning By-law, presented to Council by August 2020.  <b>Meeting Date:</b> Special Committee of the Whole – Electronic – June 15, 2020  <b>Recommendations:</b> 3. That Council direct staff to bring forward a report regarding a Municipal Accommodation Tax (MAT) on all short term rental properties in Q3/Q4 2021.  <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Legislative Services</li> <li>Planning and Building Services</li> <li>Financial Services</li> </ul>	Q2 2021 Q3/Q4 2020	Q3 2021	<p>The zoning component will consist of a Council Workshop, Public Meeting, and the final recommendations staff report, which are targeted for completion in Q2, 2021. Current considerations being given to the Pandemic and restrictions on short term rentals.</p> <p>Staff distributed an information report on September 10, 2020 which provided an explanation as to amending the proposed reporting timeframe.</p> <p>Staff will prepare a report to Council by Q3 2021 which will provide an update on the project and seek direction for potential action in 2022.</p> <p>The Municipal Accommodation Tax will need to be included with this matter, and staff will need to outline a plan to approach this item, starting with stakeholder consultations</p>
13.	Town-Wide Mitigation Strategy - Traffic Calming Policy Public Consultation Report	<b>Meeting Date:</b> Committee of the Whole - September 23, 2019  <b>Recommendations:</b> 1. That Staff report back to Council in up to 12 months regarding various initiatives raised in this report.  <b>Responsible Departments:</b> <ul style="list-style-type: none"> <li>Engineering Services</li> </ul>	Q2 2021 Q1 2021 Q4 2020	Q3 2021	Staffing shortages are affecting the timing of this report. Recruitment efforts are currently ongoing in an effort to find new qualified and experienced staff.

Item	Subject Matter	Council Direction from Outstanding Items List	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in Q3 2021					
14.	Traffic & Parking Petitions	<p><b>Meeting Date:</b> Committee of the Whole - Electronic - July 20, 2020</p> <p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the Helmer Avenue Parking Review be referred back to Staff.</li> </ol> <p><b>Meeting Date:</b> Committee of the Whole - Electronic April 12, 2021</p> <p><b>Recommendation:</b></p> <ol style="list-style-type: none"> <li>1. That the Helmer Avenue Parking Update report be deferred for consideration until a future Committee of the Whole Meeting in September or October 2021.</li> </ol> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>• Engineering Services</li> </ul>		Q3/Q4 2021	Council received an update on the Helmer Avenue Parking Review at their April 12, 2021 Committee of the Whole - Electronic meeting and deferred consideration of the report until September or October 2021.

Item	Subject Matter	Council Direction from Outstanding Items List	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in Q4 2021					
15.	Heritage Designations - York Region Administrative Building and Newmarket Canal System	<p><b>Meeting Date:</b> Committee of the Whole - April 30, 2018</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>2. The Strategic Leadership Team/Operational Leadership Team recommend that the following be referred to staff for review and report: <ol style="list-style-type: none"> <li>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,</li> <li>b. That the Heritage Newmarket Advisory Committee recommend the Town of Newmarket designate the Newmarket Canal system.</li> </ol> </li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>• Planning and Building Services</li> </ul>	<p>Q2 2021</p> <p>Q1 2021</p> <p>Q3 2020</p> <p>Q1 2020</p>	Q4 2021	York Region Staff first intends to bring this item to their Council at some point in 2021 to make them aware of the proposed designation; as we do not know when this will happen, Q4 is proposed at this time.

Item	Subject Matter	Council Direction from Outstanding Items List	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in 2022					
16.	Electronic Participation in Meetings and 2021 Council/Committee of the Whole Schedule	<p><b>Meeting Date:</b> Committee of the Whole - Electronic - October 5, 2020</p> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>3. That electronic participation by Council members be permitted until the end of 2021 and that staff be directed to report to Council with a revised electronic participation policy prior to this date; and,</li> <li>4. That staff be directed to report to Council in April/May 2021 on a Policy for Electronic Participation in hybrid meetings, establishing start times for Council and Committee of the Whole meetings for July to December 2021 and resumption of hybrid meetings for Advisory Committees;</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>• Legislative Services</li> </ul>	Q2 & Q4 2021	Q1 2022	Staff presented Council with a report at their Committee of the Whole - Electronic meeting on April 12, 2021 regarding the current status of hybrid meetings, Public Health measures, and the Provincial State of Emergency/Stay-At-Home Order. Staff will be prepared to present Council with a policy framework for hybrid meetings in Q1, 2022.
17.	Residential Parking	<p><b>Meeting Date:</b></p> <ol style="list-style-type: none"> <li>(1) Committee of the Whole - November 6, 2017</li> <li>(2) Committee of the Whole – April 9, 2018 (Temporary Parking Exemption Report)</li> </ol> <p><b>Recommendations:</b></p> <ol style="list-style-type: none"> <li>(1) 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:               <ol style="list-style-type: none"> <li>c. 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> </ol> </li> <li>(2) 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</li> </ol> <p><b>Responsible Department:</b></p> <ul style="list-style-type: none"> <li>• Planning and Building Services</li> <li>• Legislative Services</li> </ul>	Q4 2021 Q1 2021 Q4 2020 Q3 2020	2022	Staff will hold a Council Workshop in Q4 2021, prior to bringing a report forward to a future Committee of the Whole meeting in 2022.

Item	Subject Matter	Council Direction from Outstanding Items List	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items for Council consideration in 2022					
18.	Parking Enforcement Initiative - Pay It Forward Program	<b>Meeting Date:</b> Committee of the Whole - November 4, 2019  <b>Recommendation:</b> 4. That Staff report back to Council within 18 months  <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Legislative Services</li> </ul>	Q3 2021  Q2 2020	2022	Council previously requested that staff require donations to the Newmarket CARE program, however online donations cannot be accepted. Given that resources will be committed to recovery from the Pandemic this initiative is not deemed a priority item and will be presented to Council as an Information Report in 2022.
19.	Construction Vibration	<b>Meeting Date:</b> Council - Electronic - November 2, 2020  <b>Recommendations:</b> 7. That Staff be directed to prepare an amended version of Noise By-law 2017-76 to include provisions relating to vibration (option #3) for non-Planning Act development, for Council's consideration at a later date; and, 8. That Staff be directed to develop a permit process to address vibration complaints for significant non-Planning Act construction  <b>Responsible Departments:</b> <ul style="list-style-type: none"> <li>Legislative Services</li> </ul>	Q3 2021	2022	



Item	Subject Matter	Council Direction from Outstanding Items List	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items with a date to be determined					
20.	Council Remuneration	<b>Meeting Date:</b> Committee of the Whole – April 9, 2018  <b>Recommendations:</b> <ol style="list-style-type: none"> <li>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.</li> </ol> <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Office of the CAO/Human Resources</li> </ul>	Q1 2020	To be determined – see additional comments	Staff will present a report on Council remuneration once the pandemic is declared over.
21.	Newmarket Public Library Study Implementation	<b>Meeting Date:</b> Committee of the Whole - February 26, 2018  <b>Recommendations:</b> <ol style="list-style-type: none"> <li>That Council refer the further consideration and direction with respect to library facility needs study to the 2018 – 2022 Council Strategic Priority setting process.</li> </ol> <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Community Services/Newmarket Public Library</li> </ul>	Q3 2020	To be determined – see additional comments	Procurement & process planning delayed as a result of pandemic.
22.	Urban Centres Secondary Plan and Zoning By-law Technical Amendments	<b>Meeting Date:</b> Committee of the Whole - Electronic December 7, 2020  <b>Recommendation:</b> <ol style="list-style-type: none"> <li>That upon Regional approval of Official Plan Amendment No. 25, Staff be directed to bring the attached Zoning By-law Amendment to a future Council meeting for approval</li> </ol> <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Planning &amp; Building Services</li> </ul>	Q1 2021	To be determined - see additional comments	Currently awaiting the Region to approve the OPA before the zoning by-law can be brought forward for Council's approval. This by-law will go straight to Council and will not be accompanied by a report.
23.	460 Davis Drive – Modifications to Official Plan Amendment 25 and related Zoning By-law Amendment	<b>Meeting Date:</b> Committee of the Whole - Electronic April 12, 2021  <b>Recommendation:</b> <ol style="list-style-type: none"> <li>That upon the approval of OPA 25 by the Regional Municipality of York, Staff be directed to forward the Zoning By-law Amendment as shown in Attachment 2 to a regular Council meeting for approval; and,</li> </ol> <b>Responsible Department:</b> <ul style="list-style-type: none"> <li>Planning &amp; Building Services</li> </ul>		To be determined - see additional comments	Committee approved amendments to 460 Davis Drive at its April 12, 2021 meeting, and this change will be forwarded to the Region to be approved along with Item 22 above. Following the Region's approval of the OPA, the by-law will go straight to Council and will not be accompanied by a report.

Item	Subject Matter	Council Direction from Outstanding Items List	Previous Reporting Timeframe	New Proposed Reporting Timeframe	Additional Comments
Items with a date to be determined					
24.	Youth Engagement, Diversity and Inclusivity, and Consultation on the Environment	<p><b>Meeting Date:</b> Committee of the Whole – June 17, 2019</p> <p><b>Recommendation:</b> 3. That staff be directed to plan a <del>Climate Change Open House for Fall 2019</del> (completed) and a Spring 2020 e-Waste Collection event as part of a one-year pilot environmental consultation program and report back in 2020 with a review of this program;</p> <p><b>Responsible Departments:</b></p> <ul style="list-style-type: none"> <li>• Engineering Services</li> <li>• Public Works Services</li> </ul>	<p>Q2 2021</p> <p>Q4 2020</p> <p>Q1 2020</p>	To be determined - see additional comments	The Spring e-Waste Collection event has been postponed due to the current Public Health measures, Provincial State of Emergency and Stay At Home Order. Staff will continue to monitor the Public Health guidelines and provide an update when an event is able to be held.



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## **Zoning Bylaw Amendment 17365 & 17395 Yonge Street Staff Report to Council**

Report Number: 2021-35

Department(s): Planning & Building Services

Author(s): Casey Blakely

Meeting Date: May 3, 2021

### **Recommendations**

1. That the report entitled Zoning By-law Amendment – 17365 & 17395 Yonge Street, dated May 3, 2021 be received; and,
2. That the application for Zoning By-law Amendment, as submitted by Groundswell Urban Planners Inc., for 17365 & 17395 Yonge Street, be approved in its general form; and,
3. That 2143811 Ontario Limited (The Kerbel Group Inc.) and Groundswell Urban Planners Inc., be notified of this action; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

Staff have reviewed the application to amend Zoning By-law 2010-40 to permit a 12 storey mixed use building with 303 units and two buildings containing a total of 28 townhouses on the subject lands. The Zoning By-law Amendment proposes to maintain the existing Provincial Urban Centres (UC-P) Zone, but incorporate certain exceptions relating to parking, setbacks, height and FSI.

Staff have reviewed the development proposal against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in conformity with the policy framework.

A statutory public meeting was held on August 29, 2011 as required by the *Planning Act* and a Public Information Centre was held on May 22, 2019.

## **Purpose**

This report provides recommendations to Council on the subject application for a Zoning By-law Amendment for 17365 & 17395 Yonge Street under Section 34 of the *Planning Act*.

The recommendations, if adopted, would result in an amendment to the Zoning By-law to permit the proposed mixed use condo apartment and townhouse development and apply a 'Holding' provision to ensure the orderly development of the site.

## **Background**

### **Subject Land**

The subject land is located south of Davis Drive, at the north-east corner of Yonge Street and Millard Avenue and is comprised of 17365 and 17395 Yonge Street. The site has an area of 1.12 ha (2.77 ac) and is currently vacant. There are retail/commercial uses to the west and south of the site.

The application was submitted in November 2009, and subsequently deemed complete in February 2010. This original application proposed a 400 unit residential development (condominium), consisting of two buildings at 12 and 17 storeys, a 6 storey connecting podium and an inner plaza.

Following the Public Meeting, the application was revised, and resubmitted with updated technical studies to support a revised development concept.

## **Discussion**

### **Proposal**

The applicant is proposing to rezone the subject lands from Provincial Urban Centre Zone (UC-P) to a site specific Provincial Urban Centre Zone ((H) UC-P-154) with a Holding Provision. The proposal is for a mixed-use development, inclusive of 303 residential condo units in a 12 storey building with retail space on the ground floor. In addition, 28 townhouses 3 storeys in height, located in 2 buildings, are proposed along the eastern property boundary. A total Floor Space Index (FSI) of 2.64 is proposed. York Region has advised that no access will be permitted onto Yonge Street and as such, access will be provided off of the existing driveway from Millard Avenue. Parking spaces are proposed at 413 spaces and 200 bicycle spots. Indoor and outdoor amenity spaces will be provided with both exceeding the requirements (463 sqm indoor proposed - minimum required is 455 sqm and 762 sqm outdoor proposed – minimum required is 497 sqm).

This application was submitted prior to the Urban Centres By-law (By-law 2019-06) and as such, has been reviewed under By-law 2010-40. By-law 2010-40 requires significantly more parking than By-law 2019-06. Under 2010-40, this site requires a total

of 544 parking spaces. Under the Urban Centres Bylaw (2019-06) a maximum of 413 total spaces are required. Staff feel that it is appropriate to amend By-law 2010-40 to allow for the current parking requirements that would have been applied to this site if this application came in under 2019-06.

The specific proposed zoning exceptions are outlined in Table 1 below:

**Table 1**

	<b>UC-P</b>	<b>Proposed (H)UC-P-154 Zone</b>
<b>Min. Yard Setbacks</b>		
From front lot line	3.0m	2.5m
From side lot line		
One side (or exterior)	3.0m	6.0m
Other side (or interior)	3.0m	6.5m
<b>Max. Yard Setbacks</b>		
One side (or exterior)	6.0m	6.5m
<b>Max. Floor Space Index</b>	1.25	2.64
<b>Max. Height</b>	24m (*2) (8 storeys)	40.1m (12 storeys)
<b>Parking</b>	544	413

### Concept Plan and Rendering

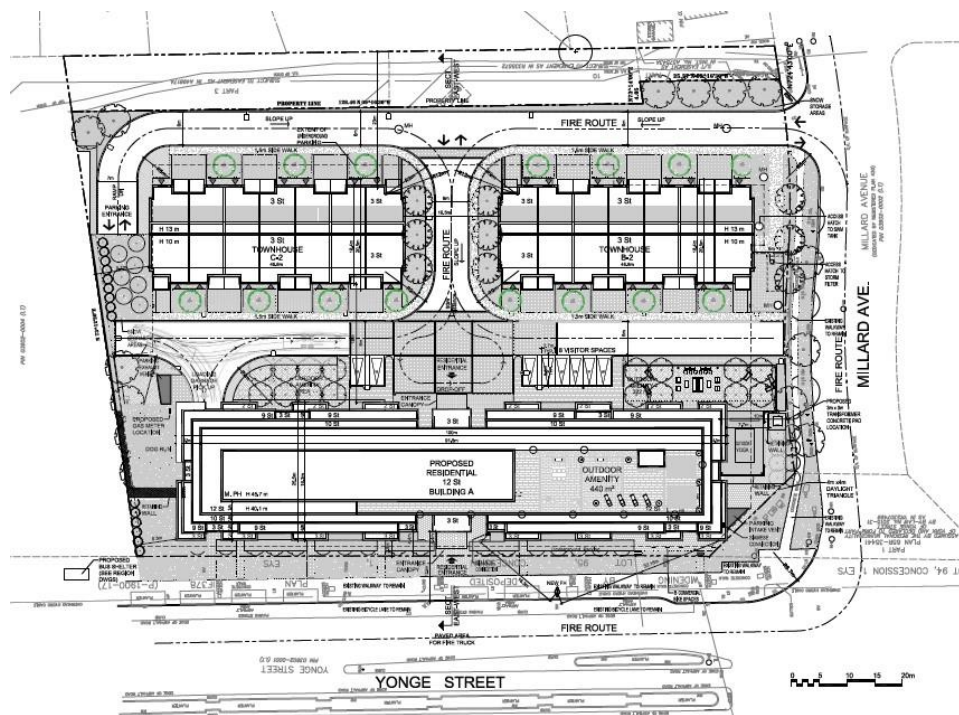


Figure 1: Conceptual Plan



Figure 2: North – East Facing Rendering



Figure 3: North Facing Elevation from Millard Avenue

## **Provincial Policy Statement (PPS) and Provincial Plans**

The *Planning Act* requires planning decisions to be consistent with the policy statements issued under subsection (1) of the Act, and shall conform to provincial plans in effect on that date, or shall not conflict with them. The current policy statement is the Provincial Policy Statement 2020 (the “PPS”). The applicable provincial plans are: the A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019 (the “Growth Plan”) and, the Greenbelt Plan 2017 (the “Greenbelt Plan”).

This application supports and is consistent with the Provincial Policy Statement’s (PPS) direction of intensification to achieve growth and urban vitality while making efficient use of existing infrastructure. The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe by proposing intensification on an underutilized site, and will assist in building complete communities, located along a Regional Corridor served by transit and within the Province’s Built Boundary.

## **Region of York Official Plan**

The subject property is located along a Regional Corridor and is designated Urban Area in the Region of York Official Plan. The Regional Plan is clear that the Region’s Centres and Corridors are to be the primary locations for the most intensive and greatest mix of development within the Region, and that development within Regional Centres and Corridors are to be of an urban form and design that is compact, mixed use, oriented to the street, pedestrian and cyclist friendly, and transit supportive. This application supports and is consistent with these policies.

## **Town of Newmarket Official Plan**

The subject property is designated Yonge Davis Provincial Urban Growth Centre (YDPUC) in the Town’s Official Plan. The YDPUC is envisioned as a meeting place, location for cultural facilities, public institutions, major services and transit hubs. This area is intended to be a hub within York Region and beyond for commercial, recreational, cultural and entertainment activity that provides for a significant share of population and employment growth within Newmarket.

The YDPUC will be the focus of intensification for residential and employment uses. The Official Plan policies encourage mixed use development at densities of 200- 250 persons and employees per hectare. The YDPUC currently has a maximum density (measured by floor space index (FSI)) of 1.25 FSI for Phase One and a FSI of 2.5 and above for Phase Two. The Official Plan contains policies that allow for the consideration



of greater densities, provided supporting background studies are completed which demonstrate that the development will not create unacceptable impacts with respect to transportation, shadowing impacts, urban design and landscaping, built form compatibility, energy efficiency and servicing and infrastructure capacity. The subject development proposes an FSI of 2.64 and a range of studies were submitted with the application to support the increased FSI.

It is the opinion of staff that this application supports and is consistent with the policies of the Official Plan.

### Urban Centres Secondary Plan

The subject property is located within the Urban Centres Secondary Plan area. Although the application was submitted and deemed complete prior to the enactment of the Secondary Plan, the policies have still been reviewed to ensure the application maintains the general intent of the Plan.

The Secondary Plan's main objective is to support the redevelopment and intensification of the Yonge and Davis Urban Centres. The Plan permits a mix of uses across the majority of the Plan area in an effort to support walkability and the development of a complete community, and sets out minimum and maximum building heights and densities throughout the Plan area.

This application satisfies the Secondary Plan's policies in terms of the intensification of the Urban Centres through the redevelopment of underutilized properties and adds a residential land use component which is permitted as an element of a mixed use community. Using the Town's persons per unit number of 1.95 for apartments units and 2.63 for townhouses, as provided by the Region of York, the development would introduce 665 new residents to the Town's Urban Centres.

It is the opinion of staff that this application generally supports and is consistent with the policies of the Secondary Plan, and will help re-urbanize the Yonge Street corridor. In particular, the Secondary Plan permits heights up to 12 storeys and a Floor Space Index (FSI) up to 2.5 (and 3.0 with bonusing) in this area. The proposed development meets the height and proposes an FSI of 2.64. Although the FSI is higher than the Secondary Plan, as noted above, this application was submitted prior to the Secondary Plan policies. Further, Schedule 5 of the Secondary Plan contemplates a future north-south private lane through this property and this proposal protects for that in the future.

### **Servicing Allocation**

To date, servicing has not been allocated to this development. Allocation is being recommended through the Annual Servicing Allocation Report, at the May 3, 2021 Committee of the Whole Meeting. In accordance with the Servicing Allocation Policy, this proposal is located within the highest priority area identified in the Policy, and as such, staff are recommending that full allocation for this project be granted. A Holding



provision in the By-law is also proposed to ensure servicing is in place prior to the development proceeding.

### **Holding Provision**

In accordance with Section 36 of the *Planning Act*, Council may impose Holding provisions ('H') on a Zoning Bylaw Amendment to limit the use of land until the 'H' provisions are removed. The proposed Zoning By-law Amendment will include Holding provisions for:

- Execution of a Site Plan Agreement
- Servicing Allocation
- Clean Record of Site Condition

### **Conclusion**

The proposed Zoning Bylaw Amendment has been circulated to the Town's internal departments and external agencies. Notice has been provided to persons and public bodies under the *Planning Act*.

A statutory public meeting was held on August 29, 2011 and a non-statutory meeting was held on May 22, 2019. A Memorandum of Understanding was entered into with the applicant and an adjacent residents group.

The application supports the goals of the Urban Centres Secondary Plan, conforms to or does not conflict with the York Region Official Plan, Growth Plan for the Greater Golden Horseshoe and the Provincial Policy Statement.

Further refinement will take place through detailed design as part of the Site Plan Application, within the parameters of the proposed zoning.

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

- Vibrancy on Yonge, Davis and Mulock.

### **Consultation**

#### **Public Consultation**

##### Statutory Public Meeting and Public Information Centre (PIC)

A statutory Public Meeting was held on August 29, 2011 as required by the *Planning Act* and a Public Information Centre (PIC) was held on May 22, 2019.

##### Memorandum of Understanding (MOU)

Following the Public Meeting, the applicant worked with the residents to the east of the site to resolve certain issues regarding height, visual impact and density. The result of

this added consultation was the creation of a Memorandum of Understanding (MOU) in February, 2013 and updated in April 2019. The MOU is between the applicant and the designated representative of the residents group and sets out height and density maximums and step-back requirements. The applicant's proposal conforms to the MOU.

### **Internal Departments & External Agencies**

The application and associated reports relating to traffic, servicing, stormwater and a planning justification report, were circulated to internal departments and external agencies. Comments provided back indicate there is no objection to the proposed Rezoning application with the inclusion of a 'Holding' provision. Detailed design comments relating to such items as: storm water management, sediment and erosion control plans, landscaping details, and urban design will be addressed through the review of a Site Plan application.

The Region of York, Lake Simcoe Region Conservation Authority, and our internal departments, including Engineering, Landscaping and Planning have advised that all technical comments will be addressed through the Site Plan Application. A Holding provision is proposed to address Site Plan approval. A complete Site Plan application has not yet been submitted, but would be the next step in the planning process following zoning approval.

### **Human Resource Considerations**

None

### **Budget Impact**

The appropriate planning application fees have been received for a zoning bylaw amendment application. The Town will also receive revenue from development charges and assessment revenue associated with this development.

### **Attachments**

Schedule A – Location Map

Schedule B – Proposed Bylaw

### **Submitted by**

Casey Blakely, Senior Planner, Planning Services

### **Approved for Submission**

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

## **Contact**

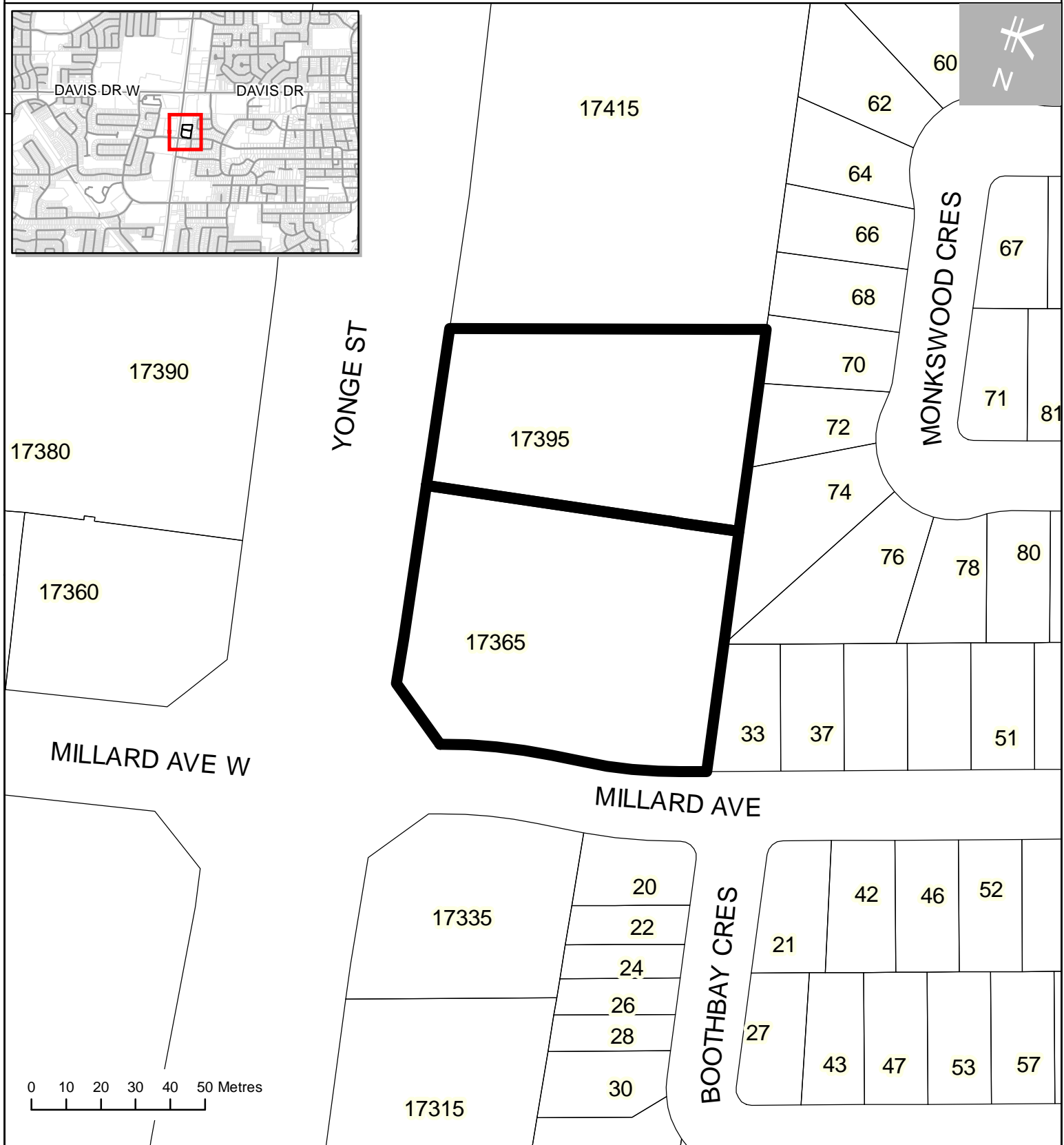
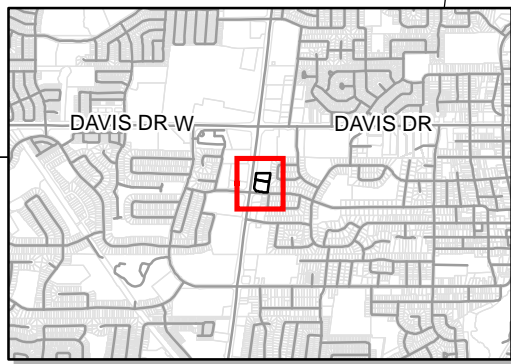
Casey Blakely, MCIP, RPP

[cblakely@newmarket.ca](mailto:cblakely@newmarket.ca)



# LOCATION MAP

## 17365 AND 17395 YONGE ST



**Subject  
Lands**

Designed & produced by  
Information Technology - GIS  
Printed: 2021-03-31.



Sources: Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2021; Roads, Railway, Municipal Boundary - Data, Analytics and Visualization Services Branch, Corporate Services, The Regional Municipality of York, 2021; All other data - © Town of Newmarket, 2021. DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. It is not a substitute for a legal survey.

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**Corporation of the Town of Newmarket**  
**By-law 2021-XX**

A By-law to Amend Zoning By-law 2010-40, with respect to the lands located at 17365 and 17395 Yonge Street.

Whereas the Council of the Town of Newmarket has the authority pursuant to Section 34 of the *Planning Act*, R.S.O. 990, c.P.13, as amended, to pass this By-law; and

Whereas it is deemed advisable to amend By-law Number 2010-40;

Be it therefore enacted by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. That the lands subject to this amendment are illustrated on Schedule 1 attached hereto.
2. That the lands subject to this amendment, as illustrated on Schedule 1, are rezoned from the Urban Centres (UC-P) Zone, to 'Hold' Urban Centres Exception (H-UC-P(154)) Zone.

	<b>(H-UC-P(154))</b>
Minimum and Maximum Parking for the site	413 spaces
Development Standards:	
a) Min Yard Setbacks	
i. From front lot line	2.5m
ii. From rear lot line	23.0
iii. From side lot line	One Side (or exterior) – 6.0m Other Side (or interior) – 6.5m
b) Max. Floor Space Index	2.64
c) Max Height	
i. Apartment Building	40.1m (Established grade 274.45) 12 storeys
ii. Townhouse B-1/C-1	13.0m (Established grade 268.25)
iii. Townhouse B-2/C-2	10.0m (Established grade 270.0)
d) Min. Indoor Amenity Space	462m <sup>2</sup>
e) Min. Outdoor Amenity Space	762m <sup>2</sup>
f) Min. Loading Space Requirement	One (1) Space
i. Size of Loading Space	Width – 4.0m Length – 13.0m Vertical clearance 6.4m
g) Min. Long – Term Bicycle Parking	192 Spaces

h) Min. Short-Term Bicycle Parking	8 spaces
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By-law No.	Property Description	Permitted Uses Until Holding Provision is Removed	Conditions for Removal
2021-XX	17365 & 17395 Yonge Street	No person within the lands described as 17365 & 17395 shall erect or alter any buildings or structures for any purpose.	<p>That sufficient servicing capacity has been allocated by the Town as confirmed by the Director of Planning and Building Services.</p> <p>That confirmation is provided to the Town in the form of an acknowledgement from the Ministry of the Environment, Conservation and Parks (MOECP) that a Clean Record of Site Condition (RSC) has been filed for the site.</p> <p>That a site plan agreement has been entered into between the Owner and the Town and the performance security contemplated therein has been posted.</p>

Enacted this \_\_\_\_day of \_\_\_\_\_, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk

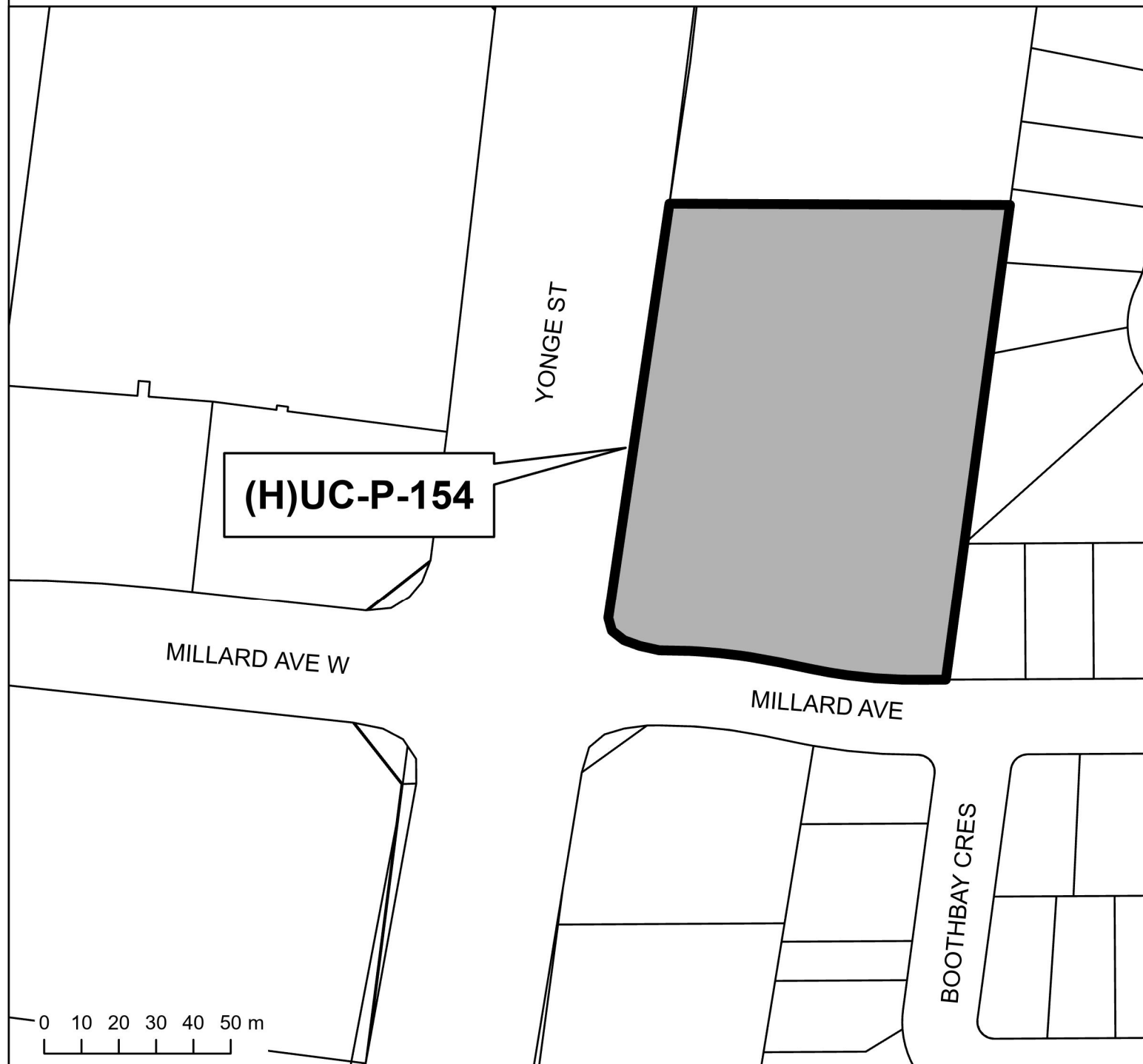


TOWN OF NEWMARKET  
 REGIONAL MUNICIPALITY OF YORK  
 17365 AND 17395 YONGE ST  
 PLAN 430 PT BLK D RS65R3955  
 PARTS 1 TO 10

This is Schedule '1'  
 To Bylaw 2021-  
 Passed this \_\_\_\_\_ Day  
 of \_\_\_\_\_, 2021.

MAYOR \_\_\_\_\_

CLERK \_\_\_\_\_



SCHEDULE "1" TO BY-LAW 2021-  
 TOWN OF NEWMARKET PLANNING DEPARTMENT



Designed & Produced by Information Technology – GIS Printed: April, 2021. Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2021. Zoning - Town of Newmarket, 2021.  
 DISCLAIMER: This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

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## **2021 Annual Servicing Allocation Review Staff Report to Council**

Report Number: 2021-34

Department(s): Planning and Building Services

Author(s): Phoebe Chow, Senior Planner - Policy

Meeting Date: May 3, 2021

### **Recommendations**

1. That the report entitled 2021 Annual Servicing Allocation Review dated May 3, 2021 be received; and,
2. That Council reinstate servicing allocation to the following developments as outlined in this staff report:
  - a. Azure Homes (172-178 Old Main Street);
  - b. Briarwood (NWMKT) Inc. (693 and 713 Davis Drive);
  - c. Redwood Properties Phase 1 (17645 Yonge Street);
  - d. Glenway East Phase 3;
  - e. Options Development (281 Main Street North) Phase 1; and,
  - f. Maple Lane Lands and Development (680 Gorham Street); and,
3. That Council commit serving allocation to the following developments as outlined in this staff report:
  - a. The Rose Corporation (200 Deerfield Road);
  - b. Kerbel (17365 and 17369 Yonge Street);
  - c. Redwood Properties Phase 2 (17645 Yonge Street); and,
  - d. Sundial Phase 3 (partial allocation); and,
4. That the Town's remaining servicing capacity (the Town Reserve) be maintained for future development; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

## **Executive Summary**

The 2020 year end Town Servicing Allocation Reserve balance was 1833 persons, of which, 16 persons were held in the Severance Reserve. In this report, staff recommends that Council reinstate servicing allocation to all previously committed development applications with one minor adjustment for 281 Main Street North to reflect the current proposed unit count. In addition, staff recommends Council commit an additional 1674 persons of servicing allocation to the following developments:

- The Rose Corporation (200 Deerfield Road) – 342 persons;
- Kerbel (17365 and 17369 Yonge Street) – 665 persons;
- Redwood Properties Phase 2 (17645 Yonge Street) – 367 persons, and
- Sundial Phase 3 (partial allocation) – 300 persons.

No new residential lot was created through Consent in 2020 and no additional Inflow and Infiltration (I&I) Reduction repayment was received since the February 2021 6-month review report. Should Council adopt the recommendations contained in this report and with the anticipated additional capacity assignment from York Region and the I&I Reduction Program repayment of 647 persons to be received by Shining Hill by the end of 2021, staff expects the 2021 year end Town's Servicing Allocation Balance to be approximately 2300 persons, of which, 16 persons will be held in the Severance Reserve. This estimated 2021 year end balance may be more if the Town receives more capacity assignment from York Region through the I&I Reduction Program.

This report also provides an estimation of the Town's Servicing Allocation Reserve in the next two years. Based on York Region's previous commitment in providing additional servicing allocation to the Town upon completion of the Forcemain Twinning and Interim Solutions Project, as well as the anticipated amount of I&I Reduction payment and LEED Incentive Program credit, staff estimates the Town's Servicing Allocation Reserve balance to be approximately 4731 persons by the end of 2022. This estimated Town Reserve balance is calculated under the assumption that Council adopts the recommendations contained in this staff report and the amount of servicing allocation to be committed in 2022 would be the same as the Town's historic growth rate at 1000 persons (refer to Table 4 for details).

As the Town continues to grow and servicing capacity becomes increasingly constrained, staff will begin to rely more on the Rescinding and Reallocating of Servicing policy when making recommendations to Council during the annual and 6-month reviews to manage servicing allocation needs across the Town.

## **Purpose**

The purpose of this report is twofold: 1) to provide Council with recommendations for distribution of servicing capacity to development applications on file that have a residential component, and 2) to provide Council with a general update on the Town's current servicing capacity status.

## Background

Planning staff review servicing allocation requests and make recommendations to Council annually. Each application is reviewed based on its status in the planning approval process and staff's assessment of each application against the [Town's Servicing Allocation Policy](#).

The last annual servicing allocation report titled [2020 Annual Servicing Allocation Review](#) (2020 Annual Report) was received by Council on July 27, 2020. Subsequently, a [6-month review report](#) was received by Council on February 8, 2021.

## Discussion

The 2020 year end Town Servicing Allocation Reserve balance was 1833 persons, of which, 16 persons was held in the Severance Reserve. As part of the annual servicing allocation review, all complete residential development applications have been categorized into the following three subsections:

1. Committed servicing allocation;
2. New requests for servicing allocation, and
3. Not recommended for servicing allocation.

For the purpose of this report, servicing allocation that have been “committed” means developments that have previously received allocation from Council, but the draft Plan of Subdivision has not been registered or the Site Plan Agreement has not been executed. The term “committed” is used by York Region in describing status of servicing allocation instead of “allocation granted”; therefore, staff is adopting the same terminology in this report to be consistent with York Region.

### Committed Servicing Allocation

Council has previously committed a total of 1876 persons of servicing allocation to the following developments:

- Briarwood (693 and 713 Davis Drive);
- Redwood Properties Phase 1 (17645 Yonge Street);
- Glenway East Phase 3;
- Options Development (281 Main Street North) Phase 1;
- Azure Homes (172-178 Old Main Street); and,
- Maple Lane Lands and Development (680 Gorham Street).

The proposed number of units and persons of allocation committed for each of the above noted development are listed in Attachment 1. Staff recommend reinstating all of the above developments with one minor modification for 281 Main Street North. The applicant for 281 Main Street North is revising the development proposal by dividing the development into two phases and adding more units to the development. Council has

previously committed allocation for Phase 1, which was the original proposal of two semi-detached units and nine townhouse units (total of 27 persons). The revised Phase 1 no longer includes two semi-detached units, but instead, Phase 1 now involves a total 11 townhouse units (26 persons). In addition, the applicant has recently submitted a zoning by-law amendment application to add five townhouse units on the subject lands as Phase 2. The zoning by-law amendment application to permit Phase 2 is under review; therefore, staff recommend only reinstating servicing allocation for 11 townhouse units (26 persons) at this time. Servicing allocation for the additional five townhouse units will be reviewed when the zoning by-law amendment and related site plan applications have advanced in the planning approval process.

## New Requests for Servicing Allocation

Staff have reviewed all servicing allocation requests and are recommending that Council consider committing a total of 1674 persons of servicing allocation to the developments listed in Table 1 below.

Table 1 Recommendations for New Servicing Allocation Requests

<p><b>Development:</b> The Rose Corporation (200 Deerfield Road) (Formerly known as 175 Deerfield Building 3)</p> <p><b>Priority Area:</b> 1 (Urban Centres)</p> <p><b>Allocation Requested:</b> 175 apartment units (rental) (*145 persons)</p> <p><b>Application Status:</b> Site Plan under review</p> <p><b>Recommendation:</b> Commit 342 persons</p> <p><b>Reason:</b> A total of 342 persons of servicing allocation are required for 175 apartment units as currently proposed for The Rose Corporation Building 3 at 200 Deerfield Road. Buildings 1 and 2, which are under construction, are participating in <a href="#">York Region's Sustainability Development Through LEED Incentive Program</a> (LEED Incentive Program). The Rose Corporation has been working with Regional staff in getting the appropriate approvals to complete the LEED Incentive Program. York Region will issue a servicing allocation credit of 196 persons to the Town upon execution of the LEED Incentive Program agreement. Based on the assumption that York Region will issue the credit of 196 persons of servicing allocation, The Rose Corporation has only requested 145 persons of servicing allocation for Building 3. Regional staff has confirmed that no servicing allocation credit will be issued to the Town until the LEED Incentive Program agreement is executed. As such, to facilitate the development of this proposed rental building in the Urban Centers without delay, staff recommend Council committing the full allocation of 342 persons to Building 3 at this time and the credit of 196 persons of servicing allocation will be added to the Town's Reserve once it is received from York Region.</p>
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**Development:** Redwood Properties Phase 2 (17645 Yonge Street)

**Priority Area:** 1 (Urban Centres)

**Allocation Requested:** 188 apartment units (rental) (367 persons)

**Application Status:** Site Plan under review – 4th submission received (anticipated to be final submission)

**Recommendation:** Commit 367 persons

**Reason:** To facilitate construction of Phases 1 and 2 concurrently. The two phases together add 366 rental apartment units in the Urban Centres.

**Development:** Kerbel (17365 and 17369 Yonge Street) (I&I Reduction Program)

**Priority Area:** 1 (Urban Centres)

**Allocation Requested:** 28 townhouse units and 303 apartment units (665 persons)

**Application Status:** Recommendation for Zoning By-law Amendment approval under a separate item in the same meeting agenda.

**Recommendation:** Commit 665 persons – Total repayment required from Kerbel to the Town in accordance with I&I Reduction Agreement is 887 persons, which includes the Town's 25% (222 persons).

**Reason:** To facilitate development in the Urban Centres. This development is subject to an I&I Reduction Agreement, therefore, the applicant will pay back the servicing allocation required for its development plus the Town's 25% as noted above.

**Development:** Sundial Phase 3

**Priority Area:** 3 (Emerging Residential)

**Allocation Requested:** 22 semi-detached units and 222 townhouse units (648 persons)

**Application Status:** Draft approved

**Recommendation:** Commit allocation for 22 semis and 90 townhouse units (300 persons)

**Reason:** Building Permits for Phase 2 have all been issued and construction is well underway. All homes in Phase 2 are expected to be occupied by the end of this year. Providing allocation for Phase 3 will help facilitate completing this community.

## Not Recommended for Servicing Allocation

Attachment 2 lists all residential developments that are not yet adequately advanced in the planning approval process to warrant servicing allocation, and/or they are located in lower priority areas according to the [Town's Servicing Allocation Policy](#). These applications will be considered for allocation annually or at such time as they are deemed to have sufficiently progressed through the approvals process. In summary,

there are a total of approximately 16813 persons of allocation pending approval, but are not yet advanced enough in the planning process to warrant allocation. It should be noted that some of these applications will advance sooner; however, others may yet take a considerable time before they are recommended for servicing allocation.

## Severance Reserve

No new residential lot was created through Consent in 2020; therefore, staff recommend the 16 persons of servicing allocation held for the Severance Reserve to remain.

## Town Servicing Allocation Reserve Balance

At the end of 2020, the Town Servicing Allocation Reserve balance was 1833 persons and was calculated as follows:

July 2020 Town Reserve Balance	2094 Persons
+ 2020 I&I Assignment Received from York Region	401 Persons
- Servicing Allocation Granted after July 2020	662 Persons
<b>2020 Year End Town Reserve Balance</b>	<b>1833 Persons</b>

Should Council adopt the recommendation of committing an additional 1674 persons of servicing allocation and rescinding one person of allocation from 281 Main Street North as previously discussed in this staff report, the Town Reserve remaining balance will theoretically be 160 persons; however, this balance is temporary only and it will increase to approximately 2300 persons by the end of this year once additional servicing allocation become available through the completion of York Region's Forcemain Twinning (1500 persons) and anticipated I&I Reduction repayment (647 persons from Shining Hill), which are discussed in more detail in the following subsections. The estimated year end balance may be more if the Town receives more servicing capacity assignment from York Region through the I&I Reduction Program.

## Inflow and Infiltration Reduction (I&I) Program Repayment

As noted in the February 2021 report, 401 persons of I&I Reduction Assignment was received from York Region through Marianneville's I&I Reduction Agreement in 2020 and no further repayment was received since the February update. Should Council adopt the recommendation in this report and commit an additional 665 persons of servicing allocation to Kerbel (17365 and 17395 Yonge Street), the total payback between Marianneville, Shining Hill, and Kerbel will be 2413 persons. It should be noted that in accordance with Council's direction dated November 23, 2020, Shining Hill shall pay back 647 persons of servicing allocation to the Town by December 1, 2021.



Table 2 Inflow and Infiltration Reduction Projects Summary

	<b>Kerbel (17365 and 17395 Yonge Street)</b>	<b>Marianneville (Glenway East)</b>	<b>Shining Hill (Phase 1)</b>
<b>Allocation Granted By Council To Date</b>	0	2046 (all three phases)	485
<b>Allocation Paid Back By Developer To Date</b>	0	1246 (Phases 1 and 2)	0
<b>Allocation Added to Town's Reserve</b>	0	354	0
<b>Outstanding Allocation to be Paid Back by Developer (including Town's 25%)</b>	<b>887</b> – should Council adopt the recommendation of this report  (665 persons for proposed development, plus 222 persons for the Town)	<b>879</b>  (659 persons for Phase 3, plus 220 persons for the Town)	<b>647</b>  (485 persons for the proposed development, plus 162 persons for the Town)

## Future Capacity

No updates on future capacity from York Region since the February 2021 report. York Region's commitment to the Town for future capacity has remained the same since 2019. As stated in York Region's [2019 Water and Wastewater Capacity Assignment to Support Growth](#) report, York Region has committed to providing additional capacity to the Town as summarized below in Table 3:

Table 3 Summary of Future Capacity Committed by York Region

<b>Project</b>	<b>Additional Amount of Capacity</b>	<b>Year Additional Capacity Become Available</b>
Forcemain Twinning	1500 persons	Upon completion of project – project is on track to be completed by the end of 2021
Interim Solutions Project	1309 persons	Upon completion of project, approximately 2022
York Region's Reserve for Centres and Corridors in Town of Aurora, Town of Newmarket and Town of East Gwillimbury	1000 persons (total)	Upon completion of interim solutions project

Based on the Region's commitment listed above and other anticipated sources of servicing allocation, Table 4 below provides an estimation of how much allocation capacity the Town may have in the next two years. Staff will continue to work with the Region to ensure the Town has sufficient servicing capacity to manage the Town's growth expectations.

As mentioned previously in this report, The Rose Corporation (Buildings 1 and 2 on Deerfield Road) is participating in York Region's Sustainable Development Through LEED Incentive Program and upon execution of the LEED Incentive Program agreement, the Town will receive 196 persons of servicing allocation credits from York Region. It should be noted that Briarwood is another developer that is participating in the LEED Incentive Program. The amount of servicing allocation credits anticipated from York Region have been included in Table 4 below.

**Table 4 Summary of Estimated Servicing Capacity Supply and Demand (Persons) – Council's commitment**

	<b>Supply</b>	<b>Demand</b>
Town Reserve Balance (as of January 2021)	1833	
2021 Recommended New Servicing Allocation Commitment after Adjustment		1673
Forcemain Twinning Project (expected to be completed by end of 2021)	1500	
Interim Solutions Project (expected to be completed by the end of 2022)	1309	
I&I Reduction Repayments: <ul style="list-style-type: none"> <li>• Shining Hill (647 persons)</li> <li>• Marianneville (879 persons)</li> <li>• Kerbel (887 persons)</li> </ul>	2413	
Sustainable Development Through LEED Incentive Program Credit from York Region: <ul style="list-style-type: none"> <li>• The Rose Corporation Buildings 1 and 2 – 185 and 195 Deerfield Road (credit of 196 persons)</li> <li>• Briarwood (NWMKT) Inc. – 693 and 713 Davis Drive (credit of 153 persons)</li> </ul>	349	
<b>Net Supply (Total Supply – 2021 Demand)</b>	<b>5731</b>	
Historic Growth Rate in Newmarket		1000

Another way to look at how much servicing capacity is available is to track allocation by the status of the draft plan of subdivision or site plan applications. For example, Council may have committed 100 persons of servicing allocation to a development in 2020, but until the draft Plan of Subdivision is registered or the Site Plan Agreement is executed, the 100 persons of allocation are still considered to be available in the Town Reserve

and may be rescinded and reassigned to another development in accordance with the Servicing Allocation Policy.

Table 5 Summary of Estimated Servicing Capacity Supply and Demand (Persons) – registration of plans of subdivision and execution of site plan agreements

	Supply	Demand
Town Reserve Balance should Council adopt recommendations of this report	160	
Amount of committed servicing allocation but draft Plan of Subdivision not registered or Site Plan Agreement not executed (including recommended commitments)	3549	
Forcemain Twinning Project (end of 2021)	1500	
Interim Solutions Project (end of 2022)	1309	
I&I Reduction Repayments: <ul style="list-style-type: none"> <li>Shining Hill (647 persons)</li> <li>Marianneville (879 persons)</li> <li>Kerbel (887 persons)</li> </ul>	2413	
Anticipated LEED Incentive Program Credit	349	
<b>Total</b>	<b>9280</b>	
Historic Growth Rate in Newmarket		1000

## Rescinding Allocation

In accordance with the Town's Servicing Allocation Policy, servicing allocation committed by Council is valid for one year and shall be deemed to be rescinded where no actual development has been made by the applicant within a year. Historically, staff have taken the position that if the applicant is making progress towards final approvals, staff would recommend reinstating servicing allocation to facilitate development without delay. However, going forward, staff will rely more on this policy and may recommend rescinding allocation after one year from the initial commitment date if the applicant has not made sufficient progress towards final registration/approvals of the Planning application(s). For example, all applications listed in Attachment 1 would need to have (or very close to having) the draft of subdivision registered or the site plan agreement executed by the end of 2021, otherwise, staff may recommend rescinding allocation from these applications in the 6-month review report.

## Conclusion

Staff have completed their annual review of current development applications requiring servicing allocation and have provided recommendations as per the Town's Servicing Allocation Policy. This report recommends reinstating 1875 persons of servicing allocation, committing 1674 persons of new allocation and thereby creating a temporary

Town Servicing Allocation Reserve balance of 160 persons, which is expected to be increased to approximately 2300 persons or more by the end of 2021 when additional capacity assignment and I&I Reduction repayments are received from the York Region.

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

- Long-term Financial Sustainability
- Vibrancy on Yonge, Davis and Mulock

## **Consultation**

The annual servicing allocation letter was sent to all developers having active planning applications in the Town that involve a residential use. This letter requested updated information regarding development application status, phasing plans, anticipated construction timing etc., and advised that this report would be considered at an upcoming Committee of the Whole meeting. A follow-up notice was also sent to developers advising them the date of this meeting.

## **Human Resource Considerations**

None

## **Budget Impact**

None

## **Attachments**

Attachment 1 – Previously Committed Servicing Allocation

Attachment 2 – Developments Pending to Receive Servicing Allocation Subject to Council's Approval

## **Submitted by**

Phoebe Chow, Senior Planner - Policy

## **Approved for Submission**

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning and Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

## **Contact**

Phoebe Chow, Senior Planner – Policy, [pchow@newmarket.ca](mailto:pchow@newmarket.ca)

## Attachment 1 – Previously Committed Servicing Allocation

Development	Priority Area	Committed Allocation	Status	Recommendation
Briarwood (693-713 Davis Drive)	1	339 apartment units (662 persons)	Site Plan under review	Reinstate 662 persons
Redwood Development Phase 1 (17645 Yonge Street)	1	178 apartment units (347 persons)	Site Plan under review	Reinstate 347 persons
Glenway East Phase 3 (I&I Program)	3	292 townhouse units and 12 live-work units (800 persons – 659 persons from the Town Reserve and 141 persons from I&I Program)	Site Plan under review	Reinstate 800 persons
Options Development (281 Main Street North)	3	2 semi-detached units and 9 townhouse units (27 persons – accounted for a credit of one previously existed single detached unit 3.25 persons)	Site Plan under review	Reinstate 26 persons to reflect the revised proposal for 11 townhouse units (26 persons – accounted for a credit of one previously existed detached unit 3.25 persons)
Azure Homes (172-178 Old Main Street)	4	12 semi-detached units (32 persons – accounted for a credit of one existing single detached unit 3.25 persons)	Draft approved – clearing conditions of draft approval	Reinstate 32 persons
Maple Lane Lands & Development Co. Ltd. (680 Gorham Street)	4	4 apartment units (8 persons)	Finalizing Site Plan Agreement	Reinstate 8 persons
<b>Total</b>		<b>1876 persons</b>		<b>1875 persons</b>



## **Attachment 2 – Developments Pending to Receive Servicing Allocation Subject to Council’s Approval**

This list is provided for reference only. It does not represent staffs’ support or Council’s approval of the following developments. The amount of allocation listed below may be subject to change.

<b>Development</b>	<b>Priority Area</b>	<b>Allocation Required</b>	<b>Status</b>
345 – 351 Davis Drive	1	68 apartment units (133 persons)	Site Plan under review
Redwood (17645 Yonge Street)	1	Building 3: 168 apartment units (328 persons)	Site Plan under review
Upper Canada Mall Master Plan	1	(Approximately 9750 persons)	OPA under review
Maters Development (49, 55, 59 Charles and 52 Prospect)	1	9 townhouse units and 42 apartment units (106 persons)	Statutory public meeting for ZBLA held on June 29, 2020
Lundy’s Lane Newmarket Assembly Inc. (43 Lundy’s Lane; 592 Watson Avenue; 32, 36 and 40 Bolton Avenue)	1	80 apartment units (rental) (156 persons)	Zoning By-law Amendment and Site Plan under review. Statutory public meeting to be scheduled.
Mosaic Davis Inc. (201 Davis Drive)	1	147 apartment units (287 persons)	OPA, ZBLA and SPA under review. Statutory public meeting held on November 23, 2020.
Cougs (Silken Laumann Drive)	3	28 townhouse units (74 people)	OMB approved with holding (H) provisions
Forest Green Homes (16920 and 16840 Leslie Street)	3	Approximately 312 units (Approximately 821 persons)	Awaiting further information from applicant to finalize OPA, ZBLA and draft Plan of Subdivision
Glenway West	3	97 singles and 96 townhouse units (568 persons)	OPA, ZBLA and draft Plan of Subdivision under review

<b>Development</b>	<b>Priority Area</b>	<b>Allocation Required</b>	<b>Status</b>
Sundial Phase 3 (north of Davis Drive between William Booth and Upper Canada Mall)	3	Partial allocation recommended in this report, remaining 132 townhouse units (348 persons)	Draft approved
Options Development Phase 2 (281 Main Street North)	3	5 townhouse units (14 persons)	ZBLA application under review. Statutory public meeting to be scheduled.
Millford Development Limited Phase 1 (55 Eagle Street)	3 & 4	154 apartment units and 38 townhouse units (401 persons)	Appealed to LPAT
Lulu Holdings (1015, 1025, 1029 Davis Drive)	4	23 townhouse units (51 persons – accounted for a credit of three existing single detached units 9.75 persons)	OPA and ZBLA applications under review. Statutory public meeting to be scheduled.
Gorham Development 849 Inc. (849 Gorham Street)	4	2 semi-detached units and 20 townhouse units (58 persons)	ZBLA and Site Plan applications under review. Statutory public meeting held on August 31, 2020.
751-757 Gorham Street	4	82 apartment units (160 persons)	OPA and ZBLA under review. Statutory public meeting held on May 8, 2017.
2529473 Ontario Ltd. (1038 & 1040 Jacarandah Drive)	4	30 townhouse units (73 persons – accounted for credit for two existing single detached units 6.5 persons)	ZBLA under review. Statutory public meeting to be scheduled.
Landmark Estates Phase 5 (Yonge Street and Clearmeadow Blvd)	4	34 semi-detached units (98 persons)	Draft approved. Staff are working with the applicant to establish a building timeframe to ensure construction will be carried out in a timely manner.



<b>Development</b>	<b>Priority Area</b>	<b>Allocation Required</b>	<b>Status</b>
Luciano DiDomizio (66 Roxborough Road)	4	9 townhouse units (21 persons – accounted for a credit of one existing single detached unit 3.25 persons)	OPA and ZBLA under review. Statutory public meeting held on October 13, 2020.
Marianneville Stonehaven Limited (600 Stonehaven Avenue)	N/A – designated Parks and Open Space	60 singles and 142 townhouse units (568 persons)	OPA, ZBLA and draft Plan of Subdivision under review. Statutory public meeting held on October 13, 2020.
Shining Hill Estates Collection Inc. (16250, 16356, and 16450 Yonge Street)	N/A - ORM	(Approximately 2713 persons)	OPA statutory public meeting held on January 18, 2021.
2425945 Ontario Inc. (415 Pickering Crescent)	N/A	32 townhouse units (85 persons)	OPA and ZBLA under review. Statutory public meeting to be scheduled.
<b>TOTAL (subject to final unit count at the time of approval)</b>		<b>16813 persons</b>	





To: Town of Newmarket Council Members  
From: Deputy Chief Rocco Volpe – Operations  
Date: May 3, 2021  
Subject: A By-Law to Regulate Central York Fire Services

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The intent of this memo is to provide the Town of Newmarket Council Members a high level overview of the progression that has been made with JCC and the Town of Aurora Council regarding the By-Law to Regulate Central York Fire Services.

### **November 24, 2020**

Central York Fire Services presented JCC Fire Services Report 2020-10 A By-Law to Regulate Central York Fire Services.

There were three recommendations to the report:

1. The Report be received for information purposes.
2. That Council will enact the By-Law to Regulate Central York Fire Services.
3. That staff be authorized and directed to do all the things necessary to give effect to this resolution.

### **March 2, 2021**

At the March 2, 2021 JCC meeting, JCC recommended that the By-Law to Regulate Central York Fire Services be approved and enacted by Council.

### **April 7, 2021**

Central York Fire Services presented to the Town of Aurora Council the By-Law to Regulate Central York Fire Services. The intent of the presentation was to provide Aurora Council information on the by-law in which outlines the business delivery model for CYFS. It was well received by Aurora Council.

### **May 3, 2021**

Central York Fire Services is presenting the By-Law to Regulate Central York Fire Services and seeking Newmarket Council approval to enact the by-law. The following motions are presented as follows:

1. That the report entitled “A By-Law to Regulate Central York Fire Services” dated November 24, 2020 be received; and,
2. That Newmarket Council adopt the By-law to regulate Central York Fire Services; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Note**

The intent of this by-law is it will provide in writing CYFS business delivery model which would be available on the website for the public and any council member to have an understanding of the programs and level of services approved by Council.

Should you have any questions, please contact me.



# CENTRAL YORK FIRE SERVICES

## FIRE SERVICES REPORT 2020-10

To: Joint Council Committee

Origin: Central York Fire Services - Deputy Chief Rocco Volpe

Subject: A By-Law to Regulate Central York Fire Services

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## RECOMMENDATIONS

1. That Fire Services Report 2020-10 dated November 24, 2020 be received; and,
2. That Council enact the By-Law to Regulate Central York Fire Services; and
3. That Staff authorized and directed to do all the things necessary to give effect to this resolution.

## PURPOSE

The purpose of this report is to provide JCC with information with respect to enacting a By-Law to regulate what the business delivery model is for Central York Fire Services.

## BACKGROUND

The *Fire Protection and Prevention Act, 1997* requires every municipality in Ontario to provide a public fire safety education program, various fire prevention services, and such other fire protection services as necessary in accordance with its needs and circumstances. The Act prescribes that Council is ultimately responsible for establishing the level of service provided by the fire department.

In order to comply with the Act, and to ensure that an effective fire protection service delivery model is provided for the community, a *By-Law to Establish & Regulate a Fire Department*, is essential to formally establish a fire department for the Town of Newmarket to explicitly identify the Council-approved services it provides.

The following amendments attached to this report has been prepared and presented to JCC to reflect what currently the business delivery model is for Central York Fire Services.

## **FINANCIAL IMPACT**

None.

## **CONCLUSION**

Staff recommends that Council approve By-Law 2020-XX to reflect what currently the business delivery model is for CYFS.

## **CONSULTATION**

The Senior Fire Management Team consulted with the Town of Newmarket Legal Department.

## **IMPACT ON THE MASTER FIRE PLAN**

This report has no impact on the Master Fire Plan.

## **CONTACT**

For more information regarding this report, contact Deputy Chief Rocco Volpe at [rvolpe@cyfs.ca](mailto:rvolpe@cyfs.ca)

## **ATTACHMENTS**

**Attachment 1** - Draft By-Law 2021-XX

# **Corporation of the Town of Newmarket**

## **By-law 2021-XX**

### **A By-Law to Regulate Central York Fire Services**

Whereas Section 2 of the Fire Protection and Prevention Act requires every municipality to establish a program which must include public education with respect to fire safety and certain components of fire prevention and to provide such other fire protection services as it determines may be necessary in accordance with its needs and circumstances, and to appoint a community safety officer or team or establish a fire department to discharge its responsibilities; and,

Whereas Section 5 of the Fire Protection and Prevention Act provides that the Council of a municipality may establish, maintain and operate a fire department for the municipality and that the fire department shall provide fire suppression services and may provide other fire protection services; and,

Whereas Sections 8 and 11 of the Municipal Act authorize a municipality to provide any service that the municipality considers necessary or desirable for the public, and to pass by-laws respecting, inter alia, health, safety and well-being of persons, protection of persons and property, and services that the municipality is authorized to provide; and,

Whereas Section 391 of the Municipal Act authorizes a municipality to impose fees or charges on persons for services or activities provided by the municipality, and for costs payable by the municipality for services or activities provided or done by or on behalf of any other municipality; and,

Whereas Section 425 of the Municipal Act provides that the Council of a municipality may pass by-laws providing that a person who contravenes a by-law of the municipality is guilty of an offence; and,

Whereas Section 446 of the Municipal Act provides that if a municipality has the authority under that or any other act, or under a by-law under that or any other Act, to direct or require a person to do a matter or thing, the municipality may also provide that, in default of it being done by the person directed or required to do it, the matter or thing shall be done at the person's expense, and the municipality may recover the costs of doing a matter or thing from the person directed or required to do it by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes; and,

Whereas the Council of the Town of Newmarket deems it desirable and necessary to amend and update its by-law to establish and regulate a fire department for the Town of Newmarket;

Now therefore, the Council of the Corporation of the Town of Newmarket hereby enacts as follows:

## Definitions

1. In this by-law, unless the context otherwise requires:
  - (a) "Approved" means approved by Council.
  - (b) "Automatic Aid" means an Approved agreement under which a municipality agrees to provide an initial response to fires, rescues, and emergencies in another municipality, or where a municipality agrees to provide a supplemental response to fires, rescues, or emergencies that may occur in another municipality.
  - (c) "Auxiliary Member" means a person who is appointed to provide certain limited functions in support of the delivery of Fire Protection Services voluntarily or for a nominal consideration.
  - (d) "Corporation" means The Corporation of the Town of Newmarket.
  - (e) "Council" means the Council of the Town of Newmarket.
  - (f) "Deputy Fire Chief" means a person appointed by Council to act on behalf of the Fire Chief of the Fire Department in the case of absence or a vacancy in the office of the Fire Chief.
  - (g) "Emergency Management and Civil Protection Act" means Emergency Management and Civil Protection Act, 1990, S. O. 1990, c. E.9, as amended, and any successor legislation.
  - (h) "Fire Chief" means the person appointed by Council to act as Fire Chief for the Corporation and who is ultimately responsible to Council as set out in the Fire Protection and Prevention Act.
  - (i) "Fire Department" means the fire department for the Town.
  - (j) "Fire Code" means Ontario Regulation 213/07, as amended, and any successor regulation.
  - (k) "Firefighter" means the Fire Chief and any other person employed in or appointed to the Fire Department to undertake Fire Protection Services, and includes a Volunteer Firefighter.
  - (l) "Fire Protection and Prevention Act" means the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended, and any successor legislation.
  - (m) "Fire Protection Services" includes fire suppression, rescue and emergency services, fire prevention, public fire safety education, mitigation, prevention and safety education of the risk created by unsafe levels of carbon monoxide, communications, training of personnel involved in the provision of Fire Protection Services, and the



delivery of all those services.

- (n) "Member" means any person employed by or appointed by the Fire Chief to the Fire Department and assigned to undertake Fire Protection Services, and includes Officers, Firefighters, and administrative staff.
- (o) "Municipal Act" means the Municipal Act, 2001, S.O. 2001, c.25, as amended, and any successor legislation.
- (p) "Mutual Aid" means a plan established pursuant to section 7 of the Fire Protection and Prevention Act under which fire departments that serve a designated area agree to assist each other on a reciprocal basis in the event of a major fire or emergency.
- (q) "Officer" means Fire Chief, Deputy Fire Chief, Assistant Deputy Chief, Platoon Chief, Captain, Acting Captain, Training Officer, Chief Fire Prevention Officer, Fire Prevention Officer, and any person designated by the Fire Chief to supervise Firefighters.
- (r) "Student Firefighter Program" means a student between the age of 14 and 29 who selected by the Fire Chief to voluntarily take part in a fire department program.
- (s) "Student Firefighter Program" means an Approved program to provide mentorship and engage youths in fire safety awareness activities.
- (t) "Town" means The Corporation of the Town of Newmarket.

### **Establishment**

2. A Fire Department for the Town of Newmarket to be known as the "Central York Fire Services" is hereby established, and the head of the Fire Department shall be known as the Fire Chief.

### **Department Structure**

3. Council shall appoint a Fire Chief who shall be the highest-ranking Officer and director of the Fire Department.
4. In addition to the Fire Chief, Council shall appoint a Deputy Fire Chief who shall report to the Fire Chief as the second highest-ranking Officer of the Fire Department and who, in the absence of the Fire Chief, shall have the powers and perform the duties of the Fire Chief.
5. In addition to the Fire Chief and Deputy Fire Chief, the Fire Department shall consist of Fire Prevention Officers, Inspectors, Fire Safety Educators, Officers, and other Members deemed necessary by and appointed by the Fire Chief to provide Fire Protection Services.
6. The Fire Department shall be structured in conformance with the Approved Fire Department Organizational Chart as set out in

Schedule "A" attached hereto and forming part of this by-law.

### **Approved Services and Programs**

7. The Fire Department shall provide such Fire Protection Services and programs as approved by Council in accordance with Part II of the Fire Protection and Prevention Act and set out in Schedule "B" attached hereto and forming part of this by-law.

### **Responses Outside the Limits of the Municipality**

8. The Fire Department shall not respond outside the limits of the municipality except with respect to a fire, rescue or emergency:
  - (a) That, in the opinion of the Fire Chief or designate, threatens property in the municipality, or property situated outside the municipality that is owned or occupied by the municipality;
  - (b) In a municipality with which an Approved agreement has been entered into to provide fire protection services which may include automatic aid;
  - (c) On property with which an Approved agreement has been entered into with any person or corporation to provide fire protection services;
  - (d) At the discretion of the Fire Chief or designate, to a municipality authorized to participate in any county, district or regional mutual aid plan established by a fire coordinator appointed by the Fire Marshal or any other similar reciprocal plan or program; or
  - (e) On property beyond the municipal boundary where the Fire Chief or designate determines immediate action is necessary to preserve life or property and the appropriate department is notified to respond and assume command or establish alternative measures acceptable to the Fire Chief or designate.

### **Fire Chief Responsibilities and Authority**

9. The Fire Chief shall be ultimately responsible to Council as set out in subsection 6(3) of the Fire Protection and Prevention Act for the proper administration and operation of the Fire Department, including delivery of Approved services and programs.
10. The Fire Chief shall be deemed to be the Chief Fire Official of the municipality for the purposes of the Fire Protection and Prevention Act and regulations enacted thereunder and shall have all statutory authority and shall carry out all prescribed duties and responsibilities in respect thereof.
11. Without limiting the generality of the foregoing, the Fire Chief shall be authorized and responsible for:
  - (a) Performing all statutory duties of the Fire Protection and Prevention Act, the Emergency Management and Civil Protection Act and any other legislation applicable to the

administration or operation of the Fire Department.

- (b) Reporting to Council as required by the Fire Protection and Prevention Act and the Emergency Management and Civil Protection Act.
- (c) Enforcement of this by-law and any regulations established under this by-law, and the enforcement of any other by-laws of the Corporation respecting the administration and operation of the Fire Department.
- (d) Periodically reviewing this by-law and any other by-laws of the Corporation respecting the administration and operation of the Fire Department, and the Fire Chief may establish an advisory committee consisting of such Members of the Fire Department and other persons, possibly including members of the general public, as may be necessary from time to time to assist in discharging this duty.
- (e) Recommending to Council amendments to this by-law and any other by-law of the Corporation that the Fire Chief considers relevant.
- (f) Developing, establishing, and implementing policies, standard operating procedures and guidelines, general orders and department rules, and other measures, as the Fire Chief may consider necessary for the proper administration and efficient operation of the Fire Department.
- (g) Periodically reviewing, revising, or revoking as required, all policies, standard operating procedures and guidelines, general orders, and rules of the Fire Department, and the Fire Chief may establish an advisory committee from time to time to assist in discharging these duties.
- (h) Arranging for the provision and allotment of strategic staffing and proper facilities, apparatus, equipment, materials, services and supplies for the Fire Department.
- (i) The proper care and protection of all Fire Department property.
- (j) Arranging and implementation of automatic aid, mutual aid and other negotiated and/or approved fire protection and emergency service agreements between the Town and other municipalities.
- (k) Determining and establishing the qualifications and criteria for employment or appointment, and the duties and responsibilities of all Members of the Fire Department.
- (l) Appointment, subject to Approved hiring policies, of any qualified person as a Member of the Fire Department.
- (m) The conduct and discipline of all Members of the Fire Department, including disciplinary actions, which may range from reprimand to dismissal.
- (n) Keeping an accurate record of all incidents responded to by the Fire Department, all fire safety inspections and fire investigations, and other such records as may be required in a manner consistent with records management policies of the Corporation, and retaining such records as prescribed by records retention policies and statutory requirements.

- (o) Enforcement of the Fire Code, reporting all fires to the Fire Marshal, and complying with all Fire Marshal's directives as mandated by the Fire Protection and Prevention Act.
  - (p) Reporting to the appropriate Crown Attorney or other prosecutor, or law enforcement or other officer, the facts upon the evidence in any case in which there is reason to believe that a fire has been the result of criminal intent or negligence, or in which there is reason to believe that an offence has been committed under the Fire Protection and Prevention Act, or other applicable regulation or statute.
  - (q) Preparing and presenting annual reports and periodic reports to Council as deemed necessary by the Fire Chief and any other specific reports as directed by Council.
  - (r) Preparing and submitting annual budget estimates for approval by Council, and effectively administering, monitoring, and controlling the Fire Department operating and capital budgets.
12. The Fire Chief shall be responsible for coordinating the Town of Newmarket Emergency Management Program, and assisting with the preparation, implementation, and maintenance of the municipal Emergency Plan pursuant to the Emergency Management and Civil Protection Act.
13. The Fire Chief shall be responsible for assisting other public officials in an emergency declared by the Head of Council, the Premier of Ontario, or the Prime Minister of Canada.

### **Powers**

14. The Fire Chief shall exercise all powers and duties prescribed by the Fire Protection and Prevention Act and shall be empowered to take all reasonable and proper measures for the prevention, control, and extinguishment of fires, and for the protection of life, property and the environment, and for the management of emergencies within the jurisdiction of the municipality.
15. Without limiting the generality of the foregoing, the Fire Chief and his/her designates shall be empowered and authorized to carry out the following:
- (a) Enforcement of all municipal by-laws in respect of fire safety and fire prevention.
  - (b) Pulling down or demolishing any building or structure when necessary to prevent the spread of fire.
  - (c) Any necessary action to guard against fire or other danger, risk, or accident, which may include boarding up or barricading of buildings or property, when unable to contact the owner of the property.
  - (d) Recovery of costs incurred by such necessary actions for the Corporation in a manner provided by the Municipal Act and the Fire Protection and Prevention Act.
  - (e) Taking any and all steps as set out in Parts V, VI and VII of the Fire Protection and Prevention Act.

16. As set out in the Fire Protection and Prevention Act, the Fire Chief may delegate any of his/her powers or duties to the Deputy Fire Chief or any Officer or Member that the Fire Chief deems appropriate, subject to such limitations, restrictions or conditions as may be set out in the delegation, and such Officer or Member so delegated shall have all the powers and shall perform all duties as delegated.

### **Recovery of Costs**

17. If as the result of a Fire Department response to a fire, rescue, or other emergency, the Fire Chief, his or her designate, or the highest ranking Officer in charge determines that it is necessary to retain a private contractor, rent special equipment, or use consumable materials other than water in order to suppress or extinguish a fire, preserve property, prevent a fire from spreading, remove hazardous materials, assist in or otherwise conduct an investigation to determine the cause of a fire, or otherwise control or eliminate an emergency situation, the Corporation shall recover the costs incurred by the Fire Department for taking such actions from the owners of the property or vehicle as the case may be.
18. The Corporation may recover costs incurred by such necessary actions in a manner provided by the Municipal Act and the Fire Protection and Prevention Act in accordance with the fees prescribed by the applicable Fees and Charges By-law of the Corporation from time to time.
19. A fee imposed upon a person under this by-law, including any interest, penalty charges and costs of collection, constitutes a debt of the person to the Corporation, and a person who is charged a fee under this by-law and fails to pay the fee within thirty days of receipt of an invoice shall be charged interest in accordance with the applicable Fees and Charges By-law of the Corporation.
20. If a property owner who is charged a fee under this by-law fails to pay the fee within ninety days of receipt of an invoice, the Corporation may add the fee, including penalty and interest, to the tax roll for any real property in the Town of Newmarket registered in the name of the owner and collect the fee, including penalty and interest, in like manner as municipal taxes.

### **Student Firefighter Programs**

21. The Fire Chief may establish a Student Firefighter Programs (Co-op and Smoke Alarm Specialists) to promote fire safety in youth, and to provide mentorship and guidance to those who may have an interest or career aspirations in the fire service.
22. To be eligible for appointment as a student, candidates shall:
  - (a) Be between the ages of 14 and 29;
  - (b) CYFS Co-op program – must be attending high school and meet attendance and academic expectations mutually agreed upon by the student, their school and the Fire Chief.

Smoke Alarm Specialists – currently enrolled in a formal post-secondary institution in a recognized fire protection studies program along with past volunteer experience.

- (c) If applicable, provide written permission and a signed waiver that indemnifies and releases the Corporation from liability from a parent or legal guardian to participate in the program.
- 23. Students shall comply with all terms and conditions of the program as established by the Fire Chief, all applicable policies of the Corporation, and all policies, procedures, operating guidelines, general orders, directives, and rules of the Fire Department.
- 24. Acceptance as a student shall be subject to the discretion of the Fire Chief. Student status may be revoked at any time.
- 25. CYFS Co-op students shall be supervised by a competent Fire Department personnel at all times while participating in the programs.
- 26. Students may attend training exercises at the discretion of the Fire Chief, subject to the terms and conditions of the training organization.
- 27. Students shall not be permitted to enter any Immediately Dangerous to Life or Health (IDLH) area or environment at any time.

### **Obstruction**

- 28. No person shall obstruct, hinder, or interfere with the Fire Chief or any Member of the Fire Department in the performance of his or her duties in accordance with this by-law and the Fire Protection and Prevention Act.

### **Offences**

- 29. Every person who contravenes any provision of this by-law is guilty of an offence and, upon conviction, is liable to a penalty established by the Provincial Offences Act, R.S.O. 1990, c. P.33, as may be amended from time to time, and any successor legislation.

### **Severability**

- 30. Should a court of competent jurisdiction find any section or provision, or part thereof, of this by-law to be invalid or to be of no force and effect, such section or provision or part thereof shall be deemed to be severable, and all other sections or provisions or parts of this by-law shall be deemed to be separate and independent there from and to be enacted as such.

### **Force and Effect**

- 31. This By-law shall come into force and effect on the day on which it is passed.

Enacted this 10<sup>th</sup> day of May, 2021.

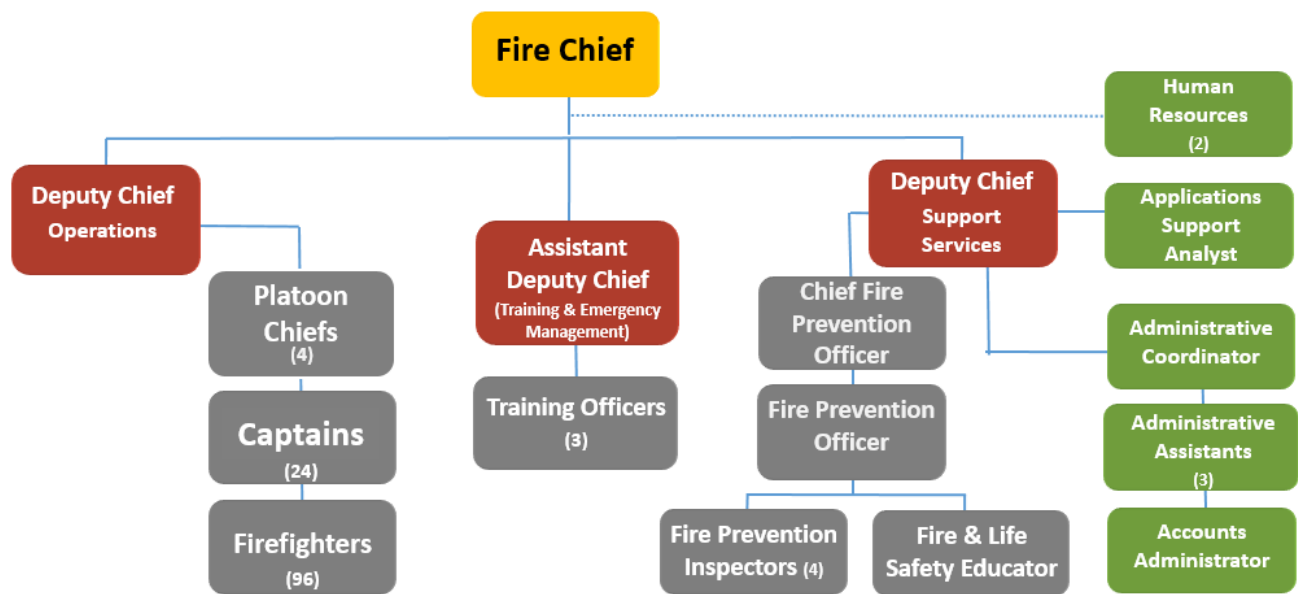
John Taylor, Mayor

Lisa Lyons, Town Clerk

Schedule "A"

Central York Fire Services  
Fire Department Organizational Chart

The Fire Department shall be structured in conformance with the following  
Fire Department Organizational Chart:





## Schedule "B"

### Central York Fire Services Approved Services and Programs

The Fire Department shall provide the following services and programs:

#### **B.1 Emergency Response**

##### **B.1.1 Firefighting Services:**

- (a) The Fire Department shall respond to fires, alarms of fire, and pre-fire conditions to provide fire suppression services, and shall exercise best efforts to conform to the most recent edition of National Fire Protection Association (NFPA) 1720, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public.

##### **B.1.2 Structural Firefighting Services:**

- (a) For the purpose of this Schedule, "Structural Firefighting" shall have the same meaning as Structural Firefighting and "Demand Zone" shall have the same meaning as Demand Zone as defined by NFPA 1720, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public.
- (b) The Fire Department shall identify Zones/District within the municipality based on demographics and determined risk and shall establish appropriate response protocols for each Zone/District in accordance with NFPA 1720.
- (c) Interior Search and Rescue - Shall be provided when possible and as appropriate in accordance with the following:
  - i. Service shall be provided to search for and rescue endangered, trapped or potentially trapped persons within the structure.
  - ii. Service shall be provided only when, in the opinion of the Fire Chief or most senior Officer in charge, all of the following are true:
    - 1. A scene risk assessment has been completed, and the level of risk reasonably justifies entry into the structure;
    - 2. Building integrity permits entry into the structure;
    - 3. Sufficient Firefighter staffing is deployed at the fire ground;
    - 4. Reliable water supply with adequate flow can be sustained;
    - 5. Adequate fire ground supervision and support is provided.
- (d) Interior Fire Suppression (Offensive Operations) - Shall be provided when possible and as appropriate in accordance with the following:

- i. Service shall be provided to contain the fire and prevent further loss of property.
    - ii. Service shall be provided only when, in the opinion of the Fire Chief or most senior Officer in charge, all of the following are true:
      - 1. A scene risk assessment has been completed, and level of risk reasonably justifies Firefighter entry into the structure;
      - 2. Building integrity permits entry into the structure;
      - 3. Sufficient Firefighter staffing is deployed at the fire ground;
      - 4. Reliable water supply with adequate flow can be sustained;
      - 5. Adequate fire ground supervision and support is provided
  - (e) Exterior Fire Suppression (Defensive Operations) - Shall be provided when possible and as appropriate, in the opinion of the Fire Chief or most senior Officer in charge, in accordance with the following:
    - i. There shall be no expected rescue component with this service.
    - ii. Service shall be provided to prevent fire spread to adjacent areas.
    - iii. Service shall be provided when Interior Fire Suppression is not possible or appropriate.
    - iv. Service shall be provided as water supply permits.
- B.1.3 Rural Firefighting Operations:
- (a) Rural firefighting operations using tanker shuttle service shall be provided in areas without municipal water supply and best efforts shall be exercised to conform to NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting.
- B.1.4 Vehicle Firefighting Services:
- (a) Service shall be provided to control and extinguish vehicle fires.
- B.1.5 Grass, Brush, and Forestry Firefighting Services:
- (a) Service shall be provided and best efforts shall be exercised to conform to NFPA 1143, Standard for Wild/and Fire Management.
- B.1.6 Marine Firefighting Services:
- (a) Marine firefighting service shall be limited to shore-based, defensive firefighting operations only.
- B.1.7 Automatic Aid Response Services:
- (a) Service shall be provided in accordance with any Automatic Aid agreements approved by Council.
- B.1.8 Fire Protection Agreement/Mutual Aid Response Services:

- (a) Service shall be provided in accordance with the Mutual Aid Plan established in respect to the municipalities within the Region of York pursuant to clause 7(2)(a) of the Fire Protection and Prevention Act.
- B.1.9 Tiered Medical Assistance Services:
  - (a) Service shall be provided in accordance with the Emergency Medical Tiered Response Agreement between the Region of York, Emergency Medical Services and the Town of Newmarket.
  - (b) Service shall be provided in accordance with the current medical directive as approved by the CYFS medical director.
- B.1.10 Ambulance Assistance Services:
  - (a) Service shall be provided to assist Emergency Medical Services with emergency and non-emergency situations with respect to providing access and/or the provision of care to patients.
- B.1.11 Police Assistance Services:
  - (a) Service shall be provided to assist Police with emergency and non-emergency situations for which the Fire Department has equipment and/or specialized skills to assist in the mitigation.
- B.1.12 Public Assistance Services:
  - (a) Service shall be provided to assist the public with emergency and non-emergency situations for which the Fire Department has the equipment and/or specialized skills to mitigate the incident.
- B.1.13 Public Hazard Assistance Services:
  - (a) Carbon monoxide Incidents - Response shall be provided to carbon monoxide alarms and emergencies.
  - (b) Public Utility Incidents- Response shall be provided to public utility incidents that pose a public hazard, including:
    - i. Electrical utility emergencies;
    - ii. Natural gas utility emergencies.
- B.1.14 Vehicle Accident Services:
  - (a) The Fire Department shall respond to vehicle accidents to provide the following services:
    - i. Stabilizing the scene of the accident;
    - ii. Stabilizing the vehicles involved in the accident;
    - iii. Providing aid to injured or trapped persons;
    - iv. Mitigating adverse effects to the natural environment.
- B.1.15 Vehicle Extrication Services:
  - (a) Vehicle search and rescue services, including extrication, shall be provided at the Technician Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents.

- B.1.16 Transportation Incidents involving Vehicles, Trains, Aircraft, Watercraft:
- (a) Response shall be provided to large-scale transportation incidents that may involve large numbers of casualties, widespread damage to property, and/or significant environmental impact.
- B.1.17 Highway Incident Services:
- (a) Fire Protection Services shall be provided to provincial highways.
  - (b) Costs associated with Fire Department response to provincial highways shall be recovered in accordance with applicable provincial fire service agreements.
- B.1.18 Hazardous Materials Response Services:
- (a) Service shall be provided at the Operations Level in accordance with NFPA 1072, Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents, and by Operations Level Responders that require mission-specific competencies with respect to product control.
  - (b) Hazardous materials response services at the NFPA 1072 Technician Level shall not be provided by the Fire Department.
- B.1.19 Water and Ice Rescue Services:
- (a) Surface Water Rescue - Service shall be provided at the Technician Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents, and may include shore based, water entry, and rescue from a platform.
  - (b) Swift Water Rescue - Service shall not be provided at the Technician Level in accordance with the NFPA 1670 standard.
  - (c) Ice Rescue - Service shall be provided at the Technician Level in accordance with the NFPA 1670 standard.
  - (d) Dive rescue - Service shall be provided at the Awareness Level only in accordance with the NFPA 1670 standard.
  - (e) Recovery services to retrieve animals, property, or human remains by entering into or onto a body of water, or onto ice over a body of water, shall not be provided by the Fire Department unless a scene risk assessment has been completed and, in the opinion of the Fire Chief or senior Officer in charge, the level of risk reasonably justifies Firefighter entry into or onto the water or ice.
- B.1.20 Urban Search and Rescue Services:
- (a) Fire Department response to urban search and rescue incidents shall be limited to providing Structural Collapse Search and Rescue services at the Awareness Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents.
  - (b) Urban search and rescue service requiring structural collapse search and rescue services at the Operations or

Technician Levels shall not be provided by the Fire Department.

B.1.21 Rope Rescue Services:

- (a) Rope rescue services, such as high-angle and low-angle rescue services, shall be provided at the Technician Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents.

B.1.22 Confined Space Rescue Services:

- (a) Service shall be provided at the Awareness Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents.
- (b) Confined space rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.

B.1.23 Trench Rescue Services:

- (a) Service shall be provided at the Awareness Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents.
- (b) Trench rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.

B.1.24 Cave, Mine, and Tunnel Rescue Services:

- (a) Service shall be provided at the Awareness Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents.
- (b) Cave, mine, and tunnel rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.

B.1.25 Farm and Silo Rescue Services:

- (a) Fire Department response to farm and silo rescue incidents that involve a rope rescue and/or a confined space rescue component shall be limited to providing such technical rescue services at the Awareness Level in accordance with the NFPA 1670 standard.
- (b) Farm and silo rescue incidents requiring rope rescue and/or confined space rescue services at the Operations or Technician Levels shall not be provided by the Fire Department.

B.1.26 Industrial and Machinery Rescue Services:

- (a) Service shall not be provided at the Technician Level in accordance with NFPA 1670, Standard for Operations and Training for Technical Search and Rescue Incidents.

B.1.27 Community Emergency Plan Response Services:

- (a) Service shall be provided in accordance with the Approved Town of Newmarket Emergency Management Program.

B.1.28 Assistant to the Fire Marshal Services - Fire Suppression:

- (a) Duties of Assistant to the Fire Marshal shall be carried out as prescribed by the Fire Protection and Prevention Act.

## **B.2 Fire Prevention**

### **B.2.1 Fire Inspection Services:**

- (a) Conducting complaints inspections.
- (b) Conducting vulnerable occupancy inspections.
- (c) Conducting requested inspections.
- (d) Conducting routine inspections.
- (e) Conducting licensing inspections.
- (f) Fire Protection System commissioning under the Memorandum of Understanding between the municipal building departments and CYFS.
- (g) Enforcing code compliance.
- (h) Enforcing municipal by-laws.
- (i) Issuing inspection reports and/or orders.
- j) Preparing reports and issuing written responses to requests.

### **B.2.2 Public Education Services:**

- (a) Providing fire and life safety public education programs.
- (b) Facilitating smoke alarm and carbon monoxide alarm initiatives.
- (c) Distributing public safety messaging to the media.
- (d) Delivery of specialized programs.

### **B.2.3 Fire Investigation Services:**

- (a) Determining cause and origin of fires and explosions.
- (b) Assessing code compliance.
- (c) Determining effectiveness of built-in suppression features.
- (d) Determining compliance with building standards.
- (e) Interacting with police, fire investigators, and other agencies.
- (f) Supporting criminal prosecutions, including appearances in court.

### **B.2.4 Plans Examination Services:**

- (a) Reviewing and approving fire safety plans.
- (b) Examining and providing comment on new construction and renovation plans.
- (c) Reviewing and providing comment on subdivision and development agreements.
- (d) Reviewing and providing comment on site plans.
- (e) Inspecting sites of approved plans to determine compliance.

### **B.2.5 Risk Assessment Services:**

- (a) Conducting community fire risk assessments.
- (b) Compiling, analyzing and disseminating functional statistics.
- (c) Selecting appropriate fire service programs.

### **B.2.6 Consultation Services:**

- (a) Consulting with families, schools, health professionals, and police with respect to TAPP-C and other juvenile

fire starting programs.

- (b) Interacting with architects, engineers, planners, and builders.
- (c) Interacting with building departments.
- (d) Interacting with other government agencies.
- (e) Providing input into fire prevention policy development.

**B.2.7 Assistant to the Fire Marshal Services - Fire Prevention:**

- (a) Duties of Assistant to the Fire Marshal shall be carried out as prescribed by the Fire Protection and Prevention Act.

**B.3 Emergency Planning**

**B.3.1 Pre-Incident Planning Services:**

- (a) Pre-incident plans shall be developed and maintained in accordance with NFPA 1620, Standard for Pre-Incident Planning. Community Emergency Management Planning Services:
- (b) Collaborating with the development, review, revision, and implementation of the Town of Newmarket Emergency Plan.
- (c) Ensuring the Town of Newmarket Emergency Management Plan is compliant with the Municipal Emergency Management and Civil Protection Act on a yearly basis.

**B.4 Fire Department Administration**

**B.4.1 Planning and Development Services:**

- (a) Strategic planning.
- (b) Evaluating Fire Department programs and services.
- (c) Projecting station locations and reallocations.
- (d) Determining staffing levels and assignments.
- (e) Developing policies, procedures, standard operating guidelines.
- (f) Coordinating with other emergency services.
- (g) Coordinating development with other municipal departments.

**B.4.2 Financial Services:**

- (a) Coordinating with the Town's Finance Department for financial services.
- (b) Coordinating use of information and statistics from suppression and fire prevention activities to determine funding requirements.
- (c) Providing input into levels of service based on available funding.
- (d) Developing and administering operating and capital budgets.
- (e) Identifying alternative sources of revenue and fees for services.
- (f) Initiating cost recovery measures.
- (g) Purchasing.

- B.4.3 Records Management Services:
- (a) Documenting Fire Department activities.
  - (b) Maintaining Fire Department records in accordance with records retention policies and applicable legislation.
  - (c) Complying with all applicable freedom of information legislation, including the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.45, as amended, or successor legislation.
- B.4.4 Department Human Resources Services:
- (a) Recruitment, selection, promotion, and retention of staff.
  - (b) Performance evaluation.
  - (c) Career development.
  - (d) Job classifications.
  - (e) Discipline.
- B.4.5 Customer Relations Services:
- (a) Environmental scanning, anticipating pressures and developing communication strategies.
  - (b) Enhancing public image of the Fire Department and its staff.
  - (c) Developing and maintaining inter-agency relationships.
- B.4.6 Health and Safety Services:
- (a) Implementing a Fire Department health and safety program.
  - (b) Implementing a joint health and safety committee for the Fire Department.
  - (c) Implementing an occupational exposure program.
  - (d) Establishing a Designated Officer with respect to communicable disease regulations.
- B.4.7 Legal Services:
- (a) Carrying out mandated enforcement duties of the Fire Department in accordance with applicable by-laws, statutes and regulations.
  - (b) Prosecuting offences under applicable by-laws and statutes.
  - (c) Coordinating the services of solicitors and legal counsel.

## **B.5 Communications**

- B.5.1 Dispatch Services:
- (a) Arranging for the provision of dispatch services from an external agency to dispatch appropriate Fire Department resources.
  - (b) Liaising with dispatch centres.
  - (c) Providing current municipal information to the dispatch centres, including response protocols, mapping, local streets, property, and water service information, road closures, and



caution notes.

- (d) Monitoring Fire Department dispatch centre performance and resolving any service issues.

**B.5.2 Technology Services:**

- (a) Arranging for maintenance, repair, and technical support of Fire Department telecommunications and computer systems.
- (b) Developing specifications for Fire Department radios, communications devices and systems, and computers.
- (c) Arranging for interface capabilities with other data systems.

**B.6 Training and Education**

**B.6.1 Training Program Standards:**

- (a) Providing a training program for Firefighters that conforms to NFPA 1001, Standard for Fire Fighter Professional Qualifications.
- (b) Providing a training program for apparatus drivers and operators that conforms to NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications.
- (c) Providing a training program for technical rescue operations that conforms to NFPA 1006, Standard for Technical Rescuer Professional Qualifications.
- (d) Providing a training program for Officers that conforms to NFPA 1021, Standard for Fire Officer Professional Qualifications.
- (e) Providing a training program for fire inspectors that conforms to NFPA 1031, Standard for Professional Qualifications for Fire Inspector and Plan Examiners.
- (f) Providing a training program for fire investigations that conforms to NFPA 1033, Standard for Professional Qualifications for Fire Investigators.
- (g) Providing a training program for fire and life safety educators that conforms to NFPA 1035, Standard for Professional Qualifications for Fire and Life Safety Educator, Public Information Officer, and Juvenile Fire setter Intervention Specialist.
- (h) Providing a training program for fire service instructors and training officers that conforms to NFPA 1041, Standard for Fire Service Instructor Professional Qualifications.
- (i) Providing a training program that conforms to NFPA 1072, Standard for Hazardous Materials/ Weapons of Mass Destruction Emergency Response Personnel Professional Qualifications for Firefighters who provide approved hazardous materials response services.

**B.6.2 Providing Access to Training Facilities:**

- (a) Coordinating access to appropriate training facilities.
- (b) Delivering hands-on training to staff.

**B.6.3 Providing Station Training:**

- (a) Delivering curriculum specific to operational and strategic

needs.

- (b) Providing supervisory training drills.

**B.6.4 Program Development Services:**

- (a) Developing trainer facilitators.
- (b) Coordinating core curriculum.
- (c) Providing officer training and development.
- (d) Developing specialized staff development programs.

**B.7 Maintenance**

**B.7.1 Fleet and Equipment Maintenance Services:**

- (a) Maintaining fleet and equipment (both routine and emergency).
- (b) Providing periodic inspection and testing programs.
- (c) Complying with the requirements of provincial regulations.
- (d) Providing annual pump capacity and certification testing.
- (e) Providing annual aerial device certification testing.
- (f) Developing specifications for new apparatus and equipment.
- (g) Acceptance testing of new apparatus and equipment.
- (h) Maintaining, testing, and calibrating specialized equipment.

**B.7.2 Facilities Maintenance Services:**

- (a) Providing routine cleaning and housekeeping of fire stations.
- (b) Arranging for maintenance and repair of fire station infrastructure.
- (c) Providing input regarding design and construction of fire stations.



To: Town of Newmarket Council Members  
From: Deputy Chief Rocco Volpe – Operations  
Date: May 3, 2021  
Subject: Consolidated Fire Agreement (Aurora and Newmarket) - Update

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The intent of this memo is to provide the Town of Newmarket Council Members a high level overview of the progression that has been made with JCC and the Town of Aurora Council regarding the Consolidated Fire Agreement (Aurora and Newmarket) - Update.

#### **November 24, 2020**

Central York Fire Services presented JCC Fire Services Report 2020-12 Update to the Consolidated Fire Agreement between the Corporation of Town of Newmarket and Corporation of Town of Aurora.

There were four recommendations to the report:

1. The report be received for information purposes.
2. JCC Members provide feedback.
3. Staff to incorporate the feedback from JCC Members into the Consolidated Fire Agreement.
4. Staff be authorized and directed to do all the necessary things to give effect to this resolution.

#### **March 2, 2021**

Central York Fire Services provided JCC a new by-law incorporating all the changes that was requested from JCC Members, both CAOs, both Town Solicitors and both Finance Directors from Aurora and Newmarket.

JCC Members approved all the updates in the updated By-Law (Consolidated Fire Agreement) and recommended the By-Law be move forward for approval by both councils of Aurora and Newmarket.

#### **April 7, 2021**

Central York Fire Services presented to the Town of Aurora Council the new updated Consolidated Fire Agreement By-Law. It was well received and the following two motions were passed:

1. That fire services report 2020-12 be received for information; and
2. That the Chief Administrative Officer be authorized to renew the Consolidated Fire Services Agreement with the Town of Newmarket

### **May 3, 2021**

Central York Fire Services will be presenting the updated Consolidated Fire Agreement By-Law to Town of Newmarket Council seeking approval for the following three motions to be passed.

1. That the report entitled “An Update to the Consolidated Fire Agreement between the Corporation of the Town of Newmarket and the Corporation of Town of Aurora” dated November 24, 2020 be received; and,
2. That Newmarket Council adopt the Consolidated Fire Services Agreement By-law; and,
3. That the Mayor and Town Clerk be authorized to renew the Consolidated Fire Services Agreement By-law with the Town of Aurora; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Note**

For reference purposes, the following sections below have been highlighted in yellow identifying the changes and/or updates:

- Section 3.1 Role of the Fire Chief (updated)
- Section 6.8 and 6.9 (new language in the by-law)
- Schedule A – Terms of Reference for the Committee – Section 2 Membership (updated)

Should you have any questions, please contact me.



## CENTRAL YORK FIRE SERVICES

### **An Update to the Consolidated Fire Agreement between the Corporation of the Town of Newmarket and the Corporation of Town of Aurora Fire Services Report**

Report Number: JCC-2020-12  
To: Joint Council Committee  
Author: Central York Fire Services – Deputy Chief Rocco Volpe  
Meeting Date: Tuesday, November 24, 2020

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#### **Recommendations**

1. That Fire Services Report JCC-2020-12 dated November 24, 2020 entitled An Update to the Consolidated Fire Agreement between the Corporation of the Town of Newmarket and the Corporation of Town of Aurora be received; and,
2. That Joint Council Committee provide feedback to staff related to the recommended amendments to Consolidated Fire Service Agreement (**Attachment 1**); and,
3. That staff be directed to incorporate feedback received from Joint Council Committee and report back to a future meeting; and,
4. 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 Joint Council Committee (JCC) with an updated review of the consolidated fire agreement between the Town of Newmarket and Town of Aurora that was completed by Central York Fire Services (CYFS) staff. The final updated by-law fire agreement will be presented to JCC at a future meeting for approval.

## **Background**

The Town of Aurora and the Town of Newmarket consolidated their two fire departments in January of 2002. The consolidation was very successful collaboration by the two Towns, management of the fire departments and the two labour representatives – the Aurora Professional Firefighters Association and the Newmarket Professional Firefighters Association.

As a consequence of this forward thinking decision to consolidate the fire services resources available, the two Towns have benefited from a professional fire service that is equipped and trained to provide a comprehensive range of emergency services. Central York Fire Services ranks in size among the top twenty-five services in Ontario.

The Town of Aurora and the Town of Newmarket are protected by a fire service that is able to respond effectively, professionally and competently to a wide range of emergencies and hazards and to provide comprehensive public safety education programs, fire safety inspections and investigations of fire incidents.

A consolidated agreement was created to provide guidance and establish the framework for the operation of the new department. This consolidated agreement was intended to provide a structured agreement for the consolidation of the two services and to provide direction for the new fire service.

With the passage of almost 20 years since the enactment of the original agreement, the contract was reviewed and amendments have been presented to bring the contract current to align with the existing operations of CYFS (see **Attachment 1**).

## **Financial Impact**

None.

## **Conclusion**

Staff recommends that JCC review the recommended amendments made by CYFS staff and provide any further feedback consideration in an effort to update the consolidated fire agreement to current practises. The final agreement will be presented at a future JCC meeting.

## **Consultation**

The Senior Fire Management Team consulted with the Town of Newmarket Legal Department.

## **Impact On The Master Fire Plan**

This report has no impact on the Master Fire Plan.

## **Contact**

For more information regarding this report, contact Deputy Chief Rocco Volpe at [rvolpe@cyfs.ca](mailto:rvolpe@cyfs.ca)

## **Attachments**

**Attachment 1** – Draft amendments to Consolidated Fire Services Agreement





# Corporation of the Town of Newmarket

## By-law 2021-XX

Being a By-Law to Regulate the Continued Provision of Fire and Emergency Services, By Central York Fire Services.

Whereas Section 188, of the Municipal Act 2001, and the Fire Protection and Prevention Act, 1997 provides that the Council of a municipality may, by by-law, provide fire-fighting and fire protection services for establishing, operating, promoting and regulating life and property saving companies and authorizes municipalities to enter into joint agreements for the provision of fire protection and prevention services; and,

Whereas The Town of Newmarket and the Town of Aurora approved the establishment of a consolidated Fire and Emergency Services Department to service both municipalities through the creation of Town of Newmarket By-Law 2001-146; and,

Whereas effective January 1, 2002 the Town of Newmarket established Central York Fire Services for the purpose to provide fire suppression, fire prevention, and life and property saving service for the Town of Aurora and the Town of Newmarket; in accordance with the Fire and Emergency Services Master Fire Plan and other plans, policies or directions, as approved by Council; and,

Whereas Council wishes to update the fire services consolidate agreement between the Town of Newmarket and Town of Aurora;

Be it therefore enacted by the Municipal Council of the Town of Newmarket as follows:

1. That the Agreement between the Town of Newmarket and the Corporation of the Town of Aurora May 10, 2021, a true copy of which is attached, be and same hereby approved for signing by the Mayor and Clerk.
2. That the Mayor and Clerk are hereby authorized and instructed to sign the same on behalf of the Corporation and to affix the Corporate seal thereto.
3. That By-laws 2001-146 and 2001-147 being by-laws which established joint fire service between the Town of Newmarket and Town of Aurora, and any other by-law inconsistent with this by-law shall be, and the same are hereby rescinded on May 10, 2021 at 12:01 a.m.
4. That the provisions of this by-law shall come into force and effect 12:01 a.m. on May 10, 2021.

Enacted this 10<sup>th</sup> day of May, 2021

John Taylor, Mayor

Lisa Lyons, Town Clerk

## CONSOLIDATED FIRE AND EMERGENCY SERVICES AGREEMENT

This Agreement made the 10th day of May 2021

B E T W E E N :

**THE CORPORATION OF THE TOWN OF AURORA**  
(hereinafter called "Aurora")

BEING THE PARTY OF THE FIRST PART

-and-

**CORPORATION OF THE TOWN OF NEWMARKET**  
(hereinafter called "Newmarket")

BEING THE PARTY OF THE SECOND PART

WHEREAS Section 5(1) of the Fire Protection and Prevention Act, 1997 (S.O. 1997, c. 21, Sch. A, s.3, as amended) (the "Act") provides that a fire department may provide fire suppression services and other fire protection services to a group of municipalities;

AND WHEREAS Section 6(1) of the Act requires the councils of the municipalities operating a Fire Department to appoint a fire chief for the fire department;

NOW THEREFORE in consideration of the premises, mutual covenants and conditions herein contained, the Parties hereto AGREE AS FOLLOWS:

### Definitions

"Assistant Deputy Fire Chief" means the Assistant Deputy Fire Chief of the Department, as hired by the Town of Newmarket appointed by by-laws of the Municipal Councils of both Aurora and Newmarket who shall also serve as the Assistant Deputy Fire Chief to both of the Towns of Aurora and Newmarket, having all of the powers and responsibilities that appointment carries with it under the Fire Protection and Prevention Act, 1997 (Ontario).

"Committee" means the Joint Council Committee (JCC), or such other name for the Committee as the Municipal Councils may decide from time to time, which is a joint committee of the Municipal Councils of Aurora and Newmarket, established by by-law.

"Chief Administrative Officer" means the Chief Administrative Officer of the Town of Newmarket and maybe referred to in this Agreement as the CAO.

"Department" means the Central York Fire Services (CYFS) or such other name as the Municipal Councils may decide from time to time.

"Deputy Fire Chief" means the Deputy Fire Chief of the Department, as appointed by by-laws of the Municipal Councils of both Aurora and Newmarket who shall also serve as the Deputy Fire Chief to both of the Towns of Aurora and Newmarket, having all of the powers and responsibilities that appointment carries with it under the Fire Protection and Prevention Act, 1997 (Ontario).

"Effective Date" shall mean 12:01 a.m., May 10, 2021.

"Fire Chief" means the Head of the Department, as jointly appointed by by-laws of the Municipal Councils of both Aurora and Newmarket who shall also serve as the Fire Chief to both of the Towns of Aurora and Newmarket, having all of the powers and responsibilities that appointment carries with it under the Fire Protection and Prevention Act, 1997 (Ontario).

"Municipal Councils" means the Municipal Councils for both the Town of Aurora and the Town of Newmarket, as elected pursuant to the Municipal Elections Act, 1996, as amended.

“Parties” means The Corporation of the Town of Aurora and the Corporation of the Town of Newmarket.

1. Establishment of Department

- 1.1 The Town of Newmarket hereby agrees to maintain a fire department, as of the Effective Date, which shall be responsible for the provision of fire and emergency services within the combined geographic and municipal boundaries of the Towns of Aurora and Newmarket, together with such additional geographic areas as may be contracted from time to time, in accordance with the Fire Protection and Prevention Act, 1997 (Ontario), subject to the terms and provisions of this Agreement.

2. Establishment and Role of Committee

- 2.1 A joint Committee of the Municipal Councils of Aurora and Newmarket is formed and constituted as of the Effective Date for the purposes and with all the powers set forth in Schedule A, attached to and forming a part of this Agreement.

3. Role of the Fire Chief

- 3.1 The Fire Chief shall act as the Head for the Department and shall have all of the powers and responsibilities as set out by the Town of Newmarket By-Law (A By-Law to appoint a Fire Chief for the amalgamated fire and emergency services department – CYFS), as well as the job description, this Agreement and the Fire Protection and Prevention Act, 1997, as amended. In the absence of the Fire Chief, the Deputy Fire Chief shall be vested with all of the authorities vested in the Fire Chief as prescribed in the Town of Newmarket By-Law (A By-Law to appoint a Deputy Fire Chief for the amalgamated fire and emergency services department - CYFS).
- 3.2 In addition to the above duties, the Fire Chief shall be responsible for the review, from time to time, and implementation of the Emergency Plans for both the Towns of Aurora and Newmarket.
- 3.3 The Fire Chief shall be an employee of the Town of Newmarket. Notwithstanding this, the Fire Chief shall report to both of the Municipal Councils, through the Committee, with respect to the provision of fire protection services in accordance with the standards established hereunder, and as may be amended from time to time and shall report administratively to the CAO.
- 3.4 Neither Municipal Council nor any Member thereof shall provide direction directly to the Fire Chief. Directions for action on the part of either the Fire Chief or the Department shall be made only through the Committee. General administrative direction for action by the Fire Chief or the Department shall be given by the CAO.
- 3.5 The Committee and the CAO:
- a) shall not require an increase or decrease to the service levels as established by the Master Fire and Emergency Services Plan unless said Master Plan has been amended on the agreement of both Municipal Councils; and
  - b) shall not require the Fire Chief, the Deputy Fire Chief or the Committee to take any action, which is contrary to the provisions of this Agreement, the Fire Protection and Prevention Act, 1997, as amended, or the by-laws appointing the Fire Chief and Deputy Fire Chief and prescribing the duties of those positions.

4. Department Name

- 4.1 The Department is known as Central York Fire Services or CYFS.
- 4.2 The Committee shall have the right to commission and authorize the use of any insignia, crest, coat of arms or other indicia for the purpose of identifying the Department.

5. Prescribed Service Levels

- 5.1 The Parties acknowledge that each has approved the Master Fire and Emergency Services Master Plan (the “Master Plan”) attached hereto as Schedule D and forming part of this Agreement. Schedule D may be amended by the parties by mutual agreement without requiring an amendment to this agreement. Schedule D shall continue in full force and effect since it's expiry until further amended.
- 5.2 The Parties hereby agree that the level of service to be provided throughout the combined geographic and municipal boundaries of the Towns of Aurora and Newmarket is the level of service as established by the Master Plan and each party shall, subject to any mutually agreed amendment of the Master Plan, commit all necessary funding and capital resources through the annual budget to ensure that the Committee and Department have all of the necessary resources, including prescribed staffing levels, to provide the level of service.
- 5.3 The Committee shall be responsible to provide fire protection and prevention services at the level as prescribed by the approved Master Plan.
- 5.4 The Parties hereby covenant to review the Master Plan every five years during the currency of this Agreement and shall, no later than twenty-four (24) months prior to the end of each ten (10) year term of this Agreement, finalize the said Master Plan which shall prescribe service levels for the next ensuing ten (10) year term of this Agreement.
- 5.5 Notwithstanding the foregoing, the Master Plan may be reviewed and, if necessary, amended at any time during the currency of this Agreement as circumstances warrant by mutual agreement of the Parties.

6. Budget

- 6.1 The Parties agree that the financial principles governing this Agreement are set out in Schedule B attached hereto and forming a part of this Agreement.
- 6.2 The Committee, in consultation with the Fire Chief, shall prepare draft annual operating and capital budgets setting out estimated operating and capital costs and projected revenue for the Department based on the provision of services at levels defined by the Master Plan. The estimates shall be submitted to the Municipal Council of Aurora for comment and then to the Municipal Council of Newmarket for consideration and approval. It shall be understood that Newmarket shall have sole authority to determine and approve the budgets.
- 6.3 The operating budget shall contain an amount in respect of administrative support services to be provided to the Committee and/or Department by Newmarket including, but not limited to Financial, Audit, Payroll and Purchasing Services, Secretariat Clerical and Administrative Services, Human Resource Services, Legal Services, Management Information Services, and Property Management and Maintenance Services.

- 6.4 Upon reviewing the estimates, the Municipal Council of Newmarket shall establish an overall budget for the Committee for the purposes herein described and, in doing so, the Municipal Council of Newmarket is not bound to adopt the estimates submitted by the Committee.
- 6.5 Upon approval of the Committee's budget by Newmarket's Municipal Council, Aurora hereby agrees to pay to Newmarket its proportionate share of the said budget in four equal instalments on the fifteenth (15<sup>th</sup>) day of each of the months of February, May, August, and November, during the currency of this Agreement. For the purposes of this Agreement, a party's proportionate share will be that fraction of the budget which is equal to the equally weighted average of:
- a) the assessed value of the lands in that party's municipality over the aggregate of the assessed value of all lands in both Aurora and Newmarket; and
  - b) the number of responses made by the Department within the geographic boundary of each party in the immediately preceding year over the total number of responses made by the Department; and
  - c) the population of each party over the aggregate of the population of both Aurora and Newmarket.
- 6.6 For the purposes of calculating each party's proportionate share in accordance with Subsection 6.5 above:
- a) the assessed value of lands shall be based on the current assessed value of all lands within each party municipality, as determined by the Regional Municipality of York; and
  - b) the total number of calls of the Department shall not include calls outside of the geographic limits of Aurora or Newmarket pursuant to a services or mutual aid contract; and
  - c) the population shall be the population as determined from time to time by the Regional Municipality of York.

Each of the above calculations shall be completed with information current to December 31 of the immediately preceding year and shall be in effect until December 31 of the next ensuing calendar year.

- 6.7 Notwithstanding the foregoing, major capital expenditures relating to structural work, additions or construction of any buildings on real property owned solely by a party shall not form a part of the capital budget of the Department and the party owning the said property shall be solely responsible for any costs relating to such capital expenditures. It is agreed that day to day maintenance of all real property will be the responsibility of, and at the cost of, the Department.
- 6.8 With respect to Station 4-5, CYFS headquarters and training facility located at 300 Earl Stewart Drive, Aurora, and future fire stations that are similarly jointly purchased and constructed by the parties, all capital expenditures related to structural work, additions or repairs to the building, parking lot areas, sidewalks or underground servicing would require review by the JCC Committee and approval by Municipal Councils. The costs for these activities will be funded through the CYFS budget.

- 6.9 With respect to existing CYFS buildings that is or maybe operated wholly or partially as a facility that provides services which benefit both of the parties, (such as Fire Prevention, Training, Administration but excluding Fire Suppression). The proportionate cost of expenditures related to structural work, additions or repairs to the building, parking lot areas, sidewalks or underground servicing would require review by the JCC Committee and approval by Municipal Councils. The costs for these activities will be funded through the CYFS budget. Proportionate cost shall be based on the square footage of the building in comparison to the portion of the building that is utilized by CYFS for the benefit of both Parties.
- 6.10 The Parties shall not divulge any information of which they have knowledge to be confidential whether communicated to or acquired by them in the course of carrying out the services provided pursuant to this Agreement. No such information shall be used by either party in any way without the approval of the other party.
- 6.11 Newmarket shall keep proper and detailed accounts and records in accordance with generally accepted accounting practices where applicable of all factors entering into the computation of the amounts payable pursuant to this Agreement. Aurora may during regular business hours at the offices of Newmarket, upon giving reasonable notice and at Aurora's sole expense, audit and inspect accounts, records, receipts, vouchers and other documents relating to the services performed pursuant to this Agreement and shall have the right to make copies and take extracts at its own expense. Newmarket shall afford all reasonable facilities, physical and otherwise, for such audits and inspections.
- 6.12 Aurora shall have the right to independently audit, at its sole expense, all of the finances, records and books pertaining to the operation of the Department.
- 6.13 The Parties agree that all revenue received from building plan review, rental of space in Fire Department buildings and services contracts with other municipalities shall be provided for the operation of the Department and shall serve to reduce the operational budget prior to the calculation of each party's proportionate share hereunder.

## 7. Property

- 7.1 It is hereby agreed that legal title to all real property will remain with each respective party. Proper maintenance of all property shall thereafter be the responsibility of the Committee and the Department. Notwithstanding the foregoing, major capital expenditures relating to structural work, additions or construction of any buildings on real property owned by a party shall be the sole responsibility of the party owning the said property. However, minor capital expenditures shall be included in the annual capital budget and shall be the responsibility of, and at the expense of, the Committee and the Department.
- 7.2 The Committee shall, from time to time, recommend any major capital expenditures required with respect to real property to the owner of that property and that owner shall consider same. In the event that the failure to undertake any recommended major capital expenditures would or may reasonably result in an inability on the part of the Committee or the Department to meet the prescribed service levels in the Master Plan, the owner shall, within eighteen (18) months, undertake and complete the said major capital expenditures. Notwithstanding the foregoing, major capital expenditures which are of an emergency nature shall take place immediately following the recommendation of the Committee at the cost of the party owning such property.

- 7.3 All real property and buildings erected thereon acquired after the Effective Date and all buildings for the use of the Department which may be constructed after the Effective Date shall be owned and/or constructed as determined by the Parties. In the event that the Parties cannot agree, the real property or the buildings, as the case may be, shall be owned and paid for on an equal basis as between the Parties.
- 7.4 At any time during the currency of this Agreement, any property, except real property, which is identified as surplus to the needs of the Department by the Committee may be sold. The proceeds of such sale shall be applied toward the operating and/or capital budgets of the Committee for the current or immediately subsequent year as the Committee may decide.

8. Staffing

- 8.1 The Committee shall, from time to time as needed, recommend a Fire Chief and Deputy Fire Chief for the approval of and appointment by the Municipal Councils of Aurora and Newmarket, by by-law.
- 8.2 The Fire Chief shall be responsible for the overall administration of the Department and shall hold office pursuant to the employment policies and practices for permanent full-time non-union positions of Newmarket and in accordance with the requirements of the Fire Protection and Prevention Act, 1997.
- 8.3 The Fire Chief shall adhere to the Administrative Policies and Procedures, including purchasing, personnel and all other administrative matters as established by the Town of Newmarket, from time to time, in the operation of the Department and for the purposes of determining applicable authority for actions, the Fire Chief shall have all of the authorities conferred thereby upon Department Heads.
- 8.4 The Fire Chief shall have the authority, on behalf of Newmarket, to retain and remove such employees as may be required for the proper operation of the Department, within the approved staff complement as established through the Master Plan, and to take disciplinary action against such employees where required, all subject to any collective agreement which may be in force from time to time.
- 8.5 The staffing levels set out in the Master Plan and in any collective agreement which may be in force from time to time shall be adhered to unless otherwise negotiated through the collective agreement process.
- 8.6 The Collective Agreement must be submitted for approval of and ratification by the Municipal Council of Newmarket.
- 8.7 It is understood and agreed by the Parties that the Committee shall not negotiate any collective agreements, but that the Fire Chief and the Human Resources staff of Newmarket shall be the representatives of Newmarket for the purposes of negotiation.
- 8.8 Those staff members delegated fire prevention responsibilities, including Fire Code inspection duties under the *Fire Protection and Prevention Act, 1997*, shall be appointed by both Municipal Councils, by by-law.



## 9. Further Powers of the Committee

- 9.1 The Committee shall direct the Fire Chief in the performance of his management duties but not with respect his statutory duties as Fire Chief under the Fire Protection and Prevention Act, 1997, as amended, and no individual member of the Committee shall give orders or directions to any employee, including the Fire Chief.
- 9.2 The Committee shall monitor the performance of the Fire Chief and, together with the Chief Administrative Officer for Newmarket, perform an annual performance review of the Fire Chief; ensuring that all Members of both Municipal Councils have had the opportunity to provide input to the review, as necessary.
- 9.3 The Committee shall have no authority to modify or revise the terms of this Agreement but may make recommendations to the Municipal Councils in this regard.
- 9.4 The Committee is hereby authorized to meet with representatives of other municipalities that are interested, with the objective of expanding the service area of the Department for the provision of Fire and Emergency Services beyond Aurora and Newmarket. Following such discussions, the Committee shall report to the Municipal Councils concerning proposed amendments to this Agreement resulting from the proposed admission of future Parties.

## 10. Indemnity and Insurance

- 10.1 Newmarket agrees to maintain adequate general liability insurance in an amount of not less than ten million dollars (\$10,000,000) against legal liability that may result from the activities and operations of the Department and/or the Committee and to ensure that all policies of insurance are endorsed to provide that Aurora is named as an additional insured. It is hereby agreed that the cost of the said insurance is an operational cost of the Department and shall be included in the operational budget.
- 10.2 Newmarket hereby agrees to indemnify and hold harmless Aurora against all actions, suits, claims, demands, losses, costs, charges and expenses including legal costs (hereinafter the "claims"), arising out of or in consequence of the activities and operations of the Department and/or the Committee save for such claims caused by either the negligence of or breach of this Agreement by Aurora. The terms and provisions of this Subsection shall survive any termination of this Agreement.
- 10.3 The Parties hereby agree that any and all liability resulting from all actions, suits, claims, demands, losses, costs, charges and expenses arising out of actions, incidents, grievances or investigations which occurred prior to the Effective Date against any party shall remain the sole liability of that party, shall not be transferred hereunder and that party shall wholly indemnify the other party with respect to any and all liability, including defence and legal costs pertaining thereto.

## 11. Resolution of Disputes

- 11.1 If there is dispute between the Parties to this Agreement with respect to its interpretation or application or an alleged violation, the Parties, as represented by their respective Chief Administrative Officers or such persons as they may direct, hereby agree to meet and discuss the matter within five (5) days following receipt of notice by one party to the other with the objective of resolving any dispute. For clarity, it is agreed that either party has the right to dispute the failure to meet or maintain service levels or its proportionate share of the budget, but that no matter involving the establishment of or modification to budgets or relating to human resource matters or matters arising from any collective agreements which shall be resolved by Newmarket, can be the subject of any dispute or referral to arbitration.
- 11.2 Following meetings of the Parties as provided for above, in the event that a mutually satisfactory resolution is not achieved within sixty (60) days following the receipt of the above notice by the other party, either party may issue a Notice Requesting Arbitration to the other in which event the Parties shall proceed to Binding Arbitration and the provisions for proceeding with Binding Arbitration set out within Schedule C, attached hereto and forming a part of this Agreement, shall be followed.
- 11.3 Notwithstanding that a matter has been referred to dispute resolution under the provisions of this Section, the Parties shall throughout the period of dispute resolution endeavour to perform their respective obligations under the terms of this Agreement to the best of their abilities.

## 12. Term and Termination

- 12.1 This Agreement shall come into force commencing on the Effective Date and shall continue in force for a period of ten (10) years.
- 12.2 This Agreement shall automatically renew for additional terms of ten (10) years unless either party provides written notice not less than eighteen (18) months in advance of the last day of the then current ten (10) year term, in which case this Agreement shall terminate on the last day of the then current ten (10) year term.
- 12.3 In the event this Agreement is terminated, upon termination the Committee shall be dissolved. Notwithstanding the dissolution of the Committee, Newmarket covenants and agrees to maintain the records of the Committee for not less than ten (10) years following dissolution of the Committee.
- 12.4 In the event of termination of this Agreement, all jointly owned property shall be valued at its fair market value as at the date of termination and the property shall be divided between the Parties in proportions equal to the proportions in which they each contributed to the annual budget of the Board in the final year, or portion thereof, of the operation of this Agreement, unless the Parties otherwise agree in writing.
- 12.5 In the event of termination of this agreement, or if for any other reason Newmarket ceases to provide all or part of fire and emergency services within the municipal boundaries of Aurora, the Parties agree that all members of the Newmarket Professional Firefighters Association, or its successor, shall be guaranteed employment with one of the successor fire departments with no loss or diminution in seniority, rank, benefits, salary or any other terms and conditions of employment, and the provisions of the collective agreement with the Newmarket Professional Firefighters Association shall be binding on both Newmarket and Aurora respectively. For clarity, it is agreed that all firefighters employed by Newmarket

immediately prior to January 1, 2002 will remain employed by Newmarket, all firefighters employed by Aurora immediately prior to January 1, 2002 will be employed by Aurora and all new firefighters employed by Newmarket after January 1, 2002 will be employed by either Newmarket or Aurora on such basis and subject to terms and conditions as will be negotiated by Newmarket and Aurora.

The Parties agree that any transition or implementation costs incurred to give effect to the requirements of this paragraph shall be paid by each Party in accordance with each Party's proportionate share of that year's budget.

- 12.6 The terms and provisions of this Section and Section 10 shall survive any termination of this Agreement.

13. Transition Costs

- 13.1 The Parties acknowledge that in order to ensure that this Agreement may become effective on the Effective Date; the Parties will incur costs between the date of this Agreement and the Effective Date. The Parties agree that the Town of Newmarket shall be responsible for and pay 60% of all such costs and the Town of Aurora shall be responsible for and pay 40% of all such costs.

14. Notice

- 14.1 Any notice which is permitted or required pursuant to this Agreement shall be in writing and shall be served personally or by registered mail upon the Clerk of each of the Parties at the following addresses:

The Corporation of the Town of Aurora  
100 John West Way, P.O. Box 1000  
Aurora Ontario L4G 6J1  
Attention: Clerk

The Corporation of the Town of Newmarket  
395 Mulock Drive, P.O. Box 328, Station Main  
Newmarket, ON L3Y 4X7  
Attention: Clerk

15. Severability

- 15.1 In the event that any covenant or term of this Agreement should at any time be held by any competent tribunal to be void or unenforceable, then the Agreement shall not fail, but the covenant, provision or term shall be deemed to be severable from the remainder of this Agreement, which shall otherwise remain in full force and effect.

16. Estoppel

- 16.1 No party or Parties shall call into question, directly or indirectly, in any proceedings whatsoever in law or in equity or before any administrative tribunal, the right of the Parties or any of them to enter into this Agreement or the enforceability of any term, agreement, provision, covenant and/or condition contained in this Agreement, and this clause may be pleaded as an estoppel as against any such party in any proceedings.

17. Successors and Assigns

This Agreement shall enure to the benefit of and be binding upon the Parties and their respective successors and assigns.

**IN WITNESS WHEREOF** each of the Parties hereto has affixed its corporate seal by the hands of its proper officers on the date inscribed on the first page of this Agreement.

SIGNED, SEALED AND EXECUTED

THE CORPORATION OF THE TOWN OF AURORA

)  
)

\_\_\_\_\_  
Doug Nadorozny, Chief Administrative Officer

CORPORATION OF THE TOWN OF NEWMARKET

)  
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John Taylor, Mayor

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\_\_\_\_\_  
Lisa Lyons, Town Clerk

## **SCHEDULE A**

### **TERMS OF REFERENCE FOR THE COMMITTEE**

#### **MISSION PURPOSE AND OBJECTIVE**

The Committee is charged with the responsibility of providing and administering a borderless single tier level of fire protection and prevention services throughout the entire geographic area for both the Towns of Aurora and Newmarket, in accordance with the Consolidated Fire Services Agreement, as well as the obligations contained in the Fire Protection and Prevention Act as amended and any regulations passed thereunder.

Although accountable to both the Council of the Town of Aurora and the Town of Newmarket, it is the responsibility of Committee members to make decisions which shall favour neither municipality, but will provide an equal level of service to all of the combined residents of both municipalities.

#### **Mission Statement**

Excellence in the provision of preventative and protective fire and emergency services to the communities of Aurora and Newmarket.

### **1. RESPONSIBILITIES OF THE COMMITTEE**

The Committee shall be delegated the following responsibilities in fulfilling the mission statement:

1. Conduct planning for the provision of effective and efficient fire and emergency services, in accordance with the Consolidated Fire Services Agreement including fire suppression, fire prevention, fire safety, education, communication, training of persons involved in the provision of fire protection services, rescue and emergency services and delivery of all these services, in a fiscally prudent manner within the municipalities;
2. Present & maintain a Fire & Emergency Services Master Plan to meet the community needs and provide strategic direction for approval of the Municipal Councils
3. Recommend service levels, capital budgets, and operating budgets in accordance with the consolidated Fire Services Agreement and the approved Fire & Emergency Services Master Plan;
4. Administer the provision of fire services to the municipalities in accordance with the approved plans and budgets including the provision and use of facilities, equipment, human resources and programs;
5. Ensure that any agreements currently in effect relating to communications services and mutual aid with other municipalities are maintained and properly performed;
6. Provide regular and proactive information to the Councils of the participating municipalities on the operations of the consolidated fire services

### **2. ESTABLISHMENT OF COMMITTEE**

The Committee shall provide and administer fire protection and preventative services for both municipalities in accordance with the Consolidated Fire Services Agreement.

## **Membership**

The Committee shall total six (6) members, composed of three (3) members of the Municipal Council of Aurora and three (3) members of the Municipal Council of Newmarket, whose terms shall be concurrent with the term of the Councils which appointed them. Members are encouraged to serve no more than two (2) consecutive terms on the Committee to allow the opportunity for new members of the Municipal Councils to serve on the Committee.

Any member may be removed or replaced at any time by the municipality on whose behalf the member was appointed.

No compensation shall be paid to the members in respect of their service on the Committee.

In an election year no meeting of the Committee shall be convened during that period of time between the municipal election and the appointment of the newly elected Members of Council to the Committee.

The Committee shall prepare a report/minutes outlining the Committee's activities to each Municipal Council following each meeting.

## **Chair/Vice-Chair**

The Committee shall elect a Chair and Vice-Chair annually from its members. At any given time the Chair and Vice-Chair shall not both be members from the same municipality and the appointments shall rotate annually (i.e. where an Aurora member is Chair one year, a Newmarket member shall be Chair the subsequent year, and so on.) Each shall serve for a one (1) year term, unless a shorter term is determined by the Committee.

## **Duties of the Chair**

- Call the meeting to order as soon after the hour fixed for the holding of the meeting as quorum is present
- Announce the business of the Committee in the order in which it appears on the agenda
- Announce any disclosures of interest
- Receive and submit all motions moved and seconded by a member
- Put to a vote all questions, which have been moved and seconded, or otherwise arise in the course of the proceedings and announce the results
- Decline to put to a vote any motion not in order
- Confine members engaged in debate within the rules of order
- Enforce the observance of order and decorum among members
- Name any member persisting in breach of the rules of order
- Receive all messages and other communication and announce them to the Board
- Rule on points of order
- Adjourn or suspend the meeting in the event of a grave disorder
- Designate the member who has the floor
- Have a vote in all matters of the Committee

## **Board Secretariat**

The Municipal Clerk of the Town of Newmarket, or his or her designate, shall serve as the Secretary to the Committee, and shall be present at all meetings, and shall be responsible to maintain custody of all records, minutes, agreements and any other documents associated with the Committee.

The agenda shall be prepared by the Secretary of the Committee in consultation with the Fire Chief or, in his or her absence, the Deputy Fire Chief.

## **Procedures**

Unless otherwise provided for in these terms of reference, the procedural by-law of the Town of Newmarket shall apply to the proceedings of the Committee.

## **Meetings**

Meetings shall be held regularly each month in conjunction with the municipal council schedule or as such other time a meeting is required. A schedule shall be developed by the Secretariat with all Members agreement. Location of meetings will be rotated in both municipalities, to be planned at the time of scheduling.

Notice of meetings shall be provided by circulating the agenda to each member not less than five (5) business days prior to the meeting. Special meetings may be called without notice by the Chair, CAO or by the Fire Chief or the Deputy Fire Chief at the Request of the Fire Chief.

Meetings conducted by the Committee shall be open to the public, subject to the following, and notice of them shall be published in the manner that the Committee determines.

The Committee may exclude the public from all or part of a meeting or hearing where a matter to be considered includes:

- a) the security of the property of the municipalities;
- b) personal matters about an identifiable individual, including employees of the municipalities;
- c) a proposed or pending acquisition of land for purposes of the municipalities;
- d) labour relations or employee negotiations with respect to the municipalities;
- e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipalities; or
- f) a matter in respect of which the Committee, Council or other body has authorized a meeting to be closed under the Municipal Act or another Act
- g) the receipt of advice that is subject to solicitor client privilege including any communications necessary for that purpose.

## **Quorum**

In order to constitute a quorum, at least two (2) members appointed by Newmarket and two (2) members appointed by Aurora shall be present at all times, and all matters shall be decided by a majority vote of the members attending, each of whom shall have one (1) vote including the Chair. In the event of a tie, the matter shall be deemed to have been denied or refused.

## **Majority**

Any decision or recommendation of the Committee shall require the following:

- a) The concurring vote of a majority of the members present, and
- b) A concurring vote from at least one representative of each municipality.

A tie vote is considered a defeated vote.

## **3. ROLE OF THE COMMITTEE**

The Committee shall make recommendations in accordance with the Consolidated Fire Services Agreement with respect to the service standards namely;

- fire & emergency services master plan
- annual capital & operating budgets
- labour contracts and amendments

- fire communication services and mutual aid agreements
- purchases or contracts related to fire services

Notwithstanding the above referenced responsibilities, the Town of Newmarket shall be responsible for any negotiations and execution of agreements related to any labour relation contracts and amendments thereto.

The Committee will be responsible for coordinating the “Central York Fire Services”. The Committee shall ensure the efficient and proper delivery of Fire and Emergency Services throughout the municipal boundaries of Aurora and Newmarket in accordance with the Consolidated Fire Services Agreement and service standards approved by the Council of both municipalities including and extending to the following:

- a) establish a program in the municipalities, which must include public education with respect to fire safety and certain components of fire prevention;
- b) establish and maintain annual fees for services schedule;
- c) engage in mutual aid relationships with adjacent Fire and Emergency Services providers in York Region;
- d) provide a tiered response to emergency events in Aurora and Newmarket;
- e) examine the feasibility of providing Fire and Emergency Services to other municipalities and the receipt of like services from other municipalities, subject to the collective bargaining agreement;
- f) meet all obligations and responsibilities of Aurora and Newmarket under the Fire Protection and Prevention Act, as amended and any regulations thereunder;
- g) consider the recommendations of the Fire Marshal concerning the operation of the Department and delivery of services to Aurora and Newmarket and report to the Municipal Council of the parties concerning these recommendations
- h) from time to time as needed, participate in the process for the recruitment of a Fire Chief;
- i) develop, with the Fire Chief, an ongoing communications process, including a quarterly report between the Department and the Municipal Councils;
- j) review departmental organization; and
- k) review such other matters as the Municipal Councils may determine.

Notwithstanding the above referenced functions, the Committee shall not interfere with any of the Fire Chief’s statutory duties.

The Committee shall review and maintain a Master Fire and Emergency Services Plan that would establish and harmonize service levels throughout Aurora and Newmarket and standardize operating procedures for the Department. The Committee shall be responsible for providing at no time less than the current level of service in existence for the delivery of Fire & Emergency Services of each municipality, at the time of the effective date of this agreement.

The Committee may meet with any other municipalities that are interested, with the objective of expanding the service area of the Committee for the provision of Fire and Emergency Services beyond Aurora and Newmarket and consolidating Regional Fire and Emergency Services. Following such discussions, the Committee shall report to Aurora and Newmarket concerning the proposed amendments to this Agreement to implement such arrangements.

#### **4. ROLE OF THE FIRE CHIEF**

The Fire Chief shall act as the Department Head for the Department and shall have all of the powers and responsibilities as set out by the appointment by-laws of the participating municipalities, the job description, the Consolidated Fire Services Agreement and the *Fire Protection and Prevention Act, 1997*.

For the purposes of the Consolidated Fire & Emergency Services Agreement, the Fire Chief shall be an employee of the Town of Newmarket. Notwithstanding this,



the Fire Chief shall act as the Fire Chief for both the Town of Newmarket and Town of Aurora and shall report to both Councils through the Committee for the provision of fire protection services in accordance with the standards established by CYFS. In addition to this, the Fire Chief shall also have access to the Council of the Town of Aurora for the purpose of discussing Fire & Emergency Services related issues that may impact the Town of Aurora.

## **5. PURCHASING AND PROCUREMENT**

The purchase of equipment, materials and services for the operation of the CYFS. shall be governed by the Town of Newmarket Purchasing Policies and Procedures, and the provisions of the collective bargaining agreement. The Town of Newmarket is hereby authorized to execute any documents and agreements for the Fire & Emergency Services Depart., which have been authorized by the Committee or the Fire Chief.

The Committee shall have the authority of the “Municipal Council”, as outlined in the Town of Newmarket Purchasing Policies and Procedures, to approve expenditures for the operation of the Department, including the acquisition of capital property, equipment, rolling stock and supplies subject to the approved capital and operating budgets.

The Fire Chief shall have authority as the “Department Head” to approve expenditures for the operation of the Department, including the acquisition of equipment, rolling stock and supplies subject to the approved capital and operating budgets. Such authority shall be exercised in accordance with the spending level authority, financial controls as outlined in the Newmarket Purchasing Policies and Procedures.

## **6. BUDGET**

The Committee, in consultation with the Fire Chief, shall prepare draft annual operating and capital budgets setting out estimated operating and capital costs and projected revenue for the Department, in accordance with the Consolidated Fire Services Agreement and the approved Fire and Emergency Services Master Plan. The estimates shall be submitted to each of the Municipal Council of Aurora and Newmarket for approval.

## **SCHEDULE B**

### **STATEMENT OF FINANCIAL PRINCIPLES**

#### **FIRE/EMERGENCY SERVICES CONSOLIDATION PROJECT**

##### **Financial Principles**

All financial decisions will be guided by the following principles:

##### **General:**

1. The amalgamated Fire and Emergency service will be coordinated through the Joint Council Committee with consistent service standards for the entire area.
2. Budgeted expenditures and revenues, including capital purchases, will be consolidated with each municipality bearing their share of the net costs (total expenditures less total revenue) based on the cost allocation methodology attached.
3. Any annual operating surplus or deficit will be allocated to/from a stabilization reserve account with initial funding of such stabilization fund to be borne by each municipality based on the cost allocation methodology attached.
4. Integrated fire services are expected to improve service levels and contribute toward significant cumulative savings due to:
  - Shared capital and operating resources;
  - Minimization of administrative duplication
5. **The allocation of the aggregate annual costs to be avoided through the consolidation of fire/emergency services will be blended to ensure that both municipalities realize favourable benefits.**

##### **Capital:**

6. An independent, third party will evaluate significant (over \$5,000) individual pieces of equipment as to their condition and current value prior to the merger.
7. Buildings will be owned by each municipality and not included in the significant capital assets evaluation.
8. The municipality whose capital assets (excluding buildings) are not sufficient to meet their percentage contribution to the merged services will make a capital contribution(s) at some time in the future to bring their contribution up to the defined cost allocation percentage.

##### **Operating:**

9. There will be a budget line for corporate overhead costs including:
  - Clerical and administrative support of the JCC
  - Human resources including recruitment, labour relations, etc.
  - Support of Information technology and telecommunications equipment/networks
  - Payroll
  - Legal
  - Financial including budget, audit, accounts payable and accounts receivable
10. Revenue from Building Plan review and from Ambulance Services rental of space will be forecast for each municipality and included in shared revenue.

11. Insurance of all assets except buildings will be a merged cost. Each municipality will own and insure their Fire Services buildings. All other operating costs will be treated as merged costs that will be subject to the defined cost allocation methodology.

### **Cost Allocation Methodology**

Costs of operating the amalgamated fire service will be paid by each municipality based on the average of the following 3 calculations, equally weighted, at December 31, (and/or of each year). Payments will be made quarterly on February 15, May 15, August 15 and November 15

- Total assessment of municipality / Total assessment of both municipalities
- Total population of municipality / Total population of both municipalities
- Total calls for emergency response of municipality / Total calls for emergency response of both municipalities

## **SCHEDULE C**

### **RULES OF ARBITRATION**

#### Jurisdiction and Scope

1. The Arbitral Tribunal (as defined below) appointed under these Rules will apply the provisions of the Arbitration Act of Ontario to any Arbitration conducted under this agreement except to the extent they are modified by the express provisions of these Rules.
2. Each party acknowledges:
  - (a) it will not apply to the Courts of Ontario or any other jurisdiction to attempt to enjoin, delay, impede or otherwise interfere with or limit the scope of the Arbitration or the powers of the Arbitral Tribunal; and
  - (b) the award of the Arbitral Tribunal will be final and conclusive and there will be no appeal; therefrom whatsoever to any court, tribunal or other authority.
3. The Arbitral Tribunal has the jurisdiction to deal with all matters relating to a Dispute including, without limitation, the jurisdiction:
  - (a) to determine any question of law, including equity;
  - (b) to determine any question of fact, including questions of good faith, dishonesty or fraud;
  - (c) to determine any question as to the Arbitral Tribunal's jurisdiction;
  - (d) to order any party to furnish further details, whether factual or legal, of that party's case;
  - (e) to proceed in the Arbitration notwithstanding the failure or refusal of any party to comply with these Rules or with the Arbitral Tribunal's orders or directions, or to attend any meeting or hearing, but only after giving that party written notice the Arbitral Tribunal intends to do so;
  - (f) to receive and take into account such written or oral evidence tendered by the Parties as the Arbitral Tribunal determines is relevant, whether or not admissible in law;
  - (g) to make one or more interim awards including, without limitation, orders to secure any amount relating to the Dispute;
  - (h) to order the Parties to produce to the Arbitral Tribunal and to each other for inspection, and to supply copies of any documents or classes of documents in their possession, power or control that the Arbitral Tribunal determines to be relevant; and
  - (i) to express awards in any currency.

## Place of Arbitration

4. Unless otherwise agreed, the Arbitration will be conducted in the Regional Municipality of York in the Province of Ontario at the location determined from time to time by the Arbitral Tribunal, but the Arbitral Tribunal may meet in any other place the Arbitral Tribunal considers necessary for consultation, to hear witnesses, experts or other Parties, or for the inspection of documents, goods or other property.

## Appointment of Arbitral Tribunal

5. As used in these Rules, the term “Arbitral Tribunal” means the Sole Arbitrator appointed under these Rules or the Arbitral Tribunal appointed under these Rules, as the case may be.
6. The Arbitration will be commenced by delivery of a Notice Requesting Arbitration (the “Complaint”) by the Claimant to the Respondent. The Complaint must describe the nature of the Dispute.
7. The Claimant and the Respondent may agree in writing upon the appointment of a single Arbitrator who will determine the Dispute acting alone (the “Sole Arbitrator”) or upon the appointment of a three (3) member Arbitral Tribunal. If within five (5) days of the giving of the Complaint, the Claimant and the Respondent do not reach agreement on the appointment of the Sole Arbitrator, and then each of the Claimant and the Respondent may appoint an Arbitrator and provide the other party with written notice of such appointment. If one party does not provide such written notice, then the arbitrator who has been appointed by the other party will be the Sole Arbitrator and will constitute the Arbitral Tribunal.
8. If the Claimant and the Respondent each appoint an Arbitrator under Section 7 of these Rules, then, within five (5) days of the appointment of such Arbitrators, such Arbitrators shall choose a third Arbitrator as chair (the “Chair”) and give notice to the Claimant and the Respondent of such appointment, failing which the Chair may be appointed by a Judge of the Ontario Court (General Division) on the application of either the Claimant or the Respondent, on notice to the other. Upon giving of notice by the Arbitrators of the appointment of the Chair, or the appointment by a Judge of the Chair, as the case may be, the Chair and the other Arbitrators previously appointed will constitute the Arbitral Tribunal.
9. Any decision of the Arbitral Tribunal (including, without limitation, its final award made with respect to a Dispute or with respect to any aspect of, or any matter related to, the Arbitration (including; without limitation, the procedures of the Arbitration) will be made by either the Sole Arbitrator or by a majority of the Arbitral Tribunal, as the case may be. All decisions of the Arbitral Tribunal with respect to a Dispute, except procedural decisions, will be rendered in writing, and contain a recital of the facts upon which the decision is made and the reasons.

## Pre-Arbitration Meeting

10. The Parties shall meet with the Arbitral Tribunal within seven (7) days of the constitution of the Arbitral Tribunal for a pre-arbitration meeting to:
  - (a) identify the issues in dispute;
  - (b) discuss the procedure to be followed in the Arbitration;
  - (c) establish time periods for taking certain steps, including the dates, time and location of the Arbitration; and
  - (d) deal with any other matter that will assist the Parties to settle their differences and assist the Arbitration to proceed in an efficient and expeditious manner.

11. The pre-arbitration meeting may take place by conference telephone call.
12. The Arbitral Tribunal shall record any agreements or consensus' reached at the pre-arbitration meeting and shall, within three (3) days of that meeting, send a copy of that document to each of the Parties or their representative.

### Conduct of the Arbitration

13. Subject to the Rules in this Schedule, the Arbitral Tribunal may conduct the Arbitration in the manner the Arbitral Tribunal considers appropriate, but each party shall be treated fairly and shall be given full opportunity to present a case.
14. Under this Schedule, the power of the Arbitral Tribunal includes, but is not limited to:
  - a. ordering the Arbitration to be conducted by documents only, or with limited oral hearings;
  - b. controlling or refusing discovery examinations;
  - c. determining in what order issues will be dealt with;
  - d. limiting or extending the extent of document disclosure;
  - e. requiring further particulars of the claim and the issues advanced;
  - f. requiring earlier disclosure of intended witnesses and documents;
  - g. limiting the number of experts or refusing to allow expert evidence;
  - h. requiring the use of a single independent expert to deal with a particular issue or any number of issues;
  - i. requiring experts to file written reports in place of giving oral testimony;
  - j. requiring expert reports earlier in the process than required under this Schedule;
  - k. determining when and in what order experts will be heard;
  - l. setting dates, times and locations for the Arbitration'
  - m. ordering pre-arbitration meetings as required;
  - n. fixing and awarding costs, including solicitor/client costs and the costs of the Arbitration.

### Exchange of Documents

15. Within fifteen (15) days of the pre-arbitration meeting, or if the Parties agree that no pre-arbitration meetings will be held, within fifteen (15) days after the Arbitral Tribunal has been constituted, the Claimant shall send a written statement to the Respondent and the Arbitral Tribunal outlining the facts supporting the claim of the Claimant, the points at issue, and the relief or remedy sought.
16. Within fifteen (15) days after the Respondent receives the Claimant's statement, the Respondent shall send a written statement to the Claimant and the Arbitral Tribunal outlining the Respondent's defence, the facts supporting the defence, the Defendant's positions on the points at issue and the relief or remedy sought, and a written statement of the Respondent's counterclaim, if any.
17. The Respondent, by counterclaims, shall send a written statement to the Claimant and the Arbitral Tribunal outlining the Respondent's defence to the counterclaim within fifteen (15) days after the Respondent receives the counterclaim.

18. Each party shall submit with the party's statement a list of the documents upon which the party intends to rely and the list of documents shall describe each document by specifying its document type, date, author, recipient and subject matter.

#### Amendment of or Supplemental Claim

19. The Arbitral Tribunal may, on application of a party or on the Arbitral Tribunal's own motion, order a party to produce any documents the Arbitral Tribunal considers relevant to the Arbitration within a time the Arbitral Tribunal specifies and, where such an order is made, the other party may inspect those documents and make copies of them.

#### Production of Documents

20. The Arbitral Tribunal may, on application of a party or on the Arbitral Tribunal's own motion, order a party to produce any documents the Arbitral Tribunal considers relevant to the Arbitration within a time the Arbitral Tribunal specifies and, where such an order is made, the other party may inspect those documents and make a copies of them.
21. Each party shall make available to the other for inspection and copying any documents upon which the party intends to rely.

#### Agreed Statement of Facts

22. The Parties shall, within a period of time specified by the Arbitral Tribunal identify those facts, if any, which are not a dispute and submit to the Arbitral Tribunal an agreed statement of facts.

#### Arbitration Hearings

23. The Arbitral Tribunal shall set the dates for any oral hearings or meetings and shall give at least seven (7) days written notice of such hearings or meetings to the Parties.

All oral hearings and meetings shall be held in private and all written documentation shall be kept confidential by the Arbitral Tribunal and the Parties and not disclosed to any other person, except by the consent of all Parties.

#### Evidence

24. Each party shall prove the facts relied upon to support the party's claim or defence.
25. If a party is presenting evidence through a witness, the party shall, no later than seven (7) days before the commencement of the oral hearing, advise the Arbitral Tribunal and the other party of the name and address of the witness and provide a brief summary of the evidence to be given by the witness.
26. The written statement of an expert shall be given to the other party and the Arbitral Tribunal at least fourteen (14) days before the commencement of the oral hearing.
27. The Arbitral Tribunal shall be the sole judge of the relevance and materiality of the evidence offered and the Arbitral Tribunal is not required to apply the legal rules of evidence.
28. All oral evidence shall be taken in the presence of the Arbitral Tribunal and all the Parties, except where any of the Parties is absent, in default or has waived the right to be present.

29. The Parties shall prepare books containing all of the documents to be introduced at the oral hearing and shall submit those books to the other party and to the Arbitral Tribunal no later than fourteen (14) days before the commencement of the oral hearing.
30. The Parties are deemed to have consented to the authenticity of all documents contained in the document books, unless the party gives notice of objection within seven (7) days of the oral hearing to the other party and the Arbitral Tribunal.
31. The Arbitral Tribunal may allow a party to introduce into evidence at the oral hearing a document which was not disclosed or submitted at least fourteen (14) days before the commencement of the hearing, but the Arbitral Tribunal may take that failure into account at the time the Arbitral Tribunal fixes any costs.

### Examination of Parties

32. At an oral hearing, the Arbitral Tribunal may order a party, or a person claiming through a party, to submit to being examined by the Arbitral Tribunal under oath and to submit all the documents that the Arbitral Tribunal requires.

### Witnesses

33. The Arbitral Tribunal may determine the manner in which witnesses are to be examined and may require a witness, other than a party or the party's representative, to leave the oral hearing during the testimony of another witness.
34. Where the Arbitral Tribunal allows the evidence of a witness to be presented by a written statement, the other party may require that the witness be present at an oral hearing for cross-examination.
35. The Arbitral Tribunal may call a witness on the motion of the Arbitral Tribunal, but where the Arbitral Tribunal calls a witness, the Parties have the right to cross-examine that witness and call evidence in rebuttal.

### Experts

36. The Arbitral Tribunal may appoint one or more experts to report on specific issues to be determined by the Arbitral Tribunal and may require a party to give the expert any relevant information or the produce, or to provide access to, any relevant documents, goods or other property for inspection by the expert.
37. The Arbitral Tribunal shall communicate the expert's terms of reference to the Parties.
38. Any dispute between a party and an expert as to the relevance of the required information or the production of the information shall be referred to the Arbitral Tribunal for decision.
39. Upon receipt of the expert's report, the Arbitral Tribunal shall inform the Parties of the contents of the report and the Parties shall be given an opportunity to express, in writing, their opinion on the report.
40. The expert shall, at the request of a party, make available to that party for inspection all documents, goods or other property in the expert's possession which the expert was provided with in order to prepare the expert's report and the expert shall provide that party with a list of all documents, goods or other property not in the expert's possession but with which the expert was provided in order to prepare the expert's report, and a description and location of those documents, goods or other property.



41. If a party requests or if the Arbitral Tribunal considers it necessary, the expert shall, after delivery of the expert's written or oral report, be present at an oral hearing where the Parties will have the opportunity to cross-examine the expert and call evidence in rebuttal.

### Default of Party

42. Where a Claimant, without sufficient cause, and after five (5) days written notice from the Arbitral Tribunal, fails to communicate the Claimant's statement of claim within the required time, the Arbitral Tribunal may terminate the Arbitral Tribunal with respect to that claim.
43. Where the Respondent, without sufficient cause and after five (5) days written notice from the Arbitral Tribunal, fails to communicate the Respondent's statement of defence within the required time, the Arbitral Tribunal shall continue the Arbitration. An award shall not be made solely on the default of the Respondent. The Arbitral Tribunal shall require the Claimant to submit such evidence as the Arbitral Tribunal may require for the making of the award.
44. Where a party, without sufficient cause, fails to appear at an oral hearing or fails to produce documentary evidence, the Arbitral Tribunal may continue the Arbitration and the Arbitral Tribunal shall make an award based upon the evidence before the Arbitral Tribunal.
45. Where a party, without sufficient cause, fails to comply with any order or direction of the Arbitral Tribunal or any requirement under the Arbitrations Act or this Schedule, the Arbitral Tribunal may grant such relief as the Arbitral Tribunal deems appropriate, including costs.

### General Powers of Arbitral Tribunal

46. The Arbitral Tribunal may:
- (a) order an adjournment of the proceedings from time to time;
  - (b) make an interim order on any matter with respect to which the Arbitral Tribunal may make a final order; including an interim order for the preservation of property which is the subject matter of the dispute;
  - (c) order "on site" inspection of documents, exhibits or other property;
  - (d) at any time extend or abridge a period of time required in this Schedule or fixed or determined by the Arbitral Tribunal where the Arbitral Tribunal considers it just and appropriate in the circumstances.

### Representation

47. The Parties may be represented or assisted by any person during Arbitration.
48. Where a party intends to be represented or assisted by a lawyer, the Parties shall, in writing, advise the other party of the lawyer's name and the capacity in which the lawyer is acting, at least five (5) days before any scheduled meeting or hearing.

### Award of Arbitral Tribunal

49. Unless the Parties otherwise agree, the award of the Arbitral Tribunal must be made within ninety (90) days of the first Arbitral Tribunal meeting.
50. The award of the Arbitral Tribunal will be rendered in writing and will contain a recital of the facts upon which the award is made and the reasons.

51. In the event the award of the Arbitral Tribunal includes a requirement for payment of a sum of money by one party to the other, it shall include a determination of the date by which such payment shall be made.

### Miscellaneous

52. The language of the Arbitration will be English.
53. Nothing contained in these rules prohibits a party from making an offer of settlement during the course of the Arbitration.
54. The award of the Arbitral Tribunal shall include a determination of the allocation between the Parties of the costs of the Arbitration. In determining the allocation between the Parties of the costs of the Arbitration, including the professional fees of the Arbitral Tribunal and the administrative costs associated with the Arbitration, the Arbitral Tribunal may invite submissions as to costs and may consider, among other things, an offer of settlement made by a party to the other party prior to or during the course of the Arbitration. Unless otherwise directed by the Arbitral Tribunal, all costs of the Arbitral Tribunal will be paid equally by the Claimant and the Respondent.

**SCHEDULE D**

**MASTER FIRE AND EMERGENCY SERVICES PLAN**

**AURORA-NEWMARKET**

**FIRE AND EMERGENCY SERVICES**

**MASTER FIRE PLAN**

**2008-2017**

**(Update Master Fire Plan 2014)**

**Please visit Central York Fire Services  
website for details of the plan**

<http://www.cyfs.ca/about-us/pages/master-fire-plan.aspx>





# **Town of Newmarket**

## **Minutes**

### **Heritage Newmarket Advisory Committee**

Date: Tuesday, February 2, 2021

Time: 7:00 PM

Location: Electronic VIA ZOOM  
See How to Login Guide

Members Present: Billie Locke, Chair  
Gord McCallum, Vice-Chair  
Councillor Bisanz  
Norman Friend  
Mitch Sauder  
Joan Seddon

Members Absent: David McLennan

Staff Present: P. Cho, Planner  
D. Morton, Planner  
A. Walkom, Legislative Coordinator

The meeting was called to order at 7:03 PM. Billie Locke in the Chair.

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

None.

#### **2. Conflict of Interest Declarations**

None.

#### **3. Presentations/Deputations**

##### **3.1 Mulock Property Design Concept**

Lisa Rapoport of PLANT Architect Inc. provided an introduction to the presentation on the Mulock property design concept. Sharon Vattay of GBCA provided an overview of the history of the site and the owners, including the Mulock family. She also provided details on the heritage designation of the house and statement of significance. Lisa Rapoport provided a detailed overview of the site and the house. She advised of the features which are to be preserved and the proposed floor plans for the house. The presentation concluded with the Mulock Arborteam design concept for the property.

Heritage Committee members discussed the presentation and asked questions regarding the statement of significance, existing trees on the site, the positioning of an elevator to be installed in the house, and potential designation of interior features of the house.

Moved by: Councillor Bisanz

Seconded by: Joan Seddon

1. That the presentation provided by Sharon Vattay, GBCA and Lisa Rapoport, PLANT Architect Inc. regarding the Mulock Property Design Concept be received

**Carried**

#### **4. Approval of Minutes**

##### **4.1 Heritage Newmarket Advisory Committee Meeting Minutes of December 1, 2020**

Moved by: Gord McCallum

Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of December 1, 2020 be approved.

**Carried**

#### **5. Correspondence**

None.

## **6. Items**

### **6.1 Discussion about status of Committee Review of List of Properties of Interest**

Committee members discussed the review of the properties listed on the Municipal Register of Non-Designated Properties.

### **6.2 Update on Bogart House**

The Planner provided an update on the status of the development located at 16920 and 16860 Leslie Street which contains the Bogart House property. She advised that the intent of the developer is to restore the house for future residential use. However, the Planning Department has not yet received a new submission regarding the property.

Members of the Heritage Committee discussed the ongoing preservation of the building and the eventual restoration of the house.

Moved by: Gord McCallum

Seconded by: Councillor Bisanz

1. That the Heritage Newmarket Advisory Committee request that staff keep the Committee informed and provide more details on the Bogart House as soon as possible, regarding the preservation of the house, protection from impact of activities of the site development around it, and future restoration of the house.

**Carried**

## **7. Reports of Committee Members**

### **7.1 Designated Property Maintenance and Concerns**

The Planner advised that further research on plaque requests was delayed pending availability of resources from the Newmarket Archives.

7.1.1 Site Plaques

7.1.2 Residence Plaques

7.1.3 Heritage Location Plaques

## **8. Committee Reports**

**8.1 Elman W. Campbell Museum Board**

Billie Locke advised that as the Museum remains closed there was no update regarding the Elman W. Campbell Museum Board.

**8.2 Lower Main Street South Heritage Conservation District Advisory Group**

Mitch Sauder provided an update on the properties which had been reviewed by the Lower Main Street South Heritage Conservation District Advisory Group including 209 Main Street South and 253 Main Street South.

**9. New Business**

None.

**10. Adjournment**

Moved by: Mitch Sauder

Seconded by: Gord McCallum

1. That the meeting be adjourned at 8:27 PM.

**Carried**

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Chair

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Date





# **Town of Newmarket**

## **Minutes**

### **Main Street District Business Improvement Area Board of Management**

Date: Wednesday, March 3, 2021  
Time: 8:30 AM  
Location: Electronic VIA ZOOM  
See How to Login Guide

Members Present: Tom Hempen, Chair  
Allan Cockburn, Vice Chair  
Councillor Kwapis  
Councillor Twinney  
Rob Clark  
Debbie Hill  
Mark Iacovetta  
Jennifer McLachlan  
Ken Sparks

Members Absent: Omar Saer

Staff Present: E. Hawkins, Business Development Specialist  
J. Grossi, Legislative Coordinator

The meeting was called to order at 8:31 AM.  
Tom Hempen in the Chair.

#### **1. Notice**

Tom Hempen advised that all Town facilities were closed to the public, and that members of the public were encouraged to attend an electronic Advisory Committee or Board Meeting by joining through the ZOOM information provided with the agenda.

**2. Additions and Corrections to the Agenda**

None.

**3. Conflict of Interest Declarations**

None.

**4. Presentations & Recognitions**

None.

**5. Deputations**

**5.1 Newmarket Minor Softball Association**

Glenn Burton, Co-Executive Director, Newmarket Minor Softball Association provided a deputation to the Main Street District Business Improvement Area Board of Management regarding a sponsorship opportunity for the 2021 season. He outlined the requirement for sponsorship for teams, select teams, and registration costs for individual players. He further advised how local businesses and community support can be partnered with minor sports teams, and that sponsorship opportunities were available until approximately March 26, 2021.

Moved by: Mark Iacovetta

Seconded by: Jennifer McLachlan

1. That the deputation provided by Glenn Burton, Co-Executive Director, Newmarket Minor Softball Association regarding the Newmarket Minor Softball Association be received.

**Carried**

**5.2 Easter Seals Ontario - Buy Local, Support Local Campaign**

Charlene Myke and Andrea Peterson provided a deputation to the Board regarding the Easter Seals Shop Local, Give Local campaign for 2021. They provided an update on how COVID-19 has impacted Easter Seals and advised that this new opportunity would provide a chance for Main Street businesses to get involved through partnership. The event would run for approximately one month in June 2021.

The Members discussed previous events held by Easter Seals and opportunities to share this information for all merchants on Main Street.

Moved by: Jennifer McLachlan

Seconded by: Councillor Kwapis

1. That the deputation provided by Andrea Peterson, Development Officer and Charlene Myke, Development Manager of Easter Seals Ontario regarding the Buy Local, Support Local Campaign be received.

**Carried**

## **6. Approval of Minutes**

### **6.1 Main Street District Business Improvement Area Board of Management Meeting Minutes of February 3, 2021**

Moved by: Councillor Twinney

Seconded by: Councillor Kwapis

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of February 3, 2021 be approved.

**Carried**

## **7. Items**

### **7.1 Digital Main Street Grant Update**

Rob Clark provided an update on the gift card program that launched on February 15, 2021. He advised that over 40 gift cards had been sold, and that the Main Street District Business Improvement Area would be eligible for the full grant funding amount. He further reviewed other milestones regarding social media campaigns and advertisements.

### **7.2 Sub-Committee Reports**

Street Events

- Jennifer McLachlan provided the Board with an overview of a pub crawl event opportunity for Summer 2021. She outlined the potential cost to consumers, logistics, and the four step social media plan. She advised that RiLax events would begin phase one of the outreach as soon as possible to develop an event plan.
- Ken Sparks questioned the occurrence of Town run events in the downtown area for 2021, including the Farmers Market location. Councillor Kwapis advised that events were currently being held off until September but Staff would continue to look into ideas as the Provincial direction changes, and that the Farmers Market would continue to operate in the Magna parking lot.

#### Advertising & Website

- Rob Clark provided an overview of the BIA Newmarket holiday gift card campaign analytics provided by snapd, and the preliminary website planning and strategy document. He asked for any feedback from the Members by the end of the week.
- Rob Clark reviewed the draft full page ad for the Newmarket Chamber of Commerce partnership, and asked for feedback from the Members by the end of the day. Jennifer McLachlan reviewed the \$2500 partnership with the Chamber and advised that it included many beneficial aspects to the BIA including the full page ad, a chamber membership, social media posts, 2021 home show showcase and email blast information to support local merchants.

### **7.3 Garbage Update**

Councillor Kwapis advised that no new issues had been reported since the last meeting. Rob Clark advised that the key fobs for the garbage containers were being programmed and would be available to merchants after a syncing issue was resolved.

### **7.4 Parking Update**

Councillor Kwapis provided the Board with an update regarding the 2021 patio program. He advised that it was to start on April 9, 2021 and run until November 1, 2021, but businesses would be allowed to begin set up on April 6, 2021. He further outlined a few minor changes to the program and placement of some potential temporary patios, and advised that no additional impacts to parking were planned. He advised that the 30 minute

parking on Main Street would continue and that the speed limit would be reduced to 30 km/h.

The Members discussed opportunities to ensure all businesses were aware of the 2021 patio program, the Business Development Specialist advised that the application would be circulated shortly and could be shared with all businesses.

## **7.5 Staff Update**

There were no Staff updates provided at this meeting.

### **7.5.1 Financial Update**

### **7.5.2 Financial Incentive Program Staff Working Group Update**

## **8. New Business**

### **8.1 Council Updates**

- Councillor Kwapis advised that Council approved Commercial Rooftop Patios at their meeting on Monday, March 1, 2021.
- Councillor Kwapis queried the Board on their interest in opportunities for non-restaurant businesses to set up pop-up shops in Riverwalk Commons throughout the summer months. Tom Hempen advised that small shipping containers were being looked at to allow for merchandise to be locked up between uses and overnight.

### **8.2 Communication with Main Street Businesses**

Rob Clark asked the Board for their opinion on ending the meeting with any celebrations on the street, successes from local businesses, new store openings etc. He queried the Board regarding providing new businesses with a welcome package or creating a monthly newsletter for the merchants. Jennifer McLachlan advised that the marketing sub-committee could look at the monthly newsletter update and report back to the Board with ideas.

### **8.3 Winter Maintenance**

Ken Sparks queried the Board on the possibility of hiring Inn From the Cold or Blue Door for additional snow clearing on Main Street sidewalks and curbs. Councillor Kwapis advised that the Town may not be able to partner with these organizations as they may not have the equipment necessary, but the BIA could look into hiring them for next year.

#### **8.4 Community Organizations**

Tom Hempen queried the Board on the preferred direction regarding deputants who approach the BIA for funding throughout the year. He advised that in previous years specific meetings for this purpose were set up with approved budgets, but due to the pandemic these did not continue in 2020.

The Members discussed the possibility of developing an application to ensure that funding aligns with mandate, approving a maximum percentage of the budget to be allocated to these opportunities, and how to move forward.

Allan Cockburn advised that he would reach out to Newmarket Minor Softball Association regarding their deputation today.

#### **9. Closed Session (if required)**

Tom Hempen advised that there was no requirement for a Closed Session.

#### **10. Adjournment**

Moved by: Rob Clark

Seconded by: Allan Cockburn

1. That the meeting be adjourned at 9:58 AM.

**Carried**

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Tom Hempen, Chair

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Date