



# Town of Newmarket

## Agenda

### Council - Electronic

Date: June 21, 2021  
Time: 1:00 PM  
Location: Streamed live from the Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

#### 1. Public 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 Sunday, June 20, 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. Public Hearing Matter

##### How to get involved with planning applications (item 4.1)

Newmarket Council will not be making any final decisions at this meeting in relation to item 4.1, all written and verbal comments will be given to Planning staff to consider in a future

report. A report will then be provided to Council at a future Committee of the Whole or Council Meeting.

Residents are encouraged to get involved in the public planning process by submitting written comments or participating in a live deputation through video conferencing during the meeting. To learn more about how to get involved, please email [clerks@newmarket.ca](mailto:clerks@newmarket.ca) and include your contact information (name and phone number).

#### 4.1. 17600 Yonge Street -Upper Canada Mall Master Plan

**Note:** Oz Kemal, MHBC Planning, Urban Design & Landscape Architecture will be in attendance to provide a presentation on this matter.

##### \*4.1.1. Correspondence - Mike McGhee

## 5. Presentations & Recognitions

## 6. Deputations

#### 6.1. Main Street Balconies

**Note:** Hamid Electriciteh will be in attendance to provide a deputation on this matter. This item is related to item 9.4.18.

#### \*6.2. Personal Wellness Establishments - Amanda Stassen

**Note:** Amanda Stassen will be in attendance to provide a deputation on this matter.

#### \*6.3. Personal Wellness Establishments - Tanya Mok

**Note:** Tanya Mok, Friends of Chinatown will be in attendance to provide a deputation on this matter.

#### \*6.4. Personal Wellness Establishments - Dongmei Li

**Note:** Dongmei Li will be in attendance to provide a deputation on this matter.

#### \*6.5. Personal Wellness Establishments - Jenny Liang

**Note:** Jenny Liang will be in attendance to provide a deputation on this matter.

#### \*6.6. Personal Wellness Establishments - Anna Lippman

**Note:** Anna Lippman will be in attendance to provide a deputation on this matter.

#### \*6.7. Personal Wellness Establishments - Sandra Ka Hon Chu

**Note:** Sandra Ka Hon Chu, HIV Legal Network will be in attendance to provide a



deputation on this matter.

\*6.8. Personal Wellness Establishments - Casandra Diamond

**Note:** Casandra Diamond, BridgeNorth Women's Mentorship & Advocacy Service will be in attendance to provide a deputation on this matter.

\*6.9. Personal Wellness Establishments - Ivy Chan

**Note:** Ivy Chan will be in attendance to provide a deputation on this matter.

\*6.10. Personal Wellness Establishments - Elene Lam

**Note:** Elene Lam, Executive Director, Butterfly will be in attendance to provide a deputation on this matter.

## 7. Minutes

7.1. Council - Electronic Meeting Minutes of May 31, 2021

1. That the Council - Electronic Meeting Minutes of May 31, 2021 be approved.

7.2. Special Council - Electronic Meeting Minutes of June 8, 2021

**Note:** This meeting dealt with the Mulock Park Budget.

1. That the Special Council - Electronic Meeting Minutes of June 8, 2021 be approved.

## 8. Reports by Regional Representatives

## 9. Consent Items and Recommendations from Committees

9.1. Item 4.3 of the draft Audit Committee Meeting Minutes of June 15, 2021

1. That the Audit Committee recommends to Council that the Consolidated Financial Statements of The Corporation of Town of Newmarket for the year ended December 31, 2020 be approved, as amended; and,
2. That the Audit Committee recommends to Council that the Financial Statements of Town of Newmarket Main Street District BIA for the year ended December 31, 2020 be approved.

9.2. 2020 Financial Statements and Auditor's Report

1. That the report entitled 2020 Financial Statements and Auditor's Report dated June 21, 2021 be received; and,
2. That the draft 2020 financial statements for the Corporation of the Town of

Newmarket and the Town of Newmarket Main Street District BIA; the Financial Statement Discussion and Analysis prepared by staff; and the Report to the Audit Committee on the results of the December 31, 2020 financial statements audits from Deloitte LLP be received; and,

3. That Council approve the 2020 financial statements for the Corporation of the Town of Newmarket and the Town of Newmarket Main Street District BIA as endorsed by the Audit Committee.

9.3. Council Workshop - Electronic Meeting Minutes of June 7, 2021

**Note:** This meeting dealt with Advisory Board, Committee and Task Force Updates.

1. That the Council Workshop - Electronic Meeting Minutes of June 7, 2021 be received.

9.4. Committee of the Whole - Electronic Meeting Minutes of June 14, 2021

1. That the Committee of the Whole - Electronic Meeting Minutes of June 14, 2021 be received and the recommendations noted within be adopted.

9.4.1. Presentation - Engaged Inclusive Communities Summary Report

1. That the presentation provided by Kim Clark and Erin Cerenzia regarding the Engaged Inclusive Communities Summary Report be received.

9.4.2. Engaged Inclusive Communities Report

1. That the Engaged, Inclusive Communities Phase 1: Report be received for information.

9.4.3. York Region Municipal Comprehensive Review – 2051 Forecast

1. That the report entitled York Region Municipal Comprehensive Review – 2051 Forecast dated June 14, 2021 be received; and,
2. That Council endorse the comments outlined in this report; and,
3. That Staff be directed to forward this report to the Regional Municipality of York for its consideration as part of the Municipal Comprehensive Review; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.4. Condominium Process Amendments

1. That the report entitled Condominium Process Amendments dated June 14, 2021 be received; and,

2. That Council pass a by-law approving the condominium exemption for Connecticut Lane on the lands legally described as Block 53 on 65M-4683, on the basis that the overall development has been approved through the subdivision approval process for the development of the lands as a residential development and that all of the subdivision and development conditions have been addressed through that process, including the registration of a Subdivision Agreement; and,
3. That Shining Hill Estate Collections Inc. c/o Paul Bailey, 1500 Highway 7 West, Concord ON L4K 5Y4 be notified of this action; and,
4. That Malone Given Parsons Ltd., c/o Lincoln Lo, 140 Renfrew Drive, Suite 201, Markham ON L3R 6B3 be notified of this action; and
5. That Council and staff adopt a new process for applications requesting exemption from the condominium process as permitted by Section 9(3) of the Condominium Act as outlined in this report; and,
6. That Council institute a fee of \$4,104.10 +HST for processing an exemption request; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.5. 200 Deerfield Road (Phase 3) - Incentives for Affordable Housing and Rental Housing

1. That the report entitled 200 Deerfield (Phase 3) Incentives for Affordable Housing and Rental Housing, dated June 14, 2021 be received; and,
2. That Council approve the recommendations for development charge and fee deferral as outlined in this report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.6. Reserve and Reserve Fund Budget Report

1. That the report entitled 2021 Reserves and Reserve Funds Budget dated June 14, 2020 be received; and,
2. That 2021 Reserves and Reserve Funds Budget as set out in the attachment be approved; and,

3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.7. 2021 Budget Reconciliation

1. That the report entitled 2021 Budget Reconciliation dated June 14, 2021 be received; and,
2. That the adjustments to the Council approved 2021 budget be adopted; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.8. Alex Doner Drive Traffic Review – Sykes Road to Kirby Crescent

1. That the report entitled Alex Doner Drive Traffic Review – Sykes Road to Kirby Crescent dated June 14, 2021 be received; and,
2. That Category 1 measures be approved for this section of Alex Doner Drive; and,
3. That this report be sent to York Regional Police to provide enforcement as they deem necessary; and,
4. That the traffic control review, such as all-way stops, be undertaken when traffic volumes have returned to a more normal level after the pandemic; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.9. Stonehaven Avenue Traffic Review

1. That the report entitled Stonehaven Avenue Traffic Review dated June 14, 2021 be received; and,
2. That Category 1 measures be approved; and,
3. That a painted median through the curved section of Stonehaven Avenue, west of Best Circle, approaching the commercial area at Bayview, be implemented; and,
4. That this report be forwarded to York Region Police to provide traffic enforcement, as they deem necessary; and,
5. That the traffic control review, for all-way stops or other stop control, be undertaken when traffic volumes have returned to a more normal level after the pandemic; and,

6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.10. Commemorative Pride Bench

1. That the report entitled Commemorative Pride Bench dated June 14, 2021 be received; and,
2. That the installation of a Pride Rainbow Bench, as attached in the report be approved; and,
3. That Staff work with York Region Pride to finalize installation logistics at the Main Street location; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.11. Stormwater Management Ponds

1. That the report entitled Stormwater Management Ponds dated June 14, 2021 be received; and,
2. That Council directs Staff to continue to not permit individuals to use Stormwater Management Ponds for recreational purposes in the Town of Newmarket; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

9.4.12. Accessibility Advisory Committee Meeting Minutes of March 18, 2021

1. That the Accessibility Advisory Committee Meeting Minutes of March 18, 2021 be received.

9.4.13. Heritage Newmarket Advisory Committee Meeting Minutes of April 6, 2021

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of April 6, 2021 be received.

9.4.14. Main Street District Business Improvement Area Board of Management Meeting Minutes of April 7, 2021

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of April 7, 2021 be received.

9.4.15. Newmarket Public Library Board Meeting Minutes of April 21, 2021

1. That the Newmarket Public Library Board Meeting Minutes of April 21, 2021 be received.

- 9.4.16. All Way Stop at Frederick Curran Lane and Art West Avenue (Councillor Bisanz)
1. That Council direct staff to investigate the addition of stop signs at the intersection of Frederick Curran Lane and Art West Way, making it an all-way stop intersection, and to report back to Council at the earliest opportunity.
- 9.4.17. New Business - William Roe Boulevard and Dixon Boulevard Traffic Update
1. That Council direct staff to mail a copy of the William Roe Boulevard and Dixon Boulevard Traffic Update information report to residents who had previously requested notice on this matter.
- 9.4.18. New Business - Main Street Balconies
1. That Council direct staff to undertake a policy review and policy recommendations related to street facing balconies and other residential private outdoor amenity areas in the Main Street Heritage Conservation District; and,
  2. That Council direct staff to defer making a decision on any current heritage applications involving balconies or residential private outdoor amenity areas for public occupation/use within this district until the completion of this study.
- 9.5. Correspondence regarding item 9.6.18 - Licensing Regime for Personal Wellness Establishments
- \*9.5.1. Correspondence - Joanna Ewart-James
1. That the correspondence provided by Joanna Ewart-James, Executive Director of Freedom United regarding the Licensing Regime for Personal Wellness Establishments be received.
- \*9.5.2. Correspondence - Meenakshi Mannoe
1. That the correspondence provided by Meenakshi Mannoe, Pivot Legal Society regarding the Licensing Regime for Personal Wellness Establishments be received.
- \*9.5.3. Correspondence - Noa Mendelsohn Aviv
1. That the correspondence provided by Noa Mendelsohn Aviv, Canadian Civil Liberties Association regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.4. Correspondence - William Stassen

1. That the correspondence provided by William Stassen regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.5. Correspondence - Gladys Mok

1. That the correspondence provided by Gladys Mok regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.6. Correspondence - Irene Collard

1. That the correspondence provided by Irene Collard regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.7. Correspondence - Lisa Klassen

1. That the correspondence provided by Lisa Klassen regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.8. Correspondence - Renee Dumaresque

1. That the correspondence provided by Renee Dumaresque, Showing Up for Racial Justice (SURJ) Toronto regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.9. Correspondence - Wendy Lee

1. That the correspondence provided by Wendy Lee regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.10. Correspondence - Carolina Jimenez

1. That the correspondence provided by Carolina Jimenez regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.11. Correspondence - Colin and Sarah Macdonald

1. That the correspondence provided by Colin and Sarah Macdonald regarding the Licensing Regime for Personal Wellness

Establishments be received.

\*9.5.12. Correspondence - Michael McGahon

1. That the correspondence provided by Michael McGahon regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.13. Correspondence - Daniel McIntyre

1. That the correspondence provided by Daniel McIntyre regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.14. Correspondence - Natasha Tso

1. That the correspondence provided by Natasha Tso regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.15. Correspondence - Amie Sawulski

1. That the correspondence provided by Amie Sawulski regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.16. Correspondence - Mikhaela Gray

1. That the correspondence provided by Mikhaela Gray regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.17. Correspondence - Aaron Beerman

1. That the correspondence provided by Aaron Beerman regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.18. Correspondence - Genevieve Fuji Johnson

1. That the correspondence provided by Genevieve Fuji Johnson regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.19. Correspondence - Louise Marling

1. That the correspondence provided by Louise Marling regarding the



Licensing Regime for Personal Wellness Establishments be received.

\*9.5.20. Correspondence - Wendy Hayhoe

1. That the correspondence provided by Wendy Hayhoe regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.21. Correspondence - Lisa Bickle

1. That the correspondence provided by Lisa Bickle regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.22. Correspondence - Helen Hufnagel

1. That the correspondence provided by Helen Hufnagel regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.23. Correspondence - Debbie Pond

1. That the correspondence provided by Debbie Pond regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.24. Correspondence - Winnie Ng

1. That the correspondence provided by Winnie Ng regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.25. Correspondence - Pam Cope

1. That the correspondence provided by Pam Cope regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.26. Correspondence - Kojo Damphey

1. That the correspondence provided by Kojo Damphey regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.27. Correspondence - Ruth Dow

1. That the correspondence provided by Ruth Dow regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.28. Correspondence - Chinese Canadian Collective

1. That the correspondence provided by the Chinese Canadian Collective regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.29. Correspondence - Asian Queer Alliance

1. That the correspondence provided by Asian Queer Alliance regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.30. Correspondence - Asian Law Students of Osgoode 2021-2022

1. That the correspondence provided by Asian Law Students of Osgoode 2021-2022 regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.31. Correspondence - McMaster Stands with Hong Kong

1. That the correspondence provided by McMaster Stands with Hong Kong regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.32. Correspondence - Ontario Hong Kong Youth Action

1. That the correspondence provided by Ontario Hong Kong Youth Action regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.33. Correspondence - Marnie Hill

1. That the correspondence provided by Marnie Hill, Council of Women Against Sex Trafficking in York Region regarding the Licensing Regime for Personal Wellness Establishments be received.

\*9.5.34. Correspondence - Robert Vallee

1. That the correspondence provided by Robert Vallee regarding the Licensing Regime for Personal Wellness Establishments be received.

9.6. Special Committee of the Whole - Electronic Meeting Minutes of June 16, 2021

**Note:** This meeting dealt with Personal Wellness Establishments Regulations.

1. That the Special Committee of the Whole - Electronic Meeting Minutes of June 16, 2021 be received and the recommendations noted within be adopted.

9.6.1. Presentation - Personal Wellness Establishments

**Note:** This item was dealt with under sub-item 9.6.18. Please see sub-item 9.6.18 for motion.

9.6.2. Deputation - Personal Wellness Establishments - Katie Gilligan

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.3. Deputation - Personal Wellness Establishments - Robert Vallee

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.4. Deputation - Personal Wellness Establishments - Marnie Hill

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.5. Deputation - Personal Wellness Establishments - Tsz Chan

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.6. Deputation - Personal Wellness Establishments - Elene Lam

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.7. Deputation - Personal Wellness Establishments - Lisa Zhang

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.8. Deputation - Personal Wellness Establishments - Jessie Tang

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.9. Deputation - Personal Wellness Establishments - Ann De Shalit

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.10. Deputation - Personal Wellness Establishments - Elena Shih

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.11. Deputation - Personal Wellness Establishments - Alice Cavanagh

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.12. Deputation - Personal Wellness Establishments - Dr. Vivian Tam

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.13. Deputation - Personal Wellness Establishments - Poe Liberado

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.14. Deputation - Personal Wellness Establishments - Ivy Chan

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.15. Deputation - Personal Wellness Establishments - Molly Bannerman

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.16. Deputation - Personal Wellness Establishments - Stephanie Watts

**Note:** This item was dealt with under sub-item 9.6.17. Please see sub-item 9.6.17 for motion.

9.6.17. Deputation - Personal Wellness Establishments - Jenny Liang

1. That sub-items 9.6.2, 9.6.3, 9.6.4, 9.6.5, 9.6.6, 9.6.7, 9.6.8, 9.6.9, 9.6.10, 9.6.11, 9.6.12, 9.6.13, 9.6.14, 9.6.15, 9.6.16, and 9.6.17 being remote deputations provided by Katie Gilligan, Robert Vallee, Marnie Hill, Tsz Chan, Elene Lam, Lisa Zhang, Jessie Tang, Ann De Shalit, Elena Shih, Alice Cavanagh, Dr. Vivian Tam, Poe

Liberado, Ivy Chan, Molly Bannerman, Stephanie Watts, and Jenny Liang be received.

9.6.18. Licensing Regime for Personal Wellness Establishments

1. That the presentation provided by Flynn Scott, Manager of Regulatory Services regarding Personal Wellness Establishments be received; and,
2. That the report entitled Licensing Regime for Personal Wellness Establishments dated June 16, 2021 be received; and,
3. That staff be directed to proceed to a statutory public meeting in order to amend the Town's Zoning By-laws to consider Personal Wellness Establishments; and,
4. That Business By-law 2020-31 be amended to adopt the proposed Personal Wellness Establishment regulations, as amended to include language regarding residential use and restricting overnight accommodations in commercial storefronts; and,
5. That the proposed Personal Wellness Establishment regulations within the Business By-law 2020-31 take effect at the same time that a future proposed amendment to the Zoning By-laws for Personal Wellness Establishments is deemed effective; and,
6. That Schedule 7: Body-Rub Parlours of By-law 2002-151 be repealed; and,
7. That the AMPS By-law 2019-62, Schedule A be amended as proposed in Attachment #2, as amended, and,
8. That the Fees and Charges By-law 2020-09, Schedule F be amended as proposed in Attachment #3; and,
9. That staff be directed and authorized and directed to do all things necessary to give effect to this resolution.

**10. By-laws**

**2021-29** A By-law to amend By-law Number 2019-06 being a zoning by-law for the Urban Centres Secondary Plan area (Technical Amendment).

**2021-31** A By-law to appoint Deputy Clerks for the Town of Newmarket. (Jaclyn Grossi, Flynn Scott, and Andrew Walkom).

**2021-32** A By-law to amend By-law 2019-62 being a By-law to implement an Administrative Monetary Penalty System in the Town of Newmarket.

**2021-33** A By-law to amend Fees and Charges By-law 2019-52 being a by-law to adopt fees and charges for services or activities provided by the Town of Newmarket. (Legislative Services - Licensing Charges).

**2021-34** A By-law to amend By-law 2020-31 being a By-law to regulate and licence businesses in the Town of Newmarket.

1. That By-laws 2021-29, 2021-31, 2021-32, 2021-33, and 2021-34 be enacted.

**11. Notices of Motions**

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

**13. New Business**

**14. Closed Session (if required)**

**14.1. Special Committee of the Whole - Electronic Meeting (Closed Session) Minutes of June 16, 2021**

**14.1.1. Proposed Acquisition and Disposition of Land – Property in Ward 6**

A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, as per Section 239 (2)(i) of the Municipal Act, 2001.

**14.1.2. Proposed Acquisition and Disposition of Land – Property in Ward 6**

A proposed or pending acquisition or disposition of land by the municipality or local board, as per Section 239 (2)(c) of the Municipal Act, 2001.

**\*14.2. Personal matters about an identifiable individual, including municipal or local board employees, as per Section 239 (2)(b) of the Municipal Act, 2001**

**15. Confirmatory By-law**

**2021-35** A By-law to Confirm the Proceedings of the June 21, 2021 Council meeting.

1. That By-law 2021-35 be enacted.

**16. Adjournment**

**OFFICIAL PLAN AMENDMENT****17600 Yonge Street – Upper Canada Mall Master Plan****APPLICANT:** Oxford Properties Retail Holdings Inc. **FILE NUMBER:** D09NP1908

**Take notice** that the Council of the Corporation of the Town of Newmarket will hold an electronic Public Meeting on: **Monday, June 21<sup>st</sup>, 2021 at 1:00 PM**

By way of an electronic meeting using **video conferencing (Zoom)** to consider a proposed Official Plan Amendment under Section 17 of the Planning Act, RSO 1990, c. P. 13, as amended.

**The purpose of this amendment** is to update the Secondary Plan policies with a Master Plan for the subject lands. The proposed Master Plan will guide the future long-term development of the lands surrounding the Mall. The applicant is proposing to put into effect a Master Plan that has been prepared for the subject lands, in accordance with Section 5.3.4 of the Urban Centres Secondary Plan.

In planning for future growth and expansion, the proposed Master Plan will guide the future long-term development of the lands surrounding the Upper Canada Mall. While the Upper Canada Mall will continue to exist as planned, this Master Plan proposes to add, in phases, mixed use land uses of varying densities and heights, approximately 5,100 residential units, 9,700 square meters of non-residential Gross Floor Area (GFA), a new road system, approximately 4,500 parking spaces above/below ground and approximately 1.8ha of new public parks.

Future development of the site is proposed to occur following the approval of the OPA through subsequent planning applications including those for draft plan of subdivision, rezoning(s) and site plan approvals.

**To find out more information on the application, visit** [Newmarket.ca/planningapplications](https://newmarket.ca/planningapplications) or by emailing [planning@newmarket.ca](mailto:planning@newmarket.ca)

**Purpose of public meeting:**

The purpose of the public meeting is to hear from any person who has an interest in the above noted applications. On June 21<sup>st</sup>, 2021, **Council will not be making a final decision** regarding this application, but will refer all written and verbal comments to Planning Staff to consider and return with a report to a future Committee of the Whole or Council meeting.

**How to get involved:**

As the Municipal Offices remain closed to the public, this meeting will be streamed live on June 21<sup>st</sup> at 1:00 PM at [newmarket.ca/meetings](https://newmarket.ca/meetings). The video will also be made available after the meeting and archived on the Town's website. If there are any technical difficulties during the live stream, the Town will attempt to post the archived video after the meeting. **You can get involved** with this application in the following ways:

**1. Submit written comments**

Written comments may be emailed to [clerks@newmarket.ca](mailto:clerks@newmarket.ca). **In order for comments to be received by Council at the statutory public meeting, written comments must be submitted to [clerks@newmarket.ca](mailto:clerks@newmarket.ca) by end of day June 20<sup>th</sup>, 2021.**

Written comments will also continue to be received after the public meeting has concluded, after the meeting written comments can be sent to [planning@newmarket.ca](mailto:planning@newmarket.ca).

**2. Speak to Council during the live meeting through video conferencing (Zoom)**

Individuals who wish to provide verbal representation may provide a remote (live) deputation through the Zoom platform during the Council meeting. Due to the technical requirements of joining an electronic meeting, residents are **strongly encouraged to pre-register for a remote (live) deputation** by completing the form provided at [newmarket.ca/meetings](https://newmarket.ca/meetings) or by providing their full name and contact information by registering via [clerks@newmarket.ca](mailto:clerks@newmarket.ca) or by calling 905-953-5300 extension 2203.



Personal information collected in response to the planning application will be used to assist Town staff and Council to process this application and will be made public.

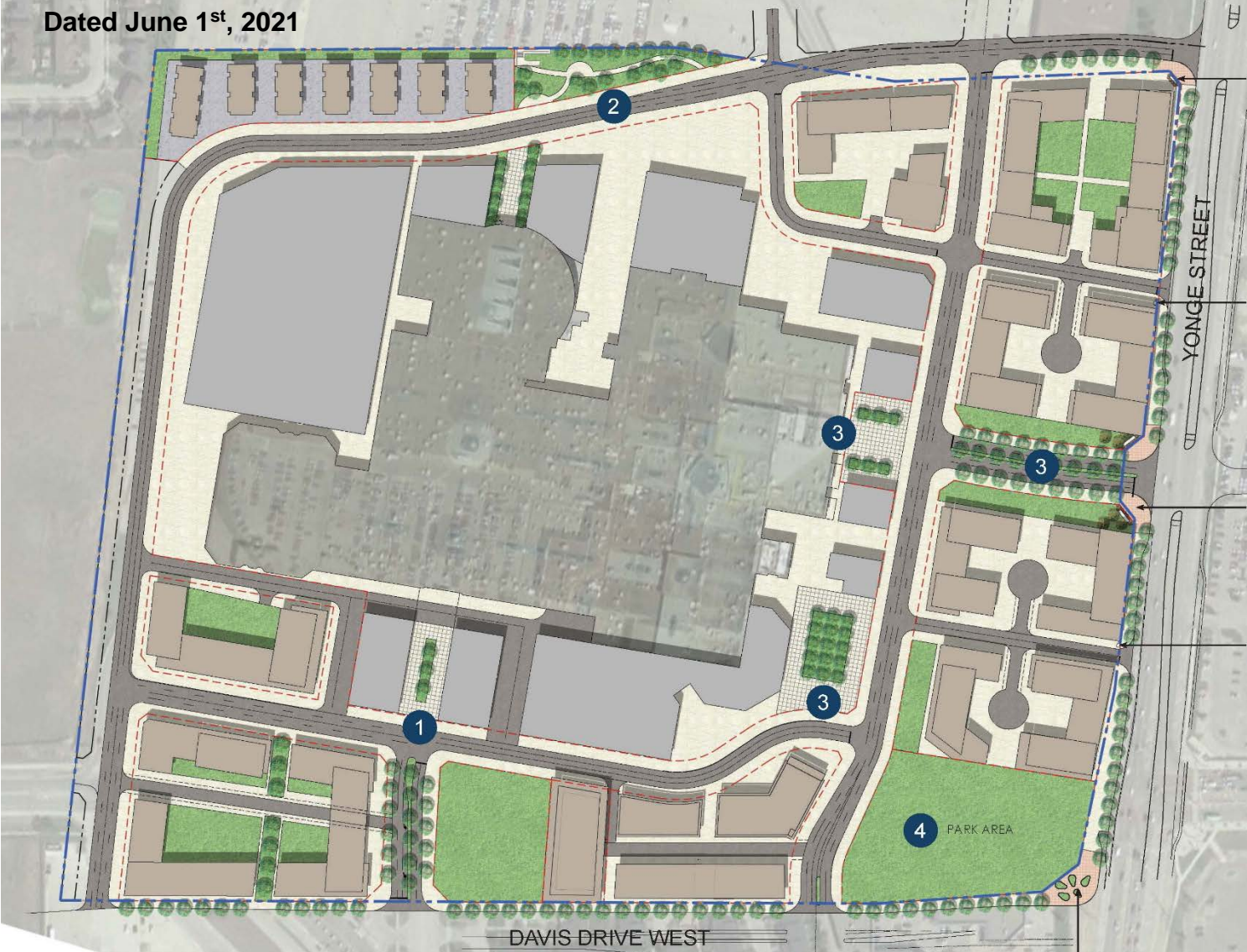
**Any person** may verbally address Council during the live meeting through Zoom and/or submit written comments either in support of or against the proposed Official Plan Amendment. **Any person** may send written comments to the Town of Newmarket at 395 Mulock Drive, P.O. Box 328, STN MAIN Newmarket, ON, L3Y 4X7 or via email at [planning@newmarket.ca](mailto:planning@newmarket.ca).

**If you wish to be notified** of the decision of the proposed Official Plan Amendment you must make a written request to Planning Services at the Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN MAIN Newmarket, ON L3Y 4X7 or by emailing [planning@newmarket.ca](mailto:planning@newmarket.ca)

**If a person or public body** does not make verbal submissions at the public meeting or make written submissions to the Council of the Town of Newmarket before the by-law is passed, the person or public body is not entitled to appeal the decision of the Town of Newmarket to the Local Planning Appeal Tribunal.

**If a person or public body** does not make verbal submissions at the (namely, the electronic meeting) public meeting, or make written submissions to the Council of the Town of Newmarket before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Local Planning Appeal Tribunal, there is reasonable grounds to do so.

Dated June 1<sup>st</sup>, 2021







# 17600 Yonge Street, Newmarket Upper Canada Mall Master Plan

June 21, 2021

On behalf of: Oxford Property Retail Holdings Inc.

# **Subject Lands and Surrounding Context**



# Subject Lands

3



## **LOCATION:**

17600 Yonge Street  
(Northwest corner of Yonge  
Street and Davis Drive)

## **SUBJECT LANDS:**

30.78 hectares



# VIVA Rapid Transit – Yonge Street & Davis Drive<sup>4</sup>



Davis Drive Rapidway - Existing

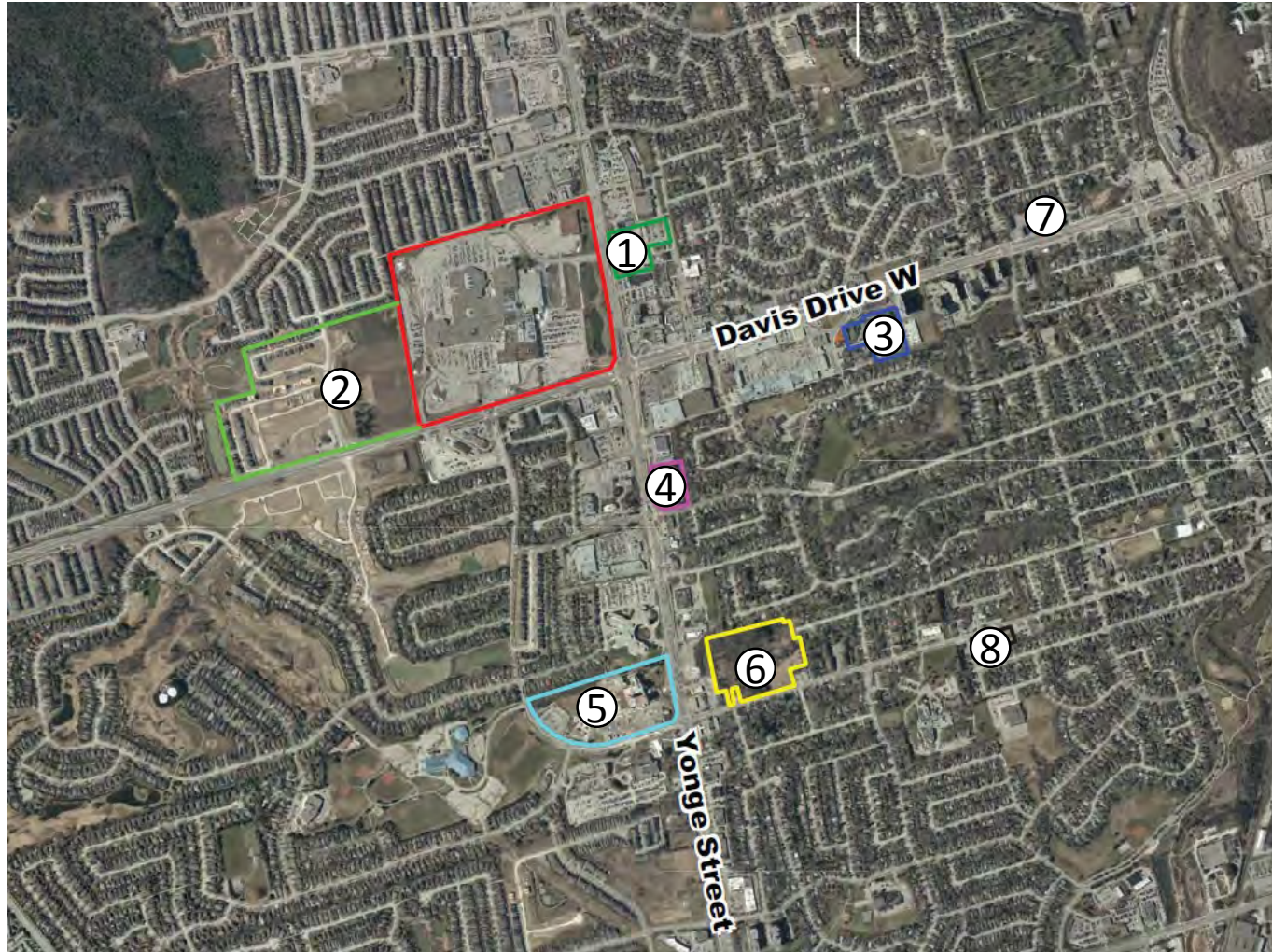


Yonge Street Rapidway - Future



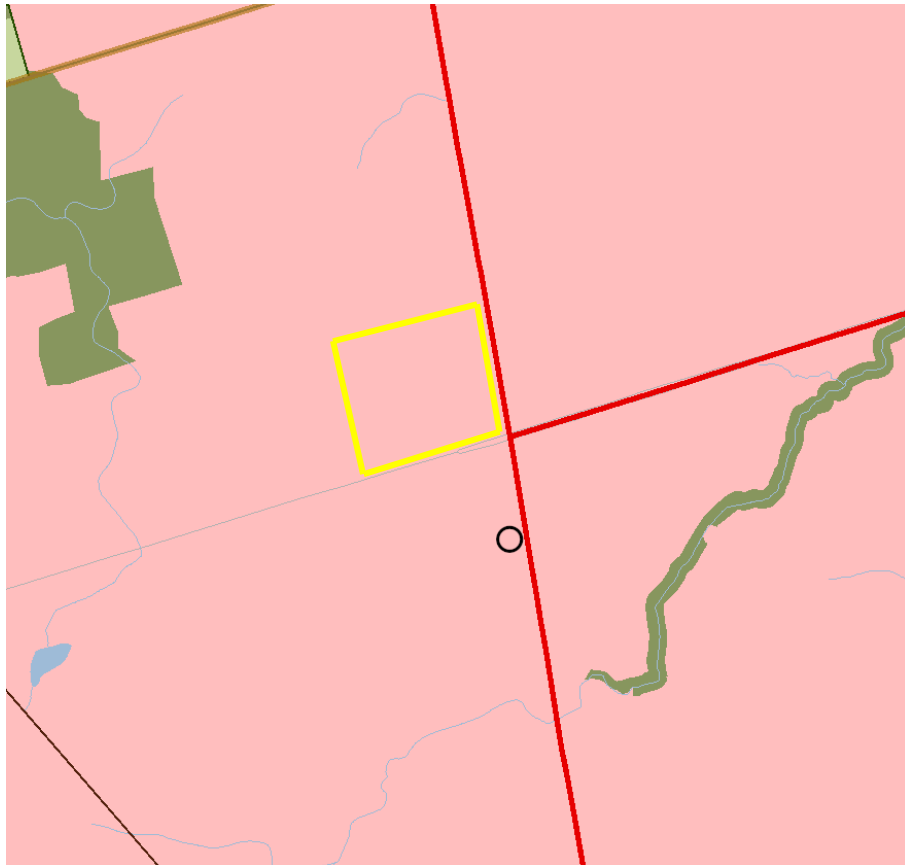
# Development Context

5



#	Address	Description
1	17645 Yonge Street	Three residential buildings (17-21 storeys), 530 units, and 1,919 sq.m. of commercial space.
2	219 Highway 9	Subdivision consisting of 111 single-detached, 571 townhome, and 46 semi-detached units.
3	175 Deerfield Road	Three residential buildings (9-15 storeys).
4	17365 & 17395 Yonge Street	Two residential buildings (11-12 storeys), and 175 sq.m. of commercial space.
5	85 Eagle Street West	Parking lot extension to support York Region Admin Centre addition.
6	55 Eagle Street	12 storey residential building with 192 units.
7	345-351 Davis Drive	40 stacked townhouse units.
8	260 Eagle Street	27 townhouse units.

# Policy and Regulatory Framework



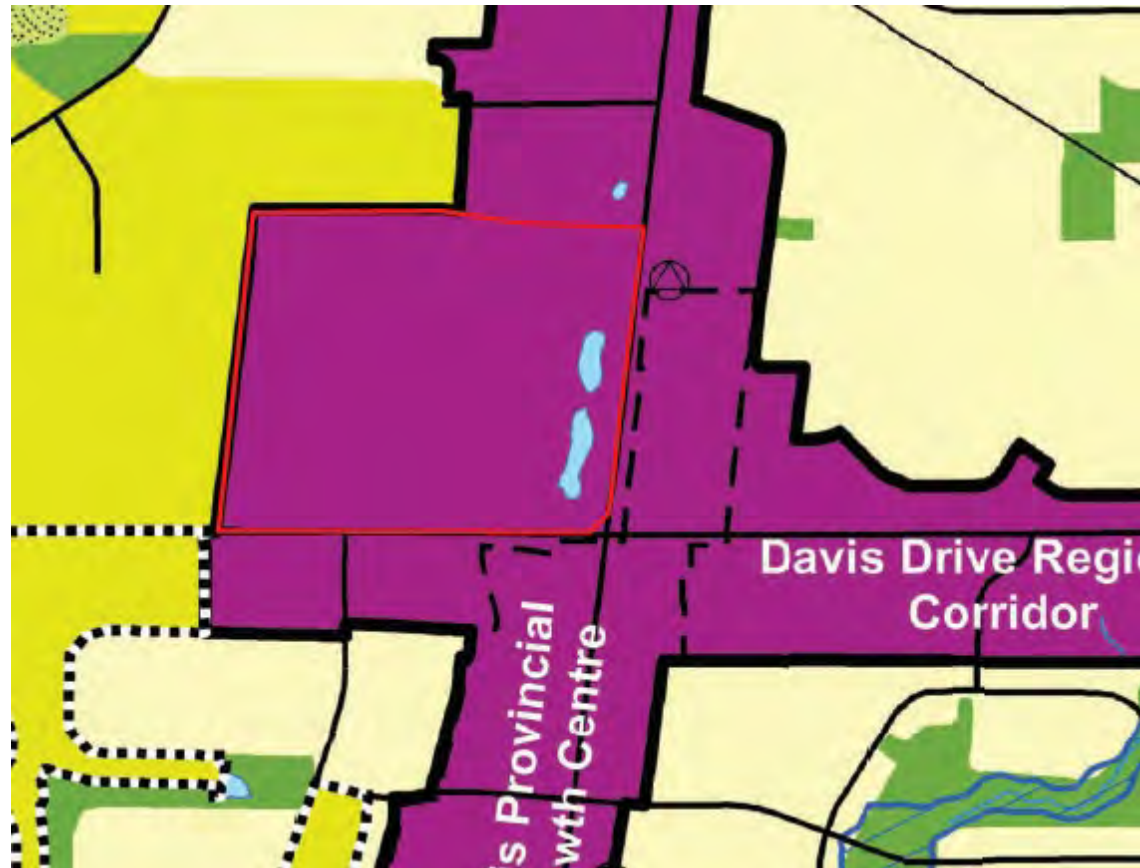
**The Subject Lands are located within the Urban Area, and further designated within a Regional Corridor, north of a Regional Centre, and are located on a Regional Rapid Transit Corridor.**

**Regional Centres and Corridors are to combine Regional investments in rapid transit with land use planning to create compact, sustainable places, and serve as the primary location for the most intensive mix of development within the Region.**

**In April 2019, Regional Council endorsed the 'Planning for Intensification Background Report' which provided draft Major Transit Station Area delineations and minimum density targets. A minimum density target of 250 residents and jobs per hectare was established for the Yonge-Davis BRT Station MTSA.**







-  Subject Lands
-  Emerging Residential
-  Urban Centres & Corridors
-  Stable Residential
-  Parks & Open Space

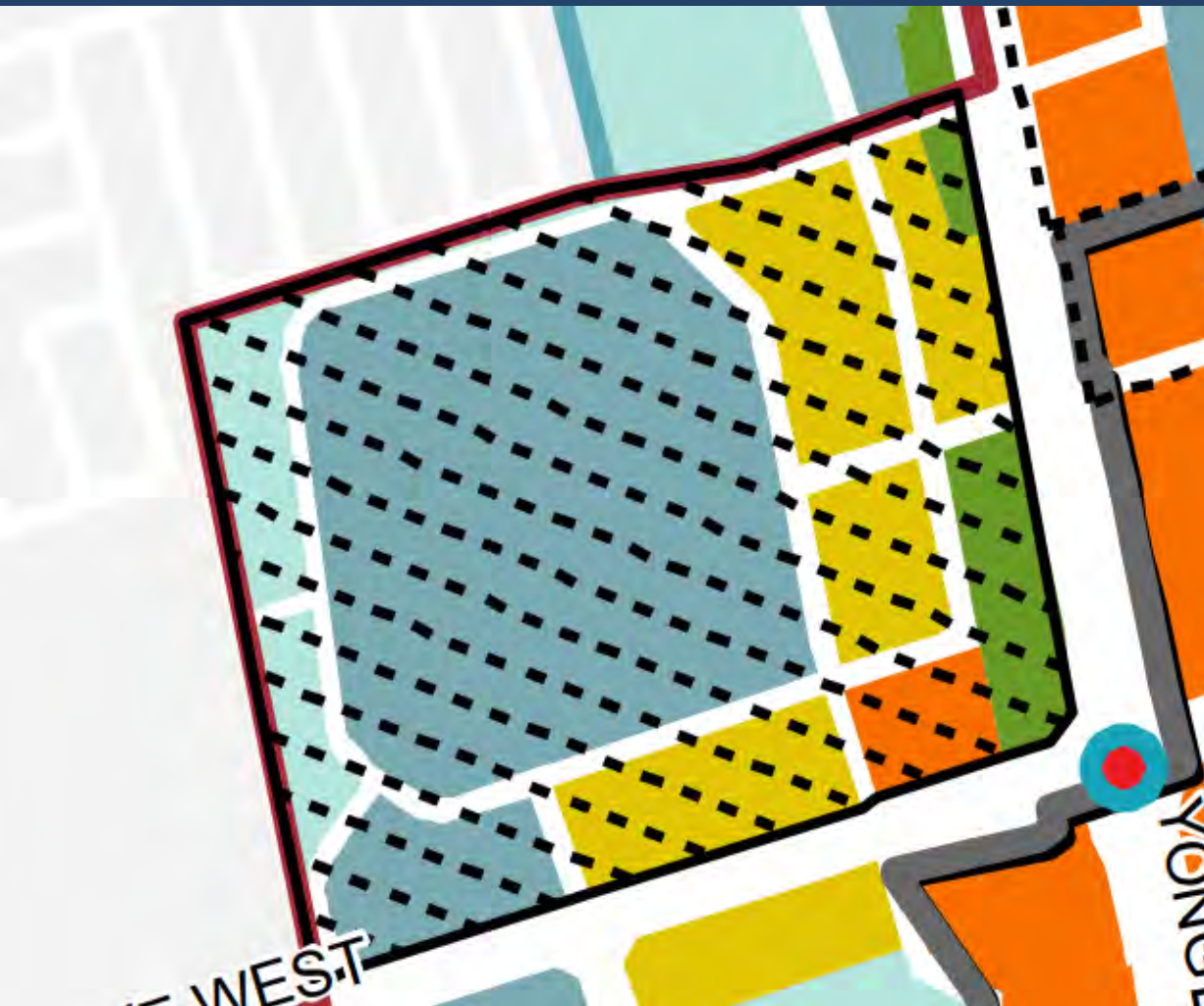
The Subject Lands are located within the Newmarket Urban Centres Secondary Plan Area and Community Improvement Policy Area.

The Official Plan provides support for further redevelopment and intensification of the Urban Centres Secondary Plan as a major retail, service commercial, office, institutional, entertainment, and higher density residential area of the Town.

Urban Centres are recognized as having a high potential for redevelopment and are to be the focus of intensification for residential and employment uses within the Town to enhance the feasibility of transit and reduce infrastructure costs.



# Newmarket Urban Centres Secondary Plan



High Density

Medium Density

Medium-High Density

Low Density

A Master Plan for the Regional Shopping Centre Study Area will be prepared by the landowner(s) in cooperation with the Town, York Region, and Metrolinx to address the following:

- a) the manner in which future development will achieve the objectives of this Plan, including the urban design policies;
- b) establish minimum and maximum building heights and block densities;
- c) the detailed design for an iconic park space;;
- d) the incorporation of a gateway feature(s);
- e) mobility hub study considerations;
- f) a Traffic Impact Report;
- g) how development will minimize the need for surface parking on the site, and maximize the integration of required parking into above or belowground parking structures;
- h) the phased integration of non-commercial uses into the site;
- i) the phasing of development and how these may be redeveloped over time to achieve the longer term vision for the area;
- j) the final location and design of both public and private roads and how these will achieve the intended circulation and connectivity; and,
- k) the required elements of a Concept Site Plan and Streetscape and Landscape Plan.

# Newmarket Urban Centres Secondary Plan



The Upper Canada Mall site's Master Plan fulfills the Town's requirement for a Master Plan that allows the site to transform over the longer term into a mixed-use area that is in conformity with the vision and requirements of the Urban Centres, and provides a mix of commercial, office, residential, and recreational uses at a range of densities to support the Urban Centres.

The Secondary Plan envisions the creation of a 'Iconic Park' to be located at the intersection of Yonge Street & Davis Drive, with the highest density and intensity of land uses also focused towards the intersection. A range of densities and building heights are permitted across the Subject Lands by the Secondary Plan.



# The Proposal



# Master Plan Concept



Total Site Statistics	
Total Site Area	307,891 sq.m.
Park Area	18,652 sq.m.
POPS Area	14,896 sq.m.
Residential Gross Floor Area	419,409 sq.m.
Non-Residential Gross Floor Area	157,708 sq.m.
Floor Space Index (FSI)	1.87
Total Units	5,121
Timing	30+ Years

# Master Plan Concept

13



**The existing Upper Canada Mall is to be retained as part of the Master Plan and integrated into the fabric of a new mixed-use neighbourhood. Parking will remain available for mall visitors.**

**Additional commercial space is proposed within the podiums of the residential buildings.**

**The Master Plan will continue to allow Upper Canada Mall to function as a key regional shopping centre and employment centre for the Town of Newmarket.**




# Special Policy Area

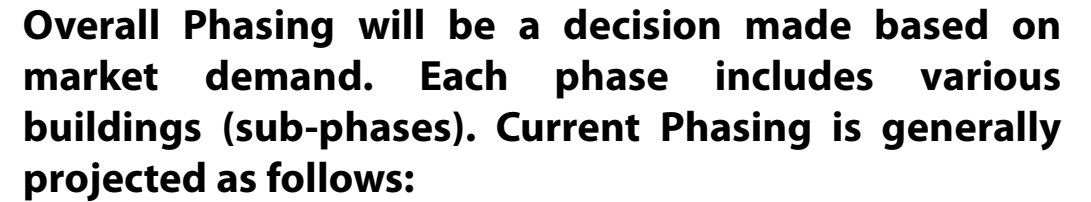
14



The Official Plan Amendment proposes to redistribute the permitted heights and densities across the site consistent with the Master Plan Concept.

A Special Policy Area is proposed for Blocks G and H that may allow for increased heights/density in the future subject to review if appropriate and compatible with the policies of the Urban Centres Secondary Plan.

 Special Policy Area



**Phase 1 is anticipated to occur within the next 5-10 years.**

**Phase 2 and 3 is anticipated to occur over the next 10 to 15 years.**

**Phases 4 and 5 are well into the future at approximately 20 to 25 years.**

**Phases 6 and 7 are not projected until 30-35+ years into the future.**






# Road Network

16



**Signalized intersections are proposed at two locations, on Yonge Street and Davis Drive.**

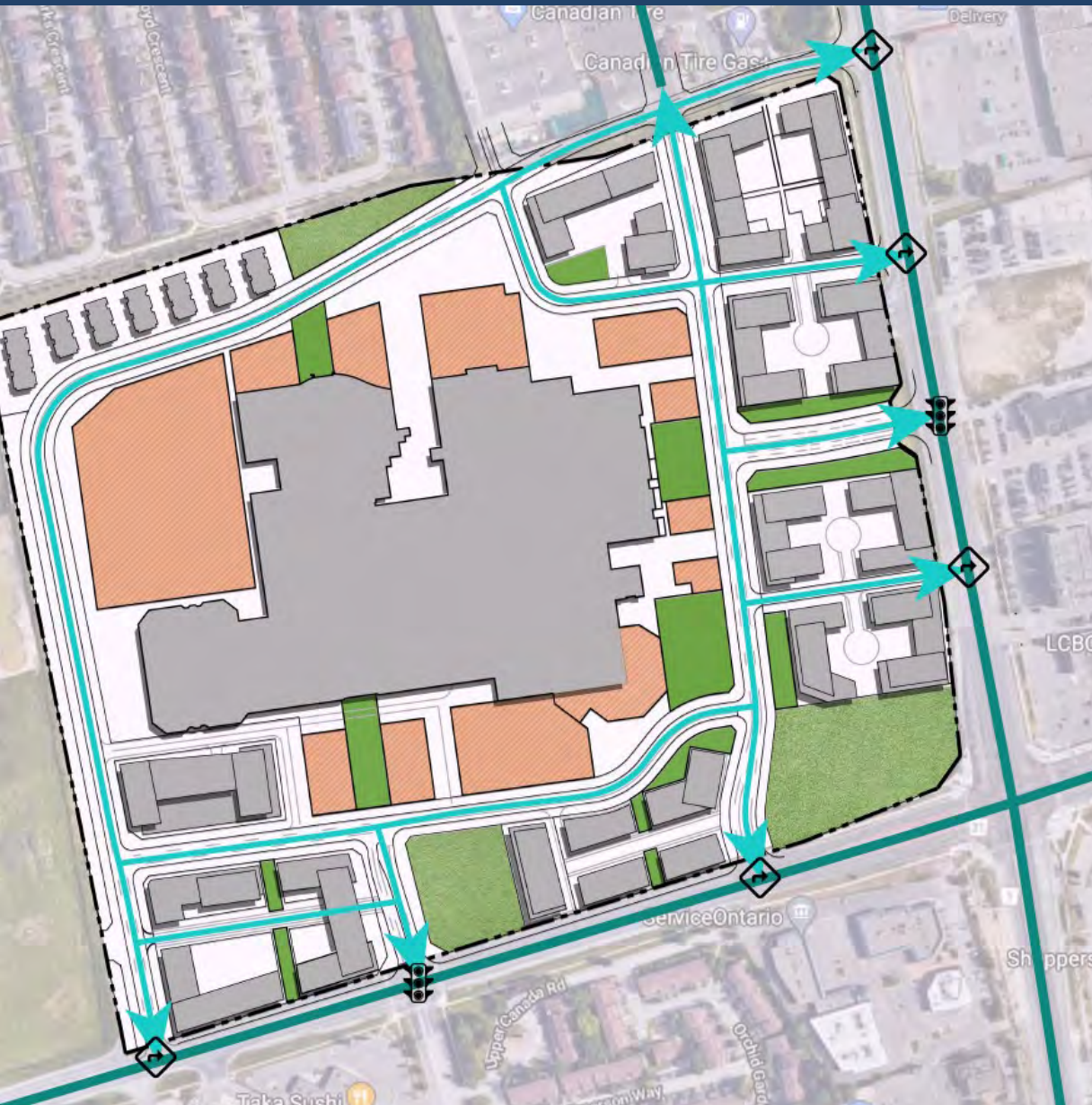
**Future signals will be determined with the Region at time of development as the Master Plan is built out and traffic conditions in the Yonge-Davis area evolve.**

-  Vehicular Circulation
-  Traffic Signal
-  Right in/out



# Transportation Considerations

17



**BA Group prepared a Transportation Considerations Study (March 2019) to assess the requirements for Traffic Demand Management, parking, access, and on-site circulation, as well as the overall impact on the transportation network.**

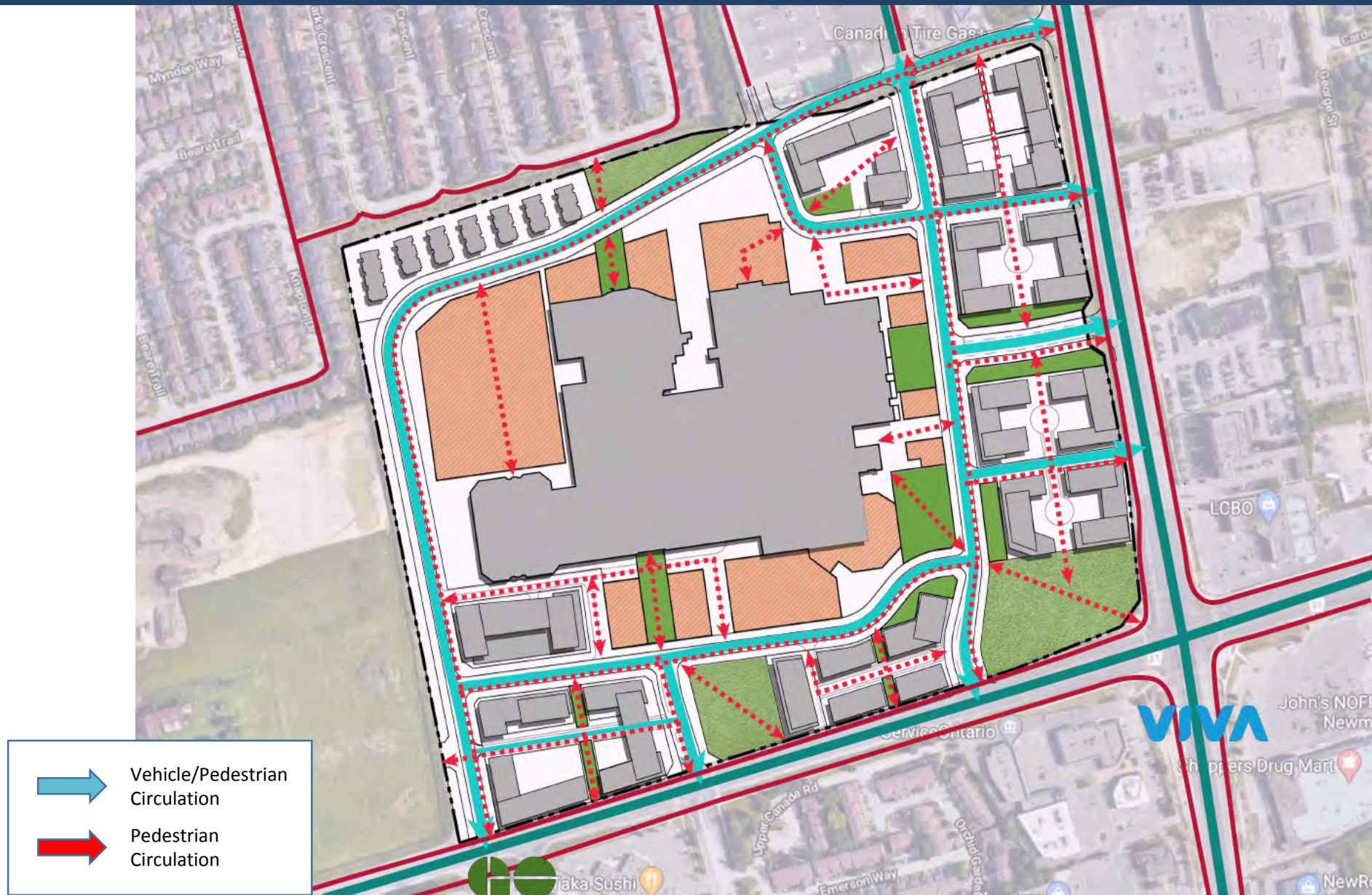
**The study found:**

- **The proposed internal street network and parking layout will sufficiently service future development.**
- **Two significant access points are required to serve vehicular traffic to the site, with minor modifications to the existing parking layout to improve operations.**
- **Transit improvement occurring within the area will gradually shift the primary mode of travel towards more active modes.**
- **A comprehensive suite of Transportation Demand Management (TDM) measures, including quality cycling infrastructure, pedestrian connections, and access to existing and planned higher order transit will reduce vehicular parking requirements across the site.**



# Pedestrian Circulation

18





# Street Renderings

19



**The proposed Master Plan will incorporate high-quality urban design and a compact built form consistent with the direction of the Urban Centres Secondary Plan and supportive of continued growth in active transportation and transit within Newmarket.**



# Parks & Open Space

**Park Area: 18,652 sq.m.**  
**POPS Area: 14,896 sq.m.**



**The Master Plan includes a large network of parks and open spaces, including an Iconic Park at the corner of Yonge Street and Davis Drive to serve as a gateway to the Yonge and Davis intersection.**



# Sample Park Renderings

21



**In accordance with the Secondary Plan, the Yonge-Davis Neighbourhood Park will provide the main focal point for the Character Area and create a unique sense of place adjacent the intersection.**

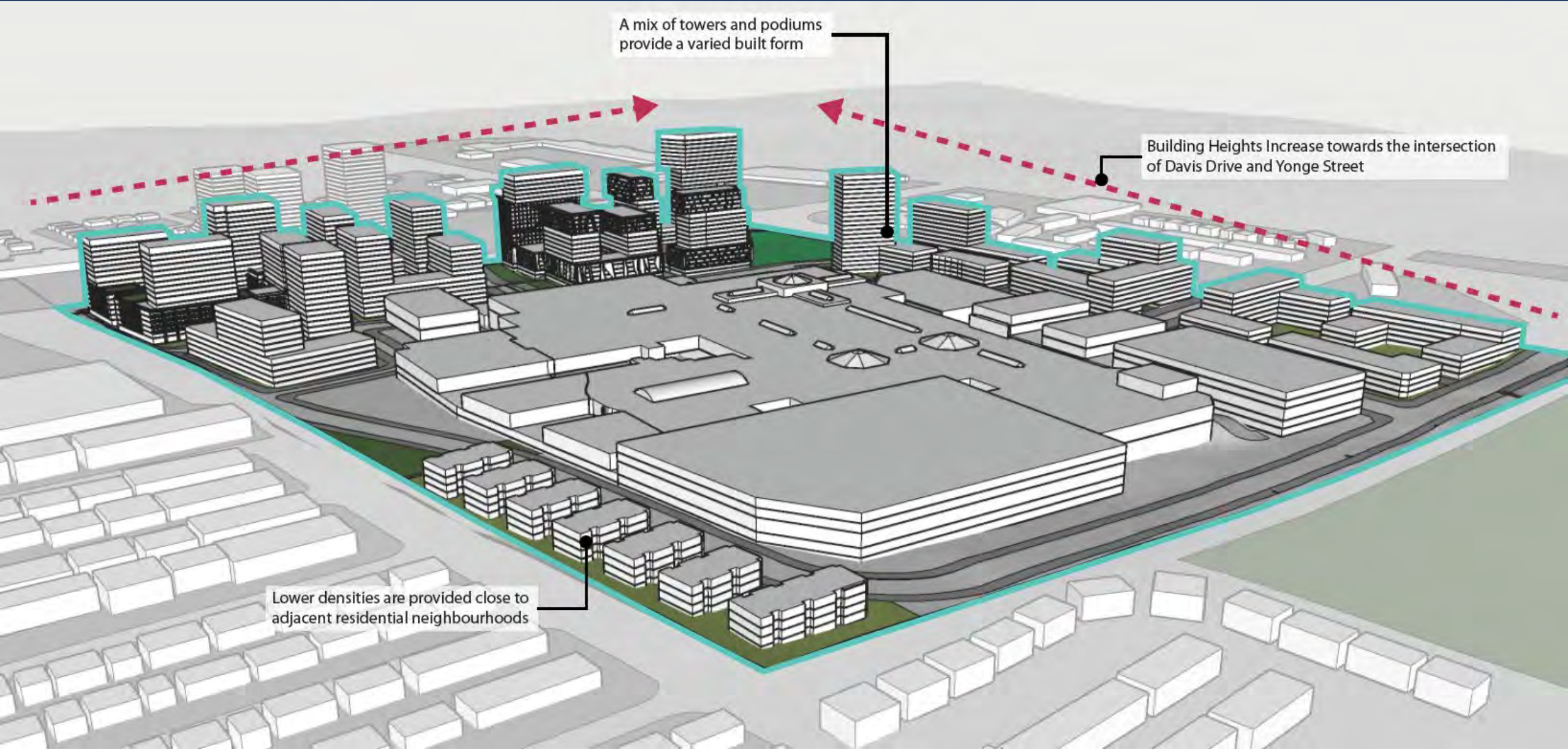


**Development of the Master Plan will contribute to the Town's active transportation network, including cycling and pedestrian facilities, to encourage modal shifts away from private automobiles and reduce congestion and emissions.**



# Proposed Buildings

22



# Blocks along Yonge Street



Block A	
Net Land Area	12,647 sq.m.
Parks	
Non-Residential Gross Floor Area	462 sq.m.
Residential Gross Floor Area	61,602 sq.m.
Number of Units	814
Parking	1007

Block B	
Net Land Area	11,173 sq.m.
Parks	1,268 sq.m.
Non-Residential Gross Floor Area	2,138 sq.m.
Residential Gross Floor Area	59,989 sq.m.
Number of Units	702
Parking	877

Block H	
Net Land Area	19,955 sq.m.
Parks	10,558 sq.m.
Non-Residential Gross Floor Area	2,561 sq.m.
Residential Gross Floor Area	122,267 sq.m.
Number of Units	1547
Parking	1392



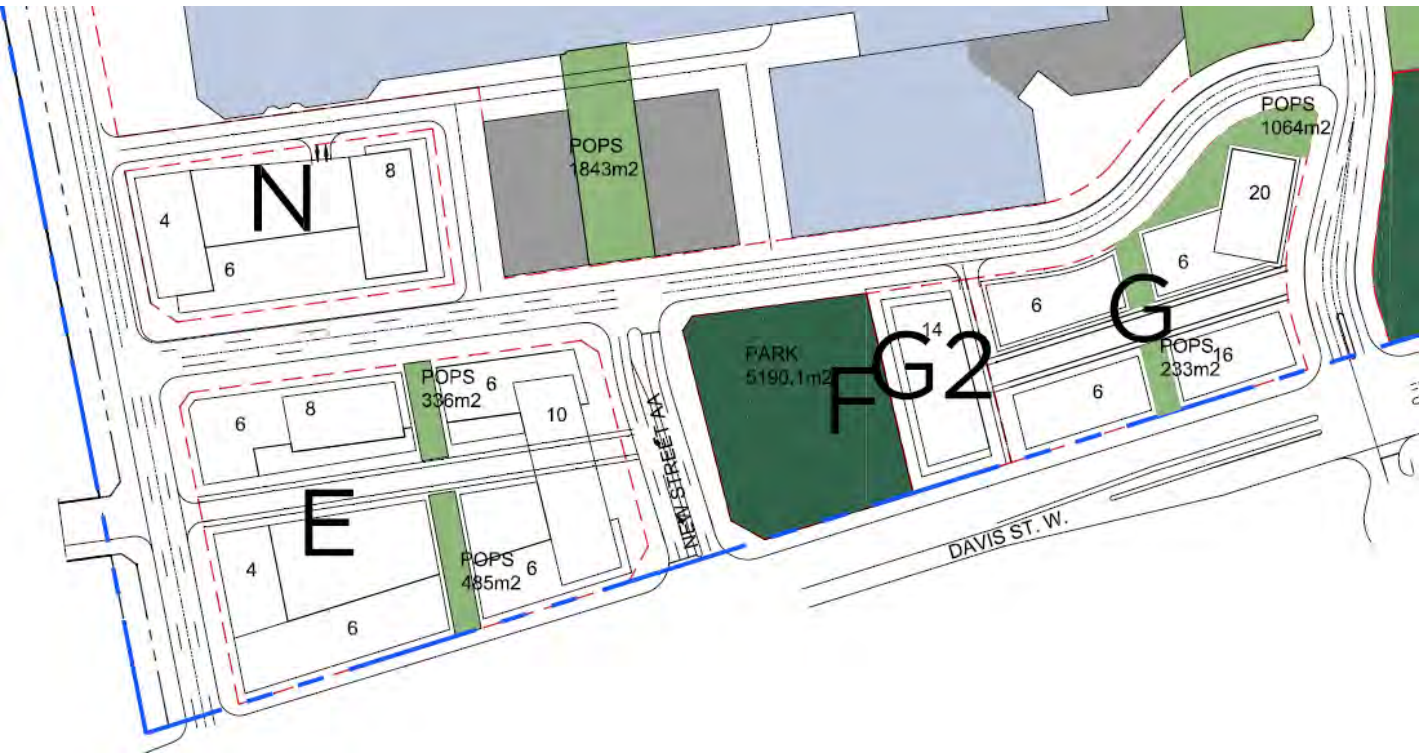
# Blocks along Davis Drive

Block E	
Net Land Area	15,220 sq.m.
Parks	821 sq.m.
Non-Residential Gross Floor Area	500 sq.m.
Residential Gross Floor Area	43,740 sq.m.
Number of Units	485
Parking	436

Block F	
Net Land Area	5,190 sq.m.
Parks	5,190 sq.m.
Non-Residential Gross Floor Area	
Residential Gross Floor Area	
Number of Units	
Parking	

Block G	
Net Land Area	8,627 sq.m.
Parks	1,297 sq.m.
Non-Residential Gross Floor Area	1,600 sq.m.
Residential Gross Floor Area	45,332 sq.m.
Number of Units	549
Parking	494

Block G2	
Net Land Area	2,551 sq.m.
Parks	
Non-Residential Gross Floor Area	
Residential Gross Floor Area	20,048 sq.m.
Number of Units	230
Parking	207







Block C	
Net Land Area	7,379 sq.m.
Parks	778 sq.m.
Non-Residential Gross Floor Area	500 sq.m.
Residential Gross Floor Area	33,995 sq.m.
Number of Units	408
Parking	367

Block D	
Net Land Area	10,067 sq.m.
Parks	2,904 sq.m.
Non-Residential Gross Floor Area	
Residential Gross Floor Area	13,472 sq.m.
Number of Units	148
Parking	162

Block N	
Net Land Area	6,122 sq.m.
Parks	
Non-Residential Gross Floor Area	1,000 sq.m.
Residential Gross Floor Area	18,965 sq.m.
Number of Units	238
Parking	214

Block M	
Net Land Area	133,524 sq.m.
Parks	8,171 sq.m.
Non-Residential Gross Floor Area	117,769 sq.m.
Residential Gross Floor Area	
Number of Units	
Parking	



# Building Renderings

26

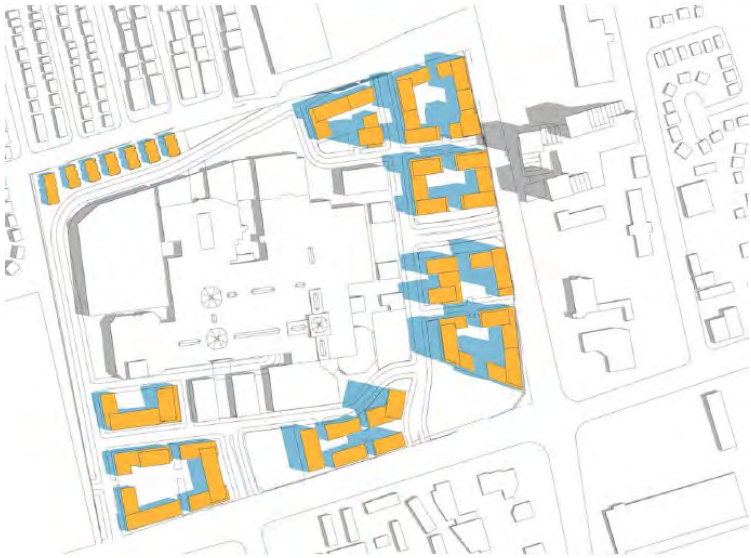


**The Master Plan will ensure that building massing and facades fit harmoniously into the planned context, address the street, and provide physical and visual access to public spaces within a variety of built forms.**



# Shadow Impact Analysis

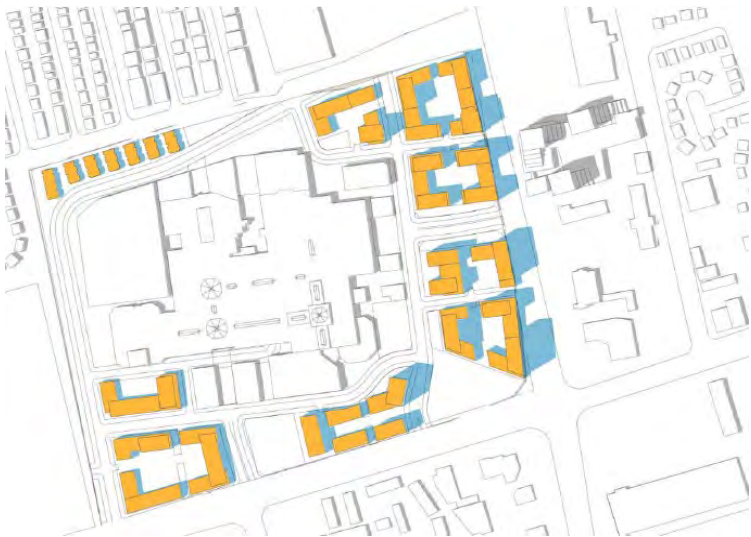
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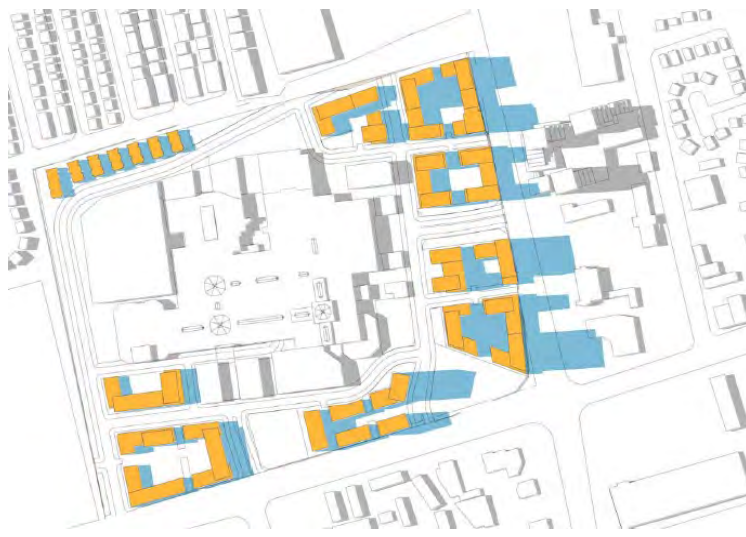
June 21<sup>st</sup> – 10:18 am



June 21<sup>st</sup> – 01:18 pm



June 21<sup>st</sup> – 03:18 pm



June 21<sup>st</sup> – 05:18 pm

**RAW Design prepared a Building Shadow Impact Study for the Subject Lands.**

**The study has been prepared to provide an overview of the shadows during the times of March 21, June 21, September 21, and December 21 at hourly intervals starting after sunrise and before sunset.**

**June 21<sup>st</sup> is shown here.**

# Shadow Impact Analysis

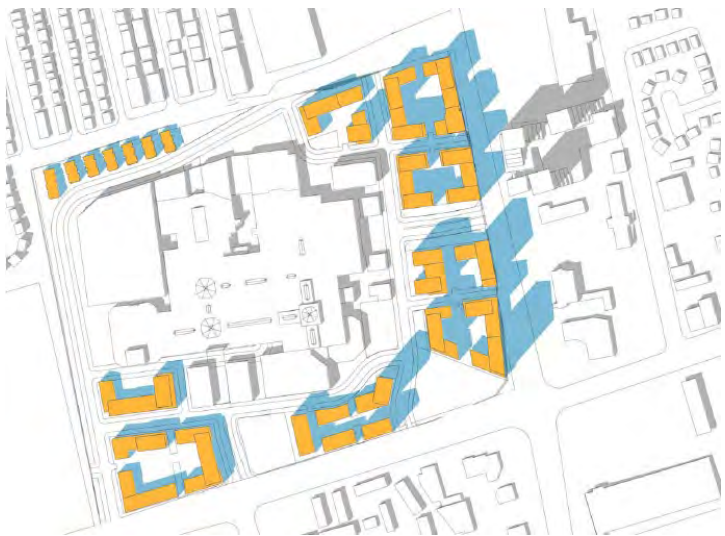
28



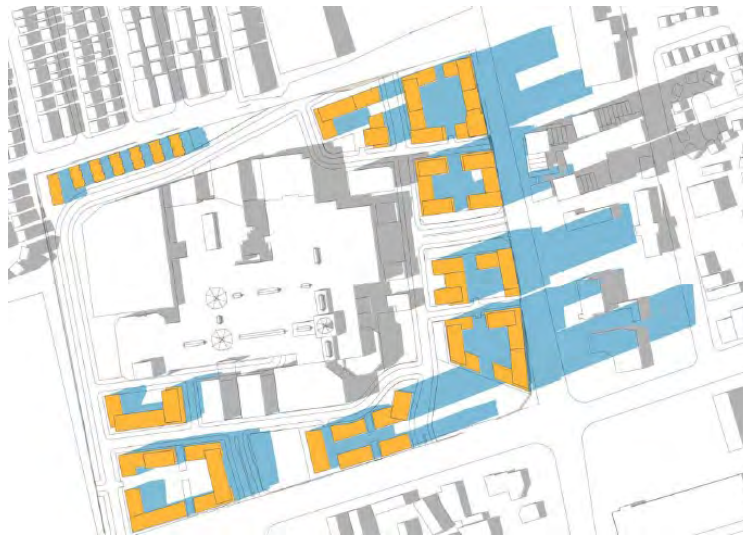
**September 21<sup>st</sup> – 10:18 am**



**September 21<sup>st</sup> – 01:18 pm**



**September 21<sup>st</sup> – 03:18 pm**



**September 21<sup>st</sup> – 05:18 pm**

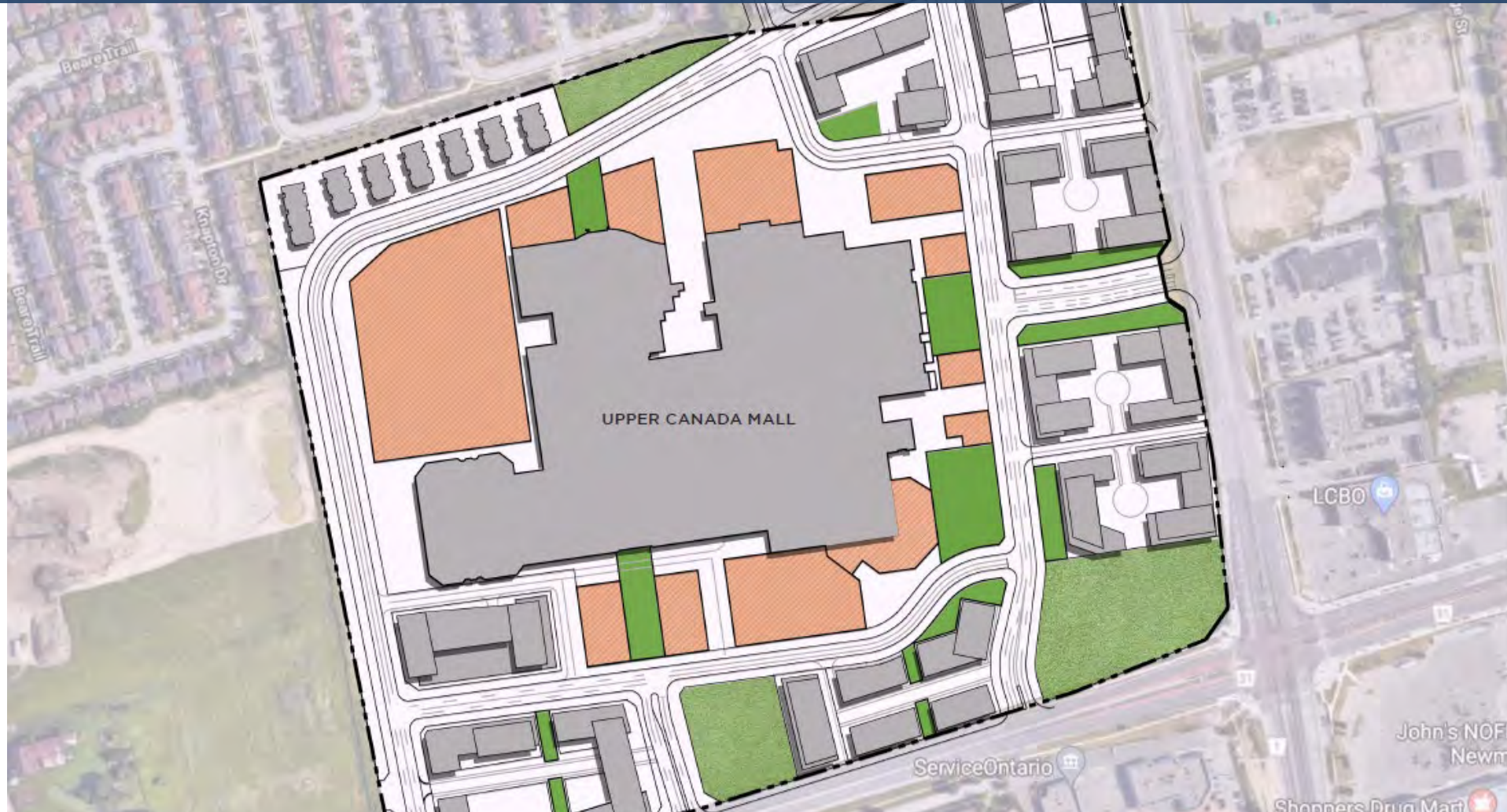
**September 21<sup>st</sup> is shown here.**

**The Shadow Impact Analysis found that shadows resulting from the ultimate build out will generally be contained within the site. Some shadowing may occur across Yonge Street at specific times throughout the year.**



# Thank You

29



**Contact Information:**  
**Oz Kemal, BES, MCIP, RPP | Partner**  
**MHBC Planning, Urban Design & Landscape Architecture**  
**[okemal@mhbcplan.com](mailto:okemal@mhbcplan.com)**



PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE



Dear Clerks,

I am a resident at 159 Knapton Drive, and I am very concerned about the height of the above ground parking structure and the proximity of what will become an arterial road right behind my property line. Depending on the height of the parking structure, this will be a huge eyesore. I don't want to look out my kitchen window and see a huge concrete block.

Furthermore, I don't cherish the idea of the road at the northwest quadrant of the mall being moved to the planned location. The plan has it running right behind our backyards. Not acceptable. It will be extremely busy AND noisy.

Mike McGhee  
159 Knapton Drive  
Newmarket





To: Mayor John Taylor, Councillors of Newmarket and Town Staff

Hello, my name is Amanda Stassen and I had the privilege of joining the first deputation session on May 3<sup>rd</sup> over the matter of amending the Body Rub Parlour bylaw in Newmarket. While I was unable to join the June 16th special committee of the whole, I did review the proposal presented by the by-law team and submitted additional inputs on June 3<sup>rd</sup> for your consideration. I am submitting a written communication to you at this time for two reasons:

First, to say thank you. Thank you for standing up for justice and what is inherently right for the safety and wellbeing of our community, families and children. Thank you for hearing the voices of survivors and for giving careful consideration to the realities they've experienced in facilities such as body rub parlours. Thank you for 'standing on guard' for our community and our nation.

Second, I'd like to present a few counter thoughts to the points that the many of the body rub parlour and sex work advocates have shared to you.

1) **Canadian law passed in 2014 links Sex Work with Prostitution.** In December 2014 the Protection of Communities and Exploited Persons Act (PCEPA) was passed. This law treats prostitution as fostering demand for sexual exploitation, views prostitution as a dangerous and exploitative practice and is harmful to those involved (disproportionately women and girls), communities and society. **Sex work fosters demand for sexual exploitation and therefore is harmful.**

2) **Body Rub Parlours set up people to break federal law.** Those purchasing sex in body rub centres, those advertising and recruiting the sexual services of others, and those receiving financial benefit such as the body rub centre owners who do not sell their own sexual services all are in violation of federal law. **By their own admission, sex work advocates are stating 'overtly' that sex is being sold and purchased in body rub parlours which is against federal law.**

3) **One of the key warning signs of a person being trafficked is their inability to speak for themselves.** Using the argument of the English language being a barrier to working as justification of why someone is engaged in selling services for sex is not only illogical but serves as continued rationale for enslavement. It is unconscionable for anyone to suggest that people should be accepting of indentured slavery as an outcome simply because they are an immigrant with poor English speaking skills. The sheer idea is highly unconstitutional.

4) **Acceptance (legalization) of sex work does not control sex trafficking or make it safer.** By fostering and normalizing sex work, a market is created that is bound by the laws of supply and demand. Acceptance of "sex work" as a legitimate trade increases demand. Demand requires product, and when supply is short it is found through manipulation, coercion and other means including child prostitution. All these means are cited as modalities leading to human sex trafficking.

There are many other reasons that I can cite and would be happy to do so if you would like further clarification.

I would like to end this note by addressing the 'English language as barrier-immigrant argument' that suggests there are individuals who feels that "selling sex" is the only means they have to secure an income to support their families. I am confident that there are a myriad of organizations and people

available right now who would be more than able to help them not only learn English but to find healthy jobs that would not be harmful to themselves or to our community. I would encourage you all to be strong and see through the rhetoric being spoken that is clouding the issue at hand by Toronto groups who do not care for Newmarket families or our community. **Sex work leads to sex trafficking - this is not a racial agenda, nor an immigrant agenda, it's a human rights and federal legal agenda.**

Please consider the above as you weigh your final decision on this matter and vote **YES** to move forward with By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment regulations with stricter language and requirements.

Extending peace and grace to you all.

Amanda Stassen  
409 Alex Doner Drive  
Newmarket

June 20, 2021

To: Mayor Taylor, Newmarket Town Councillors, and Newmarket Town Staff:

**Re: Licensing Regime for Personal Wellness Establishments**

The HIV Legal Network is one of the world's leading organizations tackling the legal and human rights issues related to HIV, and has worked since our inception almost three decades ago to uphold the human rights of marginalized communities. We are writing to express our concerns about the proposed licensing regime for a new category of "Personal Wellness Establishments," which will disproportionately affect Asian massage workers and businesses, further contributing to their economic marginalization.

As you know, the proposed bylaw requires all workers at Personal Wellness Establishments to be trained by accredited institutions, which often have English language skills requirements. Numerous human rights organizations (including those representing migrant communities) and migrant massage workers themselves have informed you that this requirement will erect significant barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking workers will not be able to attend an accredited educational institution in Canada. It is utterly unrealistic to expect workers based in Newmarket without formal credentials to seek accreditation through an institution that may not only be prohibitive in terms of cost, but also location (e.g. potentially requiring a worker to relocate to a different city or province in order to gain such accreditation). As a result, they will not be able to work in Newmarket, and their massage parlours will be shut down.

Although the bylaw claims an exception is available to "non-Western practice," the application for the exception (e.g. collecting extensive documents, being interviewed by the town staff) is intimidating and exclusionary. The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled, but those who trained abroad or gained experience on-the-job will not meet the criteria for the exception.

Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. Nor has there been any evidence of human trafficking occurring in Newmarket's massage parlours, despite some deputants' troubling stereotypes of massage parlour workers as victims of human trafficking — a claim numerous deputants who work closely with migrant massage workers have rejected. The Asian community is already heavily hit by the COVID-19 pandemic and facing

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**Challenging Wrongs. Advancing Rights. Transforming Lives.**  
**Combattre les injustices. Faire avancer les droits. Transformer des vies.**

1240 rue Bay Street, Suite/bureau 600, Toronto, Ontario, Canada M5R 2A7  
Telephone/Téléphone: +1 416 595-1666 Fax/Télécopieur: +1 416 595-0094  
info@HIVLegalNetwork.ca www.HIVLegalNetwork.ca  
Charitable Registration/Numéro d'organisme de charité #141110155 RR0001

anti-Asian racism. The Town of Newmarket should not impose further social and economic barriers to prevent them from working.

We are also concerned about the repressive and discriminatory approach of the Town of Newmarket towards sex workers. Numerous courts, including the Supreme Court of Canada in the historic decision *Canada (Attorney General) v. Bedford*, have ruled that laws that contribute to sex workers' experiences of harm (and particularly those laws intended to address sex work as a form of "nuisance" — as is apparently the case in Newmarket), are invalid and will not withstand constitutional scrutiny. Newmarket should not be enacting laws in a misguided attempt to drive sex workers out of the city. This is a blatant form of discrimination on the basis of gender and occupational status.

As such, we urge the Town of Newmarket to remove the requirement for accreditation to work in the Personal Wellness Establishment category so that Asian workers can continue to work and massage parlours can continue to operate and serve the community.

A handwritten signature in black ink, reading "Sandra Ka Hon Chu". The signature is fluid and cursive, with the first name "Sandra" being the most prominent.

Sandra Ka Hon Chu  
Director of Research and Advocacy  
HIV Legal Network



BridgeNorth Women's Mentorship & Advocacy Service  
23-1111 Davis Drive, Newmarket.  
ON, Canada L3Y 9E5  
(905)-895-9065  
office@bridgenorth.org

June 19, 2021

**Subject:** Vote YES on Business By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and requirements

**To:** Mayor John Taylor, Newmarket Town Councillors & Staff

We are a local anti-trafficking organization comprised of many individuals and are writing to express our support for the ratification of the amendment of By-law 2020-31.

Thank you for the work you have done this far to protect the wellbeing and safety of our community by acknowledging the detrimental impact that Body Rub Parlours has on both society and individual lives. Human trafficking is one of the fastest growing crimes in the world, and Newmarket is certainly not immune to this injustice. Survivors of trafficking, researchers, law enforcement and anti-trafficking service providers all cite Body Rub Parlours as well-known places where trafficking occurs.

We are asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements. This amendment will help prevent the exploitation of people in our community as it will address a known location where traffickers use threat, coercion, debt bondage and blackmail in order to traffic individuals for the purposes of sexual exploitation.

Additionally, this By-law will demonstrate that the Town of Newmarket does not condone a system predicated in racism, colonial violence, and misogyny, which form the very fabric of the sex industry. Ratifying By-Law 2020-31 will help to combat racism in the community through recognizing that the sex industry perpetuates racist ideologies and beliefs.

An anti-trafficking advocate recently shared that her son received a text message from their friend inviting them to go to a local illicit Body Rub Parlour. Her son said "no" and his friend's response was: "Why not? Asians like it." This troubling story highlights the racist beliefs and attitudes that are fostered among purchasers of sex that demean and degrade women who identify as Asian. According to the Asian Pacific Institute on Gender-Based Violence, of the 3,636 survivors of human trafficking whose race or ethnicity was known, the second largest group was Asian (27%). This staggering reality is, in part, made possible due to the fact that many migrant workers – as has been highlighted in the press – are low-income and non-English-speaking, rendering them in an unequal negotiating position when deliberating with employers and clients about what services are to be provided in Body Rub Parlours. These factors, among others, compound intersectionality in such a way to increase the vulnerability of racialized minorities to sexual exploitation in the

provision of services in these Parlours. As a result, minority groups are overrepresented in the sex industry and buyer review boards are filled with offensive ethnic and racial stereotypes.

By ratifying this amendment to the By-law the Town of Newmarket will be at the forefront of combatting the trafficking of persons in the community through addressing a known area where sex trafficking flourishes and a system where racist ideas are perpetuated. Insofar as racialized communities are already overrepresented as survivors of commercial sexual exploitation, legislation such as By-law 2020-31 affords such communities additional protections to prevent them from being inadvertently trapped in a vocational cycle which capitalizes on their vulnerability and disregards the equal dignity owed to all persons irrespective of race, gender, sex, immigration status, language capacity, and economic stability, I am asking that you vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

Ratifying this By-law is a vital step to combating the trafficking of persons in our community and beyond. Together we can end sexual exploitation.

Sincerely,

Founder & Executive Director,

Cassandra Diamond

Subject: Vote **YES** on Business By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and requirements

To: Mayor John Taylor, Newmarket Town Councillors & City Staff

Dear Mayor, Councillors and City Staff,

I am writing firsthand to you as a Survivor. I was exploited and trafficked for a decade in these types of establishments while yet a student at one of Newmarket's high schools.

Thank you for the work you have done to protect others, mainly women and children, who through no act of their own find themselves in the same establishments I once was in. Also, thank you for maintaining the wellbeing and safety of our community, families, and children from the negative impact of Body Rub Parlours. I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

I am deeply troubled by the fact that advocacy groups coming from Toronto are attempting to cloud the truth of what body rub parlours really are and what "sex work" truly represents. Survivors of human trafficking, the Toronto Police and front-line service providers have all confirmed that people are being trafficked in body rub parlours and holistic spas throughout Ontario and Canada under the umbrella of "sex work". These 'businesses' are fronts for prostitution. The City of Toronto has itself acknowledged this reality. Another frustrating truth, our region and tax payers fund out of jurisdiction investigations <https://toronto.ctvnews.ca/man-arrested-for-pimping-underage-teen-1.903193>, which is perfectly fine with me, if we also dedicate ourselves to preventing these same establishments that facilitate exploitation and trafficking.

Even more, that Newmarket Counsel has been accused of racist and anti – Asian discriminative behaviours and attitudes was nothing more than a public bully tactic. These same tactics used against individuals who find themselves in this system is all too common and nearly undefendable alone. One woman in this short video speaks of exactly this experience here <https://www.youtube.com/watch?v=B5rZon5hgwE&feature=youtu.be>

As a first hand witness, let me share with you why I believe this accusation is a farce made simply to bully and discredit your decision and vote – ultimately taking the view off of the trafficked and exploited.

In the early 1990's it was mainly Canadians and Eastern European women in Licensed facilities. At the time, it was mostly because of the Visitor Visa system that organized criminals used to aid their operations. "Stripper" Visa's, Visitor Visa's etc. were the legislated systems that criminals used to funnel victims here. Why, simply because this system is preferred by the criminal to remain undetected, while maximizing their ability to commercialize and commodify their victims. Stripper Visa's ended, understanding victims of trafficking and exploitation were found too many. Fast forward to today, the model has adapted to include a false accreditation system. It's the same thing only we are now seeing mainly Asian based exploitation and trafficking instead of

Eastern European in the GTHA still because of the Visa entry system, the Temporary Foreign Worker etc, but organized crime is still the benefactor and culprit.

I will also have you know, its only in the GTHA that there is an overrepresentation of Asian and South Asian persons. Anywhere else its simply not the case, yet you are led to believe this myth as well. People do safety and economic prosperity, just not this way.

*This is not Anti Asian sentiment; this is not an act of hatred. What is a racist, colonizing act? What is hatred toward any nation or individual? When any Canadian Government official or citizen, sitting in comfortable offices or homes, fed, housed, and warm agree to make a system, or be a part of one that sells others we are told and know are less comfortable and disadvantaged for sex in Newmarket. That is hatred and Anti-Asian sentiment.*

To be in solidarity with those trafficked or at risk anywhere, you will vote YES to adopt this report.

In gratitude to you as a public servant,

Casandra Diamond  
Survivor of licensed establishments.  
416-834-9561





# **Town of Newmarket**

## **Minutes**

### **Council - Electronic**

Date: Monday, May 31, 2021  
Time: 1:00 PM  
Location: Streamed live from the Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor  
Deputy Mayor & Regional Councillor Vegh  
Councillor Simon  
Councillor Woodhouse  
Councillor Twinney  
Councillor Morrison  
Councillor Kwapis  
Councillor Broome  
Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
I. McDougall, Commissioner of Community Services  
J. Unger, Acting Commissioner of Development & Infrastructure Services  
L. Lyons, Director of Legislative Services/Town Clerk  
K. Saini, Deputy Town Clerk  
A. Walkom, Legislative Coordinator  
J. Grossi, Legislative Coordinator

The meeting was called to order at 1:00 PM.  
Mayor Taylor in the Chair.  
Council recessed at 2:35 PM and reconvened at 2:45 PM.

## **1. Public Notice**

Mayor Taylor acknowledged that the Town of Newmarket is located on the traditional territories of the Wendat, Haudeno-saunee, and the Anishinaabe peoples and the treaty land of the Williams Treaties First Nations and other Indigenous peoples whose presence here continues to this day. He thanked them for sharing this land with us. Mayor Taylor also acknowledged the Chippewas of Georgina Island First Nation as our close neighbours and friends, and that we work to ensure a cooperative and respectful relationship.

Mayor Taylor recognized the discovery of the 215 children buried on the Kamloops Residential School site and the intergenerational trauma experienced by Indigenous communities. Council observed a moment of silence to recognize the 215 lives lost.

Mayor Taylor advised that the Municipal Offices were closed to the public and that this meeting was streamed live at [Newmarket.ca/meetings](http://Newmarket.ca/meetings). Residents who would like to provide comment on an item on this agenda were encouraged to provide their feedback in writing through email to Legislative Services at [clerks@newmarket.ca](mailto:clerks@newmarket.ca) or by joining the meeting electronically through video or telephone. He advised residents that their comments would form part of the public record.

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

The Clerk advised of the following additions to the agenda:

- Item 4.1.5: Correspondence provided by Alexandra Silva
- Item 4.1.11: Deputation provided by Jocelyn Castonguay
- Item 4.1.24: Correspondence provided by Madelyn McCallan and Dan Chiesa

Moved by: Councillor Twinney

Seconded by: Councillor Morrison

1. That the additions to the agenda be approved.

**Carried**

## **3. Conflict of Interest Declarations**

- Councillor Woodhouse declared a conflict regarding Item 4.1: Zoning By-law Amendment - 43 Lundy's Lane, 592 Watson Avenue, 40, 36 and 32 Bolton Avenue. He advised that his daughter lives near the proposed development.

#### **4. Public Hearing Matter**

The Clerk welcomed the public to the Virtual Public Planning and Council meeting. She advised that the Planning Act requires the Town to hold at least one public meeting on any proposed Zoning By-law Amendment, Official Plan Amendment or Draft Plan of Subdivision or Condominium.

The Clerk advised that the purpose of the public meeting is to hear from anyone who has an interest in the following application:

- 43 Lundy's Lane, 592 Watson Avenue, 40, 36 and 32 Bolton Avenue. This application proposes a Zoning By-law amendment to rezone the subject lands from the existing Residential Detached Dwelling Zone to Mixed Use Zone. The effect of this application would allow a residential development comprised of 79 apartment units, configured in a 4-storey apartment building.

The Clerk encouraged anyone who was interested in providing verbal feedback to Council regarding the application to join the meeting electronically by emailing [clerks@newmarket.ca](mailto:clerks@newmarket.ca).

The Clerk advised that if anyone wished to be notified of any subsequent meetings regarding this matter, they may email [planning@newmarket.ca](mailto:planning@newmarket.ca).

The Clerk noted that in accordance with the Planning Act, the Local Planning Appeal Tribunal may dismiss an appeal to the Tribunal, without holding a hearing, if the appellant failed to make either oral submissions at the public meeting or provide written submissions to Council prior to adoption of the application.

The Clerk thanked residents for their participation and interest in the meeting.

##### **4.1 Zoning By-law Amendment - 43 Lundy's Lane, 592 Watson Avenue, 40, 36 and 32 Bolton Avenue**

Carleigh Oude-Reimerink of Armstrong Planning provided a presentation regarding the application to rezone the subject lands from the existing Residential Detached Dwelling to Mixed Use Zone to permit a residential development comprised of 79 apartment units, configured in a 4-storey apartment building.

The presentation included the policy context of the site, an overview of the proposed development, a proposed rendering of the apartment building and existing vs. proposed zoning.

The Acting Commissioner of Development & Infrastructure Services provided Council with the next steps regarding the application process and

advised that Staff would bring a report back to a future Committee of the Whole meeting.

Moved by: Councillor Twinney

Seconded by: Councillor Broome

1. That the presentation provided by Carleigh Oude-Reimerink, Armstrong Planning regarding Zoning By-law Amendment - 43 Lundy's Lane, 592 Watson Avenue, 40, 36 and 32 Bolton Avenue be received; and,
2. That sub-items 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.1.6, 4.1.7, 4.1.9, 4.1.10, 4.1.11, 4.1.12 and 4.1.13 being remote deputations provided by Frances Darwin, Yen Tu, Dylan Ferguson, Marie Martin, Alexandra Silva, Anita and Michael Nakou, Suzanne Darwin, William Church, Patsy Hawke, Jocelyn Castonguay, Christine Theodorou, and Lauren Merklinger be received; and,
3. That sub-items 4.1.14, 4.1.15, 4.1.16, 4.1.17, 4.1.18, 4.1.19, 4.1.20, 4.1.21, 4.1.22, 4.1.23, and 4.1.24 being correspondence provided by Lael Taylor, Kimberly Schell, David Gaw, Pat and Vanessa Giorno, Sylvia and Kirby Brock, Cynthia Flood, Gary and Donna Dyer, Maria Luczka, Jeff Scobie, Marcia Sinclair, Wendy Emmerson, Jana Vale, and Paul Loria, Marie Mitilinellis and Mehmet Baltacoglu, Residents of Bolton Avenue, Watson Avenue, and Lundy's Lane, and Madelyn McCallan and Dan Chiesa be received.

**Carried**

Councillor Woodhouse took no part in the discussion or vote on the foregoing matter due to a declared conflict.

**4.1.1 Deputation - Frances Darwin**

Frances Darwin provided a deputation which raised her concerns that there was little publicly available information regarding the development company and advised that the Town should investigate the company further.

**4.1.2 Deputation - Yen Tu**

Yen Tu provided a deputation that outlined his concerns that the development would change the neighbourhood and increase traffic in the area.



#### **4.1.3 Deputation - Dylan Ferguson**

Dylan Ferguson provided a deputation which outlined his concerns that the proposed development will change the culture of the neighbourhood, as well as increase issues with traffic and parking in the area.

#### **4.1.4 Deputation - Marie Martin**

Marie Martin provided a deputation which outlined her concerns that construction in the area could damage neighbouring houses and that the proposed development would increase traffic and parking issues in the neighbourhood.

#### **4.1.5 Deputation - Alexandra Silva**

Alexandra Silva provided a deputation which outlined her concerns that the proposed development would increase traffic in the area and remove existing trees on the property.

#### **4.1.6 Deputation - Anita and Michael Nakou**

Anita and Michael Nakou provided a deputation which outlined their concerns that the proposed building is too high for the neighbourhood, would remove existing greenspaces and would be at risk of flooding due to the landscape of the surrounding area.

#### **4.1.7 Deputation - Suzanne Darwin**

Suzanne Darwin provided a deputation which outlined her concerns that the proposed development would increase traffic and parking issues in the area.

#### **4.1.8 Deputation - Sibylle Foppa**

Sibylle Foppa withdrew her request to provide a remote deputation.

#### **4.1.9 Deputation - William Church**

William Church provided a deputation which outlined his concerns that the development would increase traffic and parking issues in the area.

#### **4.1.10 Deputation - Patsy Hawke**

Patsy Hawke provided a deputation which outlined her concerns that an apartment building would not fit with the existing homes on the street and would cause increased parking and traffic issues.

**4.1.11 Deputation - Jocelyn Castonguay**

Jocelyn Castonguay provided a deputation that outlined her concerns that the proposed development would increase traffic congestion and parking issues in the area.

**4.1.12 Deputation - Christine Theodorou**

Christine Theodorou provided a deputation that outlined her concerns that the development would increase traffic and parking issues in the neighbourhood.

**4.1.13 Deputation - Lauren Merklinger**

Lauren Merklinger provided a deputation which outlined her concerns that construction of the development could cause safety issues and that the apartment building would increase traffic in the area.

**4.1.14 Correspondence - Lael Taylor**

**4.1.15 Correspondence - Kimberly Schell**

**4.1.16 Correspondence - David Gaw**

**4.1.17 Correspondence - Pat and Vanessa Giorno**

**4.1.18 Correspondence - Sylvia and Kirby Brock**

**4.1.19 Correspondence - Cynthia Flood**

**4.1.20 Correspondence - Gary and Donna Dyer**

**4.1.21 Correspondence - Maria Luczka, Jeff Scobie, Marcia Sinclair, Wendy Emmerson, Jana Vale, and Paul Loria**

**4.1.22 Correspondence - Marie Mitilinellis and Mehmet Baltacouglu**

**4.1.23 Letter from Residents of Bolton Avenue, Watson Avenue, and Lundy's Lane**

**4.1.24 Correspondence - Madelyn McCallan and Dan Chiesa**

**5. Presentations & Recognitions**

None.

**6. Deputations**

None.

## **7. Minutes**

### **7.1 Council - Electronic Meeting Minutes of May 10, 2021**

Moved by: Councillor Morrison

Seconded by: Councillor Bisanz

1. That the Council - Electronic Meeting Minutes of May 10, 2021 be approved.

**Carried**

## **8. Reports by Regional Representatives**

Deputy Mayor & Regional Councillor Vegh provided an update on a recent York Region Council meeting which included a report on the financial impacts of COVID-19. He advised that the Provincial government is supporting some of the costs of public health such as vaccine delivery.

Mayor Taylor advised that York Region Council had recently passed a motion to ask for the Provincial government to move up phase 1 of its COVID-19 reopening plan due to the high levels of vaccinations in York Region. He provided a further update regarding a previous motion for lower-tier municipalities to provide land for low-income housing.

## **9. Consent Items and Recommendations from Committees**

### **9.1 Council Workshop - Electronic Meeting Minutes of May 17, 2021**

Moved by: Councillor Morrison

Seconded by: Councillor Woodhouse

1. That the Council Workshop - Electronic Meeting Minutes of May 17, 2021 be received.

**Carried**

### **9.2 Correspondence regarding Item 9.3.3 - Mulock Multi Use Path Feasibility Study**

Moved by: Councillor Broome

Seconded by: Councillor Simon

1. That the correspondence provided by Paul Jolie regarding the Mulock Multi Use Path Feasibility Study be received.

**Carried**

### **9.3 Committee of the Whole - Electronic Meeting Minutes of May 25, 2021**

Moved by: Councillor Kwapis  
Seconded by: Councillor Broome

1. That the Committee of the Whole - Electronic Meeting Minutes of May 25, 2021 be received and the recommendations noted within be adopted.

**Carried**

#### **9.3.1 Newmarket's Anti-Black Racism Task Force Interim Report Presentation**

1. That the presentation provided by Jerisha Grant-Hall regarding Newmarket's Anti-Black Racism Task Force Interim Report Presentation be received.

#### **9.3.2 Presentation - Proposed 2051 Forecast and Land Needs Assessment**

1. That the presentation provided by Paul Bottomley, Manager of Policy, Research and Forecasting, York Region regarding the Proposed 2051 Forecast and Land Needs Assessment be received.

#### **9.3.3 Presentation - Mulock Multi Use Path Feasibility Study**

1. That the presentation provided by David McLaughlin and Cristina Valente, WSP regarding the Mulock Multi Use Path Feasibility Study be received.

#### **9.3.4 Newmarket's Anti-Black Racism Task Force Interim Report**

1. That the report entitled Newmarket Anti-Black Racism Task Force Interim Report dated May 25, 2021 be received; and,
2. That the Newmarket Anti-Black Racism Task Force Interim Report to Council included as Attachment 2 be received; and,



3. That staff be directed to provide Council with an information report regarding the provisional recommendations within sixty days; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**9.3.5 Property Tax Rates and By-law for 2021**

1. That the report entitled Property Tax Rates and By-law for 2021 dated May 25, 2021 be received; and,
2. That the property tax rates for 2021, as applied to the assessment roll returned in 2020 for 2021 taxation, be set for Town purposes as follows:
  - a. Residential 0.315394%
  - b. Multi-Residential 0.315394%
  - c. Commercial 0.420136%
  - d. Industrial 0.518255%
  - e. Pipeline 0.289847%
  - f. Farm 0.078848%; and,
3. That the applicable Tax Rate By-law, attached as Appendix 'A' be forwarded to Council for approval; and,
4. That the Treasurer be authorized and directed to do all things necessary to give effect to this resolution.

**9.3.6 Yonge Street North – York Region Municipal Streetscape Partnership Program**

1. That the report entitled Yonge Street North - York Region Municipal Streetscape Partnership Program dated May 25, 2021 be received; and,
2. That Staff be authorized to submit an application under York Region's Municipal Streetscape Partnership Program for a 50/50 cost-sharing of the construction costs for streetscape improvements on Yonge Street from Davis Drive to the northern Town boundary; and,

3. The Town agree to pay for its portion of the 50% cost-share (\$2,360,710.23), to be spread through the 2022 (10%), 2023 (65%), and 2024 (25%) budget years, with all funds to be paid through Development Charges; and,
4. That the Town agree to pay for construction costs (estimated at \$303,329.72) that are outside of the 50% cost-share agreement and the 1.76% non-refundable tax for all works, all to be paid through Development Charges; and,
5. That the Town agree to pay York Region its standard Site Inspection (6%) and Contract Administration (6%) fees for joint projects; and,
6. That Staff be directed to enter into a Maintenance Agreement with York Region for the Yonge Street North streetscape enhancements, from Davis Drive to the northern Town boundary; and,
7. That once the streetscape improvements are complete, they be maintained by the Town in the estimated amount of \$67,000 per year (2021 dollars); and,
8. That the foregoing be included in future Operating and Capital Budgets; and,
9. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**9.3.7 Central York Fire Services – Joint Council Committee Meeting Minutes of March 2, 2021**

1. That the Central York Fire Services – Joint Council Committee Meeting Minutes of March 2, 2021 be received.

**9.3.8 Newmarket Public Library Board Meeting Minutes of March 17, 2021**

1. That the Newmarket Public Library Board Meeting Minutes of March 17, 2021 be received.

**9.3.9 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.

**9.3.10 Newmarket Anti-Black Racism Task Force Meeting Minutes of March 2, 2021 and April 6, 2021**

1. That the Newmarket Anti-Black Racism Task Force Meeting Minutes of March 2, 2021 and April 6, 2021 be received.

**9.3.11 New Business - Reopening Small Businesses**

Whereas York Region has now vaccinated over 70% of the adult population; and,

Whereas the COVID cases are soon to reach under 100 per 100,000; and,

Whereas our small businesses who have not been able to be open and operate are suffering greatly;

Now therefore Newmarket Council requests:

1. That the Provincial Government reopen personal services, one on one shopping and restaurants outdoor patios as soon as possible; and,
2. That this motion be circulated to all York Region municipalities and Members of Provincial Parliament.

**10. By-laws**

Moved by: Councillor Woodhouse  
Seconded by: Councillor Morrison

1. That By-law 2021-27 be enacted.

**Carried**

**11. Notices of Motions**

None.

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

None.

**13. New Business**

None.

**14. Closed Session**

**14.1 Committee of the Whole - Electronic Meeting (Closed Session)  
Minutes of May 25, 2021**

Moved by: Councillor Simon  
Seconded by: Councillor Morrison

1. That the Committee of the Whole - Electronic Meeting (Closed Session) Minutes of May 25, 2021 be approved.

**Carried**

**14.1.1 Central York Fire Services – Joint Council Committee Meeting  
(Closed Session) Minutes of March 2, 2021**

Moved by: Councillor Broome  
Seconded by: Councillor Bisanz

1. That the Central York Fire Services – Joint Council Committee Meeting (Closed Session) Minutes of March 2, 2021 be received.

**Carried**

**14.1.2 Advice that is subject to solicitor-client privilege, including  
communications necessary for that purpose as per Section  
239(2)(f) of the Municipal Act, 2001 (Property in Ward 2)**

Moved by: Councillor Woodhouse  
Seconded by: Councillor Kwapis

1. That Closed Session Report CL-2021-06 dated May 25, 2021 be received.

**Carried**

**15. Confirmatory By-law**

Moved by: Councillor Bisanz  
Seconded by: Councillor Morrison



1. That By-law 2021-28 be enacted.

**Carried**

## **16. Adjournment**

Moved by: Councillor Simon  
Seconded by: Councillor Kwapis

1. That the meeting be adjourned at 3:03 PM.

**Carried**

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John Taylor, Mayor

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Lisa Lyons, Town Clerk



# **Town of Newmarket**

## **Minutes**

### **Special Council Meeting - Electronic**

Date: Tuesday, June 8, 2021  
Time: 1:00 PM  
Location: Streamed live from the Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor  
Deputy Mayor & Regional Councillor Vegh  
Councillor Simon  
Councillor Woodhouse  
Councillor Twinney  
Councillor Morrison (1:09 PM - 2:25 PM)  
Councillor Kwapis  
Councillor Broome  
Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
P. Noehammer, Commissioner of Development & Infrastructure Services  
I. McDougall, Commissioner of Community Services  
L. Lyons, Director of Legislative Services/Town Clerk  
K. Saini, Deputy Town Clerk  
M. Mayes, Director of Financial Services/Treasurer  
C. Service, Director of Recreation & Culture  
A. Walkom, Legislative Coordinator  
J. Grossi, Legislative Coordinator

The meeting was called to order at 1:00 PM.  
Mayor Taylor in the Chair.

## **1. Notice**

Mayor Taylor advised that the Municipal Offices were closed to the public and that this meeting was streamed live at [Newmarket.ca/meetings](http://Newmarket.ca/meetings). Residents who would like to provide comment on an item on this agenda were encouraged to provide their feedback in writing through email to Legislative Services at [clerks@newmarket.ca](mailto:clerks@newmarket.ca) or by joining the meeting electronically through video or telephone. He advised residents that their comments would form part of the public record.

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

The Clerk advised of the following addition to the agenda:

- Item 4.1: Presentation regarding the Mulock Park Budget

Moved by: Councillor Broome

Seconded by: Councillor Twinney

1. That the addition to the agenda be approved.

**Carried**

## **3. Conflict of Interest Declarations**

None.

## **4. Presentations & Recognitions**

### **4.1 Mulock Park Budget**

**Note:** This item was dealt with under sub-item 5.1. Please see sub-item 5.1 for motion.

Mayor Taylor provided an overview of the Mulock Park project and the long-term planning decisions that Council would be making today. The Chief Administrative Officer thanked Staff for their work on this project and provided an introduction to the presentation.

The Director of Financial Services/Treasurer began the presentation with an overview of the projected funding for new recreation capital from 2021 through to 2030, and the various funding sources which could be available. He further reviewed the proposed Mulock Park budget, excluding the Mulock house, and the impact of the Mulock Park on the overall recreation capital program. The presentation continued with an



outline of the available funding sources going forward for other recreation projects and new recreation capital. The Director of Recreation and Culture concluded the presentation with an outline of the four potential approaches to sponsorship, and provided conceptual overviews of both the full sponsorship and moderate but impactful approaches.

Members of Council queried the presenters regarding various uses for development charges collected by a municipality, sponsorship opportunities, contingency amounts noted within the proposed budget, and the impact that this project will have on other capital projects in Town.

## 5. Items

### 5.1 Mulock Park Budget

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Broome

Seconded by: Councillor Bisanz

1. **That the presentation provided by the Director of Financial Services/Treasurer and Director of Recreation and Culture regarding the Mulock Park Budget be received; and,**
2. That the report entitled Mulock Park Budget Report dated April 20, 2021 be received; and,
3. That a Capital Spending Authority of \$40,000,000 be established for the development of the Mulock Park; and,
4. That a Project Management Contingency of \$2.7 million be included in the project budget; and,
5. That any application of the Project Management Contingency will require Council's approval; and,
6. That the 2021 Capital Budget be increased by \$2,000,000 to accommodate the 2021 allocation of the project; and,
7. That the two part approach, as outlined in this report, be used for funding the project; and,
8. That future Operating Budgets will phase in the anticipated cost to maintain and operate the Mulock Park; and,
9. That staff provide annual updates on the funding of this project as part of the annual budget process; and,

10. **That staff be directed to make all efforts to commence construction of the Mulock Park in 2022; and,**

11. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

**6. Closed Session**

Mayor Taylor advised that there was no requirement for a Closed Session.

**7. Confirmatory By-law**

Moved by: Councillor Woodhouse

Seconded by: Councillor Broome

1. That By-law 2021-30 be enacted.

**Carried**

**8. Adjournment**

Moved by: Councillor Twinney

Seconded by: Councillor Morrison

1. That the meeting be adjourned at 2:25 PM.

**Carried**

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John Taylor, Mayor

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Lisa Lyons, Town Clerk







**Town of Newmarket Extract  
Audit Committee**

**Title:** Town of Newmarket Consolidated Financial Statements  
**Date:** Tuesday, June 15, 2021

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**Moved by:** Councillor Bisanz  
**Seconded by:** Deputy Mayor & Regional Councillor Vegh

An alternate motion was presented and is noted below in bold.

1. That the Audit Committee recommends to Council that the Consolidated Financial Statements of The Corporation of Town of Newmarket for the year ended December 31, 2020 be approved, **as amended**; and,
2. That the Audit Committee recommends to Council that the Financial Statements of Town of Newmarket Main Street District BIA for the year ended December 31, 2020 be approved.

**Carried**





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

## **2020 Financial Statements and Auditor's Report Staff Report to Council**

Report Number: INFO-2021-49

Department(s): Financial Services

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

Meeting Date: June 21, 2021

### **Recommendations**

1. That the report entitled 2020 Financial Statements and Auditor's Report dated June 21, 2021 be received; and,
2. That the draft 2020 financial statements for the Corporation of the Town of Newmarket and the Town of Newmarket Main Street District BIA; the Financial Statement Discussion and Analysis prepared by staff; and the Report to the Audit Committee on the results of the December 31, 2020 financial statements audits from Deloitte LLP be received; and,
3. That Council approve the 2020 financial statements for the Corporation of the Town of Newmarket and the Town of Newmarket Main Street District BIA as endorsed by the Audit Committee.

### **Purpose**

The purpose of this report is to obtain Council approval of the 2020 Financial Statements.

### **Background**

Under the Municipal Act, 2001, as amended, municipalities are required to do the following:

1. A municipality must prepare financial statements in accordance with generally accepted accounting principles (Section 294.1);

2. The Treasurer must report the financial affairs of the municipality to Council (Section 286.(1)); and
3. The municipality must appoint a licensed auditor who is responsible for auditing the accounts and transactions of the municipality annually and expressing an opinion on the municipality's financial statements (Section 296.(1)).

The annual audit for the year ended December 31, 2020, performed by Deloitte LLP, was conducted in accordance with generally accepted auditing standards.

## **Discussion**

Staff presented the 2020 Preliminary Q4 Operating and Capital Budget dated April 12, 2021. The audit did not identify any material change to the reported results other than accounting for and restating the results of operations in accordance with Canadian public sector accounting standards.

The Auditor's Report on the 2020 consolidated financial statements of the Corporation of the Town of Newmarket, which forms an integral part of the financial statements, has been issued by Deloitte LLP and reflects their opinion, free of any qualifications or conditions, that the financial statements present fairly, in all material respects, the financial position of the Town in accordance with generally accepted accounting principles.

The financial activities of the Main Street District BIA, the Newmarket Public Library Board and the Town's proportionate share of Central York Fire Services are consolidated with the financial activities of the Town. The Town's investment in Newmarket Hydro Holdings Inc. (the majority shareholder for Newmarket Tay Hydro) is included on a modified equity basis.

The Consolidated Financial Statements and the Main Street District BIA Financial Statements are issued without restriction as they are presented in accordance with the Municipal Act, 2001, as amended. The format is consistent with the reporting requirements of the Public Sector Accounting Board (PSAB) of the Chartered Professional Accountants of Canada.

Audit results were reviewed by the Audit Committee on June 15, 2021. The Town's Audit Committee membership includes the Deputy Mayor/Regional Councillor, two Members of Council and three appointed citizens. Their mandate is to assist Council in maintaining the financial integrity of the municipality which includes reviewing and providing recommendations to Council regarding the annual report and management letter of the External Auditor. Quorum was maintained while not all members attended the meeting.



At the Audit Committee meeting, the Manager, Finance & Accounting/ Deputy Treasurer provided a high-level overview of the financial statements. The financial statements were approved for recommendation by the Audit Committee to Council. The draft Audit Committee motions are:

1. That the Audit Committee recommends to Council that the Consolidated Financial Statements of The Corporation of Town of Newmarket for the year ended December 31, 2020 be approved, as amended; and
2. That the Audit Committee recommends to Council that the Financial Statements of Town of Newmarket Main Street District BIA for the year ended December 31, 2020 be approved.

Appendix 4 Internal Control Matters from the Auditors Report to the Audit Committee were received by the Committee. While quorum was achieved, the Committee requested a future meeting to be scheduled to provide an opportunity for other members to discuss matters outlined on the document. This does not impede Council from approving the Town and BIA Financial Statements on June 21, 2021 as the Committee approved the Financial Statements.

## **Conclusion**

The 2020 Financial Statements were prepared by staff, audited by Deloitte and reviewed by the Audit Committee. These statements are now presented to Council for final approval.

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

This report links to Council's Strategic Priority of Long-term Financial Sustainability and ensuring ongoing continuous improvement.

## **Consultation**

Finance staff prepared the financial statements which were reviewed by Deloitte LLP, and subsequently presented to the Audit Committee.

## **Human Resource Considerations**

Not applicable.

## **Budget Impact**

Not applicable.

## **Attachments**

Attachment 1 - Financial Statement Discussion and Analysis (FSD&A)

Attachment 2 - DRAFT Consolidated Financial Statements of the Corporation of the Town of Newmarket 2020 Financial Statements and Auditor's Report

Attachment 3 - DRAFT Financial Statements of Town of Newmarket Main Street District BIA

Attachment 4 - Year End Communication Report from the Auditors

## **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)

## Financial statement discussion and analysis

The Town of Newmarket's consolidated financial statements have been prepared in accordance with reporting standards set by the Public Sector Accounting Board (PSAB) of the Chartered Professional Accountants of Canada. The consolidated financial statements include the financial results of:

- Town of Newmarket;
- Newmarket Public Library Board;
- The Main Street District Business Improvement Area;
- The Town's proportionate share of the joint venture with the Town of Aurora – Central York Fire Services

The Town's investment in Newmarket Hydro Holdings Inc. is accounted for on a modified equity basis. Newmarket Hydro Holdings Inc. has two subsidiaries – Newmarket-Tay Power Distribution Ltd. and Envi Networks Ltd.

A selection of financial indicators are explained below:

2020 Financial Highlights	2020	2019
<b>Financial position</b>	<b>\$632,694,296</b>	<b>\$592,242,503</b>
Financial position refers to the net position of assets in excess of liabilities. Positive balances indicate the Town's ability to cover debt obligations and to have funds set aside for future sustainability. The balance is increasing year over year. The Town's continued focus on increasing assets while lowering liabilities will keep this indicator on a positive trend.		
<b>Capital reserves as % of accumulated amortization</b>	<b>13.3%</b>	<b>10.3%</b>
<b>Capital reserve contribution as % of amortization</b>	<b>88.1%</b>	<b>96.4%</b>

These two ratios show the level of reserve funding for future capital purposes compared to the total depreciation to date and to the current rate of amortization. The more the Town funds capital reserves as compared to the annual amortization expense, the more the infrastructure gap narrows.

Breakdown of capital reserves as % of accumulated amortization was as follows:

Tax-supported	-9.1%
Utility (W/WW) rate supported	45.0%

Breakdown of the capital reserve contribution as % of amortization was as follows:

Tax-supported	57.9%
Utility (W/WW) rate supported	227.8%

2020 Financial Highlights	2020	2019	BMA Study 2019 Results
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<b>Receivables as % of total taxes levied (includes Region and School Board)</b>	<b>7.4%</b>	<b>3.0%</b>	<b>5.5%</b>
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Uncollected property taxes as a percentage of total taxes charged is a good indication of the strength of the local economy and the ability of the community to pay their annual taxes. The Town has a low ratio showing good economic health, increased liquidity, and strong controls over tax collection. Credit Rating agencies consider over 8% a negative factor. Based on the 2019 financial indicator review of 19 municipalities in the Greater Toronto Area from the BMA study, the average was 5.5%. In 2019, the Town's collection rate on taxes was at 97% as compared to the average 94.5%. The pandemic had an impact on the Town's taxes receivables in 2020.

<b>Asset consumption ratio</b>	<b>38.3%</b>	<b>38.2%</b>	<b>42.4%</b>
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The asset consumption ratio shows the value of the tangible capital assets that have been consumed. Total accumulated amortization is calculated as a percentage of the gross cost of depreciable assets. This ratio highlights the aged condition of the Town's physical assets and potential asset replacement needs. A higher ratio may indicate significant replacement needs. Out of 96 municipalities in the BMA study, the average was 42.4% in 2019 which is considered to be moderately new.

<b>Debt service costs as a % of own source revenues</b>	<b>4.4%</b>	<b>10.8%</b>
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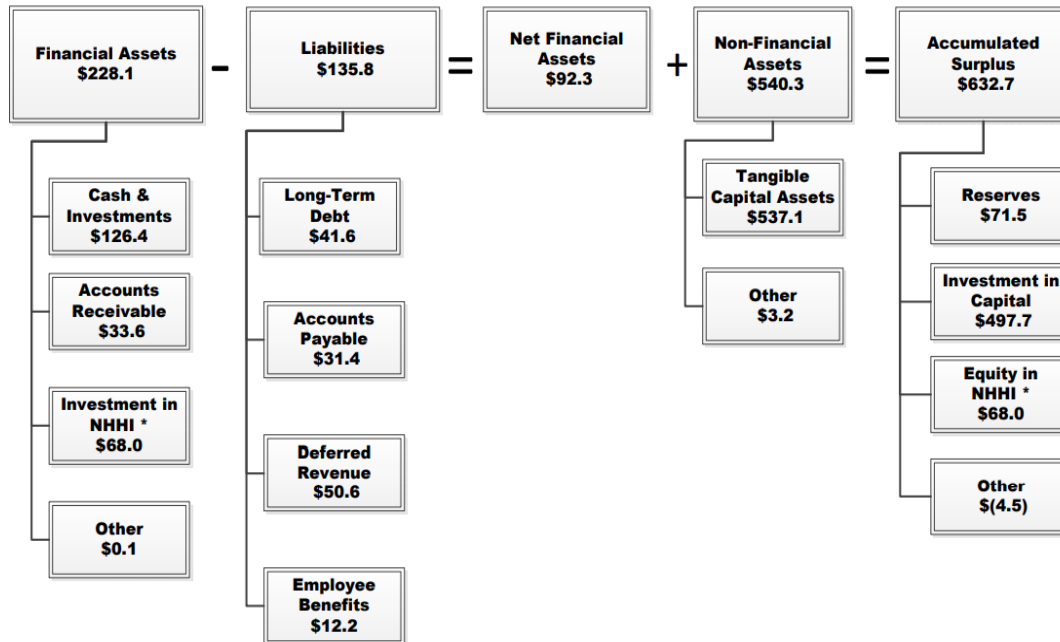
This ratio indicates the extent to which the Town's own source revenues are committed to debt charges.

The Ministry of Municipal Affairs and Housing considers a ratio between 5% and 10% to be a moderate risk and a ratio below 5% to be low risk. Credit rating agencies consider that principal and interest should be below 10% of own source revenue. This is the same calculation as that used for the Annual Repayment Limit.



## The Consolidated statement of financial position: Overview

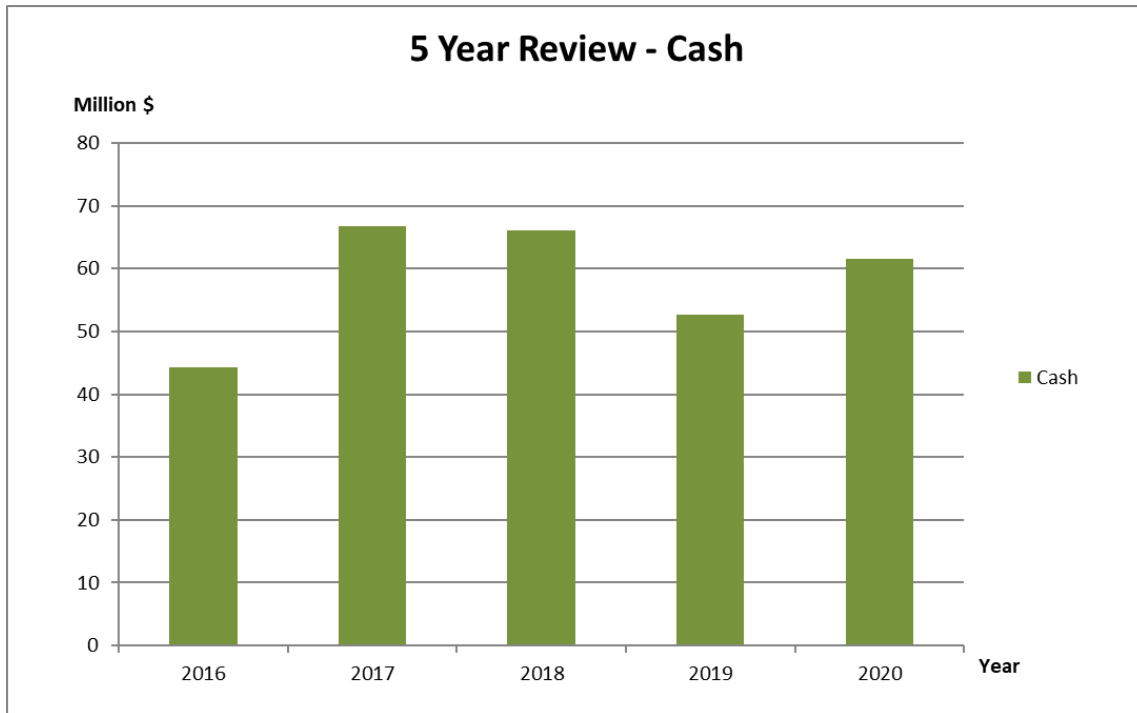
The Consolidated Statement of Financial Position highlights key financial figures. The chart below presents the information reported in the Consolidated Statement of Financial Position (in millions).



\*Newmarket Hydro Holdings Inc.

### **Cash resources**

The Town's cash position is closely managed and remains adequate, combined with short-term investments, to meet ongoing cash requirements. Management considers all highly liquid investments with maturity of three months or less to be cash equivalents. The year-end cash position increased by \$8.9 million from \$52.6 million (2019) to \$61.5 million (2020), while temporary investments increased by \$1.8 million from \$63.0 million (2019) to \$64.8 million (2020).



The cash position increased by \$8.9 million from 2019 mostly due to higher development charge collections net of expenses and lower capital expenditures due to the pandemic.

### ***Net Financial Asset Position***

Financial assets include cash and other assets expected to be converted to cash, sold, or consumed within a year. The Town ended the year with net financial assets totaling \$92.3 million (2019 - \$70.8 million), an increase of \$21.5 million. This balance is calculated as total financial assets less liabilities that represents the amount available to finance future operations.

### **Deferred revenue**

Deferred revenues are considered liabilities until the funds are spent or used for their intended purpose. The major deferred revenues include:

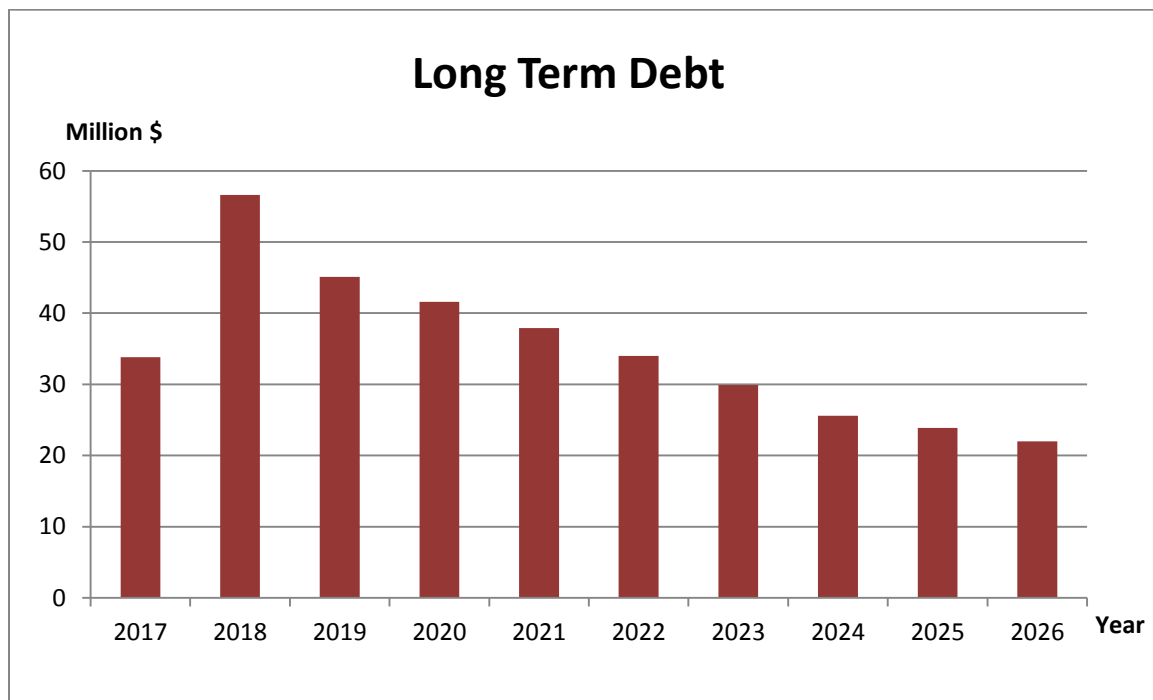
- development charges;
- building permit revenue;
- Federal gas tax and other grants;
- parkland cash in-lieu;
- engineering administration revenues.

In 2020, the Town collected \$14.1 million and allocated \$5.8 million to capital projects.

## Long-term debt

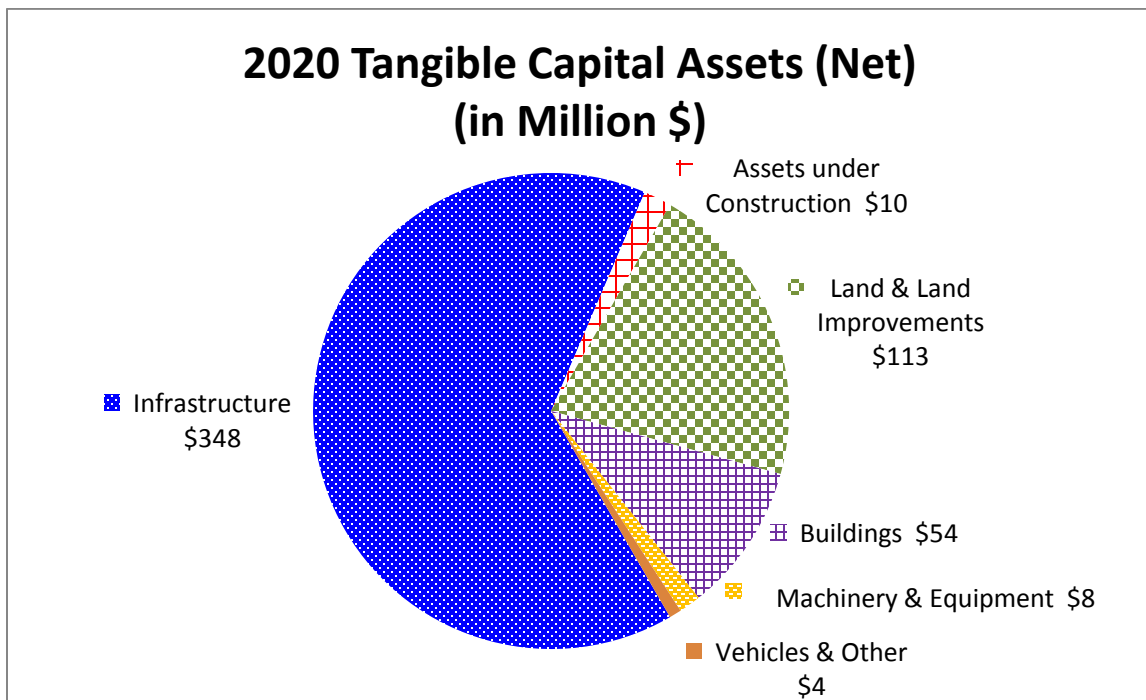
A significant component of the financial liabilities is the Town's long-term debt. A new debt policy was adopted in May 2018 that established the criteria for loans. Generally, debt financing is only available for capital expenditures included in the Asset Management Plan when other sources of financing are not available. The revised policy continues to have a servicing limit (principle and interest) equal to 10% of the Town's own source revenues which is lower than the 25% limit that the province allows municipalities.

In 2020, the Town's actual debt servicing was 4.4% (2019 – 10.8%). 2019 was higher due to the repayment of the Operations Centre debenture. At an annual interest rate of 5% with a term of 20 years, the Town could borrow another \$120 million and still remain within its 10% debt servicing (borrowing) limit. Debt represents 8.0% of the net book value of Town's tangible capital assets (2019 – 9.0%).



The Town's long-term debt position reflects the pattern of investment in major infrastructure projects. In 2018, a 30 year \$26 million debenture was issued by Infrastructure Ontario through York Region for the purchase of the Mulock Farm property. In 2019, the debenture for the Operations Centre was paid off which accounts for \$8.1 million of the repayments in the year.

## Non-financial assets



A transition to a multi-year capital budget began in 2019. Previously approved but unspent capital budgets were assigned to a more appropriate timeline based on anticipated capital delivery.

The 2020 approved capital budget totaled \$37.8 million. \$31.2 million was budgeted for tangible capital assets (TCA) and \$6.6 million for major repair and maintenance expenses and items below the threshold for TCA. \$14.2 million (37.6%) of TCA were added in 2020. The timing and delivery of capital spending was directly impacted by the pandemic.

One of the Town's goals has been to develop a sustainable capital financing strategy. A review of the Town's asset replacement funds took place to determine the financial requirements to replace the Town's assets and how the Town's annual contributions to these reserve funds compare. Since 2013, additional capital levies ranging from 0.74% to 1% were added every year except in 2017. A capital levy of 1% was included in 2020.

The Town has an approved asset management plan and strategy. Staff continues to refine and update the plan, and it is anticipated to be on track to meet provincial regulations.

The Town's tangible capital assets (net of amortization expense) increased by \$18.7 million in 2020 compared to an increase of \$3.9 million in 2019.



## Accumulated surplus (deficit)

The Town's accumulated surplus for fiscal 2020 is \$632.7 million (2019 - \$592.2 million). The accumulated surplus reflects the resources that have been built up over time at the Town of Newmarket and the balance includes items such as tangible capital assets, equity in Newmarket Hydro Holdings Inc., and various reserves and reserve funds.

### 21. ACCUMULATED SURPLUS

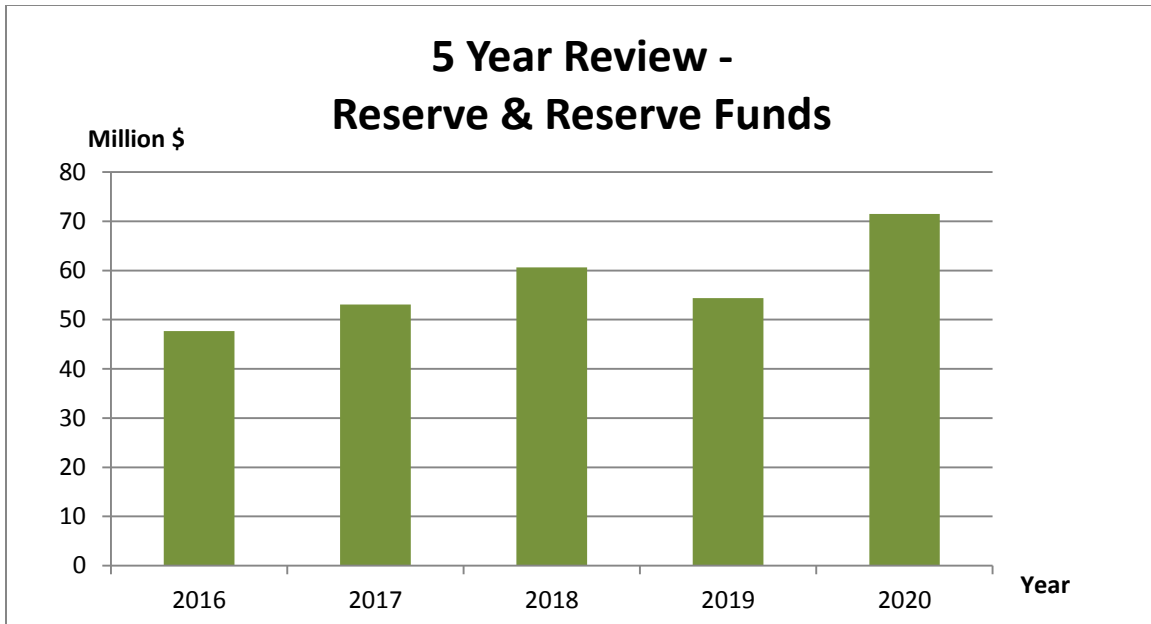
The Accumulated Surplus is comprised of the following:

	2020	2019
<b>Reserves set aside for specific purposes by Council</b>		
Reserves for operating purposes	\$ 10,612,811	\$ 8,247,696
Reserves for capital purposes	3,607,567	3,559,717
Newmarket Public Library	974,027	606,104
Water & Wastewater Rate Stabilization	5,400,466	1,754,643
<b>Total Reserves</b>	<b>20,594,871</b>	<b>14,168,160</b>
<b>Reserve funds set aside for specific purposes by Council</b>		
Asset replacement funds	31,720,559	22,319,524
Reserve funds for operating purposes	5,468,176	5,910,476
Reserve funds for capital purposes	9,096,868	7,150,036
Self-insured long-term disability	4,628,173	4,834,221
<b>Total Reserve Funds</b>	<b>50,913,776</b>	<b>40,214,257</b>
<b>Total Reserves and Reserve Funds</b>	<b>71,508,647</b>	<b>54,382,417</b>
Invested in tangible capital assets	537,113,344	518,383,541
Less: amount financed by long-term debt	(41,561,103)	(45,081,715)
Equity in Newmarket Hydro Holdings Inc. (Note 10)	67,998,430	67,910,617
Employee future benefits to be recovered	(4,541,937)	(5,206,897)
Operating	486,339	-
Capital Fund Balance	1,690,576	1,854,540
<b>Accumulated Surplus</b>	<b>\$ 632,694,296</b>	<b>\$ 592,242,503</b>

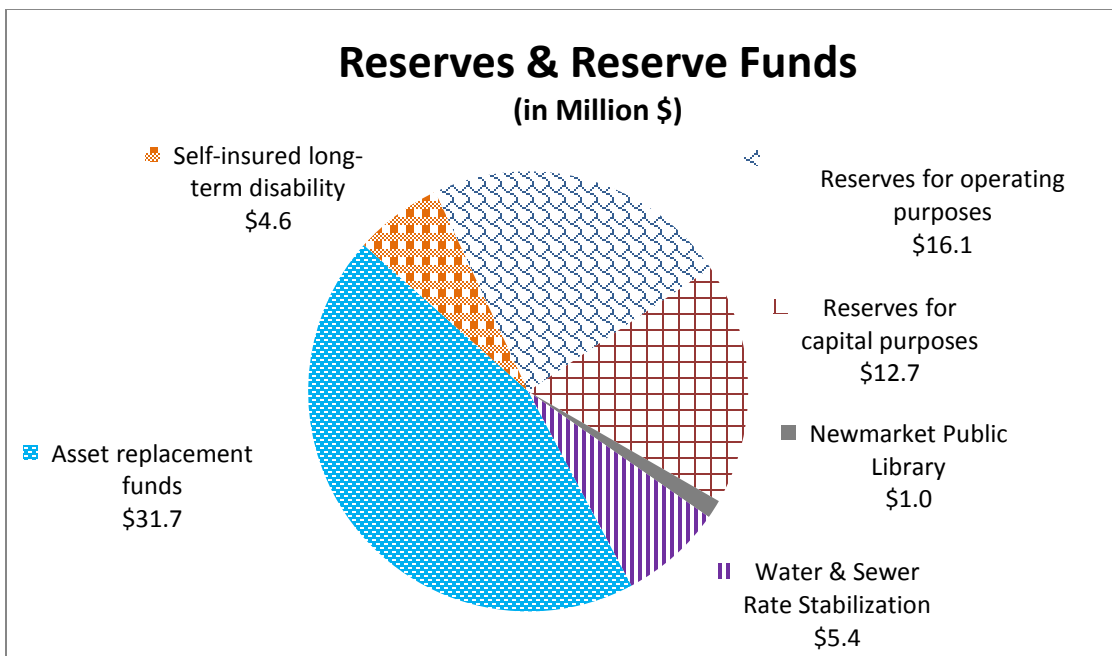
It is the Town's practice to record year-end transfers in the current year to balance rate-supported operating budgets such as water, wastewater, stormwater, as well as the building department.

## Reserves and Reserve Funds

Reserves and reserve funds are used to set aside funding for the future replacement of the Town's assets, as well as other expected and unexpected obligations. They also help to minimize potential fluctuations in the tax and utility rates, which is commonly referred to as Rate Stabilization.



The total of the Town's reserves and reserve funds at the end of 2020 was \$71.5 million, an increase of \$17.1 million from the beginning of the year. The major factor for the increase was the delay in delivering capital projects as a result of the pandemic which reduced reserve and reserve fund expenditures. Contributions to asset replacement net of expenditures was \$9.4 million, the remaining increase is made of operating and general capital reserve contributions net of expenditures.

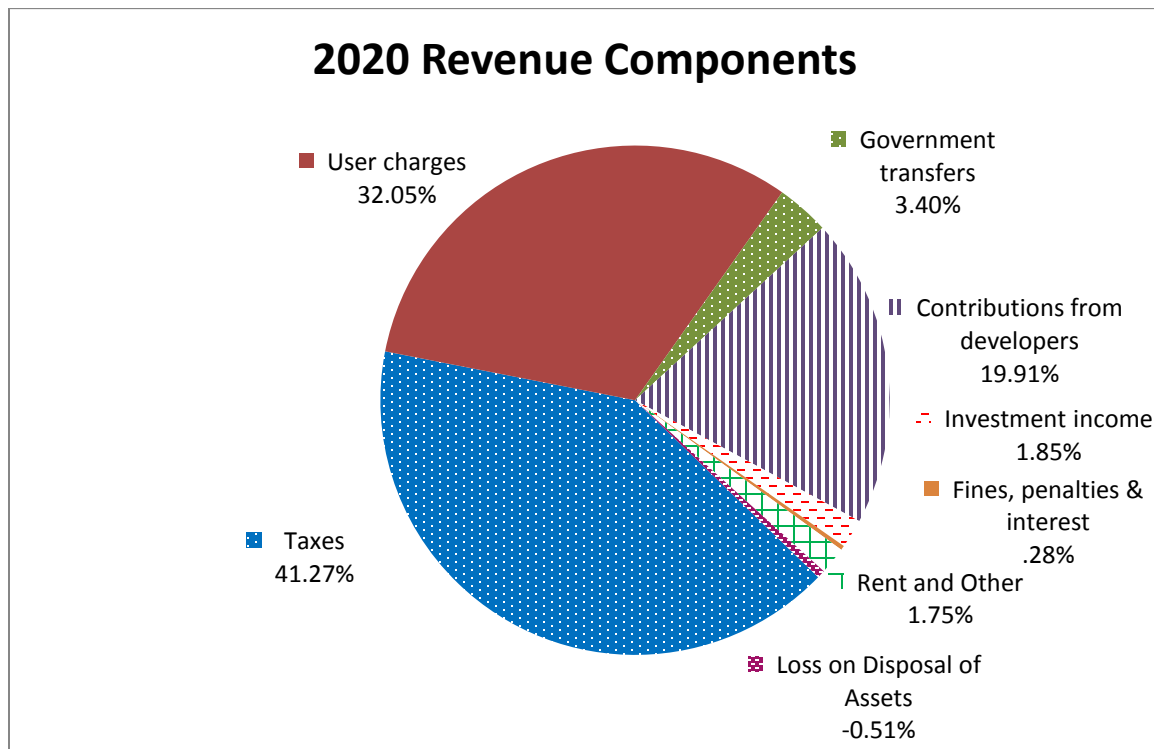


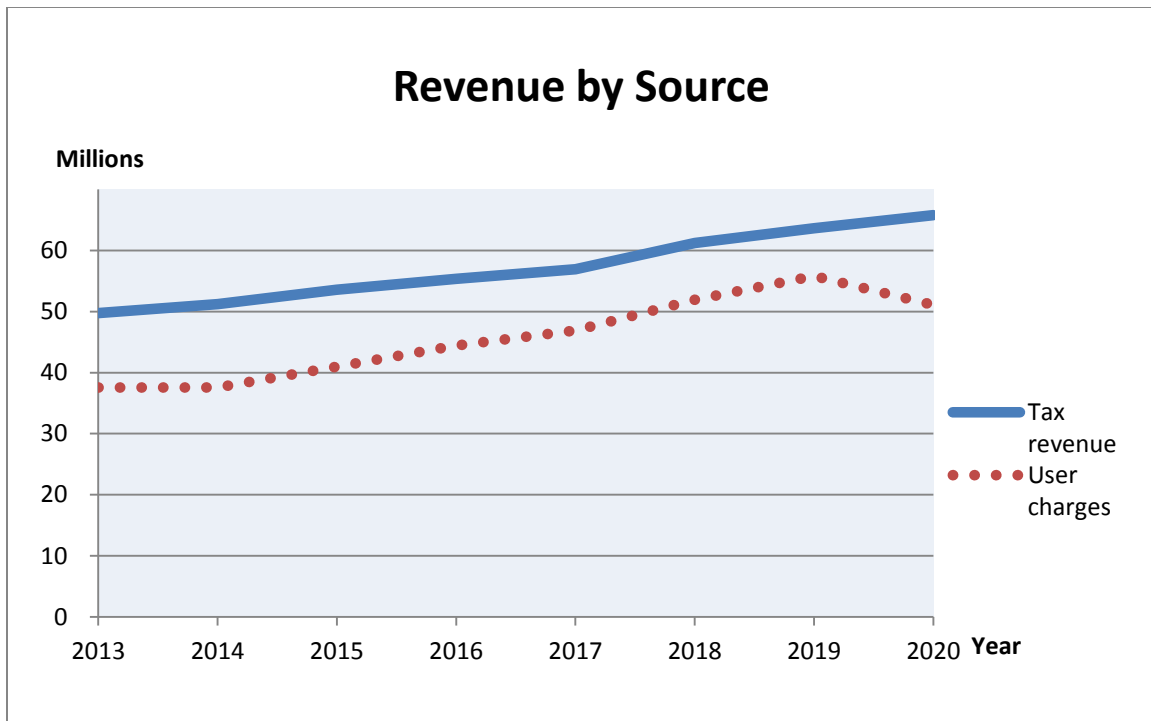
## Consolidated statement of operations and surplus

The consolidated statement of operations reports the revenue collected by the Town, the cost of providing municipal services and the resulting annual surplus or deficit.

### **Revenues**

The Town pays for the services it delivers through a variety of revenue streams including property taxes, user charges, government transfers, contributions from developers, investment income, fines, penalties and interest; rent, land sales, and the sale of goods.





Revenue highlights for 2020 include:

- Property taxes increased by \$2.5 million. Year over year the percentage of revenue from property taxes has remained over 40% of total revenues. Reducing our dependence on property taxes is one of the Town's financial goals.

Supplementary taxes are difficult to predict and sustain. Actual billings in 2020 were \$300,459, which was down from the 2019 level of \$686,000. The reduction in supplementary revenue was a result of the pandemic. The 2020 supplementary budget was \$596,547.

Write offs and provisions, which reduce tax revenues, were significantly lower than in 2019. The Government of Ontario paused all appeals as part of the emergency measures introduced in March 2020. The emergency measures were subsequently lifted in September 2020.

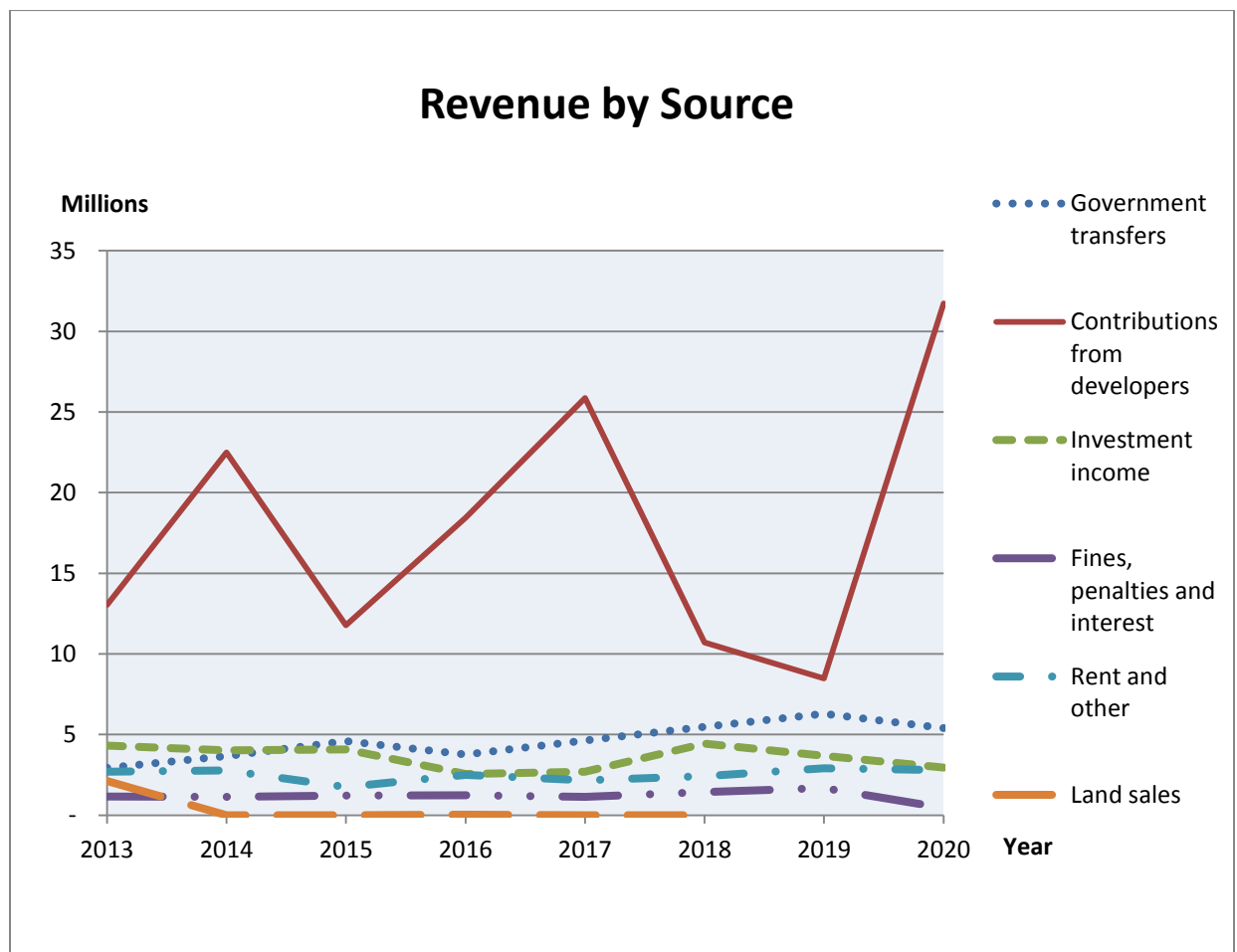
The Town approved a total of \$225,507 charity rebates in 2020. This was slightly less than 2019 at \$235,876. There were 41 applications processed in 2020 versus 39 in 2019. The proactive assessment management plan, started in 2014 and continues with a shifted focus to undervalued or missing assessments along with open appeals.



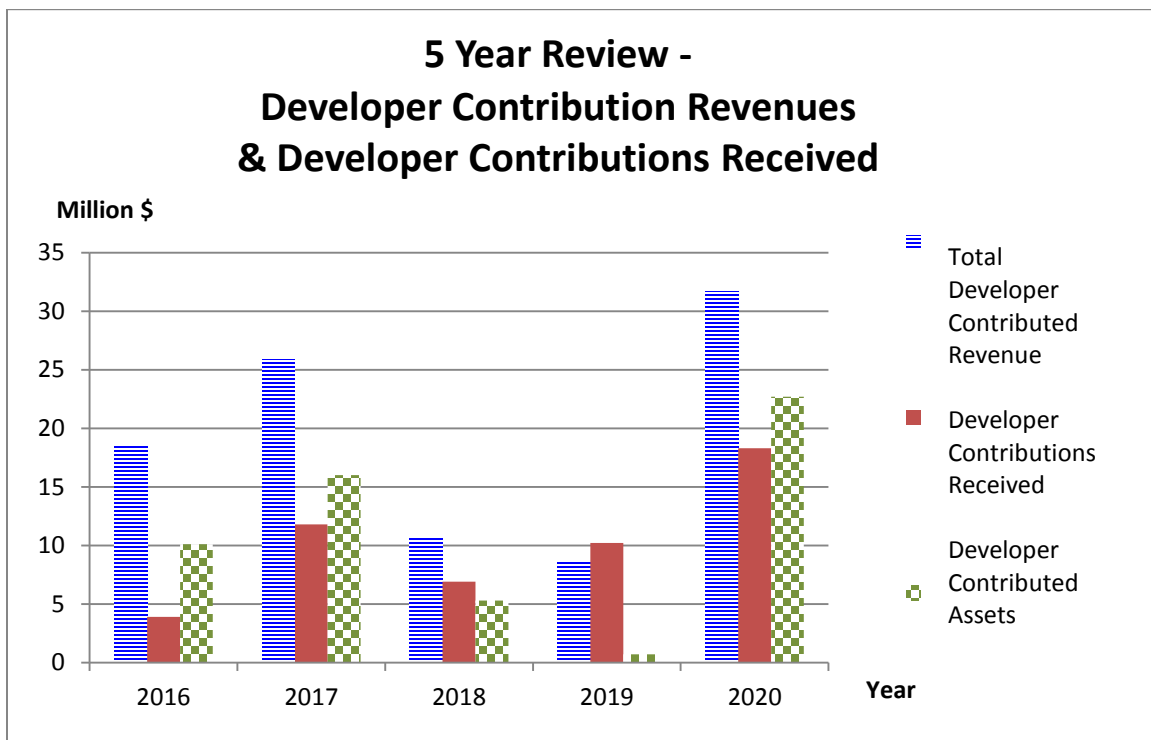
- User charges include water, wastewater, and stormwater revenues, recreation program revenues, license fees, and building permit fees. The majority of user charges are water and wastewater revenues where the average resident's bill increased by 4.9% or \$60 from 2019 for the first four months of 2020. The Town introduced a Financial Relief program as a result of the pandemic. This program authorized the water & wastewater rates to revert back to the 2019 rates effective May 2020.

Building permit revenues were 16% higher than in 2019, but it was 36% less than the budget resulted in a \$1.3 million draw from the Building Permit Reserve Fund. Up until Jan 1, 2020, there had been no price increase to the fees since 2016 when the fee structure was modified, based on a review done by BMA Consulting.

A few new fees and charges for recreation and culture programs and services were introduced in 2020, while majority of the fees remained at the 2019 levels. Recreation and culture was directly affected by the pandemic with facility closures and many programs temporarily cancelled.



- Government transfers were lower than 2019 by \$0.9 million. In 2020, the Town received the Safe Restart grant from the Federal government of \$1.8 million. In 2019, the Town received a “top up” gas tax payment of \$2.5 million which was the main difference in the year over year change. Most grant funding is only received after costs have been incurred.
- Contributions from developers were \$23.2 million higher than in 2019, mostly due to the significantly higher level of contributed assets (\$22.7 million vs. \$0.7 million in 2019). Tangible capital assets contributed to the Town included 102 streetlights and many road segments and associated infrastructure and sidewalks constructed between 2007 and 2018. The assumption of subdivisions is not budgeted for as the amounts and timing are very difficult to predict (see the red line on Revenue by Source chart below). Capital fund developer contributions are mostly development charges (DC's) and are driven by financing requirements for capital projects.
- Contributions received represent the cash inflows from developers. Revenues from developers are tied to agreements, capital projects or operating expenditures, such as a debenture, as a funding source.



- Interest earned in the Operating Fund was significantly lower than budget in 2020 (actual - \$0.2 million; budget - \$0.8 million). The prime rate dropped from 3.95% after Q1 and remained at 2.45% for the rest of the year. The interest rates on our operating account also fell to 0.95%, from 2.45%.

Our investments include a number of non-traditional investments (loan to a user group, installation of solar panels, and energy retrofit project). The Town is transitioning towards a multi-year capital budget which will improve cash forecasting and long-term investing.

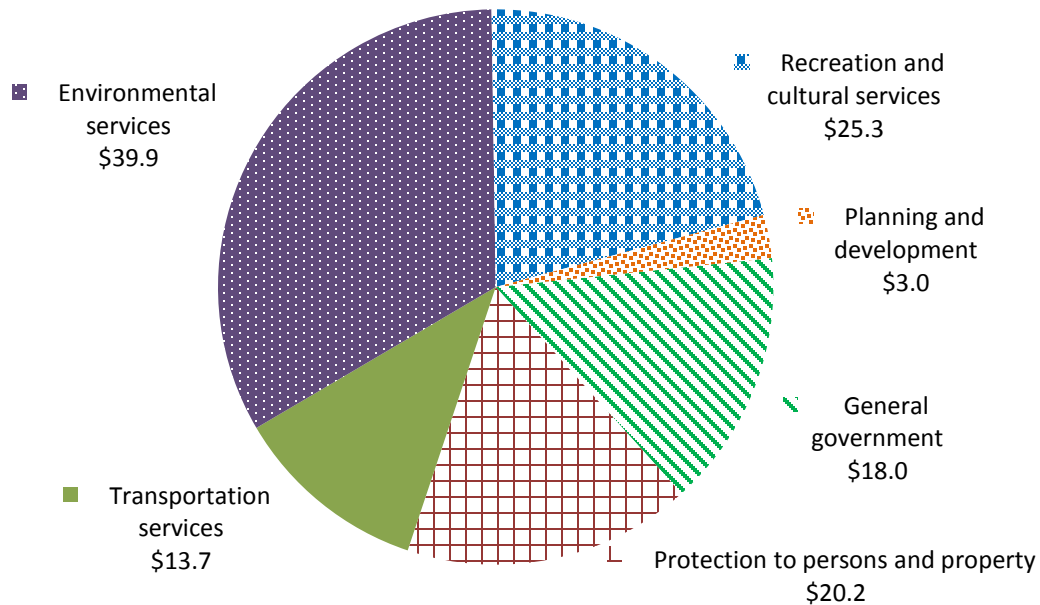
It has been the Town's practice to recognize the dividend from Newmarket-Tay Power before it is paid or even declared. This accrual was acceptable, as there was a board-approved dividend policy and a consistent practice of receiving this payment the following year. Due to the pandemic, the 2019 dividend, which would normally be paid in December 2020, was not guaranteed. Therefore, the dividend of \$1,336,000 was not accrued in 2019 which was subsequently received in 2020. The same practice was applied in 2020; therefore the 2020 dividend was not accrued. The Town will continue to address dividends as declared on a cash basis.

- Rent and Other was below budget. Included in this section were capital recovery amounts from Aurora for their portion of the shared fire services which included the construction of Station 4-5. Capital project delivery timelines were greatly impacted by the pandemic.
- Gains (losses) on the disposal of tangible capital assets are not budgeted. When roads, trails or walkways are reconstructed, any remaining unamortized cost represents a loss as there are no corresponding proceeds.

## **Expenses**

The Town provides a wide variety of municipal services to its residents. The chart below provides an overview of these services by functional activities, consistent with provincially-legislated requirements.

## 2020 Expenses by Function



Some of the major services included in each category are:

### **General government:**

Finance, Human Resources, Information Technology, Communications, Legal, Customer Services, Clerks Office, Council and Executive Office expenses

### **Protection to persons and property:**

Fire services, Licensing, and Bylaw Enforcement

### **Transportation services:**

Roads and Road Maintenance, Snowplowing, Operations and Capital Projects Engineering

### **Environmental services:**

Water and Wastewater Services, and Solid Waste Collection

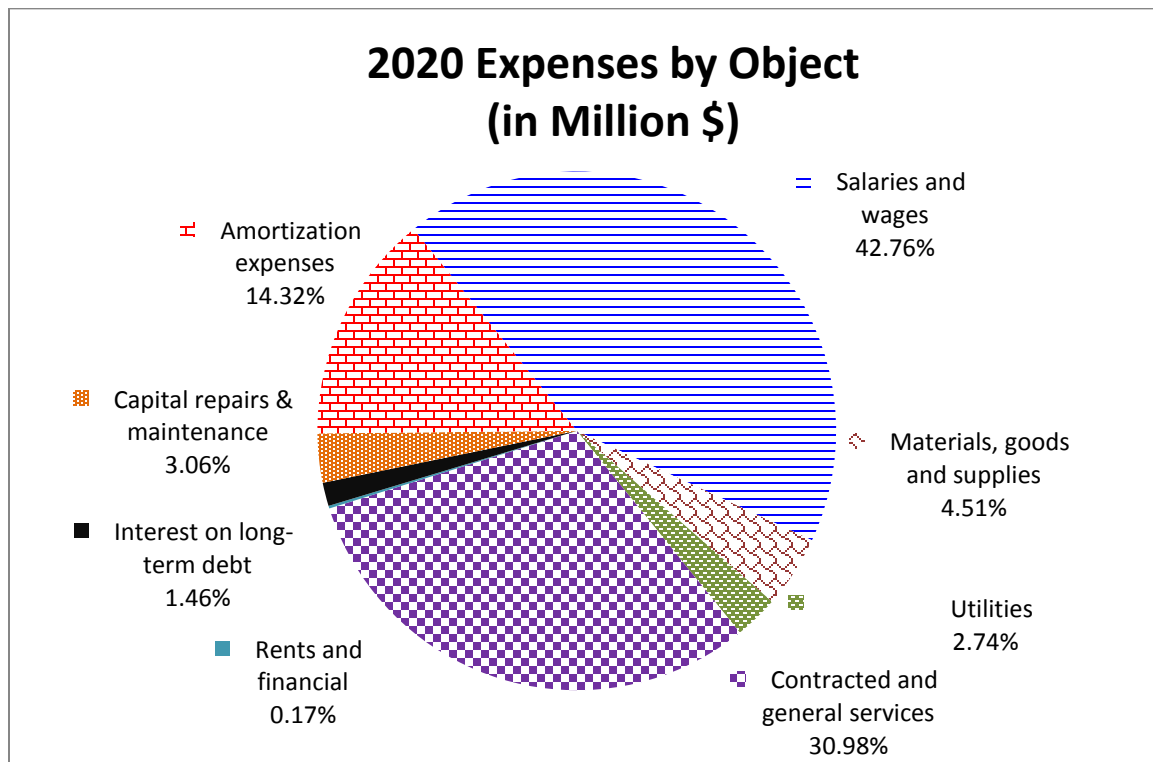
### **Recreational and cultural services:**

Programs and Facility costs at all Recreation Centres, Parks Maintenance, Library, Theatre and Museum

### Planning and development:

Planning and Building, Engineering and Development, and Economic Development

*Schedule 2 to the Consolidated Financial Statements (pages 27-29) shows a breakdown of these costs by service bundle.*



- Total expenses in 2020 were \$120.1 million, a decrease of \$14.0 million over 2019. Reduced spending in 2020 was a result of delays and restrictions due to the pandemic.
- Salaries, wages and benefits are the most significant component of the Town's costs which decreased by \$2.4 million over 2019. The economic increase in 2020 was 1.74%. Casual wages were significantly lower in Recreation due to the cancellation of most recreation and culture programs; this included the cancelation of all camps such as March, summer and winter breaks.
- Materials, goods and supplies (including minor capital, water meters and materials for main replacement, equipment rental, and repairs and maintenance) decreased by \$2.0 million over 2019.



- Contracted and general services were lower by \$2.0 million over 2019. Charges from the Region for water and wastewater are the biggest component of this expense category; however the charges for the year were marginally lower than 2019. This was due to the fact that the Region waived its 2020 planned increase due to the pandemic offset by an increase in water purchases due to higher consumption. Community Programs, Facilities, Parks and Trails made up the largest reduction year over year.
- Capital repairs and maintenance includes capital expenses that do not meet the definition of TCA and annual maintenance programs. Some examples include parks spot improvements, playground equipment replacement, playground resurfacing, sidewalk spot repairs and trail rehabilitation. These expenses were significantly lower than 2019 levels.
- Amortization (or depreciation) increased by 3.1% over 2019.

### ***Annual (current year) surplus***

The annual (current year) surplus for the year was \$40.4 million.

<b>ANNUAL SURPLUS RECONCILIATION</b>	
<b>Surplus based on operating fund</b>	<b>\$ 486,339</b>
<b>Add:</b> Principal payment on long-term debt	3,520,612
Contributed tangible capital assets	22,678,699
Acquisition of tangible capital assets	14,265,592
Income from Newmarket Hydro Holdings Inc. (net)	87,813
Financing from future revenue (employee benefits)	664,960
Reserves and reserve fund	17,126,230
<b>Less:</b> Capital fund balance	(163,964)
Amortization expenses	(17,396,439)
Book value of disposals	(818,049)
<b>Surplus Per Consolidated Statement of Operations</b>	<b>\$ 40,451,793</b>

## Employee Future Benefits

Employee Future Benefits are comprised of health and dental benefits that are provided to retirees and employees currently on a long-term disability. The Town recognizes these post-retirement costs as they are earned during the employee's tenure of service. The projected benefit liability of \$7,323,665 was determined by the last actuarial valuation carried out as at December 31, 2019 using a discount rate of 2.8%.

	2020	2019
Accrued obligation benefits	\$ 7,131,664	\$ 6,790,658
Unamortized actuarial gains (losses)	\$ 192,001	\$ 215,594
<b>Employee future benefits liability</b>	<b>\$ 7,323,665</b>	<b>\$ 7,006,252</b>

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

	Reasonable Possible Change %	Accumulated Benefit Obligation	Difference \$	Difference %
<b>Discount Rate</b>	1	(700,607)	(65,946)	-0.9%
<b>Discount Rate</b>	-1	975,366	83,300	1.1%
<b>Cost Trends</b>	1	603,854	52,454	0.7%
<b>Cost Trends</b>	-1	(518,715)	(43,246)	-0.6%



Consolidated financial statements of

**The Corporation of the  
Town of Newmarket**

December 31, 2020

# The Corporation of the Town of Newmarket

December 31, 2020

## Table of contents

Independent Auditor's Report .....	1-2
Consolidated Statement of Financial Position.....	3
Consolidated Statement of operations And Accumulated Surplus.....	4-5
Consolidated Statement of Change in Net Financial Assets.....	6
Consolidated Statement of Cash Flows .....	7-8
Notes to the Consolidated Financial Statements .....	9-24
Schedule 1 – Tangible Capital Assets – Summary by Category.....	25-26
Schedule 2 – Segment Disclosures – Service Bundle.....	27-29



## Independent Auditor's Report

To the Members of Council of  
The Corporation of the Town of Newmarket

### Opinion

We have audited the consolidated financial statements of The Corporation of the Town of Newmarket (the "Town"), which comprise the consolidated statement of financial position as at December 31, 2020, and the consolidated statements of operations and accumulated surplus, change in net financial assets and cash flows for the year then ended, and notes to the consolidated financial statements, including a summary of significant accounting policies (collectively referred to as the "financial statements").

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the Town as at December 31, 2020, and the results of its operations, changes in net financial assets, and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

### Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards ("Canadian GAAS"). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the Town in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Responsibilities of Management and those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the Town's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the Town or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the Town's financial reporting process.

### Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian GAAS will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these consolidated financial statements.

As part of an audit in accordance with Canadian GAAS, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Town's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Town's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the Town to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- Obtain sufficient appropriate audit evidence regarding the financial information of the entities or business activities within the Town to express an opinion on the financial statements. We are responsible for the direction, supervision and performance of the group audit. We remain solely responsible for our audit opinion.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Chartered Professional Accountants  
Licensed Public Accountants  
[expected to be dated July 21, 2021]

**THE CORPORATION OF THE TOWN OF NEWMARKET**  
**Consolidated Statement of Financial Position**

**December 31, 2020**

	<u>2020</u>	<u>2019</u>
<b>FINANCIAL ASSETS</b>		
Cash and cash equivalents (Note 4)	\$ 61,522,596	\$ 52,586,372
Temporary investments (Note 5)	64,834,304	62,968,260
Taxes receivable (Note 6) (a)	13,659,099	5,324,399
User charges receivable	10,612,009	6,827,688
Accounts receivable (Note 6) (b)	1,530,855	7,399,855
Inventory for resale (Note 8)	55,809	43,450
Surplus land (Note 9)	155,285	155,285
Loans receivable (Note 6) (c)	7,786,343	120,097
Investment in Newmarket Hydro Holdings Inc. (Note 10)	67,998,430	67,910,617
	<b>228,154,730</b>	<b>203,336,023</b>
<b>LIABILITIES</b>		
Accounts payable and accrued liabilities (Note 11)	30,706,653	31,795,118
Interest payable on long-term debt	653,369	710,869
Employee future benefits liability (Note 12)	7,786,842	7,457,790
Long-term disability benefits liability (Note 13)	4,539,602	4,502,355
Deferred revenue (Note 14)	50,586,804	43,008,294
Long-term debt (Note 15)	41,561,103	45,081,715
	<b>135,834,373</b>	<b>132,556,141</b>
<b>NET FINANCIAL ASSETS</b>	<b>92,320,357</b>	<b>70,779,882</b>
<b>NON-FINANCIAL ASSETS</b>		
Inventory (Note 8)	1,092,812	756,772
Prepaid expenses and other (Note 7)	2,167,783	2,322,308
Tangible capital assets (Note 24)	537,113,344	518,383,541
	<b>540,373,939</b>	<b>521,462,621</b>
<b>ACCUMULATED SURPLUS (Note 21)</b>	<b>\$ 632,694,296</b>	<b>\$ 592,242,503</b>

**Contingencies and lease agreements (Notes 17 and 18)**

THE CORPORATION OF THE TOWN OF NEWMARKET

Consolidated Statement of Operations and Accumulated Surplus

Year ended December 31, 2020

	2020		2019
	<u>Budget</u>	<u>Actual</u>	<u>Actual</u>
	(Note 2)		
<b>REVENUES</b>			
<b>Taxation and user charges</b>			
Residential and farm taxation	\$ 54,842,182	\$ <b>54,157,793</b>	\$ 52,243,991
Commercial, industrial and business taxation	10,370,591	<b>10,674,327</b>	10,536,717
Taxation from other governments	722,525	<b>949,067</b>	842,041
User charges	56,226,497	<b>51,085,098</b>	55,803,009
	122,161,795	<b>116,866,285</b>	119,425,758
<b>Government Transfers (Note 22)</b>			
Government of Canada	-	<b>92,122</b>	1,106,248
Federal Gas Tax (Note 14)	6,458,000	<b>1,314,489</b>	2,602,483
Province of Ontario	660,891	<b>4,005,588</b>	2,581,618
	7,118,891	<b>5,412,199</b>	6,290,349
<b>Other</b>			
Contribution from developers	13,770,171	<b>31,725,755</b>	8,489,238
Investment income	2,456,604	<b>2,951,303</b>	3,685,633
Fine, penalties and interest	1,839,754	<b>451,176</b>	1,681,254
Rent and other	4,671,760	<b>2,701,638</b>	2,909,993
(Loss) on disposal of tangible capital assets	-	<b>(729,911)</b>	(222,999)
	22,738,289	<b>37,099,961</b>	16,543,119
<b>TOTAL REVENUES</b>	\$ 152,018,975	\$ <b>159,378,445</b>	\$ 142,259,226

THE CORPORATION OF THE TOWN OF NEWMARKET

Consolidated Statement of Operations and Accumulated Surplus

Year ended December 31, 2020

	2020		2019
	<u>Budget</u> (Note 2)	<u>Actual</u>	<u>Actual</u>
<b>EXPENSES (Note 25)</b>			
General government	\$ 19,691,858	18,029,151	\$ 17,888,430
Protection to persons and property	20,092,345	20,177,571	19,334,894
Transportation services	14,426,071	13,696,911	16,728,171
Environmental services	43,752,454	39,915,591	40,501,514
Recreation and cultural services	37,152,877	25,294,474	36,081,394
Planning and development	3,459,952	3,029,864	3,655,469
	<b>138,575,557</b>	<b>120,143,562</b>	<b>134,189,872</b>
<b>Income/(loss) From Newmarket Hydro Holdings Inc. (Note 10)</b>	<b>2,336,000</b>	<b>1,423,813</b>	<b>(541,634)</b>
<b>Loss on foreign exchange</b>	<b>-</b>	<b>(206,903)</b>	<b>(543,220)</b>
<b>ANNUAL SURPLUS</b>	<b>15,779,418</b>	<b>40,451,793</b>	<b>6,984,500</b>
<b>ACCUMULATED SURPLUS, BEGINNING OF YEAR</b>	<b>592,242,503</b>	<b>592,242,503</b>	<b>585,258,003</b>
<b>ACCUMULATED SURPLUS, END OF YEAR</b>	<b>\$ 608,021,921</b>	<b>\$ 632,694,296</b>	<b>\$ 592,242,503</b>



THE CORPORATION OF THE TOWN OF NEWMARKET  
Consolidated Statement of Change in Net Financial Assets  
Year ended December 31, 2020

	2020		2019
	Budget	Actual	Actual
	(Note 2)		
<b>Annual surplus</b>	\$ 15,779,418	\$ 40,451,793	\$ 6,984,500
Acquisition of tangible capital assets	(31,163,090)	(14,265,592)	(20,493,072)
Contributed tangible capital assets	-	(22,678,699)	(678,434)
Amortization of tangible capital assets	17,193,659	17,396,439	16,857,430
Proceeds on disposal of tangible capital assets	-	88,138	143,441
Loss on disposal of tangible capital assets	-	729,911	222,999
	(13,969,431)	(18,729,803)	(3,947,636)
Changes due to inventory	(15,135)	(336,040)	(205,183)
Changes due to prepaid expenses and other	120,000	154,525	848,619
	104,865	(181,515)	643,436
<b>CHANGE IN NET FINANCIAL ASSETS</b>	1,914,852	21,540,475	3,680,300
<b>NET FINANCIAL ASSETS, BEGINNING OF YEAR</b>	70,779,882	70,779,882	67,099,582
<b>NET FINANCIAL ASSETS, END OF YEAR</b>	72,694,734	92,320,357	70,779,882

**THE CORPORATION OF THE TOWN OF NEWMARKET**

**Consolidated Statement of Cash Flows**

**Year ended December 31, 2020**

	<b>2020</b>		<b>2019</b>
	<u>Budget</u>	<u>Actual</u>	<u>Actual</u>
	(Note 2)		
<b>CASH PROVIDED BY (USED IN):</b>			
<b>OPERATING ACTIVITIES</b>			
<b>Cash received from</b>			
Taxation	\$ 61,369,403	<b>59,668,277</b>	\$ 61,073,205
User charges	52,650,764	<b>47,275,448</b>	54,557,980
Government transfers	4,215,930	<b>8,167,833</b>	5,751,621
Contributions from developers	7,105,000	<b>18,310,991</b>	10,221,897
Investment income	3,792,604	<b>5,494,014</b>	4,427,550
Fine, penalties and interest	1,839,754	<b>448,420</b>	1,700,052
Rent and other	3,335,760	<b>2,769,007</b>	2,913,570
Aurora's share of Central York Fire Services	11,749,295	<b>11,749,047</b>	10,729,902
	<b>146,058,510</b>	<b>153,883,037</b>	<b>151,375,777</b>
<b>Cash paid for</b>			
Salaries, wages and employee benefits	63,889,786	<b>61,046,868</b>	63,257,214
Materials, goods, and supplies	10,374,338	<b>5,137,231</b>	10,170,920
Utilities	4,967,084	<b>3,166,663</b>	4,869,690
Contracted and general services	44,615,600	<b>39,141,109</b>	38,010,421
Capital repairs and maintenance	7,724,037	<b>6,963,252</b>	4,631,409
Interest on long-term debt	1,827,763	<b>1,827,763</b>	2,304,739
Rents and financial	284,257	<b>199,292</b>	278,683
	<b>133,682,865</b>	<b>117,482,178</b>	<b>123,523,076</b>
<b>Net change in cash from operating activities</b>	<b>12,375,645</b>	<b>36,400,859</b>	<b>27,852,701</b>
<b>CAPITAL ACTIVITIES</b>			
Proceeds on disposal of tangible capital assets	-	<b>88,138</b>	143,441
Acquisition of tangible capital assets	(31,163,090)	<b>(14,265,592)</b>	- 20,493,072
<b>Net change in cash from capital activities</b>	<b>(31,163,090)</b>	<b>(14,177,454)</b>	<b>- 20,349,631</b>
<b>INVESTMENT ACTIVITIES</b>			
(Loss)/Gain on Foreign Exchange	-	<b>(206,903)</b>	- 543,220
Temporary investments	20,968,260	<b>(1,866,044)</b>	- 8,886,096
<b>Net change in cash from investment activities</b>	<b>20,968,260</b>	<b>(2,072,947)</b>	<b>- 9,429,316</b>

The accompanying notes are an integral part of these consolidated financial statements.

**THE CORPORATION OF THE TOWN OF NEWMARKET**

**Consolidated Statement of Cash Flows**

**Year ended December 31, 2020**

	<b>2020</b>		<b>2019</b>
	<u>Budget</u>	<u>Actual</u>	<u>Actual</u>
<b>FINANCING ACTIVITIES</b>			
Loans receivable issued during the year	-	<b>(7,693,622)</b>	-
Principal repayment on long-term debt	(3,520,612)	<b>(3,520,612)</b>	- 11,551,246
<b>Net change in cash from financing activities</b>	(3,520,612)	<b>(11,214,234)</b>	- 11,551,246
<b>NET CHANGE IN CASH</b>	(1,339,797)	<b>8,936,224</b>	- 13,477,492
<b>CASH, BEGINNING OF YEAR</b>	52,586,372	<b>52,586,372</b>	66,063,864
<b>CASH, END OF YEAR</b>	<b>\$ 51,246,575</b>	<b>61,522,596</b>	52,586,372
<b>Supplementary information:</b>			
Interest paid		<b>2,076,950</b>	2,304,739
Interest received		<b>686,214</b>	1,815,802

The Town of Newmarket is a municipality in the Province of Ontario, Canada. It conducts its operations guided by the provisions of provincial statutes such as the Municipal Act, Municipal Affairs Act and related legislation.

## **1. SIGNIFICANT ACCOUNTING POLICIES**

The consolidated financial statements ("the financial statements") of the Corporation of the Town of Newmarket (the "Town") are the representation of management prepared in accordance with generally accepted accounting standards for local governments as recommended by the Canadian Public Sector Accounting Board ("PSAB") of Chartered Professional Accountants of Canada (CPA Canada).

Significant accounting policies adopted by the Town are as follows:

(a) (i) Reporting entity

These consolidated financial statements reflect the financial assets, liabilities, operating revenues and expenses of the Town. The reporting entity is comprised of all organizations, local boards and committees accountable for the administration of their financial affairs and resources, to the Town, and which are owned or controlled by the Town. The Newmarket Public Library and the Main Street District Business Improvement Area are accordingly consolidated in these financial statements. All material inter-organizational transactions and balances have been eliminated on consolidation.

(ii) Investment in Newmarket Hydro Holdings Inc.

The Town's investment in Newmarket Hydro Holdings Inc. is accounted for on a modified equity basis, consistent with Canadian Public Sector Accounting Standards for investments in government business enterprises. Under the modified equity basis of accounting, the business enterprise's accounting principles are not adjusted to conform with those of the municipality and inter-organizational transactions and balances are not eliminated. The Town recognizes its equity interest in the annual income or loss of Newmarket Hydro Holdings Inc. in its consolidated statement of operations and accumulated surplus with a corresponding increase or decrease in its investment asset account. Any dividends that the Town may receive from Newmarket Hydro Holdings Inc. will be reflected as reductions in the investment asset account.

(iii) Accounting for Region of York and School Board transactions

The operations of the School Boards and the Region of York are not reflected in the Town's financial statements except to record any resulting receivable or payable balance with the Town at year-end.

(b) Basis of accounting

(i) Accrual basis of accounting

Revenues and expenses are reported on the accrual basis of accounting. The accrual basis of accounting recognizes revenues as they are earned and measurable; expenses are recognized in the period goods and services are acquired and a liability is incurred or transfers are due.

# 1. SIGNIFICANT ACCOUNTING POLICIES (continued)

## (b) Basis of accounting (continued)

### (ii) Non-financial assets

Non-financial assets are not available to discharge existing liabilities and are held for use in the provision of services. They have useful lives extending beyond the current year, and are not intended for sale in the ordinary course of operations. The change in non-financial assets during the year, together with the excess of revenues over expenses, provides the Change in Net Financial Assets for the year.

#### (a) Tangible Capital Assets

Tangible capital assets are recorded at cost, which includes all amounts that are directly attributable to acquisition, construction, development or betterment of an asset. The cost, less residual value, of the tangible capital assets are amortized on a straight-line basis over their estimated useful lives as follows:

	<u>Useful Life -</u> <u>Years</u>
Land improvements	20 - 40
Buildings and building components	20 - 40
Vehicles	4 - 20
Machinery and equipment, including pooled assets	3 - 20
Library collection	7
Linear assets	
- Road base	40
- Road paved surface	20
- Sewer	80
- Watermain	80
- Sidewalks	25
- Trails and walkways	25
- Bridges and structures	25 - 75

Tangible capital assets are amortized in the month following the purchase or in-service date. One half of the annual amortization is charged in the year of acquisition for pooled assets. Assets under construction are not amortized until the tangible capital asset is available for productive use, at which time they are capitalized.

The Town has a capitalization threshold of \$40,000 for all categories except vehicles, machinery and equipment and computer hardware and software in which case the threshold is \$20,000. Individual assets of lesser value are expensed, unless they are pooled because, collectively, they have significant value. Examples of pools are computer systems, library collection, and streetlights. The Town's threshold for pooled assets is \$40,000. The Library pools all of their tangible capital assets and their capitalization threshold is \$10,000.

#### (b) Contribution of tangible capital assets

Tangible capital assets received as contributions are recorded at their fair value at the date of receipt, and that fair value is also recorded as revenue.

#### (c) Interest capitalization

Interest is capitalized whenever external debt is issued to finance the construction of tangible capital assets.

#### (d) Leases

Leases are classified as capital or operating leases. Leases which transfer substantially all of the benefits and risks incidental to ownership of property are accounted for as capital leases. All other leases are accounted for as operating leases and the related lease payments are charged to expenses as incurred.

#### (e) Inventories

Inventories held for consumption are recorded at the lower of cost and net recoverable value. Inventories held for resale are recorded at the lower of cost and net realizable value.



1. SIGNIFICANT ACCOUNTING POLICIES (continued)

(b) Basis of accounting (continued)

(iii) Surplus Land

The carrying value of the surplus land is based on purchase and development costs and does not reflect any gain that may arise if the land sells for more than the carrying value.

(iv) Liability for contaminated sites

A contaminated site is a site at which substances occur in concentration that exceed the maximum acceptable amounts under an environmental standard. Sites that are currently in productive use are only considered a contaminated site if an unexpected event results in contamination. A liability for remediation of contaminated sites is recognized when the Town is directly responsible or accepts responsibility; it is expected that future economic benefits will be given up; and a reasonable estimate of the amount can be made. The liability includes all costs directly attributable to remediation activities including post-remediation operations, maintenance and monitoring. The liability is recorded net of any expected recoveries.

(v) Deferred revenue

Deferred revenues includes user charges, government transfers, development charges and other fees which have been collected but for which the related services have yet to be performed. These amounts will be recognized as revenues in the fiscal year the services are performed. The Town receives development charges under the authority of provincial legislation and Town by-laws. These funds, by their nature, are restricted in their use and, until applied to specific capital works, are recorded as deferred revenue. Amounts applied to qualifying capital projects are recorded as revenue in the fiscal period they are expended. See Note 14 for more details.

(vi) Employee future benefits

The present value of the cost of providing employees with future benefit programs is expensed as employees earn these entitlements through service. The cost of the benefits earned by employees is actuarially determined using the projected benefit method prorated on service and management's best estimate of retirement ages of employees and expected health care and dental costs. Vacation entitlements are accrued for as entitlements are earned.

(vii) Long-Term Disability Benefits

The present value of the cost of providing employees with future long-term disability income benefits is expensed as employees earn these entitlements. The cost of the benefits earned by employees is actuarially determined using the projected benefit method for currently disabled employees. Actuarial gains and losses arising in a year are amortized into future years' expenses over the average expected period during which benefits will be paid.

(viii) Pension Plan

The Town is an employer member of the Ontario Municipal Employees Retirement System (OMERS), which is a multi-employer, defined benefit pension plan. The Board of Trustees, representing plan members and employers, is responsible for overseeing the management of the pension plan, including investment of assets and administration of the benefits. The Town has adopted defined contribution plan accounting principles for this Plan because insufficient information is available to apply defined benefit plan accounting principles. The Town records as pension expense the amounts paid to OMERS during the year.

**1. SIGNIFICANT ACCOUNTING POLICIES (continued)**

(ix) Revenue Recognition

(a) Taxes and user charges

Taxes are recorded at estimated amounts when they meet the definition of an asset, have been authorized and the taxable event occurs. For property taxes, the taxable event is the period for which the tax is levied. Taxes receivable are recognized net of an allowance for anticipated uncollectable amounts.

Charges for wastewater and water usage are recorded as user fees. Connection fee revenues are recognized when the connection has been established.

Sales of service and other revenue is recognized on an accrual basis.

(b) Investment income

Investment income earned is reported as revenue in the period earned. Investment income earned on unspent development charges and other obligatory reserve funds is added to the fund balance and forms part of the deferred revenue balance.

(c) Government transfers

Government transfers include entitlements, transfers under shared cost agreements, and grants. Revenue is recognized when the transfer is authorized and any eligibility criteria are met, except to the extent that transfer stipulations give rise to an obligation that meets the definition of a liability. Transfers are recognized as deferred revenue when transfer stipulations give rise to a liability. Transfer revenue is recognized in the statement of operations as the stipulation liabilities are settled.

(x) Use of estimates

The preparation of financial statements in conformity with Canadian Public Sector Accounting Standards requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenses during the year. The principal estimates used in the preparation of these financial statements include the useful life and valuation of tangible capital assets, allowance for doubtful receivables, certain accrued liabilities, employee future benefits liability and long-term disability benefits liability. Actual results could differ from these estimates.

(xi) Budget figures

Budget figures have been reclassified for the purposes of these financial statements to comply with PSAB reporting requirements. The approved operating budget and capital budgets are reflected on the Consolidated Statement of Operations and Accumulated Surplus. The budgets established for capital investment in tangible capital assets are on a project-oriented basis, the costs of which may be carried out over one or more years and, therefore, may not be comparable with current year's actual amounts.

## 2. BUDGET RECONCILIATION

The authority of Council is required before moneys can be spent by the Town. Approvals are given in the form of an annually approved budget. The budget approved by Council differs from the budget presented on Consolidated Statement of Operations and Accumulated Surplus. The difference is due to several factors. A supplementary Capital budget was approved subsequent to the initial budget approval. The budget has also been adjusted to account for material changes due to PSAB reporting requirements.

	Revenue	Expenses
Council approved budget for 2020:		
Operating fund - December 2, 2020	\$ 134,098,674	\$ 134,098,674
Less: Principal payment on long-term debt	-	(3,411,675)
Less: Transfers to / from other funds	(1,549,735)	(16,306,537)
Capital budget - December 2, 2020	37,810,575	37,810,575
Less: Transfers to / from other funds	(18,442,543)	-
Reserves and reserve funds -	17,450,541	19,698,278
Less: Transfers to / from other funds	(16,012,537)	(19,698,278)
<b>TOTAL COUNCIL APPROVED BUDGET</b>	<b>153,354,975</b>	<b>152,191,037</b>
Less: Tangible Capital Assets Capitalized	-	(31,163,090)
Plus: Budgeted amortization expense	-	17,193,659
Plus: Post-employment benefit expenses	-	353,951
Plus: Investment income from Newmarket Hydro Holdings Inc.	1,000,000	-
Adjusted Budget per Consolidated Statement of Operations and Accumulated Surplus	<b>\$ 154,354,975</b>	<b>\$ 138,575,557</b>

## 3. OPERATIONS OF SCHOOL BOARDS AND THE REGION OF YORK

Further to Note 1(a)(iii), taxation and revenues of the school boards and the Region of York are comprised of the following:

	School Boards	Region
Property taxes and taxation from other governments	\$ 50,982,041	\$ 68,386,196

## 4. CASH AND CASH EQUIVALENTS

Cash is comprised of cash on hand and cash held in financial institutions. Management considers all highly liquid investments with original maturity of three months or less to be cash equivalents.

Cash is segregated as follows:

	2020	2019
Restricted - obligatory reserve funds (refer to Note 14)	\$ 49,071,880	\$ 41,201,994
Designated - reserve funds (refer to Note 21)	50,913,776	40,214,257
Less: temporary investments (Note 5)	(64,834,304)	(62,968,260)
	<b>35,151,352</b>	<b>18,447,991</b>
Unrestricted and undesignated	<b>26,371,244</b>	<b>34,138,381</b>
	<b>\$ 61,522,596</b>	<b>\$ 52,586,372</b>

## 5. TEMPORARY INVESTMENTS

Temporary investments are recorded at the lower of cost and market value.

	2020	2019
Cash held in investment accounts	\$ 130,960	216,343
Maturity within 1-2 years	49,459,809	40,024,592
Maturity within 2-3 years	12,745,521	7,139,102
Maturity within 3-4 years	2,498,015	9,466,981
Maturity within 4-5 years	-	6,121,242
	<b>\$ 64,834,304</b>	<b>\$ 62,968,260</b>

## 6. RECEIVABLES

### (a) Taxes receivable

	2020	2019
Current year	\$ 9,740,376	\$ 4,067,972
Stormwater charge	2,199,864	-
Arrears previous years	2,934,602	2,172,170
	<b>14,874,842</b>	<b>6,240,142</b>
Less: allowance	<b>1,215,743</b>	<b>915,743</b>
	<b>\$ 13,659,099</b>	<b>\$ 5,324,399</b>

### (b) Accounts receivable

	2020	2019
Government entities	\$ 432,685	\$ 3,965,439
Newmarket Hydro Holdings Inc.	-	379,087
Trade receivables, user fees and other receivables	1,198,650	3,147,401
	<b>1,631,335</b>	<b>7,491,927</b>
Less: allowance	<b>100,480</b>	<b>92,072</b>
	<b>\$ 1,530,855</b>	<b>\$ 7,399,855</b>

### (c) Loans receivable

Interest free loans are awarded through the Community Improvement Plan's Financial Incentive Program to upgrade and restore properties within the Community Improvement Plan area. The loans are guaranteed by liens against the properties. The maximum repayment period is 10 years.

A February 2020 site plan agreement with a developer includes a deferral payment of development charges and other fees. The deferral for development charges is for 20 years after issuance of building permits for rental apartments, and 48 months for condo units. Deferral of other fees includes tree security, engineering, planning and finance fees for a deferral period of 48 months, and a 60 month deferral period for parkland contributions.

	2020	2019
Due from Developers	7,693,622	-
Other Community Loans	92,721	120,097
	<b>\$ 7,786,343</b>	<b>\$ 120,097</b>

## 7. PREPAID EXPENSES AND OTHER

Prepaid expenses include prepaid insurance premiums, software licenses and support and miscellaneous prepaids. Other prepaid expenses represent the Town's payment for the shared use of an artificial turf field with York Region Board of Education for 10 years starting in April 2018 less annual amortization of \$163,982 (2019 - \$117,130).

	2020	2019
Prepays: insurance premiums, and software licenses	\$ 483,417	\$ 481,164
Other prepaids: artificial turf field shared use agreement	1,030,664	1,194,645
Miscellaneous Prepays	653,702	646,499
	<b>\$ 2,167,783</b>	<b>\$ 2,322,308</b>

## 8. INVENTORY FOR RESALE

Inventory for resale includes water meters to be sold to developers. Inventory included in non-financial assets is comprised of salt and sand used in winter control of area roads, as well as consumable items and parts used by staff.

## 9. SURPLUS LAND

The Town owns three parcels of land that are declared surplus. One is for access to a storm water management pond with a carrying value of \$121,687, the other two small parcels of land is road allowance, with a cumulative carrying value of \$33,598.

## 10. INVESTMENT IN NEWMARKET HYDRO HOLDINGS INC.

Newmarket Hydro Holdings Inc. established by municipal Council in October 2000, is wholly owned by the Corporation of the Town of Newmarket and provides regulated and unregulated services.

Effective May 1, 2007 Newmarket Hydro Ltd. merged with Tay Hydro Electric Distribution Company Inc. to form Newmarket-Tay Power Distribution Ltd. Newmarket Hydro Holdings Inc. owns 93% of the outstanding common shares of Newmarket-Tay Power Distribution Ltd.

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

Newmarket Hydro Ltd. issued an unsecured promissory note in the amount of \$22,000,000 effective October 1, 2001, to the Town of Newmarket. The note bears interest at a simple annual rate equal to the rate of interest that Newmarket Hydro Ltd. is, from time to time, permitted by the Ontario Energy Board (OEB) to recover in its rates (currently 5.48% per annum). Interest is due on the last day of each fiscal year and on terms and at such time as may be further determined by the Director of Finance/Town Treasurer in consultation with senior corporate officers of the Corporation. Determination of, and changes to, maturity and repayment terms require 13 months notice. The promissory note has been subordinated to a letter of credit of \$2,765,940. The letter of credit with a major chartered bank is a prudential requirement to be an Independent Market Operator and includes restrictive clauses with respect to debt repayment.

The Town's investment in the Corporation at December 31, is as follows:

	2020	2019
Share capital		
Newmarket Hydro Holdings Inc. - 201 Common Shares	\$ 29,609,342	\$ 29,609,342
Promissory note	22,000,000	22,000,000
Retained earnings, end of the year		
Newmarket Hydro Holdings Inc.	16,389,088	16,301,275
<b>Total investment</b>	<b>\$ 67,998,430</b>	<b>\$ 67,910,617</b>

The following summarizes the Town's related party transactions with Newmarket Hydro Holdings Inc. All transactions are in the normal course of operations, and are recorded at the exchange value based on normal commercial rates, or as agreed to by the parties.

	2020	2019
Revenues:		
Investment income	\$ 1,205,600	\$ 1,205,600
Rent, property tax and other	553,148	420,379
Expenses:		
Energy purchases	2,492,803	2,881,949
Services - street light capital & maintenance	4,095	7,070
Dividends received during the year	1,336,000	1,336,000
Accounts payable	245,579	345,993



10. INVESTMENT IN NEWMARKET HYDRO HOLDINGS INC. (continued)

The following tables provide condensed supplementary financial information for Newmarket Hydro Holdings Inc.

	2020	2019
Financial position		
Current assets	\$ 36,737,100	\$ 38,379,186
Capital assets, future income taxes and other	132,854,563	130,742,459
Regulatory deferral account debit balances	3,637,201	3,914,379
Total assets	173,228,864	173,036,024
Current liabilities	28,561,828	29,377,939
Long term liabilities	92,106,545	92,989,611
Total liabilities	120,668,373	122,367,550
Non-controlling interest	3,180,956	3,193,391
Shareholder equity		
Share capital	29,609,342	29,609,342
Retained earnings	16,519,607	16,350,083
Accumulated other comprehensive (loss)/income	(130,519)	(48,808)
	45,998,430	45,910,617
Regulatory deferral account credit balances	3,381,105	1,564,466
Total liabilities and equity	\$ 173,228,864	\$ 173,036,024
Results of operations		
Revenues	\$ 139,591,338	\$ 124,102,620
Operating expenses	(139,370,504)	(118,681,326)
Financing expenses	(2,118,692)	(2,322,523)
Other income	1,712,986	2,634,862
Non-controlling interest	(94,715)	81,071
Income tax	2,625,193	105,304
Net movement on regulatory accounts	(840,082)	(6,382,169)
Net income/(loss)	1,505,524	(462,161)
Comprehensive loss	(81,711)	(79,473)
Net income/(loss) and Comprehensive income	1,423,813	(541,634)
Retained earnings, beginning of year	16,301,275	18,178,909
Net income/(loss)	1,423,813	(541,634)
Dividends paid	(1,336,000)	(1,336,000)
Retained earnings, end of the year	\$ 16,389,088	\$ 16,301,275

# 11. ACCOUNTS PAYABLE AND ACCRUED LIABILITIES

	2020	2019
Government entities	\$ 11,348,922	\$ 11,962,032
Payroll liabilities	3,017,370	2,290,076
Trade payables and other accrued liabilities	16,340,361	17,543,010
	<b>\$ 30,706,653</b>	<b>\$ 31,795,118</b>

Accounts payable and accrued liabilities to government entities includes water and wastewater charges, development charges, and capital expenditures.

# 12. EMPLOYEE FUTURE BENEFITS LIABILITY

The Town provides certain employee benefits that will require funding in future periods. Under the post-retirement benefit plan, employees may be entitled to a cash payment after they leave the Town's employment. An actuarial estimate of liabilities for employee future benefits was completed in 2019 which forms the basis for the estimated liability reported in these consolidated financial statements.

	2020	2019
Employee future benefits liability	\$ 7,323,665	\$ 7,006,252
Vacation pay	463,177	451,538
	<b>\$ 7,786,842</b>	<b>\$ 7,457,790</b>

Employee Future Benefits are comprised of health and dental benefits that are provided to retirees and employees currently on a long-term disability. The Town recognizes these post-retirement costs as they are earned during the employee's tenure of service. The projected benefit liability of \$7,323,665 was determined by the last actuarial valuation carried out as at December 31, 2019 using a discount rate of 2.8%.

Total benefit payments to retirees during the year were \$264,393 (2019 - \$258,252). The plan is substantially unfunded and requires no contributions from employees. The benefit liability as at December 31 includes the following components:

	2020	2019
Accrued benefits obligation	\$ 7,131,664	\$ 6,790,658
Unamortized actuarial (gains)/losses	192,001	215,594
Employee future benefits liability	<b>\$ 7,323,665</b>	<b>\$ 7,006,252</b>
Employee future benefits liability, beginning of the year	\$ 7,006,252	\$ 5,682,723
Annual amortization of actuarial losses	(23,593)	2,938
Current period service cost	413,177	1,387,001
Interest cost	192,222	191,842
Benefits paid	(264,393)	(258,252)
Employee future benefits liability, end of the year	<b>\$ 7,323,665</b>	<b>\$ 7,006,252</b>

## 12. EMPLOYEE FUTURE BENEFITS LIABILITY (continued)

Actuarial valuations for accounting purposes are normally performed every three years using the projected benefit method prorated on services. The most recent actuarial report was prepared at December 31, 2019.

Effective October 30, 2019 eligible Central York Services employees who retire on or after January 2018 on an unreduced OMERS pension and with a minimum of 15 years of service will be provided with a non-cumulative HCSA from age 65 to 75. The combined maximum is \$2,500 per year for employee and spouse. This benefit enhancement resulted in an increase in the accrued benefits obligation as at December 31, 2019 of \$1,047,282.

The assumptions used in the December 31, 2019 actuarial valuation were:

(a) Interest (discount) rate

The present value as at December 31, 2020 of the future benefits was determined using a discount rate of 2.80% (2019 - 2.80%).

(b) Health costs

Health cost premiums were assumed to increase at a 4.00% rate to 2024 (2019 - 4.0%) and increase linearly to 4.75% in 2029.

(c) Dental costs

Dental cost premiums were assumed to increase at a 4.88% rate until 2024 (2019 - 4.88%) and decrease linearly to 4.81% in 2029.

## 13. LONG-TERM DISABILITY BENEFITS PAYABLE

The Town provides disabled employees who meet the requirements for Long Term Disability (LTD) monthly disability income, life insurance, health, and dental benefits. An actuarial valuation for currently disabled employees was completed as at December 31, 2020.

	2020	2019
Accrued benefits obligation	\$ 4,818,493	\$ 4,091,744
Unamortized actuarial	(278,891)	410,611
<b>Long-term disability benefits payable</b>	<b>\$ 4,539,602</b>	<b>\$ 4,502,355</b>
Long-term disability benefits payable, beginning of year	\$ 4,502,355	\$ 4,461,290
Annual amortization of actuarial gains	(223,250)	(366,668)
Current period service cost	649,065	812,956
Interest cost	124,788	92,230
Benefits paid	(513,356)	(497,453)
<b>Long-term disability benefits payable, end of year</b>	<b>\$ 4,539,602</b>	<b>\$ 4,502,355</b>

Actuarial valuations for accounting purposes are normally performed every two years using the projected benefit method. The most recent actuarial report was prepared at December 31, 2020. The unamortized actuarial gain will be amortized into future years' expenses over 5 years, the average expected period during which benefits will be paid.

The assumptions used in the December 31, 2020 actuarial valuation were:

(a) Interest (discount) rate

The present value of the future benefits as at December 31, 2020 was determined using a discount rate of 2.0% (2019 - 3.0%).

(b) Health and dental costs

Health trend rates are assumed to increase by 6.5% starting in 2022 and decrease linearly to 4.5% per year in 2030. Dental cost premiums are assumed to increase by 4.0% per year starting in 2022.

#### 14. DEFERRED REVENUE

Development Charges are levies against new development, and are a primary source of funding growth-related capital facilities and infrastructure. Development charges are imposed on all lands, buildings or structures that are developed for residential or non-residential uses. These charges are payable by the developer on the issuance a building permit, unless they are for town-wide engineering services, in which case they are payable upon registration of a subdivision agreement. Development charges are not recognized as revenue until the identified capital costs for growth are incurred.

A requirement of PSAB is that obligatory reserve funds be reported as deferred revenue. This requirement is in place as provincial legislation restricts how these funds may be used and under certain circumstances how these funds may be refunded. Parkland contributions are restricted to parks or recreation purposes. The Gas Tax grant is restricted to infrastructure and require annual reporting. The following funds have statutory restrictions and as such are classified as deferred contributions:

	Beginning Balance 2020	Inflows	Outflows	Ending Balance 2020
Parkland	\$ 1,834,160	\$ 3,606,012	\$ 250,000	\$ 5,190,172
Development Charges	28,094,696	10,641,198	5,733,223	33,002,671
Building Permit Fees	4,158,885	61,491	1,505,800	2,714,576
Engineering Administration	505,399	582,690	944,572	143,517
Gas Tax	6,608,854	2,726,579	1,314,489	8,020,944
Sub-total Obligatory Reserve Funds	41,201,994	17,617,970	9,748,084	49,071,880
Other	1,806,300	3,727,608	4,018,984	1,514,924
Total	\$ 43,008,294	\$ 21,345,578	\$ 13,767,068	\$ 50,586,804

#### 15. LONG-TERM DEBT

(a) The balance of long-term debt reported on the Consolidated Statement of Financial Position is comprised of the following:

			2020	2019
Long-term debt incurred by the Town			\$ 41,561,103	\$ 45,081,715
Purpose	Rates	Maturity Date	2020	2019
Mulock Farm	3.490%	2048	24,978,405	25,498,038
Land for recreation facilities	5.724%	2024	3,673,856	4,469,874
Youth Centre	5.724%	2024	851,259	1,035,703
Downtown renewal	5.724%	2024	270,013	328,518
Recreation facility	5.246%	2024	3,480,675	4,243,900
Parklands	5.246%	2024	739,934	902,182
Traffic flow improvements	5.246%	2024	426,383	519,878
Downtown revitalization	5.246%	2024	116,023	141,463
Recreation facility	4.756%	2026	5,826,999	6,648,199
Federation of Canadian Municipalities loan for Operations Centre	2.000%	2031	1,197,556	1,293,960
			\$ 41,561,103	\$ 45,081,715

# 15. LONG-TERM DEBT (Continued)

(b) Principal repayments for each of the next five years and thereafter are due as follows:

2021	3,696,231
2022	3,880,833
2023	4,074,965
2024	4,279,095
2025	1,763,054
2026 and thereafter	23,866,925
	<b>\$ 41,561,103</b>

Interest expense on long-term debt amounted to \$1,770,263 (2019 - \$2,094,086). Interest expense (c) includes the net decrease in accrual amount of \$57,500 (2019 - \$210,653).

# 16. INSURANCE COVERAGE

The Town is self insured for insurance claims up to \$10,000 for any individual claim and for any number of claims arising out of a single occurrence.

Claim costs incurred during the year amounted to \$58,602 (2019 - \$54,719).

Insurance premiums of \$1,391,048 (2019 - \$1,015,031) were expensed during the year on the "Consolidated Statement of Operations and Accumulated Surplus".

# 17. CONTINGENCIES

The Town has been named as a defendant in certain legal actions. The outcome of these actions is not determinable as at the date of reporting and accordingly, no provision has been made in these financial statements for any liability which may arise.

# 18. LEASE AGREEMENTS

The Town has entered into lease agreements for vehicles, office equipment and safety equipment. The aggregate minimum payments under these leases over the next three years are as follows:

2021	\$ 148,818
2022	148,086
2023	108,410
	<b>\$ 405,314</b>

# 19. CONTRACTUAL OBLIGATIONS

During the year the Town performed work on several major projects relating to the construction, repair and replacement of certain facilities and infrastructure. The total purchase commitment from such contracts amounted to approximately \$66,100,000 (2019 - \$53,560,000) of which expenses of approximately \$21,500,000 (2019 - \$16,900,000) were outstanding as at December 31, 2020.

The Town also entered into various multiple-year contracts for the delivery of services with respect to waste collection, snow plowing, infrastructure and facility maintenance. The total purchase commitment from such contracts amounted to approximately \$81,200,000 (2019 - \$64,100,000), of which expenses of approximately \$29,900,000 (2019 - \$19,500,000) were outstanding as at December 31, 2020.



## 20. PENSION AGREEMENTS

OMERS provides pension services to over 500,000 active and retired members from approximately 1,000 participating employers. Each year an independent actuary determines the funding status of OMERS Primary Pension Plan (the "Plan") by comparing the actuarial value of invested assets to the estimated present value of all pension benefits that members have earned to date. The most recent actuarial valuation of the Plan was conducted as at December 31, 2020. The results of this valuation disclosed total actuarial liabilities of \$113.1 million in respect of benefits accrued for service with actuarial assets at that date of \$109.8 million indicating an actuarial deficit of \$3.2 million. Because OMERS is a multi-employer plan, any pension plan surpluses or deficits are a joint responsibility of Ontario municipal organizations and their employees. As a result, the Town does not recognize any share of the OMERS pension surplus or deficit.

Contributions in 2020 ranged from 9% to 15.8% depending on the proposed retirement age and level of earnings. Contributions made by the Town to OMERS on account of current service for the year were \$4,932,027 (2019 - \$4,813,590).

## 21. ACCUMULATED SURPLUS

The Accumulated Surplus is comprised of the following:

	2020	2019
<b>Reserves set aside for specific purposes by Council</b>		
Reserves for operating purposes	\$ 10,612,811	\$ 8,247,696
Reserves for capital purposes	3,607,567	3,559,717
Newmarket Public Library	974,027	606,104
Water & Wastewater Rate Stabilization	5,400,466	1,754,643
<b>Total Reserves</b>	<b>20,594,871</b>	<b>14,168,160</b>
<b>Reserve funds set aside for specific purposes by Council</b>		
Asset replacement funds	31,720,559	22,319,524
Reserve funds for operating purposes	5,468,176	5,910,476
Reserve funds for capital purposes	9,096,868	7,150,036
Self-insured long-term disability	4,628,173	4,834,221
<b>Total Reserve Funds</b>	<b>50,913,776</b>	<b>40,214,257</b>
<b>Total Reserves and Reserve Funds</b>	<b>71,508,647</b>	<b>54,382,417</b>
Invested in tangible capital assets	537,113,344	518,383,541
Less: amount financed by long-term debt	(41,561,103)	(45,081,715)
Equity in Newmarket Hydro Holdings Inc. (Note 10)	67,998,430	67,910,617
Employee future benefits to be recovered	(4,541,937)	(5,206,897)
Operating	486,339	-
Capital Fund Balance	1,690,576	1,854,540
<b>Accumulated Surplus</b>	<b>\$ 632,694,296</b>	<b>\$ 592,242,503</b>

## 22. GOVERNMENT TRANSFERS

Government transfers include monetary transfers based on cost-sharing agreements between the three levels of government. Some funds are transferred when the Town provides evidence that the qualifying expenditures have been incurred. The Town also receives government transfers once certain criteria have been met or with the stipulation that the funds are used for specific programs or expenses (grants with stipulations). Any transfers received where the transfer stipulations have not been met by year-end are recorded as deferred revenue (see note 14). Grants are also received to support specific program areas such as the Library, Museum, or the Seniors Centre. The following kinds of transfers were included in revenue:

	2020	2019
Grants with stipulations	\$ 1,314,489	\$ 2,602,483
Other grants	4,097,710	3,687,866
	<b>\$ 5,412,199</b>	<b>\$ 6,290,349</b>

## 23. CENTRAL YORK FIRE SERVICES

Effective January 1, 2002, the Town of Newmarket entered into a Joint Venture Agreement with the Town of Aurora with respect to the provision of Fire and Emergency services. Under the Agreement, the Town of Newmarket assumed responsibility for the combined Central York Fire Services. The cost of these services is shared between the two municipalities based on a cost sharing formula.

	2020	2019
Net expenses before allocation	\$ 28,473,742	\$ 26,754,923
Less: Aurora's allocation (2020 - 41.38%; 2019 - 40.1%)	(11,782,434)	(10,729,932)
Newmarket's net allocation	\$ 16,691,308	\$ 16,024,991

## 24. TANGIBLE CAPITAL ASSETS

Schedule 1 provides information on the tangible capital assets of the Town by major asset category, as well as for accumulated amortization.

Tangible capital assets are segmented by asset class according to the Financial Information Return. General Capital Assets exclude the Infrastructure Asset class and include Parks, Recreation Facilities, and Fire. Infrastructure assets are composed of linear assets and their associated specific components, generally constructed or arranged in a continuous and connected network. They include Roads, including bridges, and Environmental Infrastructure (water delivery systems, waste water treatment, storm drainage systems).

a) Tangible capital assets recognized at nominal value.

Certain assets have been assigned a nominal value because of the difficulty of determining a valuation. The most significant such asset is the land under the Town's roads which has been assigned a nominal value of one dollar per kilometer of road length. The 2020 road network had 251 kilometers (2019 - 243 kilometers).

b) Capitalization of interest

No interest was capitalized in 2020 (2019 - \$nil).

c) Construction in Progress

The financial statements and accompanying schedules include \$10,084,262 (2019 - \$15,420,528) of tangible assets that have not been amortized.

d) Contributed Tangible Capital Assets

Contributed tangible capital assets have been recognized at fair market value at the date of contribution. These assets are mainly in the subdivisions assumed during the year.

	2020	2019
Linear Assets	\$ 22,241,000	\$ -
Storm Water Management Pond	-	155,733
Streetlights	437,699	522,701
	\$ 22,678,699	\$ 678,434

## 25. SEGMENTED INFORMATION

Certain allocation methodologies are employed by the Town in the preparation of segmented financial information. Government grants, user charges, transfers from other funds, and other revenues are allocated to the specific program or service they relate to. Expense allocations are both internal and external. There is an external allocation to the Town of Aurora for its share of the costs of running Central York Fire Services (see Note 23). Activity based costing is used to allocate internal support costs to departments. These costs include the net expenses for departments, such as human resources, information systems, finance and others, commonly referred to as overhead. Measures of activity, or drivers, are used to apportion the support costs.

The accounting policies used in these segments are consistent with those followed in the preparation of the consolidated financial statements as disclosed in Note 1.

### Schedule 2 Service Bundles

The Town's services and programs are grouped and reported based on a customer driven service bundle in Schedule 2. Revenues are reported by source, while expenses are reported by object. The Town determines an individual tax rate for each service to attain full cost recovery. Tax revenues are allocated according to the tax billing. Net revenues before financing include capital expenses, reserves, reserve funds and transfers. The accounting policies used in these segments are consistent with those followed in the preparation of the consolidated financial statements as disclosed in Note 1.

### Fire & Emergency Services

Central York Fire Services provides fire services to the residents of Newmarket and Aurora. They are responsible to provide fire suppression service, fire prevention programs, training and education related to prevention, detection or extinguishment of fires. The cost of these services is shared between the two municipalities based on a cost sharing formula described in Note 23.

### Water, Wastewater & Solid Waste

The Town provides drinking water to its citizens and collects wastewater. The solid waste and recycling program includes curbside collection of recyclables, organics, yard waste and garbage.

### By-law & Licensing Services

The Town issues a variety of licenses including marriage, taxicab and animal licenses. It ensures an acceptable quality of building construction and maintenance of properties through enforcement of construction codes, building standards and by-law for the protection of occupants. It facilitates economic development by providing services for the approval of all land development plans, the application and enforcement of zoning by-laws and the processing of building permit applications.

### Roads, Bridges & Sidewalks

The Public Works and Environmental Services department is responsible for the cleanliness, safety and maintenance of the Town's paved roads, bridges and sidewalks.

### Planning & Development Services

The Town creates plans for Newmarket's future. It manages urban development for business interests, environmental concerns, heritage matters, local neighbourhoods and the downtown through Town planning, community development, parks and riverbank planning.

### Community Programs & Events

The Town provides public services that contribute to neighbourhood development and sustainability through the provision of recreation and leisure services such as fitness and aquatic programs. It also hosts community special events throughout the year.

### Facilities, Parks & Trails

The Town maintains numerous recreation facilities, as well as indoor community space for booking and community use. It also maintains parks and playgrounds, open spaces, and a vast trail system.

## 25. SEGMENTED INFORMATION (Continued)

### Corporate Support & Governance

The Town Council, the Office of the CAO, Legal and other support staff and services are included here.

### Public Library Services

The provision of library services contributes towards the information needs of the Town's citizens. The library also provides programs to local residents.

### Main Street District BIA

The Main Street District BIA promotes the Main Street area as a business, shopping and entertainment area. This department has been separately disclosed from other Planning & Development Services, due to its requirement to have audited financial statements.

## 26. PANDEMIC RESPONSE

On March 11, 2020, the World Health Organization characterized the outbreak of a strain of the novel corona virus ("COVID -19") as a pandemic which has resulted in a series of public health and emergency measures that have been put in place to combat the spread of the virus. The duration and impact of COVID -19 is unknown at this time and it is not possible to reliably estimate the impact that the length and severity of these developments will have on the financial results and condition of the Town of Newmarket in future periods.

Pending approval of Bill C-25, the federal government announced that it will top-up the federal Gas Tax Fund with a one-time transfer in 2021. The Town of Newmarket's allocation is suggested to be \$2,567,878. All funds are to be used in accordance with the current agreement with AMO.

## 27. RELATED PARTIES

A consulting company has provided services to the Town of Newmarket during 2020 in the amount of \$605,170 (\$1,532,306 in 2019). A member of the company's management was the spouse of a Director for the Town at the time the services were contracted.

Note 10, Investment in Newmarket Hydro Holdings Inc. discloses related party transactions with the Town's business enterprises. In addition, there were other related party transactions amounting to less than \$100,000 in total, each of which are not of a significant amount and are done on market terms.

The Corporation of the Town of Newmarket  
Tangible Capital Assets - Summary By Asset Category  
December 31, 2020

Schedule 1

	Cost					Accumulated Amortization				2020	
	2020 Opening Balance	Additions and Betterments	Disposals/ Transfers	Write Downs	2020 Closing Balance	2020 Opening Balance	2020 Amortization Expense	Accumulated Amortization on Disposals	2020 Ending Balance	Net Book Value	
<b>General Capital Assets</b>											
Land	\$ 99,598,894	\$ 4	\$ -	\$ -	\$ 99,598,898	\$ -	\$ -	\$ -	\$ -	\$	\$ 99,598,898
Land improvements	14,785,870	2,019,285	-	-	16,805,155	3,430,423	520,712	-	3,951,135		12,854,020
Buildings and building components	99,686,427	651,612	-	-	100,338,039	43,311,496	2,805,415	-	46,116,911		54,221,128
Machinery and Equipment	18,194,139	2,087,469	167,563	-	20,114,045	10,684,138	1,715,354	138,769	12,260,723		7,853,322
Vehicles	7,478,816	437,103	76,687	-	7,839,232	3,446,383	561,218	76,677	3,930,924		3,908,308
Library Collection	1,620,883	120,749	215,840	-	1,525,792	932,910	125,041	215,840	842,111		683,681
	\$ 241,365,029	\$ 5,316,222	\$ 460,090	\$ -	\$ 246,221,161	\$ 61,805,350	\$ 5,727,740	\$ 431,286	\$ 67,101,804	\$	\$ 179,119,357
<b>Infrastructure Assets</b>											
Land	\$ 18,492,537	\$ -	\$ -	\$ -	\$ 18,492,537	\$ -	\$ -	\$ -	\$ -	\$	\$ 18,492,537
Land improvements	25,036,935	-	-	-	25,036,935	19,594,248	541,985	-	20,136,233		4,900,702
Buildings and building components	25,261,361	-	1,551,772	-	23,709,589	7,031,896	814,658	1,551,772	6,294,782		17,414,807
Machinery and Equipment	2,549,735	683,691	80,316	-	3,153,110	1,473,990	163,993	80,316	1,557,667		1,595,443
Vehicles	2,707,614	503,222	174,200	-	3,036,636	1,529,327	282,138	174,200	1,637,265		1,399,371
Linear Assets	507,643,296	35,641,024	2,629,823	-	540,654,497	228,658,683	9,865,925	1,976,976	236,547,632		304,106,865
	\$ 581,691,478	\$ 36,827,937	\$ 4,436,111	\$ -	\$ 614,083,304	\$ 258,288,144	\$ 11,668,699	\$ 3,783,264	\$ 266,173,579	\$	\$ 347,909,725
<b>Construction in Progress</b>											
	\$ 15,420,528	\$ 6,092,057	\$ 11,428,323	\$ -	\$ 10,084,262	\$ -	\$ -	\$ -	\$ -	\$	\$ 10,084,262
<b>Total Tangible Capital Assets</b>	\$ 838,477,035	\$ 48,236,216	\$ 16,324,524	\$ -	\$ 870,388,727	\$ 320,093,494	\$ 17,396,439	\$ 4,214,550	\$ 333,275,383	\$	\$ 537,113,344

The Corporation of the Town of Newmarket  
Tangible Capital Assets - Summary By Asset Category  
December 31, 2018

Schedule 1

	Cost					Accumulated Amortization				2019	
	2019 Opening Balance	Additions and Betterments	Disposals/ Transfers	Write Downs	2019 Closing Balance	2019 Opening Balance	2019 Amortization Expense	Accumulated Amortization on Disposals	2019 Ending Balance	Net Book Value	
<b>General Capital Assets</b>											
Land	\$ 99,598,888	\$ 6	\$ -	\$ -	\$ 99,598,894	\$ -	\$ -	\$ -	\$ -	\$	99,598,894
Land improvements	14,535,428	250,442	-	-	14,785,870	2,959,911	470,512	-	3,430,423		11,355,447
Buildings and building components	97,718,129	1,968,298	-	-	99,686,427	40,570,984	2,740,512	-	43,311,496		56,374,931
Machinery and Equipment	17,493,894	1,110,388	410,143	-	18,194,139	9,548,922	1,539,899	404,683	10,684,138		7,510,001
Vehicles	6,661,324	1,357,078	539,586	-	7,478,816	3,473,810	512,156	539,583	3,446,383		4,032,433
Library Collection	1,658,121	196,476	233,714	-	1,620,883	964,521	202,103	233,714	932,910		687,973
	\$ 237,665,784	\$ 4,882,688	\$ 1,183,443	\$ -	\$ 241,365,029	\$ 57,518,148	\$ 5,465,182	\$ 1,177,980	\$ 61,805,350	\$	179,559,679
<b>Infrastructure Assets</b>											
Land	\$ 18,492,537	\$ -	\$ -	\$ -	\$ 18,492,537	\$ -	\$ -	\$ -	\$ -	\$	18,492,537
Land improvements	24,881,202	155,733	-	-	25,036,935	18,976,309	617,939	-	19,594,248		5,442,687
Buildings and building components	24,846,461	414,900	-	-	25,261,361	6,236,255	795,641	-	7,031,896		18,229,465
Machinery and Equipment	2,215,852	333,883	-	-	2,549,735	1,337,213	136,777	-	1,473,990		1,075,745
Vehicles	2,677,286	328,733	298,405	-	2,707,614	1,506,292	321,440	298,405	1,529,327		1,178,287
Linear Assets	503,423,767	5,571,993	1,352,464	-	507,643,296	220,426,390	9,520,451	1,288,158	228,658,683		278,984,613
	\$ 576,537,105	\$ 6,805,242	\$ 1,650,869	\$ -	\$ 581,691,478	\$ 248,482,459	\$ 11,392,248	\$ 1,586,563	\$ 258,288,144	\$	323,403,334
<b>Construction in Progress</b>	\$ 6,233,623	\$ 13,551,850	\$ 4,364,945	\$ -	\$ 15,420,528	\$ -	\$ -	\$ -	\$ -	\$	15,420,528
<b>Total Tangible Capital Assets</b>	\$ 820,436,512	\$ 25,239,780	\$ 7,199,257	\$ -	\$ 838,477,035	\$ 306,000,607	\$ 16,857,430	\$ 2,764,543	\$ 320,093,494	\$	518,383,541



The Corporation of the Town of Newmarket  
Segment Disclosures - Service Bundle  
Year ended December 31, 2020

Schedule 2

	Fire & Emergency Services		Water, Wastewater & Solid Waste		Bylaw & Licensing Services		Roads, Bridges & Sidewalks	
	2020	2019	2020	2019	2020	2019	2020	2019
<b>EXPENSES</b>								
Salaries and wages	\$ 23,221,865	\$ 21,887,315	\$ 3,020,925	\$ 2,984,615	\$ 1,636,527	\$ 1,483,143	\$ 2,525,070	\$ 2,666,574
Materials, goods and supplies	882,375	1,061,909	1,005,126	2,693,217	74,469	84,394	904,665	1,284,288
Utilities	168,785	170,685	27,180	25,385	-	-	815,928	1,055,088
Contracted and general services	631,879	753,604	30,627,376	31,044,455	527,188	519,589	720,454	925,555
Rents and financial	31,212	30,600	84,500	78,561	11,925	8,567	1,598	2,325
Interest on long-term debt	-	-	22,597	198,780	-	-	-	-
Capital repairs and maintenance	163,982	901,581	1,288,439	1,365,745	-	-	945,394	2,082,039
Amortization expenses	550,760	507,714	3,098,720	3,085,920	25,843	25,843	7,745,770	7,516,169
Allocations	(9,288,479)	(8,356,926)	3,394,253	1,586,858	861,072	720,080	1,262,139	3,258,806
<b>Total expenses</b>	<b>16,362,379</b>	<b>16,956,482</b>	<b>42,569,116</b>	<b>43,063,536</b>	<b>3,137,024</b>	<b>2,841,616</b>	<b>14,921,018</b>	<b>18,790,844</b>
<b>REVENUES</b>								
Taxation	18,851,183	17,304,734	3,711,255	3,542,595	2,506,664	1,820,284	10,535,543	10,056,751
User charges	446,540	331,878	43,825,255	42,001,281	492,228	514,910	107,084	131,011
External non-tax revenues	787,112	34,111	17,693,951	5,506,081	360,444	601,930	12,960,100	6,244,478
(Loss)/Gain on sale of tangible capital assets	6,171	17,601	(256,337)	(88,220)	-	-	(473,100)	(175,667)
<b>Total revenues</b>	<b>20,091,006</b>	<b>17,688,324</b>	<b>64,974,124</b>	<b>50,961,737</b>	<b>3,359,336</b>	<b>2,937,124</b>	<b>23,129,627</b>	<b>16,256,573</b>
Income (Loss) from Newmarket Hydro Holdings Inc.	-	-	-	-	-	-	-	-
<b>Annual Surplus (Deficit)</b>	<b>\$ 3,728,627</b>	<b>\$ 731,842</b>	<b>\$ 22,405,008</b>	<b>\$ 7,898,201</b>	<b>\$ 222,312</b>	<b>\$ 95,508</b>	<b>\$ 8,208,609</b>	<b>\$ (2,534,271)</b>

Note: Allocations are based on estimates of the support services provided to other departments.

The Corporation of the Town of Newmarket  
Segment Disclosures - Service Bundle  
Year ended December 31, 2020

Schedule 2

	Planning & Development Services		Community Programs & Events		Facilities, Parks & Trails		Corporate Support & Governance	
	2020	2019	2020	2019	2020	2019	2020	2019
<b>EXPENSES</b>								
Salaries and wages	\$ 4,426,567	\$ 4,594,089	\$ 4,140,920	\$ 6,735,505	\$ 7,053,853	\$ 8,370,343	\$ 13,015,767	\$ 12,596,321
Materials, good and supplies	107,805	243,610	43,421	160,883	1,822,077	3,363,876	710,615	466,418
Utilities	-	-	2,748	3,053	1,796,752	2,332,566	504,477	630,436
Contracted and general services	263,894	303,704	520,614	1,545,602	916,603	1,711,903	3,604,869	3,560,916
Rents and financial	31	-	31,216	53,259	18,319	51,559	20,243	53,006
Interest on long-term debt	-	-	-	-	-	-	1,747,666	1,895,306
Capital repairs and maintenance	153,600	553,049	-	-	1,052,919	2,011,189	(52,359)	271,602
Amortization expenses	-	-	72,497	72,497	4,529,878	4,353,606	956,734	875,045
Allocations	3,255,046	2,650,422	2,120,376	2,178,767	3,602,256	2,985,245	(17,584,985)	(16,333,254)
<b>Total expenditures</b>	<b>8,206,943</b>	<b>8,344,874</b>	<b>6,931,792</b>	<b>10,749,566</b>	<b>20,792,657</b>	<b>25,180,287</b>	<b>2,923,027</b>	<b>4,015,796</b>
<b>REVENUES</b>								
Taxation	4,372,523	4,126,615	4,818,409	4,599,434	16,646,226	18,287,800	-	-
User charges	3,672,746	3,236,410	1,069,440	5,376,311	908,420	2,478,134	551,216	1,663,975
External non-tax revenues	1,331,245	1,873,953	276,877	934,197	2,127,070	1,101,715	7,572,592	6,441,438
(Loss)/Gain on sale of tangible capital assets	-	-	-	-	(6,645)	23,287	-	-
<b>Total revenues</b>	<b>9,376,514</b>	<b>9,236,978</b>	<b>6,164,726</b>	<b>10,909,942</b>	<b>19,675,071</b>	<b>21,890,936</b>	<b>8,123,808</b>	<b>8,105,413</b>
Income (Loss) from Newmarket Hydro Holdings Inc.	-	-	-	-	-	-	1,423,813	(541,634)
<b>Annual Surplus (Deficit)</b>	<b>\$ 1,169,571</b>	<b>\$ 892,104</b>	<b>\$ (767,066)</b>	<b>\$ 160,376</b>	<b>\$ (1,117,586)</b>	<b>\$ (3,289,351)</b>	<b>\$ 6,624,594</b>	<b>\$ 3,547,983</b>

Note: Allocations are based on estimates of the support services provided to other departments.

**The Corporation of the Town of Newmarket**  
**Segment Disclosures - Service Bundle**  
**Year ended December 31, 2020**

**Schedule 2**

	Public Library Services		Main Street District BIA		Consolidated	
	2020	2019	2020	2019	2020	2019
<b>EXPENSES</b>						
Salaries and wages	\$ 2,496,628	\$ 2,587,639	\$ -	\$ -	\$ 61,538,122	\$ 63,905,544
Materials, good and supplies	358,156	302,607	2,768	18,975	5,911,477	9,680,177
Utilities	85,969	95,916	-	-	3,401,839	4,313,129
Contracted and general services	80,460	102,914	9,119	1,712	37,902,456	40,469,954
Rents and financial	1,867	2,057	-	-	200,911	279,934
Interest on long-term debt	-	-	-	-	1,770,263	2,094,086
Capital repairs and maintenance	219,127	134,315	-	-	3,771,102	7,319,520
Amortization expenses	416,237	420,636	-	-	17,396,439	16,857,430
Allocations	629,275	580,100	-	-	(11,749,047)	(10,729,902)
<b>Total expenditures</b>	<b>4,287,719</b>	<b>4,226,184</b>	<b>11,887</b>	<b>20,687</b>	<b>120,143,562</b>	<b>134,189,872</b>
<b>REVENUES</b>						
Taxation	4,309,384	3,854,536	30,000	30,000	65,781,187	63,622,749
User charges	12,169	69,099	-	-	51,085,098	55,803,009
External non-tax revenues	132,680	310,386	-	8,178	43,242,071	23,056,467
(Loss)/Gain on sale of tangible capital assets	-	-	-	-	(729,911)	(222,999)
<b>Total revenues</b>	<b>4,454,233</b>	<b>4,234,021</b>	<b>30,000</b>	<b>38,178</b>	<b>159,378,445</b>	<b>142,259,226</b>
(Loss)/Income From Newmarket Hydro Holdings Inc.	-	-	-	-	1,423,813	(541,634)
(Loss)/Gain on foreign exchange					(206,903)	(543,220)
<b>Annual Surplus (Deficit)</b>	<b>\$ 166,514</b>	<b>\$ 7,837</b>	<b>\$ 18,113</b>	<b>\$ 17,491</b>	<b>\$ 40,451,793</b>	<b>\$ 6,984,500</b>

**Note:** Allocations are based on estimates of the support services provided to other departments.



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Financial statements of  
Town of Newmarket  
Main Street District BIA

December 31, 2020

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Independent Auditor's Report	1-2
Statement of Operations	3
Statement of Financial Position	3
Statement of Cash Flows	4
Notes to the Financial Statements	5

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# Independent Auditor's Report

To the Members of Council of  
The Corporation of the Town of Newmarket

## Opinion

We have audited the financial statements of The Corporation of the Town of Newmarket Main Street District BIA (the "BIA"), which comprise the statement of financial position as at December 31, 2020, and the statements of operations and cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies (collectively referred to as the "financial statements").

In our opinion, the accompanying financial statements present fairly, in all material respects, the financial position of the BIA as at December 31, 2020, and the results of its operations and its cash flows for the year then ended in accordance with Canadian public sector accounting standards.

## Basis for Opinion

We conducted our audit in accordance with Canadian generally accepted auditing standards ("Canadian GAAS"). Our responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of our report. We are independent of the BIA in accordance with the ethical requirements that are relevant to our audit of the financial statements in Canada, and we have fulfilled our other ethical responsibilities in accordance with these requirements. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

## Responsibilities of Management and those Charged with Governance for the Financial Statements

Management is responsible for the preparation and fair presentation of the financial statements in accordance with Canadian public sector accounting standards, and for such internal control as management determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, management is responsible for assessing the BIA's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless management either intends to liquidate the BIA or to cease operations, or has no realistic alternative but to do so.

Those charged with governance are responsible for overseeing the BIA's financial reporting process.

## Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Canadian GAAS will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with Canadian GAAS, we exercise professional judgment and maintain professional skepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the BIA's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by management.
- Conclude on the appropriateness of management's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the BIA's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the BIA to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

We communicate with those charged with governance regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

Chartered Professional Accountants  
Licensed Public Accountants  
June 21, 2021

# THE CORPORATION OF THE TOWN OF NEWMARKET

## Main Street District BIA

### Statement of Operations

Year ended December 31, 2020

	2020		2019
	Budget	Actual	Actual
<b>REVENUES</b>			
Taxation	\$ 30,000	\$ 30,000	\$ 30,000
Events	-	-	\$ 8,178
<b>Total revenues</b>	<b>30,000</b>	<b>30,000</b>	<b>\$ 38,178</b>
<b>EXPENSES</b>			
Promotion and events	9,000	7,856	\$ 19,568
Advertising	21,000	4,031	\$ 1,119
<b>Total expenses</b>	<b>30,000</b>	<b>11,887</b>	<b>\$ 20,687</b>
<b>ANNUAL SURPLUS</b>	<b>-</b>	<b>18,113</b>	<b>\$ 17,491</b>
<b>FUND BALANCE, BEGINNING OF YEAR,</b>	<b>38,405</b>	<b>38,405</b>	<b>\$ 20,914</b>
<b>FUND BALANCE, END OF YEAR</b>	<b>\$ 38,405</b>	<b>\$ 56,518</b>	<b>\$ 38,405</b>

### Statement of Financial Position

Year ended December 31, 2020

	2020	2019
<b>ASSET</b>		
Due from the Town of Newmarket	\$ 56,518	\$ 38,405
<b>FUND BALANCE AND NET FINANCIAL ASSETS</b>	<b>\$ 56,518</b>	<b>\$ 38,405</b>

# THE CORPORATION OF THE TOWN OF NEWMARKET

## Main Street District BIA

### Statement of Cash Flows

Year ended December 31, 2020

	2020	\$	2,019
<b>Cash received from</b>			
Taxation	\$ 30,000	\$	30,000
Events	-	\$	8,178
Transfer (to) from the Town of Newmarket	(18,113)	\$	(17,491)
	11,887	\$	20,687
<b>Cash paid for</b>			
Promotion and events	7,856	\$	19,568
Advertising	4,031	\$	1,119
	11,887	\$	20,687
<b>Net Change in Cash</b>	-	\$	-
<b>Cash, Beginning of Year</b>	-	\$	-
<b>Cash, End of Year</b>	\$ -	\$	-

# THE CORPORATION OF THE TOWN OF NEWMARKET

## Main Street District BIA

### Notes to the Financial Statements

December 31, 2020

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#### 1. NATURE OF OPERATIONS

On January 22, 2007 the Corporation of the Town of Newmarket Council, under the authority of section 204 of the Municipal Act, enacted a bylaw to designate the Main Street Business Improvement Area ("BIA"). The primary objective of the BIA is to promote the area as a business, shopping and entertainment area.

#### 2. SIGNIFICANT ACCOUNTING POLICIES

The financial statements of the Main Street District BIA are the representation of management prepared in accordance with accounting standards, as recommended by the Public Sector Accounting Board ("PSAB") of the Chartered Professional Accountants of Canada ("CPA Canada") and reflect the following policies:

Revenues and expenses are reported on the accrual basis of accounting. The accrual basis of accounting recognizes revenues as they become available and measurable. Expenses are recognized as they are incurred and measurable as a result of the receipt of goods or services and the creation of a legal obligation to pay.

Taxation revenue is recognized in the calendar year it is raised from ratepayers by the Town.

#### 3. USE OF ESTIMATES

The preparation of financial statements in conforming with Canadian Public Sector Accounting Standards requires management to make estimates and assumptions that affect the reported amounts in the financial statements. Due to the inherent uncertainty in making estimates, actual results could differ from those estimates.







**The Corporation of the Town of Newmarket**  
Report to the Audit Committee on the results of the  
December 31, 2020 financial statement audits

To be presented to the Audit Committee on June 15<sup>th</sup>, 2021



Deloitte LLP  
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Suite 500  
Vaughan ON L4K 0C3  
Canada

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May 26, 2021

To the Members of the  
Audit Committee of  
The Corporation of the Town of Newmarket  
395 Mulock Dr  
Newmarket ON L3Y 4X7

**Report on the results of the audits for the year ended December 31, 2020**

Dear Audit Committee Members,

We are pleased to submit this report on the results of our audit of the consolidated financial statements of the Corporation of the Town of Newmarket (the "Town") and the audits of the financial statements of the Town of Newmarket Library Board (the "Library") and the Town of Newmarket Main Street District BIA (the "Main Street District BIA") for the year ended December 31, 2020. This report summarizes the scope of our audits, our findings and reviews certain other matters that we believe to be of interest to you.

We expect to issue our Independent Auditor's Reports on the financial statements of the Town, the Library, and the Main Street District BIA upon approval of the financial statements. Our audits were conducted in accordance with the 2020 Audit service plan presented to the Audit Committee on October 19, 2020.

This report is intended solely for the information and use of the Audit Committee, management, and others within the Town and is not intended to, and should not be, used by anyone other than these specified parties. Accordingly, we disclaim any responsibility to any other party who may rely on it.

We would like to express our appreciation for the cooperation we received from management and the employees of the Town and the related entities with whom we worked to discharge our responsibilities. We look forward to discussing this report summarizing the outcome of our audit with you, and, to answering any questions which you may have.

Yours truly,

Chartered Professional Accountants  
Licensed Public Accountants

# Table of contents

Our audits explained	1
Areas of significant audit risk	4
Significant accounting policies, judgements and estimates	5
Other reportable matters	7
Appendix 1 – Communication requirements	
Appendix 2 – Independence letter	
Appendix 3 – Misstatements and disclosure items – corrected and uncorrected	
Appendix 4 – Internal control matters	
Appendix 5 – Draft management representation letter	



# Our audits explained

This report summarizes the main findings arising from our audits.

## Audit scope and terms of engagement

We have been engaged to perform the audits of the Town's, Library's and Main Street District BIA's Financial Statements (collectively the "Financial Statements") prepared in accordance with Canadian Public Sector Accounting Standards ("PSAS") as at and for the year ended, December 31, 2020. Our audits were conducted in accordance with Canadian Generally Accepted Auditing Standards ("Canadian GAAS").

The terms and conditions of our engagement are described in the Master Services Agreement for Professional Services dated November 14, 2017 and the subsequent confirmation of changes letter dated September 7, 2018.

## Significant audit risks

Through our risk assessment process, we have identified the significant audit risks. These areas of risk of material misstatement and our related audit responses are described in the 'Areas of significant audit risk' section of this report.

Scope and terms of engagement

Materiality

Significant audit risks

## Materiality

We are responsible for providing reasonable assurance that the financial statements, as a whole, are free from material misstatement.

Our materiality levels are a matter of professional judgement and were assessed as follows:

- Consolidated Financial Statements for the Town – \$3,600,000; clearly trivial amount of \$180,000
- Town of Newmarket Public Library Board – \$100,000; clearly trivial amount of \$ 5,000
- Main street District BIA – \$590; clearly trivial amount of \$30

We agreed to inform you of any uncorrected misstatements detected during the audit which were greater than a clearly trivial amount of 5% of materiality and any misstatements that are, in our judgement, qualitatively material. In accordance with Canadian GAAS, we asked that any misstatements be corrected. See Appendix 3 – Misstatements and disclosure items – corrected and uncorrected.

### Status and outstanding matters

We expect to be in a position to render our Independent Auditor's Reports on the financial statements of the Town, the Library and the Main Street District BIA following their approval, and the completion of the following outstanding audit procedures:

- Completion of our quality control procedures
- Receipt of signed management representations letters
- Receipt of updated legal responses, as applicable
- Update of our subsequent events audit procedures

### Uncorrected misstatements and disclosure items

See Appendix 3 – Misstatements and disclosure items – corrected and uncorrected.

Status and outstanding matters

Going concern

Internal controls

Uncorrected misstatements and disclosure items

### Going concern

Management of the Town has completed its assessment of the ability of the Town, the Library and the Main Street District BIA to continue as a going concern and in making its assessment did not identify any material uncertainties related to events or conditions that may cast significant doubt upon the Town's ability to continue as a going concern.

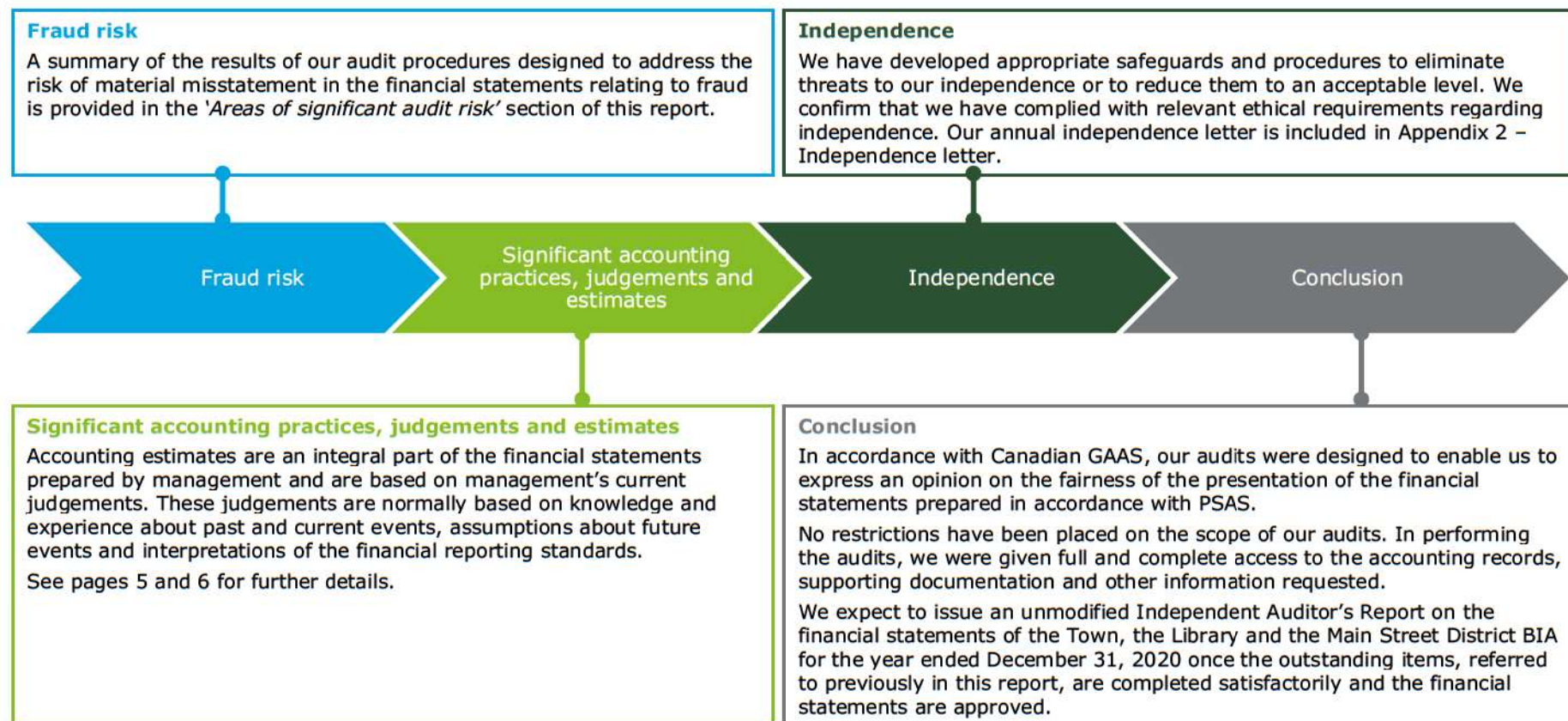
We agree with management's assessment.

### Internal controls

During the course of our audit, we examined certain of the accounting procedures and key internal controls related to the financial reporting processes at the Town.

As a result of this examination, we did not identify any significant deficiencies in internal control.

Please refer to Appendix 4 – Internal control matters, for matters that come to our attention in performing audits of the financial statements.





# Areas of significant audit risk

## Revenue recognition

### Audit risk

Canadian GAAS include the presumption of a fraud risk involving improper revenue recognition.

### Our audit response

- Certain revenue streams are presumed areas of significant audit risk. We will test the design and implementation of key controls in significant revenue streams and perform substantive analytic procedures and/or detailed testing of revenues.
- Substantive testing to determine if restricted contributions (i.e., development charges), and government transfers/grants have been recognized appropriately. (Revenue vs. deferred revenue), particular in light of the impacts of COVID-19.

### Audit results

We obtained sufficient audit evidence in this area and are satisfied with the results of audit procedures performed.

## Management override of controls

### Audit risk

Under Canadian Auditing Standards, it is the responsibility of the management, with the oversight of those charged with governance, to place a strong emphasis on fraud prevention and detection. Oversight by those charged with governance includes considering the potential for override of controls or other inappropriate influence over the financial reporting process.

The risk of management override of controls is present in all entities. It is a risk of material misstatement resulting from fraud and therefore is considered as a significant risk.

### Our audit response

- Engage in periodic fraud discussions with certain members of senior management and others.
- Consider the potential for bias in judgments and estimates, including performing retrospective analysis of significant accounting estimates.
- Evaluate the business rationale for any significant unusual transactions.
- Evaluate the Town's fraud risk assessment and consider entity-level internal controls and internal controls over the closing and reporting process.
- Test journal entries that exhibit characteristics of possible management override of controls, identified using manual techniques.

### Audit results

Our testing did not identify any evidence of management override of controls.

# Significant accounting policies, judgements and estimates

The accounting policies of the Town, the Library, and the Main Street District BIA are set out in the notes of their respective financial statements.

In the course of our audits of the financial statements, we considered the qualitative aspects of the financial reporting process, including items that have a significant impact on the relevance, reliability, comparability and understandability of the information included in the financial statements.

## Significant accounting policies

There were no significant changes in previously adopted accounting practices or their application at the Town, the Library and the Main Street District BIA.

In our judgement, the significant accounting practices and policies, selected and applied by management are, in all material respects, acceptable under PSAS for the Town, the Library and the Main Street District BIA and are appropriate to the particular circumstances of the Town, the Library and the Main Street District BIA.

## Management judgement and accounting estimates

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's current judgements. These judgements are normally based on knowledge and experience about past and current events, assumptions about future events and interpretations of the financial reporting standards.

During the year ended December 31, 2020, management advised us that there were no significant changes in accounting estimates or in judgements relating to the application of the accounting policies.

In our judgement, the significant accounting estimates made by management (with assistance from the Town's actuary as applicable) appear, in all material respects, to be free of possible management bias and of material misstatement. The disclosure in the consolidated financial statements with respect to estimation uncertainty (Note 1(b)(x)) is in accordance with PSAS and is appropriate to the particular circumstances of the Town.

Significant accounting estimates include:

	Reference to Town's consolidated financial statements	2020 \$	2019 \$
Employee future benefits liability	Note 12	7,786,852	7,457,790
Long-term disability benefits liability	Note 13	4,539,602	4,502,355
Allowance for doubtful accounts – taxes receivable	Note 6(a)	1,215,743	915,743
Allowance for doubtful accounts – accounts receivable	Note 6(b)	100,480	92,072



# Other reportable matters

The following summarizes the status and findings of key aspects of our audits. In the appendices to this report, we have provided additional information related to certain matters we committed to report as part of the audit service plan.

	Comment
<b>Changes to the audit service plan</b>	The audits were conducted in accordance with our Audit service plan, which was presented to the Audit Committee on October 19, 2020 except for change in scope of the Town's audit due to the modification of audit procedures related to the audit testing of taxes receivable balances (refer to Appendix 4 – internal control matters) and consultation related to misstatements in the financial statements of NHHI (refer to Appendix 3 –Misstatements and disclosure items).
<b>Significant difficulties encountered in performing the audit</b>	<p>We did not encounter any significant difficulties while performing the audits.</p> <p>There were no significant delays in receiving information from management required for the audits nor was there an unnecessarily brief timetable in which to complete the audits.</p> <p>Due to COVID-19 social distancing measures, the audit evidence was provided electronically as the audit team performed the financial statement audits remotely.</p>
<b>Related party transactions</b>	Related party transactions or balances have been disclosed in the Town's financial statements.
<b>Disagreements with management</b>	During the course of our audits, we did not have any disagreements with management about matters that individually or in the aggregate could be significant to the financial statements.
<b>Consultation with other accountants</b>	Management has informed us that the Town, the Library and the Main Street District BIA have not consulted with other accountants about auditing or accounting matters.

	Comment
<b>Group audit</b>	<p>We use the work of Baker Tilly KDN LLP, the external auditor of Newmarket Hydro Holdings Inc. (NHHI) with respect to the accounting for the Town's investment in NHHI.</p> <p>On May 19, 2021 we received the component auditor reporting requested from Baker Tilly KDN LLP. The component auditor reporting indicated that during 2020, a \$2,995,531 misstatement in the financial statements of NHHI was detected relating to deferred income taxes impacting both the current fiscal year and prior fiscal year. In accordance with PSAS, NHHI is accounted for on a modified equity basis, accordingly this misstatement impacts the Town's consolidated financial statements.</p> <p>Please refer to Appendix 3 –Misstatements and disclosure items.</p>
<b>Legal and regulatory compliance</b>	<p>Management is responsible for ensuring that the Town's operations are conducted in accordance with the laws and regulations applicable to the Town. The responsibility for preventing and detecting non-compliance rests with management. The auditor is not and cannot be held responsible for preventing non-compliance with laws and regulations</p> <p>Our limited procedures did not identify any areas of material non-compliance with laws and regulations by the Town, the Library and the Main Street District BIA.</p>
<b>Significant event during the year</b>	<p>On March 11 2020, the World Health Organization characterized the outbreak of a strain of the novel coronavirus ("COVID-19") as a pandemic which has resulted in a series of public health and emergency measures that have been put in place to combat the spread of the virus. The duration and impact of COVID-19 is unknown at this time and it is not possible to reliably estimate the impact that the length and severity of these developments will have on the financial results and condition of the Town in future periods.</p>
<b>Subsequent event</b>	<p>At the date of finalizing this report, we are not aware of any significant subsequent events that would require adjustment or disclosure in the December 31, 2020 financial statements.</p>

# Appendix 1 – Communication requirements

The table below summarizes our communication requirements under Canadian GAAS.

Required communication	Comments
<b>Audit service plan</b>	
1. Our responsibilities under Canadian GAAS, including forming and expressing an opinion on the financial statements	Master Services Agreement for Professional Services dated November 14, 2017 and subsequent confirmation of changes letter dated September 7, 2018
2. An overview of the overall audit strategy, addressing: <ul style="list-style-type: none"> <li>a. Timing of the audits</li> <li>b. Significant risks, including fraud risks</li> <li>c. Planned responsibilities of other independent public accounting firms or others that perform audit procedures in the audits</li> </ul>	Audit service plan presented on October 19, 2020 On May 19, 2021 we received all of the component auditor reporting requested from the independent auditor of Newmarket Hydro Holdings Inc.
3. Significant transactions outside of the normal course of business, including related party transactions	Related party transactions have been properly disclosed in the Town's financial statements
<b>Enquiries of those charged with governance</b>	
4. How those charged with governance exercise oversight over management's process for identifying and responding to the risk of fraud and the internal control that management has established to mitigate these risks	Audit service plan on October 19, 2020
5. Any known suspected or alleged fraud affecting the Town	No fraudulent events communicated
6. Whether the Town is in compliance with laws and regulations	Refer to the <i>Other reportable matters</i> section of this report



## Year-end communication

7. Modification to our audit plan and strategy	<p>The audits were conducted in accordance with our Audit service plan, which was presented to the Audit Committee on October 19, 2020 except for:</p> <ul style="list-style-type: none"> <li>• change in scope of the Town's audit due to the modification of audit procedures related to the audit testing of taxes receivable balances (refer to Appendix 4 – internal control matters); and</li> <li>• consultation related to misstatements in the financial statements of NHHI (refer to Appendix 3 –Misstatements and disclosure items).</li> </ul>
8. Fraud or possible fraud identified through the audit process	We are not aware of any fraudulent events
9. Significant accounting policies, practices, unusual transactions, and our related conclusions	Refer to 'Significant accounting practices, judgements and estimates' section of this report

Year-end communication	
10. Alternative treatments for accounting policies and practices that have been discussed with management during the current audit period	None
11. Matters related to going concern	None
12. Management judgements and accounting estimates	Refer to <i>Significant accounting practices, judgements and estimates</i> section of this report
13. Significant difficulties, if any, encountered during the audits	None
14. Material written communications between management and us, including management representation letters	Management representation letter in draft is included in Appendix 5
15. Other matters that are significant to the oversight of the financial reporting process	None
16. Modifications to our Independent Auditor's Reports	None
17. Our views of significant accounting or auditing matters for which management consulted with other accountants and about which we have concerns	We are not aware of any such consultations
18. Significant matters discussed with management	None
19. Matters involving non-compliance with laws and regulations that come to our attention	None noted
20. Significant deficiencies in internal control, if any, identified by us in the conduct of the audits of the financial statements	No significant deficiencies noted Refer to Appendix 4 – Internal control matters
21. Uncorrected misstatements and disclosure items	Refer to Appendix 3 – Misstatements and disclosure items
22. Any significant matters arising during the audit in connection with the Town's related parties	Related party transactions have been properly disclosed in the Town's financial statements

# Appendix 2 – Independence letter

May 26, 2021

**Private and confidential**

To the Members of the Audit Committee of  
The Town of Newmarket  
395 Mulock Dr  
Newmarket ON L3Y 4X7

Dear Audit Committee members:

We have been engaged to audit the consolidated financial statements of the Corporation of the Town of Newmarket (the "Town") for the year ended December 31, 2020.

You have requested that we communicate in writing with you regarding our compliance with relevant ethical requirements regarding independence as well as all relationships and other matters between the Town, our Firm and network firms that, in our professional judgement, may reasonably be thought to bear on our independence. You have also requested us to communicate the related safeguards that have been applied to eliminate identified threats to independence or reduce them to an acceptable level.

In determining which relationships to report, we have considered relevant rules and related interpretations prescribed by the appropriate provincial regulator/ordre and applicable legislation, covering such matters as:

- a) Holding a financial interest, either directly or indirectly, in a client.
- b) Holding a position, either directly or indirectly, that gives the right or responsibility to exert significant influence over the financial or accounting policies of a client.
- c) Personal or business relationships of immediate family, close relatives, partners or retired partners, either directly or indirectly, with a client.
- d) Economic dependence on a client.
- e) Provision of services in addition to the audit engagement.

We confirm to you that the engagement team and others in the firm as appropriate, the firm and, when applicable, network firms have complied with relevant ethical requirements regarding independence.

We have prepared the following comments to facilitate our discussion with you regarding independence matters arising since July 7, 2020, the date of our last letter.

In addition to audit services we have also provided HST advisory and HST recovery services during the period from July 7, 2020 to May 26, 2021. These services were commenced prior to our appointment as external auditors, have been discussed with the Audit Committee and are permissible non-audit services.

We are not aware of any relationships between the Deloitte Entities and the Town and its affiliates, or persons in financial reporting oversight roles at the Town and its affiliates, that, in our professional judgement, may reasonably be thought to bear on independence, that have occurred from June 7, 2020 to May 26, 2021.



We hereby confirm that we are independent with respect to the Town in accordance with the Rules of Professional Conduct of the Chartered Professional Accountants of Ontario as of May 26, 2021.

This letter is intended solely for the information and use of the Audit Committee, Town Council, management, and others within the Town and is not intended to be should not be used for any other purposes.

We look forward to discussing with you the matters addressed in this letter at your upcoming Audit Committee meeting on May 31, 2021.

Yours truly,

Chartered Professional Accountants  
Licensed Public Accountants

# Appendix 3 – Misstatements and disclosure items – corrected and uncorrected

## Corrected misstatements – Town of Newmarket

*None identified*

## Corrected misstatements – Library

*None identified*

## Corrected misstatements – BIA

*None identified*

## Uncorrected misstatement – Town of Newmarket

1. The external auditors of Newmarket Hydro Holdings Inc. (NHHI), in their capacity as component auditors to the Town, reported an uncorrected misstatement of \$2,995,531 related to the provision for future income taxes and income tax expense. The \$2,995,531 misstatement arises from the 2018 fiscal year, remained undetected in 2019, and was discovered and corrected in year during fiscal 2020. The 2019 corresponding figures, including opening balances presented in the 2020 financial statements of NHHI were not restated. As at December 31, 2020 the closing balances in both NHHI and the Town of Newmarket are corrected.

In accordance with PSAS, the Town's investment in NHHI is accounted for on a modified equity basis, accordingly the uncorrected misstatement in the Town's 2020 financial statements is as follows:

a. Dr. Income from NHHI	\$2,995,531	
b. Cr. Investment in NHHI		\$2,995,531

## Uncorrected misstatement- detected in the current year relating to the prior year – Town of Newmarket

2. As described in 1 above, the 2019 corresponding figures, including January 1, 2019 opening balances presented in financial statements of NHHI were not restated as this misstatement was corrected prospectively in NHHI's fiscal 2020 financial statements.

In accordance with PSAS, the Town's investment in NHHI is accounted for on a modified equity basis, accordingly the uncorrected misstatement in the Town's 2019 financial statements is as follows:

a. Dr. Investment in NHHI	\$2,995,531	
b. Cr. Accumulated Surplus, Beginning of year		\$2,995,531



### Uncorrected misstatements –Library

None identified above the clearly trivial amount of \$5,000.

### Uncorrected misstatement – BIA

3. Deloitte notes that domain registration fee totaling \$35 was paid for the period from 12/16/2020 to 12/16/2021 indicating that only 0.5 months should have been expensed in 2020. The remaining should have been recorded as a prepaid.

- |                           |      |      |
|---------------------------|------|------|
| a. Dr. Prepays            | \$33 |      |
| b. Cr. Operating Expenses |      | \$33 |

### Disclosure misstatement – Town of Newmarket

Footnote number	Footnote title	Description of omitted or unclear disclosure	Authoritative literature reference
Note 10	Investment in Newmarket Hydro Holdings Inc.	The Town's consolidated financial statement note disclosure omits the disclosure of the contractual obligations and commitments of Newmarket Hydro Holdings Inc.	PS 3070.60 Government consolidated financial statements should disclose, in notes or schedules, condensed supplementary financial information relative to government business enterprises. Such financial information should be provided on: (d) contractual obligations and contingencies

### Disclosure misstatements – Library

None identified

### Disclosure misstatements – BIA

None identified

# Appendix 4 – Internal control matters

May 26, 2021

**Private and confidential**

To the Members of the Audit Committee of  
The Corporation of the Town of Newmarket  
395 Mulock Dr  
Newmarket ON L3Y 4X7

Dear Audit Committee Members:

We have recently completed our audit procedures related to the consolidated financial statements of the Corporation of the Town of Newmarket (the "Town") for the year ended December 31, 2020.

In addition to our Independent Auditor's Report on the consolidated financial statements (the "financial statements"), we would like to provide the attached management letter for your consideration.

As part of our audit examination, we are required to obtain an understanding of the Town and its environment, including key internal controls, sufficient to identify and assess the risk of material misstatements in the financial statements, and sufficient to design and perform further audit procedures. The scope of our review of internal controls is not sufficient to express an opinion as to the effectiveness or efficiency of the Town's internal controls; however, we do undertake to report any matters that come to our attention during the audit. We have reviewed our comments with management and their responses to our recommendations are included in the attached letter.

The letter is intended solely for the information and use of management, the Audit Committee and Council and is not intended for and should not be used by anyone other than the specified parties. Accordingly, we disclaim any responsibility to any other party who may rely on it.

Yours very truly,

Chartered Professional Accountants  
Licensed Public Accountants



# Management letter

## The Corporation of the Town of Newmarket

December 31, 2020

### 1. Liability balances (carry forward from 2017, 2018 and 2019)

#### Observation

During our testing of accounts payable and accrued liabilities, we identified a *letter of credit* general ledger account with a balance of approximately \$270,000 (2019- \$350,000) described as representing liabilities to developers for various projects. This balance in this account comprised primarily of long-standing balances with the most recent from 2009 and some transactions dating as far back as 1987. From our discussions with Town management, we understand that it is unlikely developers will submit a request to obtain these funds as many of the related projects likely had deficiencies. Therefore, we understand that it is the Town's view that developers would not be eligible to receive refunds. The lack of timely tracking and reconciliation of the underlying items included in this general ledger account could result in an overstatement of the Town's liabilities if they are no longer payable to developers.

#### Recommendation

We recommended that the Town implement formal and regular reviews of long-standing balances to determine whether the Town still has a liability or whether certain balances should be recognized in revenue. This analysis should be performed on a regular basis. Furthermore, the Town should implement a process of how to recognize these balances into revenue, when it is determined they no longer have an obligation to settle the liability.

#### Management Response

Management has reviewed this balance in more detail during the fiscal year ended December 31, 2020 which has resulted in a reduction of the balance by approximately \$85,000. Management will continue to review the remaining balance by evaluating previous agreements during fiscal 2021.

### 2. Property taxes receivable

#### Observation

During the fiscal year ended December 31, 2020, the Town of Newmarket converted its property tax application system from Vailtech to the TXM property tax system. The reporting functionality in TXM, as designed and implemented by the Town at the time of audit testing, made it difficult for users to produce detailed legacy reporting.

Accordingly, the Town was unable to provide for external audit purposes a detailed tax receivable subledger by tax account as at December 31, 2020. As a result, the audit procedures on the taxes receivable balance, performed on a sample basis, were modified by obtaining a breakdown of the detailed listing as at date of audit testing and then performing roll back audit testing to the December 31, 2020 balance.

#### Recommendation

We recommend that the year-end financial close process be amended to include generating from the TXM system a detailed taxes receivable listing as at December 31 of each year. This listing should be retained and reconciled to the general ledger.

#### Management Response

A detailed tax receivable subledger as at December 31, 2020 was not readily available at the time of the audit testing which resulted in a modified audit testing approach. A subledger was subsequently retrieved and provided after completion of the audit testing.



*Matters related to information technology*

**3. Privileged access and change management (includes carry forward from 2019)**

**Observation**

In performing our audit testing related to information technology controls including a review of privileged access we noted the following for the JD Edwards application:

1. An Application Specialist, who was on a leave of absence, continued to have system administrator access to the JD Edwards application.
2. Users have been granted access to the development and production environment within JD Edwards allowing them to develop and promote changes, thereby resulting in a segregation of duties conflict.
3. A generic account with system administrator access to the JD Edwards application is being used by the current Application Specialist rather than a uniquely named account. In addition, the password for this account is configured to not expire (set to 0 days) rather than expire every 45 days as required by the Town of Newmarket's IT Policy.

**Recommendation**

We recommend that Town management review its current logical access configurations to ensure that access to system administrative privileges is limited to appropriate personnel such that access is aligned with an individual's job responsibilities and enforcing segregation of duties.

It is further recommended that the Town design and implement logging at the application and database levels that would allow the Town to identify unauthorized and/or untested changes being promoted into the production environment. These logs should be stored in a read-only mode on a separate server; monitored on an on-going basis; and reconciled with the changes promoted into the production environment (by comparing the use of system administrative privileges to tickets logged for managing user access and system changes).

**Management Response**

The Town of Newmarket has hired a new Director of Information Technology who will be reviewing the suggested observations. There will be a review of the overall IT security procedures that will include access control parameters as specified.

1. This item (Application Specialist) has been reviewed, and will be rectified in the future through the implementation of an improved Closeout / Staff departure process in collaboration with Human Resources. The IT department plans to have these changes implemented by the 4th quarter of 2021.
2. The Town of Newmarket will review the segregation and separation of duties as it relates to the IT department and JD Edwards. The review will be concluded by July 30, 2021.
3. The JDE generic account and password expiration note will be reviewed. The IT department plans to have these changes implemented by the 4th quarter of 2021.

#### **4. Authentication**

##### **Observation**

The password parameters on the JD Edwards application and Windows network are not aligned with the existing Town of Newmarket's IT Policy, including the following:

##### JD Edwards

- Maximum password age has been configured to 60 days vs. 45 days as defined within the IT policy.

##### Windows network

- Maximum password age has been configured to 90 days vs. 45 days as defined within the IT policy.
- Minimum password age has been configured to 30 days vs. 15 days as defined within the IT policy.

Passwords are used in many ways to protect the Town's data and systems as well as authenticating users of the network, operating systems, applications, hardware and remote access privileges. The lack of strong password parameter configurations, based on leading security practices, may result in unauthorized users gaining access to the Town's data and systems.

##### **Recommendation**

Deloitte recommends that the Town review its password parameter configurations to ensure that they are aligned with leading security practices. In addition, the Town of Newmarket's IT Policy should be updated on a timely basis to align with leading security practices.

We also recommend that management review its existing information technology processes and procedures for awareness and education related to information security (e.g., password management, phishing attacks, spam, etc.) and continue its efforts to provide increased awareness training to Town personnel.

##### **Management Response**

A recent IT Security audit was performed by a third party (Digital Boundary Group). Specific changes were made to the password policy that govern password age, expiry and format. Additionally, there is an add-on application validating passwords to ensure validity and provide additional layers of security.

All password parameters identified will be reviewed and consolidated to align to the updated IT Policy by the new Director and the specific departments involved. This work should be completed by July 30, 2021.



## **5. Cyber Security Maturity Self-Assessment**

### **Observation**

The Town participated in Deloitte's Cyber Security Maturity Assessment survey for Ontario municipalities. The results of this [confidential] assessment outlined the current cyber security maturity for the Town, benchmarked against Ontario municipalities and leading cyber security practices.

This assessment identified key cybersecurity threat risks and provided certain recommendations to reduce risk and uplift cyber security capabilities, including identifying existing relevant cyber security practices, cyber security practices that require improvement, and areas where cyber security controls may not be in place.

### **Recommendation**

We encourage the Town of Newmarket to perform a validation process to ensure that policies, procedures and processes reflected in the responses are supported by controls that are designed and operating effectively to support the cyber security maturity assessment.

# Appendix 5 – Draft management representation letter

## [CLIENT LETTERHEAD]

June 21, 2021

### **Private and confidential**

Deloitte LLP  
400 Applewood Cres  
Suite 500  
Vaughan ON L4K 0C3

Dear Ms. Colavecchia:

**Subject: Consolidated financial statements of the Corporation of the Town of Newmarket  
for the year ended December 31, 2020**

This representation letter is provided in connection with the audit by Deloitte LLP ("Deloitte" or "you") of the consolidated financial statements of the Corporation of the Town of Newmarket (the "Town" or "we" or "us") as at, and for the year ended December 31, 2020, and a summary of significant accounting policies and other explanatory information (the "Financial Statements") for the purpose of expressing an opinion as to whether the Financial Statements present fairly, in all material respects, the financial position, results of operations, changes in net financial assets and cash flows of the Town in accordance with Canadian Public Sector Accounting Standards ("PSAS").

Certain representations in this letter are described as being limited to matters that are material. Items are considered to be material if they, individually or in the aggregate, could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

We confirm that, to the best of our knowledge and belief, having made such inquiries as we considered necessary for the purpose of appropriately informing ourselves:

### **Financial statements**

1. We have fulfilled our responsibilities as set out in the terms of the Master Services Agreement for Professional Services between the Town and Deloitte dated November 14, 2017 and the confirmation of changes dated September 7, 2018 for the preparation of the Financial Statements in accordance with PSAS. In particular, the Financial Statements are fairly presented, in all material respects, and present the financial position of the Town as at December 31, 2020 and the results of its operations, changes in net financial assets and cash flows for the year then ended in accordance with PSAS.
2. Significant assumptions used in making estimates, including those measured at fair value, are reasonable.

In preparing the Financial Statements in accordance with PSAS, management makes judgments and assumptions about the future and uses estimates. The completeness and appropriateness of the disclosures related to estimates are in accordance with PSAS. The Town has appropriately disclosed in the Financial Statements the nature of measurement uncertainties that are material, including all estimates where it is reasonably possible that the estimate will change in the near term and the effect of the change could be material to the Financial Statements.

The measurement methods, including the related assumptions and models, used in determining the estimates, including fair value, were appropriate, reasonable and consistently applied in accordance with PSAS and appropriately reflect management's intent and ability to carry out specific courses of action on behalf of the Town. No events have occurred subsequent to December 31, 2020 that require adjustment to the estimates and disclosures included in the Financial Statements.

There are no changes in management's method of determining significant estimates in the current year.



3. We have determined that the Financial Statements are complete as of the date of this letter as this is the date when there are no changes to the Financial Statements (including disclosures) planned or expected. The Financial Statements have been approved in accordance with our process to finalize financial statements.
4. We have completed our review of events after December 31, 2020 and up to the date of this letter. All events subsequent to the date of the Financial Statements and for which PSAS requires adjustment or disclosure have been adjusted or disclosed. Accounting estimates and disclosures included in the Financial Statements that are impacted by subsequent events have been appropriately adjusted.
5. The Financial Statements are free of material errors and omissions.

We believe that the effects of any uncorrected Financial Statement misstatements pertaining to the current period presented, are immaterial, both individually and in the aggregate, to the Financial Statements taken as a whole. A list of the uncorrected misstatements aggregated by you is attached in Appendix A.

As a result of our evaluation process, we identified certain disclosures that, although required by PSAS, have been omitted from our Financial Statements. Those omitted disclosures that are more than inconsequential are attached as Appendix B. We believe the effects of the omitted disclosures are quantitatively and qualitatively immaterial, both individually and in the aggregate, to the Financial Statements as a whole.

#### **Internal Controls**

6. We acknowledge our responsibility for the design, implementation and maintenance of internal control to prevent and detect fraud and error.
7. We have disclosed to you all known deficiencies in the design or operation of internal control over financial reporting identified as part of our evaluation, including separately disclosing to you all such deficiencies that we believe to be significant deficiencies in internal control over financial reporting.

#### **Information provided**

8. We have provided you with:
  - a. Access to all information of which we are aware that is relevant to the preparation of the Financial Statements, such as records, documentation and other matters.
  - b. All relevant information as well as additional information that you have requested from us for the purpose of the audit; and,
  - c. Unrestricted access to persons within the Town from whom you determined it necessary to obtain audit evidence; and,
  - d. All minutes of the meetings of directors and committees of directors, or summaries of actions of recent meetings for which minutes have not yet been prepared. All significant board and committee actions are included in the summaries.
9. We have disclosed to you the results of our assessment of the risk that the Financial Statements may be materially misstated as a result of fraud.
10. We have disclosed to you all information in relation to fraud or suspected fraud that we are aware of and that affects the Town and involves:
  - a. Management;
  - b. Employees who have significant roles in internal control; or
  - c. Others where the fraud could have a material effect on the Financial Statements.



11. We have disclosed to you all information in relation to allegations of actual, suspected or alleged fraud, or illegal or suspected illegal acts affecting the Town.
12. There have been no communications with regulatory agencies concerning actual or potential non-compliance with or deficiencies in financial reporting practices. There are also no known or possible instances of non-compliance with the requirements of regulatory or governmental authorities.
13. We have disclosed to you the identity of the Town's related parties and all the related party relationships and transactions of which we are aware, including guarantees, non-monetary transactions and transactions for no consideration.

**Independence matters**

For purposes of the following paragraphs, "Deloitte" shall mean Deloitte LLP and Deloitte Touche Tohmatsu Limited, including related member firms and affiliates.

14. Prior to the Town having any substantive employment conversations with a former or current Deloitte engagement team member, the Town has held discussions with Deloitte and obtained approval.
15. We have ensured that all services performed by Deloitte with respect to this engagement have been pre-approved by those charged with governance in accordance with its established approval policies and procedures.

**Other matters**

Except where otherwise stated below, immaterial matters less than \$180,000 collectively are not considered to be exceptions that require disclosure for the purpose of the following representations. This amount is not necessarily indicative of amounts that would require adjustment to or disclosure in the Financial Statements.

16. Except as listed in Appendix A, all transactions have been properly recorded in the accounting records and are reflected in the Financial Statements.
17. The Town has identified all related parties in accordance with Section PS 2200, *Related Party Disclosures* ("PS 2200"). Management has made the appropriate disclosures with respect to its related party transactions in accordance with PS 2200. This assessment is based on all relevant factors, including those listed in paragraph 16 of PS 2200.
18. There are no instances of identified or suspected non-compliance with laws and regulations.
19. We have disclosed to you all known, actual or possible litigation and claims, whether or not they have been discussed with our lawyers, whose effects should be considered when preparing the Financial Statements. As appropriate, these items have been disclosed and accounted for in the Financial Statements in accordance with PSAS.
20. All events subsequent to the date of the Financial Statements and for which PSAS requires adjustment or disclosure have been adjusted or disclosed. Accounting estimates and disclosures included in the Financial Statements that are impacted by subsequent events have been appropriately adjusted.
21. We have disclosed to you all liabilities, provisions, contingent liabilities and contingent assets, including those associated with guarantees, whether written or oral, and they are appropriately reflected in the Financial Statements.



22. We have disclosed to you, and the Town has complied with all aspects of contractual agreements that could have a material effect on the Financial Statements in the event of non-compliance, including all covenants, conditions or other requirements of all outstanding debt.
23. The Town has satisfactory title to and control over all assets, and there are no liens or encumbrances on such assets. We have disclosed to you and in the Financial Statements all assets that have been pledged as collateral.

**Communications with taxation and regulatory agencies**

24. We have disclosed to you all communications from:
- a. Taxation authorities concerning assessments or reassessments that could have a material effect on the Financial Statements; and
  - b. Regulatory agencies concerning non-compliance with or potential deficiencies in, financial reporting requirements.

**Deficiencies in internal control**

25. We have communicated to you all deficiencies in internal control of which we are aware. We have disclosed to you any change in the Town's internal control over financial reporting that occurred during the current year that has materially affected, or is reasonably likely to materially affect, the Town's internal control over financial reporting.

**Work of management's experts**

26. We agree with the work of management's experts in evaluating the valuation of post-employment benefits liability and long-term disability benefits liability and have adequately considered the capabilities of the experts in determining amounts and disclosures used in the Financial Statements and underlying accounting records. We did not give any, nor cause any, instructions to be given to management's experts with respect to values or amounts derived in an attempt to bias their work, and we are not aware of any matters that have impacted the independence or objectivity of the experts.

**Liabilities and contingencies**

27. We have disclosed to you all liabilities, provisions, contingent liabilities and contingent assets, including those associated with guarantees, whether written or oral, and they are appropriately reflected in the Financial Statements.

**Loans and receivables**

28. The Town is responsible for determining and maintaining the adequacy of the allowance for doubtful notes, loans, and accounts receivable, as well as estimates used to determine such amounts. Management believes the allowances are adequate to absorb currently estimated bad debts in the account balances.

**Employee future benefits**

29. Employee future benefit costs, assets, and obligations have been properly recorded and adequately disclosed in the Financial Statements including those arising under defined benefit plans as well as termination arrangements. We believe that the actuarial assumptions and methods used to measure defined benefit plan assets, liabilities and costs for financial accounting purposes are appropriate in the circumstances.



### **Government transfers**

30. We have disclosed to you all correspondence relating to government transfers that the Town has had with the funding body.
31. We have assessed the eligibility criteria and determined that the Town is an eligible recipient for the government transfers received.
32. We have assessed the stipulations attached with the funding and have recognized the revenue in accordance with meeting the stipulations required.
33. All government transfers that have been recorded as deferred revenue give rise to an obligation that meets the definition of a liability. Those liabilities have been properly recorded and presented in the Financial Statements.

### **Tax Revenues**

34. We have appropriately recorded tax assets and revenues when they meet the definition of an asset in accordance with Section PS 1000, Financial Statement Concepts, when they are authorized and when the taxable event occurs. These amounts have been appropriately measured in accordance with PS 3510, Tax Revenue, and have not been grossed up for any amount of tax concessions.

### **Tangible capital assets**

35. Tangible capital assets have been recorded properly and consistently according to the standards in Section PS 3150, Tangible Capital Assets.
36. Contributed tangible capital assets have been appropriately recorded at fair value, unless fair value is not reasonably determinable, and in such case, have been recorded at an appropriate nominal value. All contributed tangible capital assets have been appropriately disclosed.
37. We have assessed the useful lives of tangible capital assets and have determined all tangible capital assets contribute to the Town's ability to provide goods and services and therefore do not require a write down.

### **Environmental liabilities/contingencies**

38. We have considered the effect of environmental matters on the Town and have disclosed to you all liabilities, provisions or contingencies arising from environmental matters. All liabilities, provisions, contingencies and commitments arising from environmental matters, and the effect of environmental matters on the carrying values of the relevant assets are recognized, measured and disclosed, as appropriate, in the Financial Statements.

### **Government Business Enterprises and Government Partnerships**

39. The Town has appropriately classified its investments in Newmarket Hydro Holdings Inc. as a Government Business Partnership.

With regard to the Town's investment in Newmarket Hydro Holdings Inc. we have disclosed to you any events that have occurred and facts that have been discovered with respect to such investment that would affect the investment's value as reported in the financial statements.

**Liabilities for contaminated sites**

39. We have evaluated all of our tangible capital assets that we have direct responsibility for or accept responsibility for, and have not identified any sites in which contamination exceeds an environmental standard.

Yours truly,

**The Corporation of the Town of Newmarket**

---

Mr. Mike Mayes  
Director of Financial Services and Treasurer

---

Mr. Jag Sharma  
Chief Administrative Officer

**Appendix A**  
**Town of Newmarket**  
**Summary of corrected and uncorrected financial statement misstatements**  
**Year ended December 31, 2020**

**Corrected misstatements – Town of Newmarket**

*None identified*

**Corrected misstatements – Library**

*None identified*

**Corrected misstatements – BIA**

*None identified*

**Uncorrected misstatement – Town of Newmarket**

1. The external auditors of Newmarket Hydro Holdings Inc. (NHHI), in their capacity as component auditors to the Town, reported an uncorrected misstatement of \$2,995,531 related to the provision for future income taxes and income tax expense. The \$2,995,531 misstatement arises from the 2018 fiscal year, remained undetected in 2019, and was discovered and corrected in year during fiscal 2020. The 2019 corresponding figures, including opening balances presented in the 2020 financial statements of NHHI were not restated. As at December 31, 2020 the closing balances in both NHHI and the Town of Newmarket are corrected.

In accordance with PSAS, the Town's investment in NHHI is accounted for on a modified equity basis, accordingly the uncorrected misstatement in the Town's 2020 financial statements is as follows:

a. Dr. Income from NHHI	\$2,995,531	
b. Cr. Investment in NHHI		\$2,995,531

**Uncorrected misstatement- detected in the current year relating to the prior year – Town of Newmarket**

2. As described in 1 above, the 2019 corresponding figures, including January 1, 2019 opening balances presented in financial statements of NHHI were not restated as this misstatement was corrected prospectively in NHHI's fiscal 2020 financial statements.

In accordance with PSAS, the Town's investment in NHHI is accounted for on a modified equity basis, accordingly the uncorrected misstatement in the Town's 2019 financial statements is as follows:

a. Dr. Investment in NHHI	\$2,995,531	
b. Cr. Accumulated Surplus, Beginning of year		\$2,995,531

**Uncorrected misstatements –Library**

*None identified above the clearly trivial amount of \$5,000.*

**Uncorrected misstatement – BIA**

3. Deloitte notes that domain registration fee totaling \$35 was paid for the period from 12/16/2020 to 12/16/2021 indicating that only 0.5 months should have been expensed in 2020. The remaining should have been recorded as a prepaid.

Dr. Prepays	\$33	
Cr. Operating Expenses		\$33



**Appendix B**  
**Town of Newmarket**  
**Summary of disclosure items passed**  
**Year ended December 31, 2020**

**Disclosure misstatement – Town of Newmarket**

<i>Footnote number</i>	<i>Footnote title</i>	<i>Description of omitted or unclear disclosure</i>	<i>Authoritative literature reference</i>
Note 10	Investment in Newmarket Hydro Holdings Inc.	The Town's consolidated financial statement note disclosure omits the disclosure of the contractual obligations and commitments of Newmarket Hydro Holdings Inc.	PS 3070.60 Government consolidated financial statements should disclose, in notes or schedules, condensed supplementary financial information relative to government business enterprises. Such financial information should be provided on: (d) contractual obligations and contingencies

**Disclosure misstatements – Library**

*None identified*

**Disclosure misstatements – BIA**

*None identified*



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# **Town of Newmarket**

## **Minutes**

### **Council Workshop - Electronic**

Date: Monday, June 7, 2021  
Time: 1:00 PM  
Location: Streamed live from the Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor  
Deputy Mayor & Regional Councillor Vegh  
Councillor Simon  
Councillor Woodhouse  
Councillor Twinney  
Councillor Morrison  
Councillor Kwapis  
Councillor Broome  
Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
P. Noehammer, Commissioner of Development & Infrastructure Services  
L. Lyons, Director of Legislative Services/Town Clerk  
K. Saini, Deputy Town Clerk  
A. Walkom, Legislative Coordinator  
J. Grossi, Legislative Coordinator

The meeting was called to order at 1:01 PM.  
Mayor Taylor in the Chair.

#### **1. Notice**

Mayor Taylor advised that the Municipal Offices were closed to the public and that this meeting was streamed live at [Newmarket.ca/meetings](http://Newmarket.ca/meetings).

Mayor Taylor advised that in accordance with the Town's Procedure By-law, no decisions are to be made but rather this meeting was an opportunity for Council to have informal discussion regarding various matters.

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

None.

**3. Conflict of Interest Declarations**

None.

**4. Items**

The Deputy Town Clerk provided an introduction to the presentations and advised that the Town's Boards, Committees and Task Forces provide a mid-term update to Council. Due to the COVID-19 pandemic and the cancellation of meetings, this update was delayed until 2021. She advised that a survey of Board, Committee and Task Force members had also been conducted and that the results of the survey had been distributed. She thanked the volunteers for their time and commitment to their community through the Town's Boards, Committees and Task Forces.

**4.1 Accessibility Advisory Committee Update**

Steve Foglia, Chair of the Accessibility Advisory Committee provided a presentation to Council which outlined the accomplishments of the Committee over the term, including advice and recommendations the Committee provided on various Town projects. He provided an overview of the current projects the Committee is working on and the activities for National AccessAbility Week in 2021.

Moved by: Councillor Simon

Seconded by: Councillor Twinney

1. That the presentation provided by Steve Foglia, Chair, and Jeff Fabian, Vice Chair regarding the Accessibility Advisory Committee Update be received.

**Carried**

#### **4.2 Anti-Black Racism Task Force Update**

Jerisha Grant-Hall, Chair of the Anti-Black Racism Task Force provided a presentation to Council which outlined the accomplishments of the Task Force since the start of the mandate, including the creation of an interim report to Council. She provided a list of events the Task Force is considering and an overview of the final report to Council with the group's recommendations.

Moved by: Councillor Bisanz

Seconded by: Councillor Broome

1. That the presentation provided by Jerisha Grant-Hall, Chair regarding the Anti-Black Racism Task Force Update be received.

**Carried**

#### **4.3 Audit Committee Update**

Michael Tambosso, Chair of the Audit Committee provided a presentation which outlined the activities of the Audit Committee with regards to the financial statement audit, financial processes and controls, and auditor appointment. He provided an update on the status of the Audit Committee's current projects.

Moved by: Deputy Mayor & Regional  
Councillor Vegh

Seconded by: Councillor Morrison

1. That the presentation provided by Michael Tambosso, Chair regarding the Audit Committee Update be received.

**Carried**

#### **4.4 Elman W. Campbell Museum Board Update**

Jackie Playter, Chair of the Elman W. Campbell Museum Board provided a presentation to Council which outlined the affects of COVID-19 on the Museum, including its closure and the redeployment of staff. She provided

an overview of the Museum displays and events which had been held over through 2020 during the pandemic and the plans for 2021.

Moved by: Councillor Morrison

Seconded by: Councillor Kwapis

1. That the presentation provided by Jackie Playter, Chair regarding the Elman W. Campbell Museum Board Update be received.

**Carried**

#### **4.5 Heritage Newmarket Advisory Committee Update**

Billie Locke, Chair of the Heritage Newmarket Advisory Committee provided a presentation to Council which outlined the workplan projects of the Committee and the progress to date on these projects. She provided an overview of the Heritage properties which the Committee has provided advice on during this term. The presentation concluded with a list of events Committee members attended and the upcoming projects the Committee will be working on.

Moved by: Councillor Bisanz

Seconded by: Councillor Woodhouse

1. That the presentation provided by Billie Locke, Chair regarding the Heritage Newmarket Advisory Committee Update be received.

**Carried**

#### **4.6 Main Street District Business Improvement Area Board of Management Update**

Jennifer McLachlan, Board Member of the Main Street District Business Improvement Area Board of Management provided a presentation to Council which outlined the accomplishments of the Board over the term. She provided an overview of the upcoming events planned by the BIA and the current projects of the Board.

Moved by: Councillor Kwapis

Seconded by: Councillor Twinney

1. That the presentation provided by Jennifer McLachlan, Board Member regarding the Main Street District Business Improvement Area Board of Management Update be received.

**Carried**

**5. Adjournment**

Moved by: Councillor Woodhouse

Seconded by: Councillor Broome

1. That the meeting be adjourned at 2:59 PM.

**Carried**

---

John Taylor, Mayor

---

Lisa Lyons, Town Clerk







# **Town of Newmarket**

## **Minutes**

### **Committee of the Whole - Electronic**

Date: Monday, June 14, 2021  
Time: 1:00 PM  
Location: Streamed live from the Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor  
Deputy Mayor & Regional Councillor Vegh  
Councillor Simon  
Councillor Woodhouse  
Councillor Twinney  
Councillor Morrison  
Councillor Kwapis  
Councillor Broome  
Councillor Bisanz

Staff Present: J. Sharma, Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
P. Noehammer, Commissioner of Development & Infrastructure Services  
I. McDougall, Commissioner of Community Services  
L. Lyons, Director of Legislative Services/Town Clerk  
K. Saini, Deputy Town Clerk  
J. Unger, Director of Planning & Building Services  
R. Prudhomme, Director of Engineering Services  
C. Service, Director of Recreation & Culture  
A. Walkom, Legislative Coordinator  
J. Grossi, Legislative Coordinator

For consideration by Council on June 21, 2021.  
The meeting was called to order at 1:00 PM.  
Mayor Taylor in the Chair.

**1. Notice**

Mayor Taylor advised that the Municipal Offices were closed to the public and that this meeting was streamed live at [Newmarket.ca/meetings](http://Newmarket.ca/meetings). Residents who would like to provide comment on an item on this agenda were encouraged to provide their feedback in writing through email to Legislative Services at [clerks@newmarket.ca](mailto:clerks@newmarket.ca) or by joining the meeting electronically through video or telephone. He advised residents that their comments would form part of the public record.

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

None.

**3. Conflict of Interest Declarations**

None.

**4. Presentations & Recognitions**

**4.1 Engaged Inclusive Communities Summary Report**

Erin Cerenzia of Neighbourhood Network provided an introduction to the presentation which included a background on the Engaged Inclusive Communities project. Kim Clark of Gazelle & Company provided a presentation which included an overview of the purpose of the project, the project focus and the phases of the project. The presentation continued with an overview of the themes of the project and areas of opportunity. The presentation concluded with the next steps for the project as it begins its second phase.

Moved by: Councillor Broome  
Seconded by: Councillor Kwapis

1. That the presentation provided by Kim Clark and Erin Cerenzia regarding the Engaged Inclusive Communities Summary Report be received.

**Carried**

**5. Deputations**

None.

**6. Consent Items**

Moved by: Councillor Broome

Seconded by: Councillor Woodhouse

1. That sub-items 6.1, 6.3, 6.5, 6.6, 6.11, 6.12, 6.13 and 6.14 be adopted on consent. See following sub-items 6.2, 6.4, 6.7, 6.8, 6.9 and 6.10 for motions.

**Carried**

**6.1 Engaged Inclusive Communities Report**

1. That the Engaged, Inclusive Communities Phase 1: Report be received for information.

**6.2 York Region Municipal Comprehensive Review – 2051 Forecast**

Moved by: Councillor Morrison

Seconded by: Councillor Twinney

1. That the report entitled York Region Municipal Comprehensive Review – 2051 Forecast dated June 14, 2021 be received; and,
2. That Council endorse the comments outlined in this report; and,
3. That Staff be directed to forward this report to the Regional Municipality of York for its consideration as part of the Municipal Comprehensive Review; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **6.3 Condominium Process Amendments**

1. That the report entitled Condominium Process Amendments dated June 14, 2021 be received; and,
2. That Council pass a by-law approving the condominium exemption for Connecticut Lane on the lands legally described as Block 53 on 65M-4683, on the basis that the overall development has been approved through the subdivision approval process for the development of the lands as a residential development and that all of the subdivision and development conditions have been addressed through that process, including the registration of a Subdivision Agreement; and,
3. That Shining Hill Estate Collections Inc. c/o Paul Bailey, 1500 Highway 7 West, Concord ON L4K 5Y4 be notified of this action; and,
4. That Malone Given Parsons Ltd., c/o Lincoln Lo, 140 Renfrew Drive, Suite 201, Markham ON L3R 6B3 be notified of this action; and
5. That Council and staff adopt a new process for applications requesting exemption from the condominium process as permitted by Section 9(3) of the Condominium Act as outlined in this report; and,
6. That Council institute a fee of \$4,104.10 +HST for processing an exemption request; and,
7. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **6.4 200 Deerfield Road (Phase 3) - Incentives for Affordable Housing and Rental Housing**

Moved by: Councillor Kwapis  
Seconded by: Councillor Morrison

1. That the report entitled 200 Deerfield (Phase 3) Incentives for Affordable Housing and Rental Housing, dated June 14, 2021 be received; and,
2. That Council approve the recommendations for development charge and fee deferral as outlined in this report; and,

3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

#### **6.5 Reserve and Reserve Fund Budget Report**

1. That the report entitled 2021 Reserves and Reserve Funds Budget dated June 14, 2020 be received; and,
2. That 2021 Reserves and Reserve Funds Budget as set out in the attachment be approved; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **6.6 2021 Budget Reconciliation**

1. That the report entitled 2021 Budget Reconciliation dated June 14, 2021 be received; and,
2. That the adjustments to the Council approved 2021 budget be adopted; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

#### **6.7 Alex Doner Drive Traffic Review – Sykes Road to Kirby Crescent**

Moved by: Councillor Bisanz  
Seconded by: Councillor Broome

1. That the report entitled Alex Doner Drive Traffic Review – Sykes Road to Kirby Crescent dated June 14, 2021 be received; and,
2. That Category 1 measures be approved for this section of Alex Doner Drive; and,
3. That this report be sent to York Regional Police to provide enforcement as they deem necessary; and,



4. That the traffic control review, such as all-way stops, be undertaken when traffic volumes have returned to a more normal level after the pandemic; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

#### **6.8 Stonehaven Avenue Traffic Review**

Moved by: Councillor Simon  
Seconded by: Councillor Kwapis

1. That the report entitled Stonehaven Avenue Traffic Review dated June 14, 2021 be received; and,
2. That Category 1 measures be approved; and,
3. That a painted median through the curved section of Stonehaven Avenue, west of Best Circle, approaching the commercial area at Bayview, be implemented; and,
4. That this report be forwarded to York Region Police to provide traffic enforcement, as they deem necessary; and,
5. That the traffic control review, for all-way stops or other stop control, be undertaken when traffic volumes have returned to a more normal level after the pandemic; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

#### **6.9 Commemorative Pride Bench**

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Kwapis

Seconded by: Deputy Mayor & Regional  
Councillor Vegh

1. That the report entitled Commemorative Pride Bench dated June 14, 2021 be received; and,
2. That the installation of a Pride Rainbow Bench, as attached in the report be approved; and,
3. That Staff work with York Region Pride to finalize installation logistics **at the Main Street location**; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

#### **6.10 Stormwater Management Ponds**

Moved by: Councillor Broome  
Seconded by: Councillor Woodhouse

1. That the report entitled Stormwater Management Ponds dated June 14, 2021 be received; and,
2. That Council directs Staff to continue to not permit individuals to use Stormwater Management Ponds for recreational purposes in the Town of Newmarket; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

#### **6.11 Accessibility Advisory Committee Meeting Minutes of March 18, 2021**

1. That the Accessibility Advisory Committee Meeting Minutes of March 18, 2021 be received.

**6.12 Heritage Newmarket Advisory Committee Meeting Minutes of April 6, 2021**

1. That the Heritage Newmarket Advisory Committee Meeting Minutes of April 6, 2021 be received.

**6.13 Main Street District Business Improvement Area Board of Management Meeting Minutes of April 7, 2021**

1. That the Main Street District Business Improvement Area Board of Management Meeting Minutes of April 7, 2021 be received.

**6.14 Newmarket Public Library Board Meeting Minutes of April 21, 2021**

1. That the Newmarket Public Library Board Meeting Minutes of April 21, 2021 be received.

**7. Action Items**

None.

**8. Notices of Motion**

None.

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

**9.1 Councillor Bisanz - All Way Stop at Frederick Curran Lane and Art West Avenue**

Moved by: Councillor Bisanz

Seconded by: Councillor Kwapis

1. That Council direct staff to investigate the addition of stop signs at the intersection of Frederick Curran Lane and Art West Way, making it an all-way stop intersection, and to report back to Council at the earliest opportunity.

**Carried**

## **10. New Business**

### **10.1 William Roe Boulevard and Dixon Boulevard Traffic Update**

Councillor Kwapis asked if the recent information report entitled William Roe Boulevard and Dixon Boulevard Traffic Update could be sent to the local residents who had signed a petition regarding the issue two years prior.

Moved by: Councillor Kwapis

Seconded by: Councillor Bisanz

1. That Council direct staff to mail a copy of the William Roe Boulevard and Dixon Boulevard Traffic Update information report to residents who had previously requested notice on this matter.

**Carried**

### **10.2 Main Street Balconies**

Councillor Kwapis advised that there is a current application to allow a residential balcony on Main Street and recommended that a review be undertaken prior to its approval.

Moved by: Councillor Kwapis

Seconded by: Councillor Broome

1. That Council direct staff to undertake a policy review and policy recommendations related to street facing balconies and other residential private outdoor amenity areas in the Main Street Heritage Conservation District; and,
2. That Council direct staff to defer making a decision on any current heritage applications involving balconies or residential private outdoor amenity areas for public occupation/use within this district until the completion of this study.

**Carried**

### **10.3 Update on Splashpads**

Councillor Broome asked for an update regarding the reopening of Town splashpads. The Commissioner of Development & Infrastructure Services advised that repairs were undertaken at the splashpad located at Frank Stronach park and that the splashpad is now open. He advised that the work required at the splashpad located at Dr. Margaret Arkinstall Park was nearing completion and that a testing phase would begin shortly.

### **11. Closed Session**

Mayor Taylor advised there was no requirement for a Closed Session.

### **12. Adjournment**

Moved by: Councillor Morrison  
Seconded by: Councillor Simon

1. That the meeting be adjourned at 3:11 PM.

**Carried**

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John Taylor, Mayor

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Lisa Lyons, Town Clerk



# ENGAGED INCLUSIVE COMMUNITIES – SUMMARY REPORT

JUNE 2021

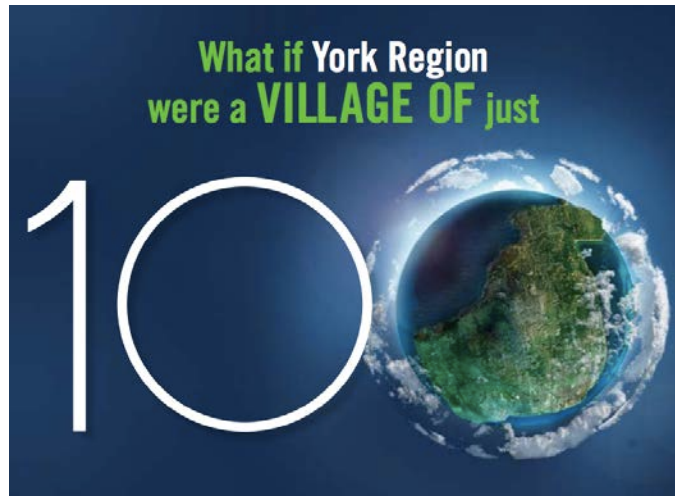


“IF YOU DON’T EAT HAMBURGERS, YOU WILL BE AN AUDIENCE NOT A PARTICIPANT.” – LOCAL COMMUNITY ORGANIZATION LEADER



# WHY?

## YORK REGION



## OUR COMMUNITIES

- Lack of specific data
- Our communities are changing
- We want to engage meaningfully with our communities
- Gain better understanding of our communities
- Growth and opportunity

# WHY?



- Engage more effectively
- Inform program and policy development
- Ensure reflective and inclusive communications and engagement
- Provide deeper connection and engagement
- Encourage growth, economic opportunity and sense of community belonging

# WHAT ARE WE LOOKING AT?

## Project focus

### Inclusive Engagement – what do we mean?

“Inclusive public engagement is not only the right thing to do, it’s what builds strong, sustainable relationships and helps capture a complete range of values and perspectives. Getting diversified public feedback ultimately leads to better decision making and policy discussions. Gaining a full range of perspectives also increases the likelihood of successful implementation of public programming because the entire community takes ownership.”

<https://www.bangthetable.com/blog/inclusive-engagement/>



# PROJECT OVERVIEW

## PHASE 1 – WHERE WE ARE

### REVIEW/REPORT

- This initial phase focused on connecting and gathering information to gain understanding
  - This work entailed two pieces:
    - A collection of conversations with municipal departments and local community organizational leaders
    - The development of a high level demographic snapshot of our communities.

## PHASE 2 – WHAT IS NEXT

### ENGAGE/LEARN

- This phase will focus on learning and engaging around the key themes and opportunities. Such as:
  - Municipal staff workshops
  - Institutional partner engagement/presentation
  - Engaging on themes through Neighbourhood Network partners and communities
  - Process development for organization listing



# PHASE 1 ELEMENTS

## Demographic Snapshot

- Based on 2016 Census Data and York Region demographic reports

## Municipal & Community Conversations

- 20 conversations across all three municipalities
  - Planning, communications, recreation, economic development, library, HR, culture
- Council engagement sessions (March/April)
- 14 Community organization conversations

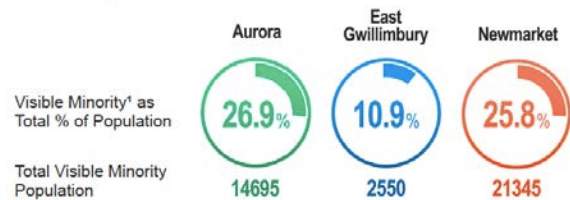
## Municipal Committee engagement

- Aurora – to come Accessibility and ABR/AR taskforce, Aurora Collaborative Arts Committee
- Newmarket Anti-Black Racism Task Force and Internal D&I
- EG – D&I Committee

# DEMOGRAPHIC SNAPSHOT

## VISIBLE MINORITY - OVERALL

### Visible Minority



<sup>1</sup>From Census - Visible minority refers to whether a person belongs to a visible minority group as defined by the Employment Equity Act and if so, the visible minority group to which the person belongs. The Employment Equity Act defines visible minorities as "persons other than Aboriginal peoples who are non-Caucasian in race or non-white in colour." The visible minority population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, and Japanese.

## VISIBLE MINORITY – TOP 5

Aurora	East Gwillimbury	Newmarket
Chinese	Chinese	Chinese
West Asian	South Asian	South Asian
South Asian <sup>3</sup>	Black	Black
Black	West Asian <sup>4</sup>	South East Asian <sup>5</sup>
Filipino	Filipino	West Asian

<sup>1</sup>From Census - Visible minority refers to whether a person belongs to a visible minority group as defined by the Employment Equity Act and if so, the visible minority group to which the person belongs. The Employment Equity Act defines visible minorities as "persons other than Aboriginal peoples who are non-Caucasian in race or non-white in colour." The visible minority population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, and Japanese.

# DEMOGRAPHIC SNAPSHOTS

## Households

### Households<sup>11</sup>

	Aurora	East Gwillimbury	Newmarket
Proportion of children (under 14) living with one parent	13.9%	10.7%	16.8%

<sup>11</sup> Taken from York Region Census Release Report – Population, Families, Households and Marital Status

# THEMES

## Theme 1:

### Meet people where they are

- Go beyond traditional communications tactics
- Shift from expecting people to come to “us” to meeting people where they already are both physically and online

## Theme 2:

### Engage with intention

Whether in general engagement or purposeful for a program, policy or strategy engage with an intentional inclusive lens - reach out specifically to underrepresented groups

- Leverage community partners to share and engage
- Develop relationships with community for relationship and trust purpose - shift from transactional focus

# THEMES

## Theme 3:

### Communicate the commitment

- Ensure commitment to DEI and inclusive engagement is clearly articulated and understood internally as a priority
- Wherever communicating with community reinforce commitment both in message and also approach to engagement and communications
- Give clarity across organization and from leadership that working through an inclusive lens is a key priority
- Make it clear and measured expectation

## Theme 4:

### Make the informal, formal

- Embed this within all work – not just Inclusion and Diversity focused work (and/or HR)
- Shift inclusive engagement and DEI away from side of desk to ingrained in process and systems
- Articulate expectations of inclusive lens to engagement both internal and to external programming partners

# THEMES

## THEME 5:

### Access

Who is invited? Who feels included?  
Where are there barriers?

- Accessibility speaks not only to physical access, but also to access of processes, programs, people, and place/space. It also deals with how we engage the communities we serve to make them feel welcome and encouraged to participate.

## THEME 6:

### Engage meaningfully

At times, the ways in which we communicate and engage can themselves become barriers. There is an opportunity to examine how, when, and why we engage and how we can do it with an intention towards creating meaning, trust, and relationships.

This is broken down in 3 areas:

- The relationships we build
- The words we use
- The ways we engage and expectation mismatch



# AREAS OF OPPORTUNITY

## **Leadership**

Who are our leaders? Who is at the decision-making tables? How do we identify leaders?

## **Broad Community Leadership Development**

Explore the idea of a “Community Leadership Development” program in the 3 municipalities and potentially N6 – focused on developing a pipeline of leaders

## **Municipalities as a Leader, Champion, and Catalyst for Change**

Local municipalities have an opportunity to take an increased leadership role in action and change around inclusive engagement

## **Partnership**

Who do we partner with and why? This speaks to the themes of meeting people where they are and engaging with intention. Whether for broad communications strategies or specific engagement opportunities, creating a partnership strategy through an inclusive lens will help ensure more reflective and inclusive involvement



# AREAS OF OPPORTUNITY

## **Building capacity for community**

Similar to partnerships, for many grass roots organizations and members of marginalized communities there may be a lack of clarity on how to engage with their municipalities, what the opportunities are, and the protocols for engagement.

## **Stories – Breaking Through with Stories**

There are incredible stories of impact and potential in our communities. What role can local municipalities play in amplifying and prioritizing these voices?

## **Creating Spaces and Opportunities for Conversations**


As noted in the themes, it is important to look at how and where we engage as a lever for change.

## **Measuring Success**

Traditional areas of measurement (ex: the total number of event attendees) can be a barrier to creating inclusive programming as our communities change.

## **Collaborative Opportunities**

There are two potential areas and a gap that could be a shared opportunity to explore – translation and community development/building/awareness.



# WHERE FROM HERE

A shift to Phase 2 – ENGAGE/LEARN

Development and delivery of Municipal workshops



Institutional partner engagement/presentation



Engaging on themes through NNetwork partners



Process development for organization listing



Diverse and inclusive cities and communities have more social, economic and physical resilience in the face of unforeseen challenges because community members are equipped with the values of equity, diversity and inclusion to adapt to changes and create positive opportunities for community-(re)building.

Building Inclusive Cities Case Study – Cities of Migration



# Engaged, Inclusive Communities

## Phase 1: Report



# Table of Contents

<b>Project Overview</b>	<b>1</b>
• Project Purpose.....	1
• Project Team .....	2
• Context and Background.....	3
• Considerations.....	4
<b>Project Phases</b>	<b>5</b>
• Proposal & Approvals .....	5
• Phase 1: Review/Report.....	5
• Phase 2: Engage/Learn .....	6
• Summary .....	6
<b>Demographic Snapshot</b>	<b>7</b>
<b>Community Conversations</b>	<b>10</b>
<b>Themes</b>	<b>11</b>
• Theme 1: Meet people where they are .....	11
• Theme 2: Engage with intention.....	13
• Theme 3: Communicate the commitment .....	15
• Theme 4: Make the informal, formal .....	16
• Theme 5: Access – Who is invited? Who feels included? Where are there barriers?.....	17
• Theme 6: Engage meaningfully .....	21
<b>Observations/Opportunities</b>	<b>23</b>
• Highlights .....	23
• Areas of Opportunity .....	24
• Collaborative Opportunities.....	30
<b>Next Steps</b>	<b>31</b>
• Phase 2: Engage/Learn .....	31
<b>Appendix 1: Demographic Snapshot</b>	<b>32</b>
<b>Appendix 2: Listing of Community Conversations</b>	<b>36</b>
<b>Appendix 3: Further Town Analysis</b>	<b>40</b>



”

“Because it values and respects all its members, an inclusive municipality builds a society without fences, where everyone has an equal chance at participating in its economic, political, social, cultural and recreational life, and to thrive there.”

UNESCO Coalition of Inclusive Municipalities

## Project Overview

### Project Purpose

- To engage, build connections; build inclusion through collaborative approaches, initiatives, and dialogue for impact in partner municipalities.
- To help further communities where everyone feels a sense of belonging, connectedness, and are engaged meaningfully—with opportunities, access, and inclusion.

This project was initiated by Neighbourhood Network and is a collaborative approach across three municipalities (Aurora, East Gwillimbury and Newmarket) in northern York Region with Neighbourhood Network as Lead Community Partner. Leveraging the strength of Neighbourhood Network’s leadership in engagement and understanding of our communities, while also building on the N6 communities’ historical strength of collaboration on shared issues, while valuing and recognizing different needs in each. This initiative is:

- Looking at shared challenges and opportunities
- Taking an integrated approach to avoid duplication and find efficiencies
- Researching the specific needs of each individual community where growth, increased development, and change is rapid

### Guiding Principles

Building Connections

Inclusion

Engagement

Innovation

Community Building

Alignment

## Project Team

The Municipal Advisory Group (MAG) is a collaboration led by Community Partner Neighbourhood Network with an Advisory Group of representatives from each municipality and the Project Facilitator (gazelle & company). Additional Neighbourhood Network staff and other potential outsourced resources will be utilized as required.

The MAG consists of:



- **Community Partner:** Erin Cerenzia, Manager Neighbourhood Network
- **Aurora:** Mateusz Zawada, Accessibility Advisor & Techa Van Leeuwen, Director of Corporate Services
- **East Gwillimbury:** Michelle Collette, Director of Human Resources & Erin Smyth, Human Resources Coordinator
- **Newmarket:** Kiran Saini, Deputy Town Clerk, Legislative Services & Jennifer Rose, Healthy Workplace Program Specialist, Human Resources
- **York Region:** Lois Davies, Manager, Social Policy and Inclusion/Accessibility
- **Project Facilitator:** Kim Clark, Principal Consultant gazelle & company

The MAG members identified Municipal Staff and Committees/Task Forces within their municipality to be engaged in the community conversations process. Additionally, through team meetings (monthly since January 2021) the MAG provided guidance and input on project direction, process, and most recently, feedback to this report.

## Context and Background

Our communities are evolving and there have been shifts both locally and beyond that have created opportunities for us to collectively reflect and take decisive action to better engage and create increased equity, belonging, and strength where we live, work, and play.

For the towns of Aurora, East Gwillimbury, and Newmarket, and Neighbourhood Network, this project provides an opportunity to explore a deeper understanding about what diversity looks like in our three communities. Our borders are porous and with many similarities, allowing for a collaborative investigation into how we currently engage within our communities and how we might do so more inclusively.

This work has already begun, and there are great examples locally in our municipal government and within community-based organizations of inclusive engagement. Additionally, the Regional Municipality of York has led some internationally recognized foundational work that local leadership and communities can build on (such as the Inclusion Charter for York Region). With the groundwork in place, and a committed network of community members and partners, the time is now to embrace the chance to engage and build better communities in newly imagined ways.

**This report identifies key themes to further explore, and opportunities for local municipalities and community organizations like Neighbourhood Network to take action.**

An increased understanding of and engagement within our communities leads to:

- Better connection, engagement, and relevance with constituents
- Increased effectiveness of policy and decision making
- Better informed programming

Source: Town of Newmarket



## Considerations

The focus of this project is inclusive engagement as an opportunity to inform program and policy development, ensure reflective and inclusive communications, provide deeper connection and engagement, and encourage growth, economic opportunity, and a sense of community belonging.

The intention of this report is to provide a roadmap and a first step towards continued learning, with actions to follow in Phase 2 of this project. With this, it is also important to note:

- This is not a comprehensive process or policy review of Diversity, Equity, and Inclusion (DEI) practices in each municipality, which is important and crucial work. Rather, the report's focus on inclusive engagement compliments DEI work occurring in municipalities
- The community conversations serve as a snapshot, not a complete representation of the breadth and depth of community work, or community development and engagement.
- This was not a broad public engagement process, but an exercise in conversation within the three municipalities and with a cross-section of community partners. Those consulted work through an inclusion and diversity lens, and it is recommended that ongoing and deeper engagement with those consulted and the community at large continues.
- The focus of this report is not specifically anti-racism work, however this project has strived to take an anti-racism/anti-oppression view and recognizes the importance of the anti-racism and anti-Black racism work that needs to occur and is being led in our communities.

# Project Phases

## Proposal & Approvals

The Engaged, Inclusive Communities project was presented to each municipality with a request for their participation and approval during the Fall of 2019, specifically:

- Town of Aurora: November 5, 2019
- Town of East Gwillimbury: November 5, 2019
- Town of Newmarket: October 28, 2019

The project was approved in early 2020 and kicked off with a meeting between Mayors Mrakas (Aurora), Hackson (East Gwillimbury), and Taylor (Newmarket) on March 6, 2020, where MAG members were identified and the way forward was confirmed. Due to the unforeseen circumstances of the COVID-19 pandemic, the project was delayed, and revised timelines were created. The projected project completion date is Fall 2021.

## Phase 1: Review/Report

This initial phase focused on connecting and gathering information to gain understanding of how each municipality currently engages with and in our communities, and how to do this with an increased lens of inclusion, belonging, and diversity.

This work entailed two pieces: 1) a collection of conversations with municipal departments, local councillors, and local community organizational leaders (see Appendix 2), and 2) the development of a demographic snapshot of our communities.

This report is the outcome of these two elements and includes:

- Snapshot demographic information based on 2016 Census and reports provided by the Region of York related to inclusion and diversity
- A summary of findings including observations, themes, high level recommendations, and opportunities towards increased inclusive engagement -and more broadly Diversity, Equity and Inclusion (DEI) activities
- A breakout report for each individual municipality with a specific snapshot and observations for action/opportunities for engagement (Appendix 3)
- A recommended roadmap for Phase 2 building on the foundation from Phase 1 and focused on extending the engagement, learning, and driving action

## Phase 2: Engage/Learn

This phase will focus on what was learned from the community conversations and how to engage around the key themes and opportunities identified in this report. This will include activities such as:

1. Development and delivery of workshops within each municipality – the intention of these workshops is to build concrete actions based on themes identified in this report
2. Institutional partner engagement – presenting the report to larger partner organizations (such as York Regional Police, Southlake Regional Health Centre, York Region Catholic/District School Boards, Chippewas of Georgina Island) who were not part of Phase 1 community conversations and facilitating discussion to understand their work and uncover opportunities for collaboration, alignment, and shared learning/action
3. Developing a local organization listing leveraging existing resources like the Neighbourhood Network website and York Region's 211 database
4. Developing a workshop/presentation for Neighbourhood Network Partners – engaging on themes and encouraging specific action

A summary report building on the project's total findings and including specific actions identified will also be provided.

## Summary

”

“Urban policies guide the geographic, economic and social growth of cities. They have numerous articulations in municipal codes, official plans, orders, zoning by-laws, and ordinances. These policies are an invisible yet powerful force that shape the lives of all urban dwellers, in both positive and adverse ways. When this force isn't intentionally directed toward socially good outcomes, equity seeking groups are most impacted.”

[Engaging Black People and Power – a public engagement and urban policy primer](#)



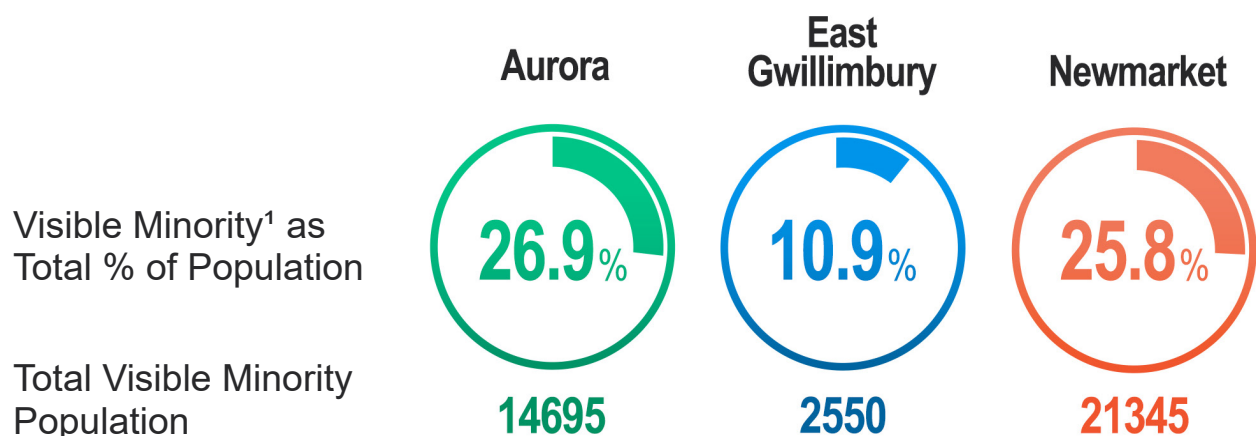
Source: Town of Aurora

## Demographic Snapshot

The demographic snapshots are a high-level view of our community through different dimensions of diversity. Data and demographics are an important tool in how we make decisions. Ensuring we look at the data with an eye to the diversity in our communities is crucial.

While this is a snapshot, there are a variety of tools at the disposal of all York Region municipalities to leverage and utilize as they build policies, programs, plans, and strategies. This report encourages continued research for further learning. More detailed snapshots for each municipality are included in Appendix 1.

### Visible Minority



<sup>1</sup>From Census - Visible minority refers to whether a person belongs to a visible minority group as defined by the Employment Equity Act and if so, the visible minority group to which the person belongs. The Employment Equity Act defines visible minorities as “persons other than Aboriginal peoples who are non-Caucasian in race or non-white in colour.” The visible minority population consists mainly of the following groups: South Asian, Chinese, Black, Filipino, Latin American, Arab, Southeast Asian, West Asian, Korean, and Japanese.

In 2016, 541,200 residents within York Region identified themselves as a member of a visible minority group, representing 49.2% of the total population.<sup>2</sup>

## Top 5 Visible Minority Communities

Note: All data is taken from [2016 Census Profiles](#).

Aurora	East Gwillimbury	Newmarket
Chinese	Chinese	Chinese
West Asian	South Asian	South Asian
South Asian <sup>3</sup>	Black	Black
Black	West Asian <sup>4</sup>	South East Asian <sup>5</sup>
Filipino	Filipino	West Asian

## 2016 Population by Age<sup>6</sup>

	Aurora		East Gwillimbury		Newmarket	
	2016 Population	% Change Since 2011	2016 Population	% Change Since 2011	2016 Population	% Change Since 2011
<b>0-4 years</b>	2725	-8.0%	1275	14.0%	4335	-0.1%
<b>5-14 years</b>	7125	-0.4%	2840	7.0%	10,500	0.0%
<b>15-24 years</b>	7995	0.0%	3000	-0.7%	11935	0.0%
<b>25-64 years</b>	<b>30355</b>	4.0%	<b>13400</b>	5.0%	<b>45910</b>	4.0%
<b>Age 65+</b>	7240	<b>28.0%</b>	3480	<b>29.0%</b>	11545	<b>30.0%</b>

<sup>2</sup> Taken from York Region Census Release report – Population, Age and Sex

<sup>3</sup> From Census - For example: East Indian, Pakistani, Sri Lankan, etc.

<sup>4</sup> From Census - For example: Afghan, Iranian, etc.

<sup>5</sup> From Census - For example: Vietnamese, Cambodian, Laotian, Thai, etc.

<sup>6</sup> Taken from York Region Census Release report – Population, Age and Sex

- Consistent across each municipality is that the largest share of population in 2016 is 25-64 years and largest percentage change from 2011 is over age 65+.
- In youth, the largest declines were in East Gwillimbury (-7.0%) and Georgina (-5.9%)<sup>7</sup>
  - The other five municipalities experienced growth of their youth population, with the largest increases occurring in Whitchurch-Stouffville (16.0%) and King (10.5%).
  - Both Aurora and Newmarket had the highest youth share of the total local municipal population, at 14.4% (8,000) and 14.2% (11,935) respectively.
- For preschool age between 2011 and 2016, the number of preschool children (0 to 4 years) decreased in Richmond Hill (-12.7%), Vaughan (-9.9%), Aurora (-8.2%) and Newmarket (-1.1%)<sup>8</sup>
- The growth rate of working-age residents was highest in King (22.7%) and Whitchurch-Stouffville (16.7%), and lowest in Richmond Hill (2.8%) and Newmarket (3.9%)<sup>9</sup>
- Despite the fact that the total working-age population increased across all local municipalities in York Region, the number of working-age adults aged 35 to 49 years decreased everywhere except in Whitchurch-Stouffville where there was a 20.5% increase and in King where there was an increase of 11.5%. The greatest declines were in Georgina (-14.4%) and Aurora (-9.5%)<sup>10</sup>

## Households<sup>11</sup>

	Aurora	East Gwillimbury	Newmarket
Proportion of children (under 14) living with one parent	13.9%	10.7%	16.8%

<sup>7</sup> Taken from York Region Census Release report – Population, Age and Sex

<sup>8</sup> Ibid.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

<sup>11</sup> Taken from York Region Census Release Report – Population, Families, Households and Marital Status

In 2016, Georgina (18.0%) had the highest proportion of lone parent families, followed by Newmarket (17.3%). Georgina and Newmarket had the highest proportion of children under 14 years of age living with one parent, 20.6% and 16.8% respectively.

# Community Conversations

”

“Inclusive community engagement recognises that everyone has a role to play in public engagement. It provides people with opportunities to participate by reducing barriers, creating connections and engaging in meaningful and supportive ways.”

[Capire - Inclusive Community Engagement: in a time of physical distancing](#)

Community conversations were the methodology utilized to uncover and explore themes and opportunities in each municipality. **The Themes and Observations/Opportunities presented in this report are all direct outcomes from these conversations.**

The community conversations were conducted in four ways:

1. Municipal Departments: Conversations with department leaders from each municipality in Communications, Customer Service, Economic Development, Human Resources, Libraries, Planning, and Recreation and Culture – 21 total interviews
2. Community Organizations: Conversations with leaders from community-based organizations, and partners of Neighbourhood Network – 14 total interviews
3. Conversations with Councillors and Mayors around preliminary themes identified and how they engage with their constituents
4. Presentations to related municipal committees and task forces for questions and input

Source: Town of East Gwillimbury





During these conversations, questions were asked to uncover themes, examples, and opportunities, such as:

- How do you (either municipal department or community organization) currently engage with community? When, how, why?
- How do you approach engagement through an inclusive lens?
- What are examples of successful inclusive engagement in the work you do, by other departments/organizations?
- What are opportunities to engage more inclusively? What might that look like? Where are there gaps?
- What role does partnership play in inclusive engagement?

Note: Refer to Appendix 2 for a list of Municipal Staff, Members of Council, Committees or Task Forces, and Community Organizations consulted in this process.

## Themes

”

“Embrace Change - In order for community engagement to flourish, officials must be open to change and willing to invite all groups to the table to participate. Before any outreach efforts, take some time to foster a culture of diversity within your agencies. In time, these changes will drive new decision-making processes that are more inclusive and transparent.”

[Bang the Table - Inclusive Engagement – Why Knowing Your Audience Matters](#)

### Theme 1: Meet people where they are

Often, traditional municipal and institutional engagement and communication strategies depend on participants “coming to them,” either physically or online. This approach to engagement assumes that the community/participants/intended audience have access, feel included, do not have barriers to engagement, and are connected to their municipality, and therefore, have the ability to engage.

However, there is a risk of excluding segments of our communities if we only engage through these traditional channels. To combat this and engage more inclusively means exploring how we can:

- Go beyond traditional communication tactics
- Shift from expecting people to “come to us” to meeting people where they already are, both physically and online
- Use language that is inclusive and avoids jargon and/or technical language where possible. This includes translating key documents or providing translation services where possible.

### **Examples include:**

- In addition to posting public engagement notices through a municipality’s usual channels, towns should also share content for cross-promotion through community organizations (e.g., Neighbourhood Network, local charitable organizations), institutional partners (e.g., schools, libraries) to communicate and engage with their own community members.
- For public engagement activities relating to planning public space, policy, or programming, towns should go beyond traditional in-person channels (e.g., Town Hall meetings) and meet community members at grass roots locations (e.g., in parks, at community events).
- Consider the language used. Avoid technical and legislation-based language and use simple, concise wording and visual aids. For example, in the Planning process the language is very technical and legislative; find ways to simplify the language to de-mystify the process and develop deeper understanding and increased community involvement.
- Some communities use alternative social media or technical tools (e.g., Telegram and WeChat – Chinese communities in York Region broadly use the latter). Research and utilize these platforms to share and engage as much as possible.



## Story of promise

In the East Gwillimbury Planning Department, an initiative was embarked on to simplify the Planning process to ensure it was more inclusive and to identify and eliminate potential barriers. This included steps such as:

- Changing the format of signage at development sites to make them more visual/graphical and shifting the language away from technical to simple and meaningful language.
- Going beyond what is legislatively required to engage a broader cross-section of the affected community – in addition to sharing in formal/technical language onsite and in local papers, they provided an easy to understand/graphical communication through social media and in-person engagement.

## Theme 2: Engage with intention

When developing communications and engagement around policy, programming, or strategies, municipalities need to ask, “how are we doing this through an inclusive lens?” The intention to specifically engage underrepresented groups needs to be imbedded in all engagement and program/policy development. This means:

- Reach out directly and specifically to underrepresented groups using their preferred method of communication to ensure they are engaged and that the municipality is being intentionally inclusive.
- Do not assume all community members are actively engaged in the same way with town initiatives, communications, or processes. Identify the gaps and barriers that might exist for each specific group prior to engagement and develop a strategy to combat this.
- Collaborate with community partners to share and engage (tied into ‘meeting people where they are’ theme). When municipalities find ways to work with community partners it shows a clear intent of inclusion, while also leveraging their communications and engagement channels and the ability to reach a new audience.
- Develop relationships with diverse community members and organizations. Shift the relationship building away from a transactional focus (e.g., only reaching out to an organization when support is needed for translation, rather than regularly and intentionally).

- Find ways to engage the community with a non-traditional, fun approach (e.g., through activities, games, or food). Ensure an inclusive approach to this engagement (e.g., use an accessible space, provide childcare/make child friendly, timing considerations to accommodate shift work, use visuals, translations, plain language, etc.)

## Examples include:

- For municipal job postings, board/committee appointments, or public engagement opportunities identify community organizations and underrepresented groups and take a targeted approach by:
  - Providing content for social media, email newsletters, community boards
  - Finding opportunities to present at their events, trainings, or workshops
- For events where a municipality partners with another organization (e.g., awards ceremony) build in a requirement of the partner organization to demonstrate an intentional outreach and engagement strategy (e.g., if a partner organization wants to renew or start a contract to use municipal space, add a section to the town's registration form where the partner organization must outline their own internal inclusivity plan).

## Story of promise

As the Town of Aurora embarked on public engagement for the development of Library Square, the team developed a Family Day event to go beyond traditional public engagement tactics. This event built fun and family into engagement. This provided an opportunity for people to participate in a new way that was inclusive and met people where they are by engaging with families already attending the event. There was intention – understanding that building something that allowed families to participate would allow for participation and also provide relevant and powerful feedback – through fun and non-traditional methods.

Source: Town of Aurora



## Theme 3: Communicate the commitment

While at a broad level there is an understanding that Diversity, Equity, and Inclusion (DEI) are priorities within the Region and local municipalities, how this is internally and externally communicated and articulated as a priority seems to be less clearly understood.

- Ensure the commitment to DEI and inclusive engagement is clearly articulated and understood internally by staff
  - Through leadership messaging
  - Organizational/departmental meetings and planning
  - Clearly articulated as a priority in performance measurement
- Speak to the importance of inclusion and diversity as a core in all work – not just as a silo for DEI initiatives or Human Resources. Reinforce this commitment in all communications with the community.
  - DEI should not be highlighted as a standalone priority, e.g., include messaging around inclusive Economic Development, Planning, Recreation & Culture, etc.
- Give clarity to staff across the organization and from leadership that working through an inclusive lens is a key priority
  - Make it a clear and measured expectation

### Examples include

- Any communication of Strategic Priorities should broadly note a commitment to inclusion and diversity – even if this is not an identified priority
  - Find opportunities to highlight and reinforce the commitment in internal and external communications/engagement (e.g., staff Town Halls, speaking opportunities for leaders, messaging around Strategic or Master Planning)
  - Leverage Town's commitment to Inclusion Charter for York Region statements to articulate this commitment
- In job postings ensure that part of the role prioritizes a commitment to and understanding of inclusion/inclusive engagement and diversity
- Communicate the opportunities for residents to work on/explore DEI, create communities of belonging, participate in anti-racism/anti-Black racism initiatives, and other related areas to the community at large

## Story of promise

An example of communicating the commitment is the messaging and communications around each municipality's Diversity and Anti-Racism/Anti-Black Racism Committees and Task Forces. Both the development of the committees and the broad communications of their existence is a positive first step to demonstrating this commitment. Ongoing focus, priority, and support of these Committees/Task Forces with communications on their progress and demonstrated action or impact will be crucial in continuing to showcase each municipality's ongoing commitment.



Source: Town of Newmarket

## Theme 4: Make the informal, formal

Building on the theme of 'communicating the commitment' is how municipalities can make the informal, formal. It was observed in many conversations that beyond some specific DEI focused work, there was not a formalization or focused/intentional prioritization of inclusive engagement throughout the local municipalities. The opportunity is to examine how to:

- Embed this within all work – not just Inclusion and Diversity focused work (and/or Human Resources)
- Shift inclusive engagement and DEI away from the side of the desk to becoming ingrained in daily process and systems
- Articulate expectations of taking an inclusive lens to engagement both internally to staff, and externally to programming partners

### Examples include:

- Examine the booking process for municipal owned space to ensure new groups get access. What role do "legacy" relationships play in creating exclusive practice?
- Building a dedicated, town-led inclusive engagement process rather than relying on a staff or leadership's personal initiative
- Formalizing process/policy for how grass roots community organizations can gain support (e.g., access to space, resource etc.) within the town



## Story of promise

The Town of Newmarket developed a cross-functional DEI Working Group to look at internal opportunities to create increased focus and action on Diversity, Equity, and Inclusion throughout the organization. This work has led to development of guiding tools such as the DEI Plan and Lens. The engagement of the Working Group and how it formed delivers a message of commitment to the work. For this to have continued impact, strength in how these tools are communicated, rolled out into action, and measured will be crucial. Having executive sponsorship and leadership in this will also be key.

## Theme 5: Access – Who is invited? Who feels included? Where are there barriers?

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"If you don't eat hamburgers, you will be an audience not a participant."

Community organization leader

Accessibility speaks not only to physical access, but also to access of processes, programs, people, and place/space. It also deals with how we engage the communities we serve to make them feel welcome and encouraged to participate.

### Process:

- Municipal processes are felt by some to be ambiguous and complex. Language is key to accessing municipal processes and programs:
  - Placing importance on using plain, inclusive, and accessible language
  - Providing translations or translation support services
  - Utilizing visuals to simplify the messaging

### Programs:

- Are Recreation and Culture programs accessible and inclusive? Are there potential barriers built into the programs that are designed and delivered? If people don't see themselves or their needs/differences addressed in programming, it can be hard to participate.

- When developing programs, ask questions such as:
  - Are there housing, transit, and income considerations that may impact access to programs – e.g., are programs affordable, easy to get to?
  - Are there cultural considerations to consider, like:
    - Timing of events, food served, language used, speakers/performances included
  - Are there physical barriers in the program space that need to be considered?

## People:

- There is a need to examine the barriers to building relationships with municipalities and municipal leaders
  - Who has access to these individuals? How are these relationships formed? Is there preferential treatment based on existing relationships? Municipal leaders should be encouraged to take a proactive approach to extend and broaden their network with an inclusive lens.
- How do community organizations form partnerships with their municipalities?
  - Formalize and build systems for community organizations to engage – develop a clear and communicated path
- There is an opportunity to explore who are the leaders in our community (formal and informal) and how they are identified. Tied to this, looking at who gets recognized and what stories get shared.
- Where opportunities present themselves, municipalities and community organizations should amplify and share stories of community members less represented (i.e. what businesses get profiled by economic development, what recreation or culture partner stories get amplified)

## Place/Space:

- Are there physical barriers to public spaces? Such as:
  - For those with mobility differences – ramps, walkways
  - For those with cognitive differences – signage
  - For those with language issues – translated signage, interpretation
  - As it relates to gender identity – non-gendered washrooms
- Explore the concept of a “welcoming community” and what this means. What provides a sense of community? How do we name our communities – “this is a multicultural



community,” “this is a diverse community,” – what is the impact of these statements? How do they exclude people? How do they re-enforce privilege? And do diverse individuals truly feel “welcomed?”

- There is an opportunity to look at where people live, where they shop, and where they play. Ask questions like:
  - Do people feel driven into certain areas?
  - Where do people feel safe and why?
  - What are push and pull factors?
  - Are there physical barriers?
  - What role does NIMBYism play in our space and place making possibilities in our communities? How is NIMBYism/resistance to community change at times rooted in racism and other forms of discrimination?

### **NIMBYism** (Not In My Backyard)

• The behaviour of someone who does not want something to be built or done near where they live, although it does need to be built or done somewhere.

Source: Cambridge Dictionary

### **Examples include:**

- Town permit systems are perceived by some as confusing and hard to navigate, with highly technical language
- Cultural events and programming is seen as being focused on “established” community members’ needs and/or legacy programs/events
- Are by-laws enforcing (or even re-enforcing) NIMBYism through a lens of exclusion of what is new or different from pre-existing/established norms?
  - e.g., Accessory dwelling and residential street parking might be necessary to accommodate multi-generational families of specific cultural backgrounds, but are not permitted due to existing town bylaws.
- Are town events and third party and/or partner events being intentionally welcoming to newer populations?
  - e.g., Do Farmers’ Markets include a focus on cultural food events, youth engagement, or food security? Do local business awards include a broad cross-section of diversity and take an equity and inclusion lens? Does the Magna Hoedown encourage participation of all residents?
- Do certain neighbourhoods have specific “reputations” and why? What impact does this reputation have?



Source: Town of Newmarket

## Story of promise

The Aurora Public Library embarked on an extensive engagement process with the 2SLGBTQ+ communities to find ways to better reflect, welcome, and work together. This process was multi-phased and as a result new programming was created, partnerships formed, and deepened trust and opportunities to enrich the Library experience for 2SLGBTQ+ communities and all Library customers.

## Theme 6: Engage meaningfully

At times, the ways in which we communicate and engage can themselves become barriers. There is an opportunity to examine how, when, and why we engage and how we can do it with an intention towards creating meaning, trust, and relationships.

### The relationships we build

- Focus on creating reciprocal relationships where there is benefit for both the diverse community and the municipality
- Move beyond festivals to engage with community members – while it is important to celebrate, communities want to participate more fully in all aspects of community building and civic activity (e.g., to engage in Planning processes, sit on committees, be informed and engaged around town activities)
- Proactively create opportunities for inclusion – municipalities should not wait for the invitation to engage, and instead create the opportunity for inclusive engagement
- When engaging with a specific community, also ask the question of how the municipality can help develop capacity for that organization or community members
- Conversations emphasized that relationships and trust building work is key and crucial within all levels of government. It is important for municipal leaders to not only attend events, but to think about who and how they are networking with (e.g., invitations to lunch or coffee), and extend that beyond their established networks.

### The words we use

- Inclusive language without demonstrated action is hollow and can do more harm than good – e.g., “[saying] we are a welcoming town without clear and demonstrated action to create a community of belonging and welcome.” – Community organization leader

### The ways we engage and expectation mismatch

- There is a lack of funding and investment in community work (at all levels)
  - Often times funding opportunities are set up so local community organizations are competing
- Leaders from underrepresented communities are at times being asked to do “unpaid” work by municipal staff, councillors, or municipalities themselves (e.g., translation, community engagement – online and offline, event planning)



- Community volunteers are often doing the heavy lifting, most often without compensation, and often without recognition
- Work gets put on marginalized communities to bear the burden of helping leaders and organizations learn – “[We are] seen as the human Google for dominant white culture, for [the] privileged to learn – learning of dominant and privileged should not be on the shoulders of marginalized communities – this is also dehumanizing – especially when it is undervalued and not compensated.” – Community organization leader
- Explore how to engage without doing damage, how to collaboratively learn in a way that is respectful and also builds a community up
  - What are the models of compensation and recognition?
  - How can the town formalize this informal work?
  - How can we work to further deepen and develop capacity and resources for organizations working with and for marginalized communities?

## Story of promise

All three municipalities have engaged in various ways with Black-led community organizations NACCA – Newmarket African Caribbean Canadian Association and Aurora Black Community for Black History Month (BHM) programming and events. The partnership with the Town of Newmarket and NACCA has crossed multiple departments and created powerful cultural programming and events both during and beyond BHM. This provides some insight as well as to how municipalities can support grass-roots organizations in building capacity and supporting their work.

Source: Town of Aurora



# Observations/Opportunities

## Highlights

While below there are some specific areas of observations and opportunities that broadly apply, and through Appendix 3 each municipality is provided with locally specific details, these highlights are generalized observations, threads, and questions to consider when approaching inclusive engagement.

- Being proactive vs. reactive
- Is there anyone missing at the table?
- In order to dismantle barriers effectively, there must be an ongoing examination of how colonization, privilege, and systemic racism and other forms of discrimination are articulated in our organizations.
- Fears of excluding or not including everyone can sometimes be used as a reason for not engaging with anyone
- Have we been intentional in our engagement and in the communications we use?
- What are the opportunities to use a community development model to engagement and building community?
- Building relationships with trust at the core is key
- The work cannot be superficial – it's not enough to have a "check box," an inclusion and equity lens needs to be embedded in all that is done
- Do not dance around the fact that differences exist
  - "[People] need to accept there are differences and create policies around that" and "engage difference – don't ignore that difference exists." – Community organization leader
  - What does inclusion mean? It is often different for people of colour, other marginalized communities
- Look at intersections of identity and experience e.g., how does age intersect with culture/race? Income/housing and gender identity/sexual orientation?
- Leverage online public engagement/participation tools (e.g., surveys, Hey Newmarket, Engage Aurora)
  - It is not enough to utilize a public engagement tool; individuals need to know what the tools are, when to use them, and how to use it (awareness campaigns for public

and civic engagement tools)

- Formalize and centralize community engagement as a priority
  - Coordinate engagement to avoid engagement fatigue and to leverage knowledge and experience across organizations
  - Explore integrated and collaborative approaches to engagement across departments (e.g. an engagement fair event that several departments participate in)
- Engaging generations – engaging youth and elders in various communities

## Areas of Opportunity

### Community Leadership

Looking at both formal and informal leadership in our communities we can ask questions like:

- Who are our leaders?
- Who is at the decision-making tables?
- How do we identify leaders?

### Municipal Leadership

Municipal Committees and Task Forces

- How do we broaden participation on committees and have increased diversity i.e. avoiding “the same old people and that all people look the same or have similar experiences?” – Community organization leader
  - Ensure those with lived experience are invited to be at the table
  - Actively recruit from underrepresented groups
    - Leverage community partners knowledge, experience, and networks
    - Utilize data and demographic tools to deepen understanding of the community
    - Look to best practice and existing programs to inform and support such as:
      - [OnBoard Canada](#) (formerly DiverseCity on Board and being revamped)
      - [Girls on Boards](#)
      - [Black Business and Professional Association \(BBPA\) Get On Board program](#)
  - Examine who gets “tapped on the shoulder” to join a committee



- Examine the application process to identify barriers (e.g., language, does it take too long, are the requirements restrictive?)
- Leverage community organizations to broaden reach for communicating opportunities
- If possible, include community members in selection process for town committees

## **Municipal Leadership Team (Staff)**

- Examine recruitment, hiring, promotion, and successions policies and strategies to ensure a DEI lens is embedded in all
- Develop specific plans to eliminate barriers for marginalized applicants and increase access
- Share stories of success and profile leaders who represent the diversity of communities
  - Who are the leaders whose voices and stories are shared?
  - Who are the public faces of the organization?

## **Municipal Leadership – Elected**

- What can local municipalities do to encourage and support the development of increased diversity in those running for public office?
- What opportunities are there for community-based organizations to develop leaders and encourage their participation?
- Are there barriers to entry that can be addressed, such as:
  - Financial capital (funding)
  - Social capital (network/relationships)
  - How the elections process is communicated
  - Who is informally encouraged to participate by current Members of Council

## **Broad Community Leadership Development**

- Explore the idea of a “Community Leadership Development” program in the 3 municipalities and potentially N6 – focused on developing a pipeline of leaders:
  - Future philanthropic leaders who sit on boards, raise money for local charities, etc.
  - Future board/committee members for community organizations and municipalities
  - Future municipal elected leaders

- Future community builders
- Local business leaders and large local businesses can play a significant role in supporting the development of future leaders
- Municipalities could create/support a local plan for developing new and diverse leaders in our communities

## **Municipalities as a Leader, Champion, and Catalyst for Change**

Local municipalities have an opportunity to take an increased leadership role through activities such as:

- Being proactive in ensuring an inclusion lens is built into all future engagements
- Asking all programming and community partners to provide diversity/inclusive engagement plans
- Municipal leaders becoming active allies, champions, and ambassadors for all members of the community
- Taking the power of York Region's Inclusion Charter and each town's commitment and pushing it forward to action oriented and measurable statements of impact that are across functions (e.g., inclusive Economic Development commitments related to COVID recovery for those disproportionately affected like women, youth, Black and Indigenous, and other communities of colour, and imbedding the commitments into planning and measurement.)

## **Partnership**

Who do we partner with and why? This speaks to the themes of 'meeting people where they are' and 'engaging with intention.' Whether for broad communications strategies or specific engagement opportunities, creating a partnership strategy through an inclusive lens will help ensure more reflective and inclusive involvement:

- Schools and school boards have been identified as a potential key partner for sharing information, collaborative programs/initiatives, and working through language barriers
- Community organizations are eager to partner but a lack of clarity in the process or understanding on what partnership looks like makes this difficult to navigate
- Utilize sports and culture as an entry point to new communities for engagement
  - e.g., Culture Bridge Initiatives' Cricket in Schools program could be grown through partnership (as an example the [City of Toronto - Mayor's Cup tournament](#))

- Build on existing engagement activities around food but ensure the foods being served or showcased represent all cultures and address issues surrounding food security
  - The food being served at an event can unintentionally suggest certain groups are not welcome (e.g., due to cultural dietary restrictions that might not have been considered). What food is being served sends an important message about who comes, who is included, and who feels welcome.

## Leveraging and Building on Existing Work

There is a significant and powerful amount of work on inclusive engagement that already exists. Through partnership and conversations municipalities can find ways to build on this work, collaborate, and avoid duplication.

- Build on and connect to existing York Region initiatives:
  - Community Health and Wellbeing
  - York Region Inclusion Charter – all 3 municipalities are partner organizations, but what does that mean, where are the actions and accountability plans?
  - Examples like the Just Recovery Plan or the Food Access Table in cross-sectoral tables around COVID-19 recovery

## Building capacity for community

Similar to partnerships, for many grass roots organizations and members of marginalized communities there is a lack of clarity on how to engage with their municipalities, what the opportunities are, and the protocols for engagement. Municipalities should strive to demystify these things with actions such as:

- Sessions with partners on complex municipal programs/projects
  - How to navigate the Planning process
  - How to get a permit
  - How to engage with your Mayor or Councillor
- Formalizing a process (or clearly sharing if already in place) for community organizations to engage with towns on items like:
  - Access to space (using board rooms, town address for mailing purposes, etc.)
  - Articulate a clear process for promotion and information sharing
  - Clarity on the availability of and access to funding or town resources

- Provide opportunities for capacity building (e.g., marketing support)

Additionally, it is a great step forward to see committees and task forces focused on Diversity, Inclusion, and Anti-Racism. It is important to ensure these committees and task forces are provided sufficient support and capacity for them to be effective and successful. The level of support should align with what is given to other committees/task forces that are similar in scope and terms of reference.

Support for committees and task forces should include:

1. Funding – to execute on plans
2. Capacity building – on how to manage and run effectively and navigate municipal systems
3. Resources – either through funding or town resources – i.e. expertise, strategic guidance
4. Access – to decision makers in Municipal Leadership and the community

## **Stories – Breaking Through with Stories**

There are incredible stories of impact and potential in our communities. What role can local municipalities play in amplifying and prioritizing these voices?

- Opportunities for municipalities to highlight the diversity of voices and stories of inclusion include:
  - Economic Development/Chambers of Commerce/Business Improvement Areas – elevating the business profile of diverse owners across platforms and sharing these with media
  - Media engagement – what stories are actively promoted or shared with media and how can municipalities amplify the voices of marginalized communities?
  - Social media – who and what is profiled on which platforms (e.g., official town pages, by individual Members of Council) and is there an inclusive lens to social media posts beyond an acknowledgement of cultural holidays or celebrations?
- Some examples of local projects of storytelling:
  - Blue Door – [Out of the Blue](#): Weekly podcast sharing stories about gaps in systems around housing and homelessness
  - [Social Planning Council Hidden Stories of York Region](#): "A podcast about disrupting the dominant narratives by sharing stories about lived realities, community issues & solutions in York Region"

- Media engagement
  - How can local media be engaged around these themes?
    - Explore presenting report findings to local media (not as a story pitch, but as a “workshop” or information sharing purpose to inform their work)
    - Involving media in Neighbourhood Network engagement on project in further phases

## Creating Spaces and Opportunities for Conversations

As noted in the themes, it is important to look at how and where we engage as a lever for change.

- Leveraging both formal and informal opportunities, thinking and acting with intention on who is invited and how
  - E.g., Town Halls, lunch meetings, coffees, committees, etc.
  - Thinking beyond the traditional or current models of engagement
- As demonstrated by many programs and partnerships, local libraries are a key community hub and a pathway to creating inclusion and belonging. How can municipalities continue to build on this?
  - Consider activities like:
    - Mayor’s/Councillor monthly kids “story time” at library or in a park in partnership with a community organization and tied to inclusion
    - Mayor’s/Councillor community conversation – drop in to meet the Mayor
- Explore ways to use the power of parks:
  - Planners in the parks – asking questions, engaging community, demystifying planning
  - Bringing libraries into parks
  - Bringing specific projects to parks – Main Street comes to you, Library Square in the park, meet your Farmer’s Market farmers in the park
  - Councillor and Mayor park drop in days
  - Walks with partners in the parks throughout towns (e.g., York Regional Police, business leaders, Southlake Regional Health Centre, etc.)

## Measuring Success:

Traditional areas of measurement (e.g., the total number of event attendees) can be a barrier to creating inclusive programming as our communities change. Considering other measures of impact for programming tied to creating a sense of belonging and inclusion (as opposed to audience numbers) may allow for reflective and diverse programming to build and grow. Such as:

- Did the event/program engage new partner(s) from a DEI perspective?
- Does the event/program further and deepen relationship with a community traditionally underserved in our programming/engagement?
- Will this event/program lead to possible increased opportunities in the future for the Town (and community)?
- Does the event/program offer the potential to share information about other Town events/initiatives to encourage broader participation in Town activities?

## Collaborative Opportunities

There were two places where the Community Conversations identified a resource gap that community members and staff are currently expected to fill: translation and community development/building/awareness. Although there are gaps, these identify a potential for collaboration amongst this project's partners and with other local partners:

- Explore how to best engage translation services for municipalities and organizations and be intentional not to rely on staff where this is not their core duty, or on community volunteers where the expectation of unpaid labour adds an extra burden.
- Explore the development of specific Community Navigators/Community Developer/Community Partnership staff roles, which could be a shared role across all 3 municipalities, to create relationships and grow partnerships.



# Next Steps

Throughout the month of June, findings from the Phase 1 report will be presented to all 3 municipalities, Neighbourhood Network team members, and designates from the Region of York. Following these presentations to respective Councils, a Phase 2 workplan and implementation will begin:

## Phase 2: Engage/Learn

This phase will focus on learning (towards action) and engaging around the key themes and opportunities identified in this report. This will include activities such as:

1. Development and delivery of workshops to senior leaders within each municipality based on themes and driven to specific action
2. Institutional partner engagement – presenting the report and facilitating conversation to understand their work and uncover opportunities for collaboration, alignment, and shared learning/action
3. Developing a process for local organization listings – leveraging and building on 211 as recommended by York Region, Neighbourhood Network, and identifying possibilities for specific local needs
4. Engaging on themes through Neighbourhood Network partners and communities

Following the delivery of these activities, a final summary report, building on the project's total findings, will also be provided upon completion of Phase 2 (planning under way).

Source: Town of East Gwillimbury



# Appendix 1: Demographic Snapshot

	Aurora	East Gwillmbury	Newmarket
<b>Total Population<sup>1</sup></b>	55445	23991	84224
% growth since 2011 (york.ca)	4.2%	6.8%	5.3%

<b>Gender<sup>2</sup></b>						
Male	26945	<b>49%</b>	12000	<b>50%</b>	40470	<b>48%</b>
Female	28500	<b>51%</b>	11990	<b>50%</b>	43755	<b>52%</b>

<b>Age<sup>3</sup></b>	% of Population	% of Population	% of Population
0 to 14 years	17.8	17.1	17.6
15 to 64 years	69.2	68.3	68.7
65 years and over	13.1	14.5	13.7
85 years and over	1.8	1.4	2

<b>2016 Population by Age</b>	Population	% Change Since 2011	Population	% Change Since 2011	Population	% Change Since 2011
0-4 years	2725	-8.0%	1275	14.0%	4335	-0.1%
5-14 years	7125	-0.4%	2840	7.0%	10500	0.0%
15-24 years	7995	0.0%	3000	-0.7%	11935	0.0%
25-64 years	30355	4.0%	<b>13400</b>	5.0%	<b>45910</b>	4.0%
Age 65+	7240	<b>28.0%</b>	3480	<b>29.0%</b>	11545	<b>30.0%</b>

<b>Average age of the population</b>	39.6	40.6	40.6
<b>Median age of the population</b>	41.5	42.8	42.8

<sup>1</sup> [2016 census population view for each municipality](#)

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

	Aurora		East Gwillmbury		Newmarket	
<b>Indigenous (population)<sup>4</sup></b>	405	0.74% (% of population)	455	1.94 (% of population)%	1290	1.56% (% of population)
<b>Visible Minority<sup>5</sup> - Total % Population</b>	26.9%		10.9%		25.8%	
Total Visible Minority Population	14695		2550		21345	

Aurora			
Top 5	Total Population	% of Population	% of Visible Minority
Chinese	5555	10.2%	37.8%
West Asian	1885	3.4%	12.8%
South Asian	1845	3.4%	12.6%
Black	1205	2.2%	8.20%
Filipino	915	1.7%	6.23%
East Gwillmbury			
Chinese	700	3%	27.5%
South Asian	455	1.90%	17.8%
Black	340	1.50%	13.3%
West Asian	265	1.10%	10.4%
Filipino	145	0.6%	5.7%
Newmarket			
Chinese	5590	6.8%	26.2%
South Asian	3295	4.0%	15.4%
Black	2310	2.8%	10.8%
South East Asian	2255	2.7%	10.6%
West Asian	1955	2.4%	9.2%

<sup>4</sup> 2016 census Aboriginal view for each municipality

<sup>5</sup> [2016 census visible minority view for each municipality](#)

	Aurora	East Gwillimbury	Newmarket
<b>Recent Immigrants<sup>6</sup></b>	1855	280	2295
Recent Immigrants % of Population	3.3%	1.2%	2.7%
% growth Recent Immigrants since 2006	44%	144%	16%
% total population growth since 2006	16%	14%	13%

<b>Recent Immigrant Place of Birth (Top 3)</b>	China	China	China
	Iran	Phillipines	Iran
	Phillippines	Moldova	Phillippines

<b>Recent Immigrant - Languages (Top 5)<sup>7</sup></b> Top non-official languages spoken most often at home by recent immigrants	Mandarin	Mandarin	Mandarin
	Russian	Hebrew	Russian
	Persian	Romanian	Persian (Farsi)
	Cantonese	Russian	Korean
	Tagalog	Persian (Farsi)	Tagalog

<b>Income<sup>8</sup></b>			
Median total income in 2015	40382	40571	36197
Median total income in 2015 Men	49697	49178	44128
Median total income in 2015 Women	34106	34088	30518

Low Income 2018 % of population low income <sup>9,10</sup>	13.7%	13.8%	13.9%
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<sup>6</sup> Taken From - Snapshot of Recent Immigrants in York Region's Nine Local Municipality report Based on 2016 Census

<sup>7</sup> Ibid.

<sup>8</sup> 2016 Census Income View

<sup>9</sup> [Low income data from York Region Low Income Trend report](#)

<sup>10</sup> Low income is numbers based on Census Family Low Income Measure (CFLIM-AT) - a fixed percentage (50%) of the median after-tax census family income. A person is considered to be in low income when their family is at or below the CFLIM-AT threshold associated with their family size. This is just one measure that looks at low income indicators - there are others to give a fuller picture, but shared here as a snapshot.

	Aurora		East Gwillmbury		Newmarket	
<b>Housing - Private households<sup>10</sup></b>	18850		8075		28675	
Ownership	15815	84%	7225	89.5%	22800	79.5%
Rental	3035	16%	850	10.5%	5875	20.5%

<b>Household, families<sup>11</sup></b>						
Proportion of children (under 14 living with one parent)	13.9%		10.7%		16.8%	

Total - Private households by household size	18850		8075		28675	
1 person	3085		1115		5120	
2 persons	5300		2715		8140	
3 persons	3865		1510		5570	
4 persons	4455		1765		6340	
5 or more persons	2140		975		3505	

<sup>10</sup> From Census 2016 Income and Housing views

<sup>11</sup> [Link from york.ca](http://link.from.york.ca)

# Appendix 2: Listing of Community Conversations

## Aurora

### Municipal Staff

#### Communications:

- Eliza Bennett, Manager of Communications
- Michelle Outar, Senior Communications Advisor

#### Customer Service

- Customer Service Supervisor, Nicole Allison

#### Human Resources:

- Demetre Rigakos, Human Resources Manager

#### Libraries:

- Phil Rose, Manager, Library Square
- Reccia Mandelcorn, Manager of Community Collaboration, Aurora Public Library

#### Planning:

- Anna Henriques, Senior Planner Development
- Michael Logue, Senior Policy Planner/Growth Management

#### Recreation & Culture:

- Lisa Warth, Recreation Manager
- John Firman, Manager of Business Support
- Shawna White, Curator at the Town of Aurora

#### Members of Council

- Mayor Mrakas
- Councillor Humfryes
- Councillor Gilliland



**Town Committees and/or Task Forces**

- Aurora Anti-Racism and Anti-Black Racism Committee
- Aurora Accessibility Committee
- Aurora Community Advisory Committee

**East Gwillimbury****Municipal Staff****Communications:**

- Laura Hanna, Director of Communications and Customer Service

**Economic Development:**

- Margot Begin, Economic Development Manager

**Human Resources:**

- Michelle Collette, Director of Human Resources

**Planning:**

- Lawrence Kuk, Manager of Planning

**Recreation & Culture:**

- Rhonda Pogue, Manager, Recreation, Community Engagement and Events

**Members of Council**

- Mayor Hackson
- Councillor Crone
- Councillor Morton
- Councillor Roy-DiClemente
- Councillor Persechini
- Councillor Carruthers
- Councillor Foster

**Town Committees and/or Task Forces**

- East Gwillimbury Diversity Committee

## Newmarket

### Municipal Staff

#### Communications:

- Cassandra Papas, Corporate Communications Coordinator

#### Economic Development:

- Elizabeth Bryan, Business Development Specialist

#### Human Resources:

- Jennifer Rose Healthy Workplace Program Specialist

#### Newmarket Public Library:

- Jennifer Leveridge, Manager of Library Services

#### Planning:

- Adrian Cammaert, Manager, Planning Services

#### Recreation & Culture:

- Laura Schembri, Supervisor, Recreation & Culture
- Meaghan Graham, Supervisor, Programs
- Pat McIntosh, Recreation Programmer

#### Members of Council

- Mayor Taylor
- Councillor Vegh
- Councillor Woodhouse
- Councillor Twinney
- Councillor Morrison
- Councillor Kwapis
- Councillor Bisanz

**Town Committees and/or Task Forces**

- Newmarket Anti-Black Racism Task Force
- Internal Diversity, Equity and Inclusion Working Group

**Community Organizations**

Neighbourhood Network identified Community Organizations within their Partner Database who lead Diversity, Equity, and Inclusion work across the three to be engaged in the Community Conversations process.

- 108 Health Promotions
- Aurora Black Community
- Big Brothers Big Sisters of York
- Blue Door
- CAYR Community Connections
- Character Community
- CHATS – Community & Home Assistance to Seniors
- Community Living Central York
- Culture Bridge Initiatives
- Global Intersections
- NACCA – Newmarket African Caribbean Canadian Association
- Social Planning Council of York Region
- York Pride
- Families of York Region

# Appendix 3: Further Town Analysis

## Town of Newmarket Diversity, Equity and Inclusion (DEI) activities (formal and informal)

Below is a summary of DEI and inclusive engagement activities shared and observed through the Phase 1 process. This list may not include all activities related to DEI, as this was not a formal audit of DEI activities in the Town of Newmarket.

- The Town is part of York Region's internationally recognized ([UNITAR](#)) [Inclusion Charter – an expression of “commitment to welcoming and inclusive communities”](#)
- The Town initiated an internal Diversity, Equity, and Inclusion Working Group (DEIWG) in July 2018. This internal team is a cross-section of staff and departments, and acts as a guiding group to inform DEI gaps, opportunities, and work.
  - The DEIWG “...is comprised of a multifaceted group of staff from all levels within the organization, who share a common interest which contributes to the success of the Working Group. The Group's members volunteer their time to educate and build diversity, equity, and inclusion awareness within the Corporation. This group has been formed to develop, implement, evaluate, and update the Plan which supports the Town's mission of “Making Newmarket Even Better” and the Employee Value Proposition of “Building our community together”.
- The Town's Human Resources team, in consultation with staff and the DEIWG, has developed a Workforce Diversity, Equity and Inclusion Plan that outlines both commitment to DEI practice and learning, as well as suggestions for specific action and measurement of activity
- Based on feedback from community, the Recreation & Culture Department changed its approach to the selection of images in Recreation Guides to be more reflective of diversity in our communities
- The Town partners with community organizations such as Newmarket African Caribbean Canadian Association (NACCA) to deliver programs that are culturally relevant and connected to the community.
  - The collaboration with NACCA extends beyond “celebration” events in Black History Month to partnered programming throughout the year, support through resources, and shared learning opportunities such as:
    - NACCA delivering an Anti-Black Racism Workshop to Council in 2020
    - Town of Newmarket supporting NACCA's growth

- ▶ Through event partnership support (resources and expertise)
  - ▶ Utilization of space and municipal location as address
  - ▶ Communications and event support
- In 2017, York Pride Festival was welcomed to the Town of Newmarket as the host community for the festival and parade. The impact has been far reaching in the Town, leading to increased community and local business engagement in Pride Month celebrations.
  - In 2020, the Town launched the Anti-Black Racism Task Force (ABR Task Force).
  - As with the municipality as a whole, the Newmarket Public Library has leveraged partnerships with community based organizations to deliver programming through a DEI perspective such as the [Ancestral Voices series](#)
  - Town of Newmarket staff are involved on York Region's Municipal Diversity and Inclusion Group (MDIG).
  - In 2020, the Town of Newmarket Council engaged in this Engaged Inclusive Communities Project.
  - The Town installed an Indigenous Land Acknowledgement plaque with consultation and collaboration from Indigenous leaders in the Region.
  - Internally, staff launched a cultural celebrations calendar and initiated a review of the information collected through Town forms.
  - A Diversity and Inclusion page on the Town website has been launched.

## Observations and Opportunities

Below are observations and opportunities that were identified during the process of Phase 1 community conversations, from online resources (websites and social media), or from media articles based on Themes identified in the larger report. These are meant to further demonstrate through examples how the report Themes could come to life. It is important to note that this is not a full or conclusive list, nor are these observations and opportunities identified as a judgement of current activities.

- There is a strong municipal leadership commitment to DEI. The Town can continue to find ways to build on this through engaging leaders internally and externally.
- As the community continues to grow and change the Town can maintain and evolve the existing focus to engage inclusively
  - Don't wait for community members to come to the Town with opportunities for inclusive engagement. Instead, explore ways to actively seek out existing events,

develop relationships, and build collaboratively.

- Ensure plans related to DEI work (such as the Workforce Diversity, Equity and Inclusion Plan, DI Lens, and where inclusive engagement/DEI is embedded in other strategic plans and work plans) are action oriented versus suggestions, and identify accountabilities
  - How do plans and the commitment to the York Region Inclusion Charter drive down to specific and measured departmental actions and plans?
  - How are these specific actions tied into municipal planning and performance measurement processes?
  - Develop an annual process review through an inclusion and equity lens (beyond Human Resources)

## EIC Themes

The themes identified in the larger report are explored further here with a focus on local Newmarket specifics. This is through two ways:

1. Examples of Action: These are examples that were shared or observed through community conversations and are noted here to create context and examples. Note: This is not exhaustive, and we acknowledge there are likely many other examples that exist.
2. Areas of Opportunity: A larger focus has been placed here. These are both based on feedback from community conversations as well as observations made during the project process.

## Theme 1: Meet people where they are

### Examples of Action

- The communications department effectively uses social media such as Facebook, Twitter, LinkedIn, and Instagram
- Several councillors noted that they leverage the strength of social media to engage and specifically utilize social media tools frequently used by specific communities (e.g., WeChat and Telegram)
- Councillor's engagement at events in the community
- Town-partnered events like Black History Month and Asian History Month



## Areas of Opportunity

- Town Halls and Town events are great – but to increase inclusive engagement leaders (elected and municipal departments) must get out into communities. Some suggestions based on community conversations include:
  - Planner in the park (idea from Town staff) – have a rolling weekend program where planners go out into community parks across Town to meet people, talk about their hopes and vision for the Town, as well as share details/information about specific developments and priorities for the Town.
    - This could apply to other departments – i.e., send Recreation & Culture staff out into parks to talk to community members.
  - Are there ways for councillors to engage in school fun fairs and events (many already do)
  - Find ways to share social media content and messaging for key Town initiatives and priorities on community pages, through community leaders/organizations, and platforms they use:
    - With community organizations including Neighbourhood Network
    - Using tools like WeChat and Telegram
  - Meet the Mayor/Deputy Mayor and Regional Councillor/Councillors in the park, at the library – scheduled regularly

## Theme 2: Engage with intention

### Examples of Action

- Members of Council have engaged within Wards and communities in a variety of ways – both proactively and by invitation
- Communications and engagement for the Anti-Black Racism Task Force survey
- Participation and partnership with community events by Councillors and municipal staff
- Newmarket Public Library has a community program/partnership focus to much of its programming

## Areas of Opportunity

- Build increased inclusion in the planning process
  - e.g., The engagement process for Mulock Farm was very comprehensive. How was an inclusion and equity lens applied to the process?

- There were multiple Council workshops and Facebook live events that were virtual and widely publicized. Was there an intentional outreach to underrepresented groups to ensure awareness and encourage participation?
- Explore ways to better leverage and increase participation in online engagement platform (HeyNewmarket). There should be engagement around this platform to get people more familiar so its use increases.
  - Explore whether there is a way to use it in fun, ongoing ways rather than just to gather specific feedback. e.g., tie the platform into social media with a quiz of the month around a community building theme following an interview of the month with a community leader
- Be intentional in programming to be inclusive and bring a more diverse and representative audience:
  - There was a marked difference in the audience of events for the 2019 TD Music Series at Riverwalk event versus 2019 Toronto Raptors Finals screened at Riverwalk. While these events are different in focus and audience, it demonstrates that what we program drives who engages.

## **Theme 3: Communicate the commitment**

### **Examples of Action**

- Endorsing the Inclusion Charter for York Region (and communications of it)
- Communication and Task Force member recruitment activities for Anti-Black Racism Task Force
- Social media celebrations around key holidays, events, and activities that are reflective of dimensions of diversity in our community

### **Areas of Opportunity**

- Consider giving the diversity page on the Town's website more prominence and articulate the commitment in other communications materials, documents, and tactics
- Provide key messaging to Members of Council to consider for all public speaking engagement (regardless of focus) that articulates the Town's commitment to DEI
  - e.g., if you are speaking to a business event, include a message about the importance of DEI in our community and the role businesses and business leaders can make in building inclusive communities and belonging
- Ownership of this work needs to continue to be at the highest level and have

clarity of priority from the Mayor, Deputy Mayor and Regional Councillor, and Chief Administrative Officer

- Examine how this commitment articulated consistently from Senior Leadership – internally and externally

## Theme 4: Make the informal, formal

### Examples of Action

- Anti-Black Racism Task Force work
- DEIWG formation
- DEI Plan and Lens development
- Inclusion Charter for York Region

### Areas of Opportunity

- Ensure an inclusive lens is placed in all planning and strategy processes and plans. For example:
  - In the new Economic Development plan consider the following:
    - Where speaking to COVID-19 impacts, the plan could have noted the broadly acknowledged disproportional impacts on women and racialized communities (both businesses and employees).
    - More broadly there was no analysis from a gendered or inclusion lens – support for women and racialized business owners is an opportunity for growth.
    - The word Diversity appears 8 times and appears to speak to diversity of the types of businesses in Newmarket vs. the commitment to inclusion/equity in economic development.
    - Inclusion doesn't appear in the plan – how can you speak to community vibrancy, urbanization, “there is a place for you here” without explicit expression of equity and inclusion as a part of the plan?
  - Recently, a reminder of [Council Strategic Priorities](#) and a way to track process was shared.
    - The 3rd stated priority is: “[Extraordinary Places and Spaces](#) - Creating the environment for an engaged, accessible, and inclusive community”. In this, the examples provided speak to creating space and environment – but not inclusion. Consider adding activities like ABR task force, the Indigenous land acknowledgment, others

- Additionally, articulating how an inclusion lens is applied to all priorities and stated as a an overarching commitment more broadly in current and future communication around council priorities
- Explore developing/re-launching a community DEI advisory group looking at inclusion more broadly in the community (complimenting Anti-Black racism work, but looking at dimensions of diversity more broadly)

## Theme 5: Access

### Examples of Action

- The development of the Anti-Black Racism Task Force
- Annual Open House (pre-COVID)
- Council local community engagement activities such as:
  - Community picnics/BBQs, events
  - Council member participation in community events

### Areas of Opportunity

- In the focus on making Main Street more accessible ensure an inclusion lens. Work with the Main Street BIA and other key downtown partners/stakeholders to develop plans for more inclusive programming
  - Some feedback was received that the downtown core doesn't feel welcoming to all:
    - "Downtown is not a welcoming place, not a welcoming atmosphere. People don't want to go where they don't feel invited. People need to feel included, welcome seen and also feel safe." – Quote from a community conversation and echoed by others
    - We heard that from a diversity, inclusion, and community perspective
      - ▶ Fairy Lake Park feels very different from parks in newer communities like Environmental Park
      - ▶ Upper Canada Mall feels very different than downtown
- Exploring how leaders (elected and municipal departments) develop community and stakeholder engagement relationships and strategies
  - e.g., Mayor does community safety walk with York Regional Police, what about doing similar walk with others – such as youth, with members of the Black community, 2SLGBTQ+, those experiencing homelessness, the disability community, etc.

- Consider the impact that the intersections of dimensions of diversity have when planning programming
  - As an example - We heard from a community organization leader in relation to programming the Town offers for seniors (such as dances) that there are limitations to how inclusive they are. "If you don't square dance and eat hamburgers, you will be an audience not a participant."

## **Theme 6: Engage meaningfully**

### **Examples of Action**

- The Recreation & Culture department and Town Hall staff have developed a meaningful and reciprocal relationships with NACCA, diverse artists, and community leaders
- Members of Council all have developed strong relationships within the community, with an increased focus on inclusive lens

### **Areas of Opportunity**

- Continue to look beyond “festivals” and engaging with diverse communities beyond discussions of diversity alone
  - Include different community leaders in informal/formal community and stakeholder engagement
  - Invite and include members of diverse communities with intention – e.g. when planning for the new Skate Park, consult 2SLGBTQ+ youth intentionally for input on how to build it so they feel safe and included.







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## **York Region Municipal Comprehensive Review – 2051 Forecast Staff Report to Council**

Report Number: 2021-42

Department(s): Planning and Building Services

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

Meeting Date: June 14, 2021

### **Recommendations**

1. That the report entitled York Region Municipal Comprehensive Review – 2051 Forecast dated June 14, 2021 be received; and,
2. That Council endorse the comments outlined in this report; and,
3. That Staff be directed to forward this report to the Regional Municipality of York for its consideration as part of the Municipal Comprehensive Review; 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 comments to York Region on the proposed 2051 Population and Employment Forecasts for Newmarket that have been prepared as part of the York Region's municipal comprehensive review.

### **Background**

The Regional Municipality of York (York Region) is conducting a municipal comprehensive review (MCR) and has been releasing [background and/or policy direction reports](#) since 2019. On March 18, 2021, York Region released a report titled [Proposed 2051 Forecast and Land Needs Assessment](#) (Proposed 2051 Forecast Report), which presents York Region's land needs to 2051, proposed population and employment forecasts by local municipalities, intensification targets, and an integrated approach to growth management. At the May 25, 2021 Town of Newmarket Committee

of the Whole meeting, Regional staff presented highlights of the main topics discussed in the Proposed 2051 Forecast Report and next steps of the MCR.

York Region has requested comments on the proposed forecasts from local municipal councils by July 2021. Planning staff have reviewed the Proposed 2051 Forecast Report and have outlined comments on the Region's population and employment forecasts for Newmarket for Council's consideration.

## Discussion

### York Region is Forecast to Reach a Population of 2.02 Million and 990,000 Jobs by 2051

In accordance with A Place to Grow – Growth Plan for the Greater Golden Horseshoe, 2020 (Growth Plan), York Region is forecast to reach a population of 2.02 million and 990,000 jobs by 2051. To accommodate this growth, the Region is required to plan for a minimum Region-wide intensification target of 50% (i.e. within existing built-up area as shown on Attachment 1) and a minimum density target of 50 residents and jobs per hectare in designated greenfield areas (DGA). Based on the results of the land needs assessment and factors such as market considerations, Regional staff has advised that York Region is well positioned to meet or exceed the Growth Plan targets.

York Region's intensification targets are then distributed and assigned to the nine local municipalities. Each local municipality is required to update its intensification target to achieve the minimum targets as identified in the new Regional Official Plan.

### York Region's Forecasted Population and Employment Growth for Newmarket

Town of Newmarket is forecast to a population of 110,700 people and 57,600 jobs by 2051. These forecasts represent a 3% share of York Region's overall population and employment growth. Table 1 below summarizes the Town of Newmarket's population and employment forecasts found in the [Proposed 2051 Forecast Report](#):

*Table 1 Newmarket 2051 Population and Employment Forecasts*

	2016	2051	2016-2051 (35 years)	
			Total Growth	Average Annual Growth
<b>Population (People)</b>	86,800	110,700	23,900	683 (0.7%)
<b>Employment (Jobs)</b>	45,000	57,600	12,600	360 (0.7%)
<b>Jobs/Population</b>	51.8%	49.2%		

Most of the forecast population growth is planned within the Urban Centre Secondary Plan area along Yonge Street and Davis Drive. Furthermore, as presented in the

Proposed 2051 Forecast Report, Newmarket is anticipated to attract approximately 4,000 major office jobs over the forecast period, mostly to be accommodated in the Urban Centres, and approximately 3,500 jobs on vacant employment lands and intensification elsewhere in the municipality.

Planning staff agree with Regional staff that population growth in Newmarket will be increasing and achieved through intensification, as DGAs are largely built out. Planning staff also recognize that growth may be further constrained by the delay associated with the completion of the Upper York Water Reclamation Centre in the short term.

### **Town of Newmarket is likely to Exceed York Region's Forecasted Population and Employment Growth**

However, Planning staff do have a concern with the annual growth rate that York Region has applied to the Town, being 0.7%. This appears to be quite low. An average annual growth of 683 people is equivalent to approximately 367 apartment units per year. To put that into perspective, Briarwood Development's project, which is nearing the end of the site plan approval process, includes 339 apartment units, and Rose Corporation's Deerfield project (phases 1 and 2), which are under construction, include a total of 435 apartment units. As Council is aware, staff is also processing a number of applications in the Urban Centres that are also expected to be built in the next few years.

According to Statistics Canada, Newmarket's population increased by 5.3% from 2011 to 2016, representing an average annual growth rate of 1.06%. It is estimated that Newmarket's population was just over 90,000 people at the end of 2020, which represents an estimated average annual growth rate of approximately 1.7% between 2016 and 2020, indicating a moderately increasing growth rate. Historically, Newmarket's annual growth has not been below 1%, and the most recent numbers as outlined suggest this rate is increasing. To illustrate with an example, using a conservative estimate where only two apartment buildings (total 435 units) get occupied each year, this would represent approximately 850 people growth per year (1% growth).

### **Town of Newmarket will likely Exceed the Proposed Intensification Target of 8,700 Units between 2016 and 2051**

The Growth Plan requires municipalities to develop an intensification strategy to achieve the Growth Plan's minimum intensification target. For York Region, a minimum of 50% of all new housing units constructed on an annual basis must be accommodated within the built-up area (refer to Attachment 1).

Within the built-up area, York Region is proposing the following hierarchical list providing a descending priority level for growth. This is done, in part, to make most efficient use of servicing infrastructure that exists in these areas, which supports the Region's goal of aligning growth with infrastructure.

1. Regional Centres;
2. Major Transit Station Areas (MTSA);
3. Regional Corridors, and
4. Local Centres and Corridors

To support the minimum 50% Region-wide intensification target, each local municipality contributes at different levels depending on a number of factors:

- The extent of intensification opportunities within Regional Centres and Corridors as well as local centres and corridors;
- The level of existing and planned transit and servicing infrastructure; and
- The geographic extent of the built-up area within the municipality.

Based on the above considerations, York Region is proposing to assign the highest intensification target of 86% to Newmarket, followed by the City of Richmond Hill at 77%. This is because the majority of Newmarket is within the built-up area with a Regional Centre, 12 MTSA's and Regional Corridors along Yonge Street and Davis Drive. Planning staff anticipates that Newmarket will exceed the intensification target of 8700 units.

Currently, there are approximately 2300 units being proposed, processed, and/or under construction in the above noted intensification areas in Newmarket, excluding the Mulock GO MTSA. Assuming the Upper Canada Mall Master Plan will be at 50% built out by 2051 (approximately 2500 units), plus an additional 200 units per year from future development applications, Planning staff estimate that approximately 10,600 new residential units could be built within the Regional Centre, MTSA's and Regional Corridors between 2021 and 2051, subject to servicing capacity availability.

### **Town of Newmarket will Meet or Exceed the Proposed Designated Greenfield Area Density Target of 40 Residents and Jobs per Hectare**

Newmarket's DGAs are shown in Attachment 1 of this report. Generally, they are located at the southwest and northwest quadrants of Newmarket. The DGA in the northwest quadrant is nearly built-out with an estimated density of approximately 70 residents and jobs per hectare. The lands in the southwest quadrant DGA are currently subject of an Official Plan Amendment application seeking to allow for urban uses.

### **Infrastructure to Support Newmarket's Growth**

It is a goal of the Region to align growth with infrastructure. This is because to support the forecasted growth, significant investments will be required for infrastructure such as water, wastewater and transit. These capital investments will need to be closely aligned with the timing and location of actual growth. Aligning existing infrastructure and prioritizing and staging future investments will be key for achieving better integration of land use and infrastructure planning in a fiscally sustainable fashion.

As discussed above, Newmarket will likely exceed the targets as proposed by York Region in the Proposed 2051 Forecast Report. When considering York Region's fiscal capacity, phasing and staging of growth, Planning staff recommend that Regional staff

reconsider the resources for water and wastewater infrastructure, road improvements and transit services to support Newmarket's anticipated growth as outlined in this report.

## **Conclusion**

York Region has completed its 2051 Forecast and Land Need Assessment. Based on the information available to Town staff, Newmarket will almost certainly exceed the population and employment targets as proposed by York Region. Planning staff recommend that Regional staff carefully reconsider the population and employment growth assigned to Newmarket and ensure that the phasing and staging of growth are aligned with Newmarket's needs.

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

- Economic Leadership and Job Creation
- Vibrancy on Yonge, Davis, and Mulock

## **Consultation**

None

## **Human Resource Considerations**

None

## **Budget Impact**

None

## **Attachments**

Attachment 1 – York Region Land Use Categories

## **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**

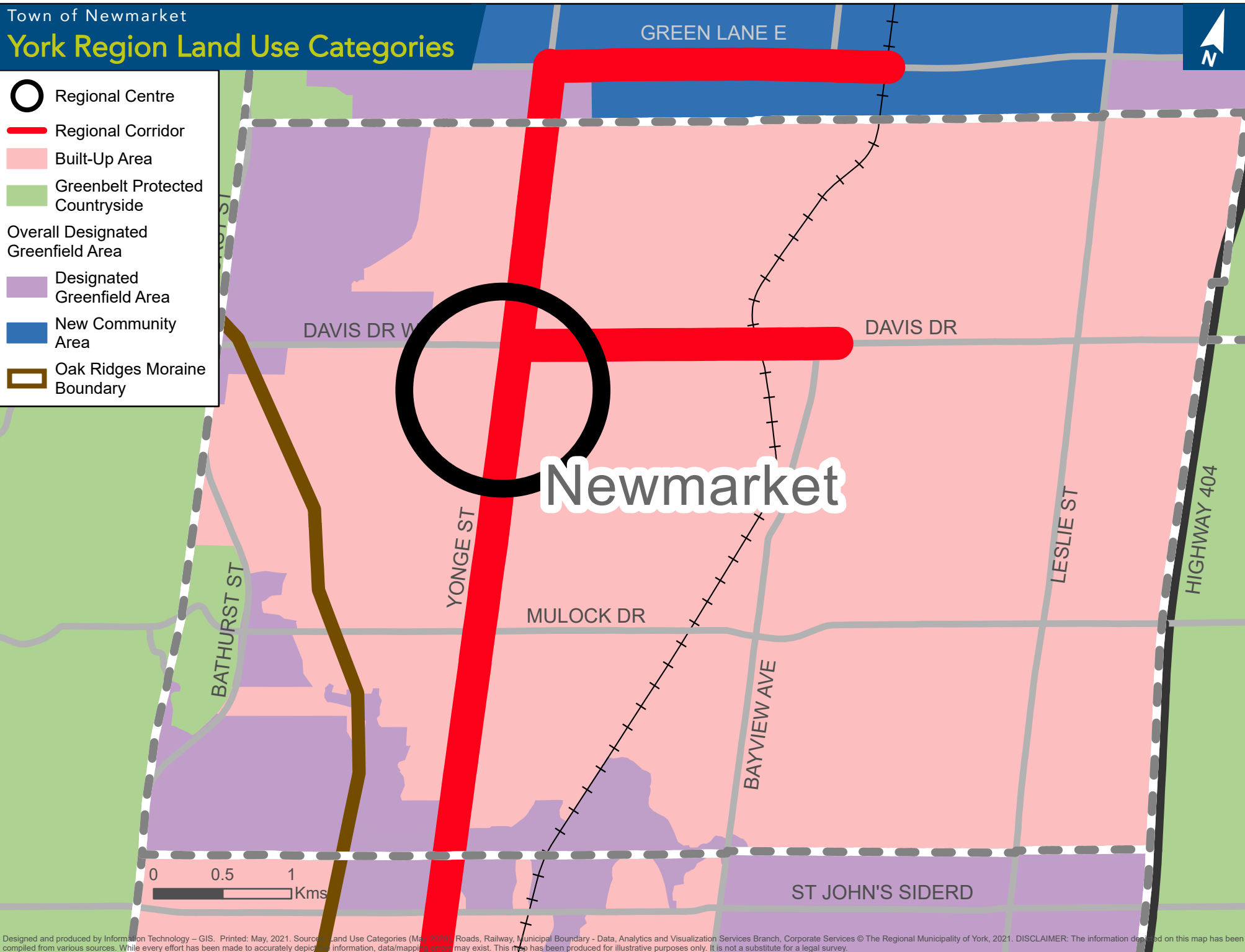
Phoebe Chow, Senior Planner – Policy, [pchow@newmarket.ca](mailto:pchow@newmarket.ca)





# York Region Land Use Categories

-  Regional Centre
-  Regional Corridor
-  Built-Up Area
-  Greenbelt Protected Countryside
- Overall Designated Greenfield Area
  -  Designated Greenfield Area
  -  New Community Area
-  Oak Ridges Moraine Boundary







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## **Condominium Process Amendments Staff Report to Council**

Report Number: 2021-40

Department(s): Planning Services

Author(s): Meghan White

Meeting Date: June 14, 2021

### **Recommendations**

1. That the report entitled Condominium Process Amendments dated June 14, 2021 be received; and,
2. That Council pass a by-law approving the condominium exemption for Connecticut Lane on the lands legally described as Block 53 on 65M-4683, on the basis that the overall development has been approved through the subdivision approval process for the development of the lands as a residential development and that all of the subdivision and development conditions have been addressed through that process, including the registration of a Subdivision Agreement; and,
3. That Shining Hill Estate Collections Inc. c/o Paul Bailey, 1500 Highway 7 West, Concord ON L4K 5Y4 be notified of this action; and,
4. That Malone Given Parsons Ltd., c/o Lincoln Lo, 140 Renfrew Drive, Suite 201, Markham ON L3R 6B3 be notified of this action; and
4. That Council and staff adopt a new process for applications requesting exemption from the condominium process as permitted by Section 9(3) of the *Condominium Act* as outlined in this report; and,
5. That Council institute a fee of \$4,104.10 +HST for processing an exemption request; and,
6. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is two fold:

1. This report is recommending an exemption be granted to a specific development application, which is to create a private condominium road within an already approved subdivision (Shining Hill Phase 1); and
2. This report is recommending Council and Staff adopt a process for exempting some applications from the condominium process in certain circumstances.

## Background

Applications for condominium approval can be dealt with in one of two ways, in accordance with the *Condominium Act*. The first method generally involves a process similar to an application for draft plan of subdivision where after appropriate circulation, a proposal receives 'draft' approval which is contingent on the applicant satisfying a number of conditions prior to final approval and registration. The second process is where the approval of the condominium is exempt from the draft or 'conditional' approval stage and proceeds directly to final approval. The exemption process is intended to apply to proposals that have previously undergone a complete evaluation (i.e., a subdivision or site plan approval) and no further conditions of approval are required by the municipality for the development to proceed.

Condominium exemptions are permitted under Section 9(3) of the Condominium Act, 1998 S.O. c.19 and grant the approval authority power to exempt the application from the provisions of Section 51 and 51.1 of the Planning Act. An exemption to Section 51 is essentially an exemption to the full approval process including the requirements to give notice of the application and to hold a Public Meeting and Section 51.1 is the requirement for parkland dedication. Such an exemption is typically warranted if the proposed development has recently undergone *Planning Act* approvals such as Subdivision Agreements and Site Plan Control. In using this exemption process the development proposal would not be skipping the public meeting or the parkland dedication, it would have already happened or would have been taken through an earlier process. The exemption would remove the requirement to re-process and review a proposal that had already been extensively vetted by staff and Council.

The current process is to require a Site Plan Application and Residential Draft Plan of Condominium Application, these are typically applied for after an OPA and/or rezoning process has already been undertaken. The detailed design would be reviewed and approved through the site plan. Once that process had concluded and the applicant had paid their fees and signed the site plan agreement, then staff would bring a report to Council recommending approval of the Draft Plan of Condominium and would be issuing Draft Plan Approval Conditions. There would typically be a few conditions requiring all of the conditions of the site plan agreement be adhered to (which in signing the site plan agreement that applicant would have already done), that all requirements of external agencies had been met (which is also captured in the site plan agreement) and that all the requirements of the Official Plan had been met (which would have been addressed by previous processes).

As the number of complex redevelopment projects increases, especially in the Urban Centres, staff are looking to streamline the development process. This process could save both the developer and staff time and resources without sacrificing any good planning practices or public participation. The exemption would save staff and the applicant from an additional public meeting, which may create confusion, and creating and clearing the draft plan of condominium conditions.

A recent application to create a condominium road in the midst of a residential subdivision has brought this section of the *Condominium Act* to the attention of staff. It has been determined that establishing a process for granting this kind of exemption will be beneficial to staff and proponents.

## **Discussion**

### **Shining Hill Exemption**

Council approved an official plan amendment (OPA 21), a rezoning (ZBL 2018-17) and a draft plan of subdivision (19TN-2018 001) for the development known as Shining Hill Phase 1 in 2018. The applicant signed the Subdivision Agreement December 15, 2020. A location map is attached as Appendix A.

The application for a Draft Plan of Subdivision was approved on April 16, 2018 to permit a residential development comprising of 13 single detached units, 16 semi-detached units, 105 street access townhouses, and 45 rear lane access townhouse units.

The current application is proposing to create a common element condominium, where the common element is the private lane, proposed to service 20 rear lane freehold townhouse units identified as Blocks 44-47 on Plan 65M-4683. The common element is composed of the private lane and associated landscaping. The owners of the rear lane townhouse units will form the Condominium Corporation responsible for the maintenance of the common elements. The proposed condominium plan showing the road and associated lots is attached as Appendix B. No new lots will be created; they were all created by the previous subdivision approval.

The public was consulted on this application through the OPA, rezoning and subdivision processes. The detailed engineering design was completed through the subdivision process. All internal departments have concurred that all matters have been addressed through the subdivision process and all outstanding fees have been paid.

Subsection 9(3) of the Condominium Act allows Council (as the approval authority) to grant an exemption from Sections 51 and 51.1 of the Planning Act to condominium applications where:

- All development matters have been adequately addressed through previous planning act approvals (generally Site Plan or Subdivision Approvals),
- No further approval conditions are required, and
- There are no outstanding fees to be collected

In this case, staff are proposing an exemption from the requirements of Sections 51 and 51.1 of the *Planning Act* in consideration that the development has already been subject to a statutory Public Meeting (OPA, rezoning, and draft plan of subdivision) and subject to detailed engineering design through the subdivision process, which addresses the requirements of Section 51.

Section 51.1 of the Planning Act allows for taking of land for purposes of parkland. The parkland dedication for this development has already been addressed through the subdivision process and agreement.

As all technical design and financial requirements have been addressed through the previous completed *Planning Act* applications and as well the public consultation has been completed, there does not appear to be any benefits to subjecting the proposal to additional processes. Staff are recommending the creation of the condominium for the road be exempt from further process and that Council pass a by-law authorizing the exemption and registration of the condominium. The by-law is attached as Appendix C.

## **New Process**

Staff are recommending that the Town institute a formal process to permit for future applications for an exemption. The process would be as follows:

1. The applicant submits a request for a condominium exemption, with an associated fee.
2. The request is circulated to relevant internal departments to confirm all matters have been addressed through the site plan or subdivision process and subsequent agreement(s).
3. Staff would bring forward a by-law to Council, without a report, just as by-laws to remove holding provisions are processed.
4. If approved, the by-law would be sent with the Certificate of Exemption to the Land Registry Office with the condominium plans for registration.

Staff are recommending the same fee that is collected for a Removal of the Holding Provision application (\$4,104.10 +HST), as the process is similar and it is anticipated it will require the same amount of staff time. This may be reviewed in subsequent years after processing some of these applications.

## **Jurisdictional Scan: Other Municipalities**

Staff have reached out to other municipal planning staff to determine which municipalities also use this exemption process and the responses are varied.

The City of Barrie, Town of Georgian Bluffs, Township of Clearview, and Oxford County all use the exemption when appropriate. Specifically Barrie includes a condition in the Site Plan Agreement which requires the applicant to pay any outstanding fees, that their



Legal Department will review the Condominium Disclosure Package (declaration and description), and that a warning clause is registered on title stating that the new lot is not eligible for municipal garbage pick-up (if relevant). They then send a condominium exemption by-law to Council. Barrie charges a total of \$6,000 for this process.

Toronto, Richmond Hill, Markham and Aurora do not formally use the exemption process. They require a public meeting and conditions of draft approval; however, the public meeting is generally at the same time as the public meeting for the other planning processes. Generally, there are minimal conditions of draft approval and final approval follows shortly thereafter. This is typically how Newmarket has been processing condominium approvals.

Municipalities have opted to handle the condominium process differently. Some fold it into other processes and some opt to use the exemption process. Staff are of the opinion that the exemption process is more efficient and straightforward for both staff and applicants.

## **Conclusion**

It is recommended that the Shining Hill common element condominium of a single road be exempt from further processing as the detailed engineering design and public consultation was undertaken through the Official Plan amendment, rezoning and subdivision processes.

Staff are recommending using a new process to exempt condominiums from further processes if the application has already undergone significant planning approval processes (such as those for site plan or subdivision approvals). Given that the creation of condominiums are typically a form of tenure with no land use planning issues and where these applications will have been subjected to a full public process through statutory Public Meetings of other development approvals, it is reasonable to exempt a condominium from further process. It is also recommended that discretion be given to the Director of Planning and Building Services in determining whether an exemption should be granted by bringing forward a by-law to Council without a report.

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

- Vibrancy on Yonge, Davis and Mulock
- Extraordinary Places and Spaces

## **Consultation**

Planning staff consulted with Legal Services staff, as well as the chair of Development Coordination Committee. Externally, other municipal planning staff were contacted to determine if/how other municipalities use this exemption.

## **Human Resource Considerations**

None.

## **Budget Impact**

Staff are recommending a new application fee of \$4,104.10 +HST to process exemption requests. It is expected that Legal Services may chose to establish a new fee(s) as well.

## **Attachments**

- A. Shining Hill Phase 1 Location Map [with Connecticut Lane highlighted]
- B. Draft Plan of Condominium for Connecticut Lane
- C. By-law granting the exemption to the Shining Hill application

## **Submitted by**

Meghan White, Senior Planner, Development, Planning & Building Services

## **Approved for Submission**

Adrian Cammaert, Manager, Planning Services

Jason Unger, Director, Planning & Building Services

Peter Noehammer, Commissioner, Development & Infrastructure Services

## **Contact**

Meghan White at [mwhite@newmarket.ca](mailto:mwhite@newmarket.ca)



# LOCATION MAP CONNECTICUT LANE

SHINING HILL DEVELOPMENT



Connecticut Lane



Shining Hill Development

--- Future Road



Municipal Boundary

Designed & produced by  
Information Technology - GIS  
Printed: 2021-06-01.



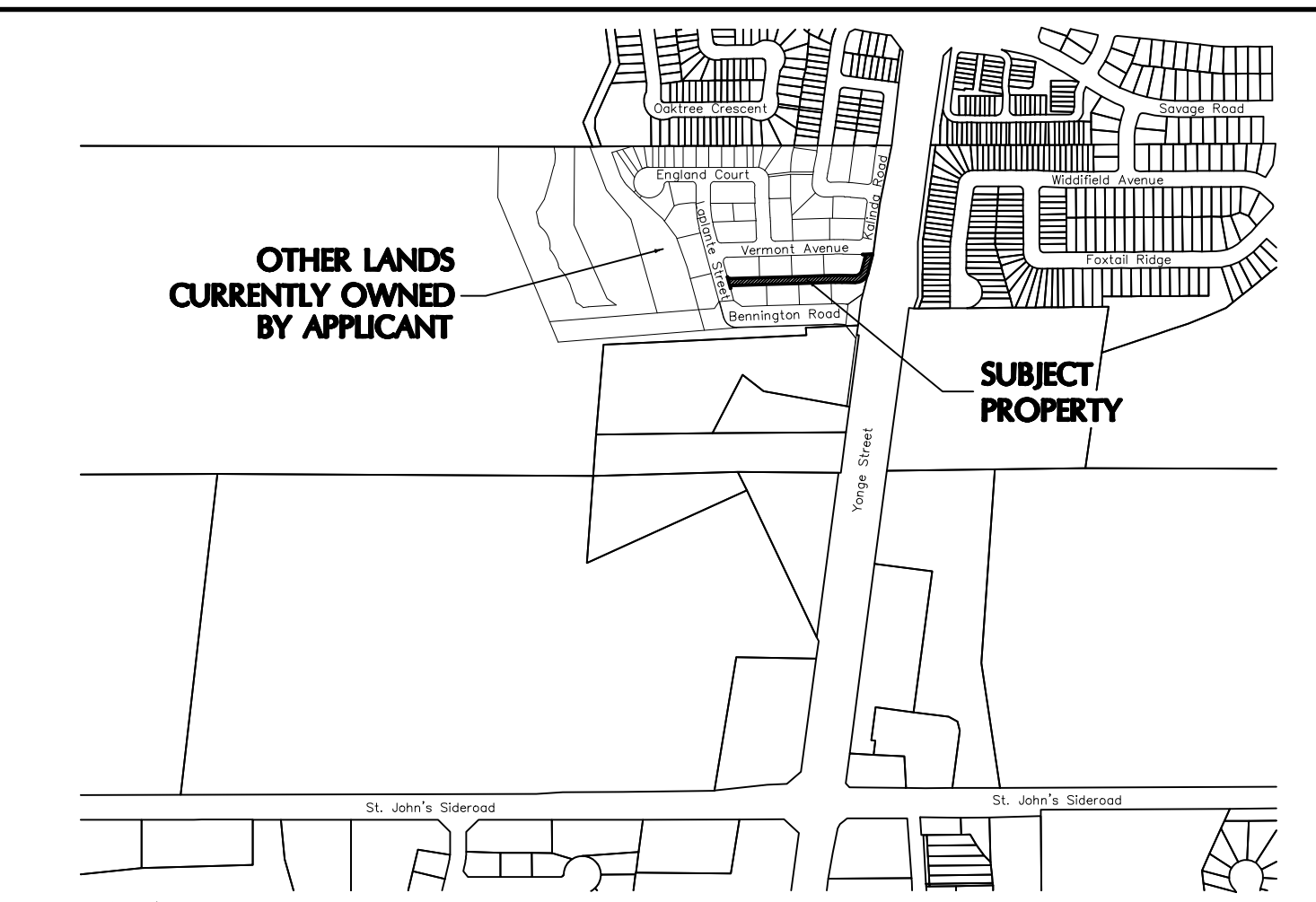
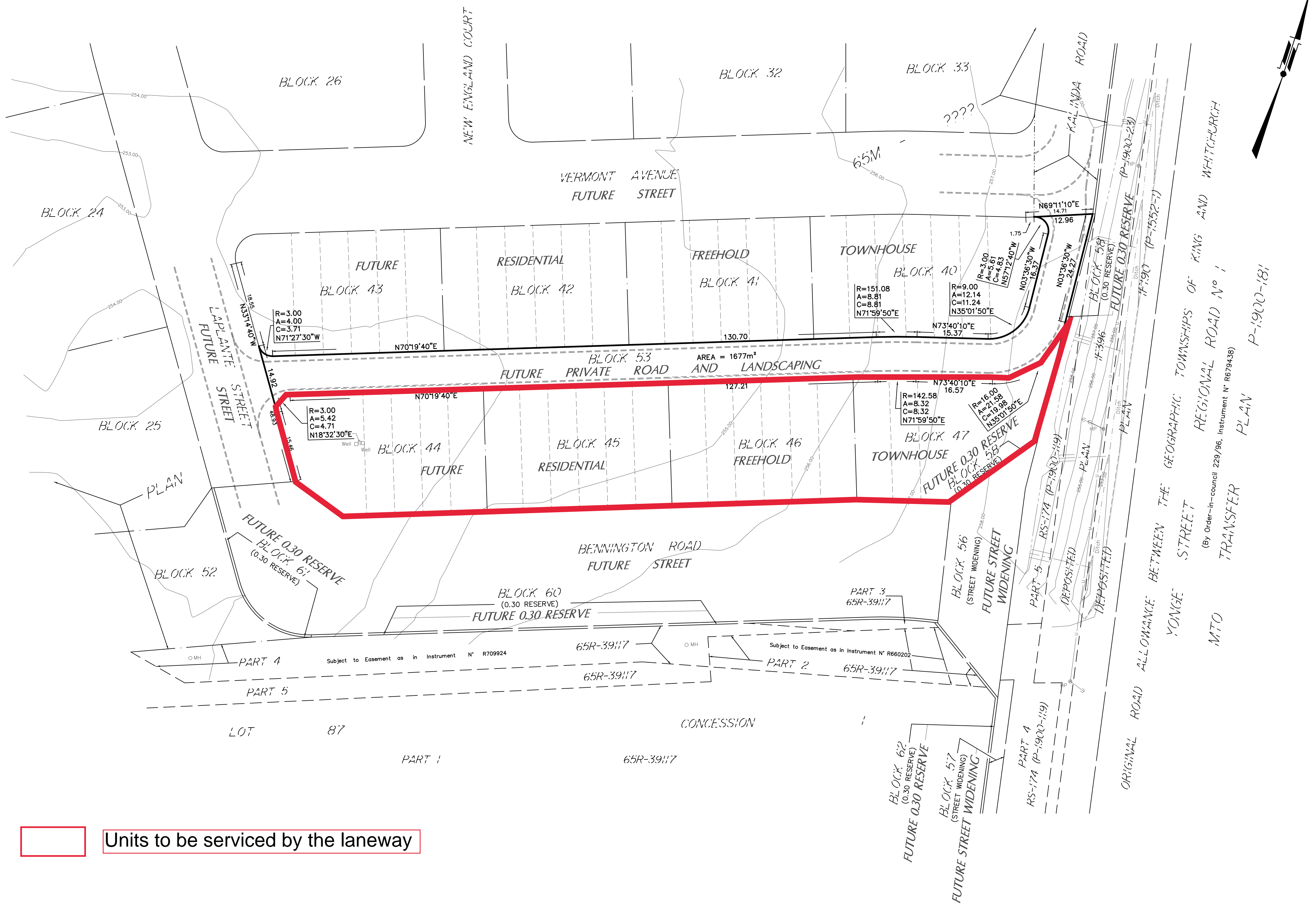
Newmarket

Sources: 2021 Colour Ortho Imagery - First Base Solutions Inc., 2021 Orthophotography, Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2021; Roads, 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.

Document Path: G:\Projects 10\Development and Infrastructure Services\Planning\Map Documents\LocationMaps\ConnecticutLn\_Location Map.mxd







**KEY PLAN**  
Not to Scale

**DRAFT PLAN OF COMMON ELEMENT CONDOMINIUM OF  
BLOCK 53  
PLAN 65M-????  
TOWN OF NEWMARKET  
REGIONAL MUNICIPALITY OF YORK**

**SCALE 1: 500**  
10 5 0 10 20 30 Metres  
**LLOYD & PURCELL A DIVISION OF SCHAEFFER DZALDOV BENNETT LTD.**

**PLANNING ACT, SECTION 51(17)**

- |                                    |  |
|------------------------------------|--|
| (a) AS SHOWN ON DRAFT PLAN         | (h) FULL MUNICIPAL SERVICES TO BE PROVIDED |
| (b) AS SHOWN ON DRAFT AND KEY PLAN | (i) SOIL IS FINE SANDY LOAM                |
| (c) AS SHOWN ON DRAFT AND KEY PLAN | (j) AS SHOWN ON DRAFT PLAN                 |
| (d) PRIVATE ROAD AND LANDSCAPING   | (k) FULL MUNICIPAL SERVICES TO BE PROVIDED |
| (e) AS SHOWN ON DRAFT PLAN         | (l) N/A                                    |
| (f) AS SHOWN ON DRAFT PLAN         |  |
| (g) AS SHOWN ON DRAFT PLAN         |  |

**SURVEYOR'S CERTIFICATE**

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

20<sup>th</sup> DAY OF JANUARY, 2021

*Neil A. Legrow*  
NEIL A. LEGROW  
ONTARIO LAND SURVEYOR

**OWNER'S CERTIFICATE**

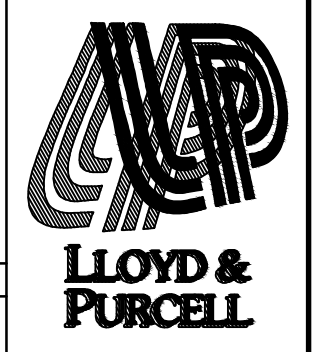
AS OF THE DATE ON THIS PLAN THE UNDERSIGNED BEING THE REGISTERED OWNERS OF THE SUBJECT LANDS HEREBY AUTHORIZE MALONE GIVEN PARSONS LTD. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF CONDOMINIUM AND TO MAKE APPLICATION TO THE TOWN OF NEWMARKET FOR APPROVAL THEREOF.

DATED THE 27<sup>th</sup> DAY OF JANUARY, 2021  
16250 YONGE ST. INC.  
1500 HIGHWAY N° 7  
CONCORD, ONTARIO  
L4K 5Y4

*Paul Bailey*  
PAUL BAILEY, VICE PRESIDENT  
I HAVE THE AUTHORITY TO BIND THE CORPORATION

**LLOYD & PURCELL**  
A DIVISION OF SCHAEFFER DZALDOV BENNETT LTD.  
ONTARIO LAND SURVEYORS  
1228 GORHAM STREET, UNIT 28, NEWMARKET, ONTARIO, L3Y 8Z1  
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CAD: CG	PC:	JOB: 21-075
CALC: BI\CG	CHK'D: NAL	FILE: N1-M????-Bik53



Units to be serviced by the laneway







# Corporation of the Town of Newmarket

## By-law 2021-XX

A By-law to exempt the condominium creation of Connecticut Lane from Sections 51 & 51.1 of the Planning Act (Shining Hill Phase 1).

Whereas Subsection 9(2) of the Condominium Act, 1998, S.O. 1998, c.19 (the "Condominium Act, 1998") provides, inter alia, that Sections 51, 51.1 and 51.2 of the Planning Act, R.S.O. 1990, c.P.13 (the "Planning Act") that apply to a plan of subdivision apply with the necessary modifications to a description for a condominium;

Whereas Subsection 9(3) of the Condominium Act, 1998 authorizes the approval authority to grant an exemption from those provisions of Section 51 and 51.1 of the Planning Act that would otherwise apply to the approval for a plan of condominium;

Whereas the Council of The Corporation of the Town of Newmarket deems it expedient to exempt the developer under Subsection 9(3) of the Condominium Act, 1998 as it relates to the development of Connecticut Lane, Block 53 on Plan 65M-4683; in the Town of Newmarket, Region of York from those provisions of Sections 51 and 51.1 of the Planning Act which would normally apply to the development and registration of a plan of condominium.

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That the Corporation of the Town of Newmarket exempt the developer under Subsection 9(3) of the Condominium Act, 1998 as it relates to the development of Connecticut Lane, Block 53 on Plan 65M-4683; in the Town of Newmarket, Region of York from those provisions of Sections 51 and 51.1 of the Planning Act which would normally apply to the development and registration of a plan of condominium.
2. That this By-law shall come into force and effect immediately upon the final passing thereof.

Enacted this 21<sup>st</sup> day of June, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk





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

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## **200 Deerfield (Phase 3) Incentives for Affordable Housing and Rental Housing Staff Report to Council**

Report Number: 2021-47

Department(s): Planning & Building Services

Author(s): Casey Blakely

Meeting Date: June 14, 2021

### **Recommendations**

1. That the report entitled 200 Deerfield (Phase 3) Incentives for Affordable Housing and Rental Housing, dated June 14, 2021 be received; and,
2. That Council approve the recommendations for DC and fee deferral as outlined in this report; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to seek Council approval of financial incentives in line with the Town and Region's Rental DC Deferral Incentives, in order to provide affordable rental housing as part of the Phase 3 building located at 200 Deerfield Road. The same incentives were granted for the Phase 1 rental building for this development.

### **Background**

Council has approved the zoning bylaw amendment for 185, 195 and 200 Deerfield Road (known together as 175 Deerfield, the municipal address of the prior industrial building), to permit a residential development comprised of three apartment buildings, over three phases. The Phase 1 and 2 buildings are currently under construction and one of them is rental in tenure. The Phase 3 building is a ten - storey rental building and is currently being reviewed for site plan approval and a By-law to lift the Holding

200 Deerfield (Phase 3) Incentives for Affordable Housing and Rental Housing

designation on the zoning is also required. Servicing allocation to the Phase 3 building was granted through the Annual Servicing Allocation Review Report 2021-34, approved by Council on May 10, 2021.

## Discussion

The Town, Region and Canada Mortgage and Housing Corporation (CMHC) provide incentives to those establishing affordable rental housing if they meet certain criteria outlined in each of the incentive programs.

Council previously approved incentives for the Deerfield site through [Report 2018-61](#) and [Report 2019-12](#).

The reports spoke to the entire site, but at the time, staff were only aware that the first phase would offer affordable rental units. The applicant is now proposing affordable rental units for the Phase 3 building and is requesting the same DC deferral and fee deferrals for this building, as outlined in the table below.

Incentive	Incentive Rental Buildings
DC Deferral	DC Deferral for a period of up to 20 years (to align with the Region's program) at the rate in place upon date of both Zoning By-law Amendment Application being approved and Site Plan Approval Application being complete (July 2020)
Fee Deferral	Defer 50% of any fees not yet paid for 48 months from date of required payment:  All unpaid fees related to site plan approval and building (e.g. Engineering Review Fee, Legal Fee, Financial Administration Fee, Building Permit fees)
Parkland Dedication	Deferral of parkland dedication. Cash-in-lieu deferred for 48 months from date of required payment. Land and infrastructure conveyance deferred for period laid out in conditions below.
<b>Conditions</b>	
Deferral Subordination	To be addressed in the same manner as deferral agreements for 212 Davis Drive and 195 Deerfield.

Tenure	Building to be guaranteed as rental tenure for a period of not less than 20 years.
Community benefits	The owner is required to convey to the Town \$113,000 under the Section 37 Agreement dated August 19, 2019. These funds are to be in the form of cash or capital facilities and are to be allocated at the discretion of the Town toward park lands, public art, and park infrastructure in close proximity to the subject lands. Payment is to be made in the amount of \$113,000 or conveyance of capital made within 60 days of occupancy of the building.
Three-stream waste	The building is to provide a waste disposal system including three stream waste infrastructure to each floor.
Agreement	Applicant has entered into a Section 37 Agreement and will enter into DC Deferral and Incentive Agreement to secure matters in a form similar to the agreement used for 212 Davis Drive and 195 Deerfield Road.

The Phase 3 building will be comprised of 175 rental units (6 - bachelor, 96 - 1 bedroom, 66 - 2 bedroom and 7 - 3 bedroom). By applying the Town, York Region and CMHC incentive programs, the applicant will be able to provide 46 affordable rental units, which account for 26% of the total units. These will be comprised of 4 - bachelor, 38 - 1 bedroom and 4 - 2 bedroom units.

This will help achieve Newmarket and York Region's goals for affordable rental housing within our community.

## Conclusion

Staff recommend that the incentives outlined in the 2018-61 and 2019-12 report be provided for the Phase 3 building at 200 Deerfield Road, in accordance with the Town

and York Region's Rental DC Deferral Incentives. If approved, staff will secure these benefits through an agreement with the landowner.

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

Vibrancy on Yonge, Davis and Mulock.

## **Consultation**

Senior staff from Planning and Finance were consulted in the drafting of this report.

## **Human Resource Considerations**

None

## **Budget Impact**

The Town will get the Development Charges required for this project and by deferring the receipt of them, we are also getting a development that meets a significant housing need for the Town of Newmarket.

## **Attachments**

None

## **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**

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## **2021 Reserve and Reserve Funds Budget Staff Report to Council**

Report Number: 2021-45

Department(s): Financial Services

Author(s): Anita Gibson, Sr. Financial Analyst, Financial Services

Meeting Date: June 14, 2021

### **Recommendations**

1. That the report entitled 2021 Reserves and Reserve Funds Budget dated June 14, 2020 be received; and,
2. That 2021 Reserves and Reserve Funds Budget as set out in the attachment be approved; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

Following the final approvals of the Operating and Capital budgets for a year, there is a requirement for Council to approve the contributions to the Reserves and Reserve Funds.

The 2021 budgeted revenues for reserves and reserve funds including obligatory reserve funds are \$35.4 million. They include \$17.7 million in transfers from the operating budget, \$5.2 million from the gas tax grant, and \$11.7 million in contributions from developers, mainly from Development Charges.

Reserves and reserve funds, including obligatory reserve funds (for development charges and parkland contributions, gas tax grant, etc.) had a combined balance of \$120.6 million at the beginning of 2021 and are budgeted to have a balance of \$113.1 million at the end of 2020, a decrease of \$7.5 million.

## Purpose

The purpose of this report is to seek Council approval of the 2021 Reserves and Reserve Funds Budget.

## Background

The majority of the Reserves and Reserve Funds budget has already been established through the previous adoption of the 2021 Operating and Capital Budgets. The projected revenues, i.e. interest earned, contributions from developers, items paid directly to the reserve and reserve funds, etc., are based upon the trends of the last three years.

## Discussion

The details of the 2021 reserves and reserve funds budget are attached. They are summarized below:

### 1. Reserves and reserve funds for capital purposes

These reserves and reserve funds were set up for the funding of future capital projects.

Category	Beginning Balance 2021	Revenues	Expenses	Ending Balance 2021	Change over 2020
General Capital	5,410,362	271,143	457,200	5,224,305	(186,057)
Loan to Capital	(10,427,618)	466,594	9,178,903	(19,139,927)	(8,712,309)
Designated Capital	13,941,801	1,115,920	1,086,076	13,971,645	29,844
Growth Funds	3,890,516	992,326	435,000	4,447,842	557,326
Asset Replacement Funds	31,720,559	14,201,363	12,905,543	33,016,379	1,295,820
<b>TOTAL</b>	<b>44,535,620</b>	<b>17,047,346</b>	<b>24,062,722</b>	<b>37,520,244</b>	<b>(7,015,376)</b>

Revenues in the General Capital and Designated Capital reserve funds are mainly transfers from the operating fund for things like capital financing, environmental land purchases, the official plan and other items that may on occasion be included in the

operating budget. Total reserves and reserve funds for capital purposes is budgeted to decrease by \$7.0 million.

Loan to capital, internal loans from the reserve fund to fund capital projects, is budgeted to increase by \$8.7 million mainly for the water meter replacement project.

Revenues in the Growth Funds include budgeted operating transfers and Recommending-A-Strategy (RAS) surcharges<sup>1</sup> of \$360,000, and a projection of \$146,000 in voluntary trail contributions.

The budgeted balance of the Asset Replacement Funds is projected to increase by \$1.3 million during 2021. This is mainly due to annual contributions from operating fund exceeding the budgeted financing from the Asset Replacement Funds.

## **2. Reserves and reserve funds for operating purposes**

These reserves were set up for rate stabilization and operational contingencies. The total 2021 ending balance of these reserves and reserve funds is 18.0% of 2021 budgeted taxation revenue. The target level is 5-10%.

<b>Category</b>	<b>Beginning Balance 2021</b>	<b>Revenues</b>	<b>Expenses</b>	<b>Ending Balance 2021</b>	<b>Change over 2020</b>
Operational Contingencies	4,141,171	623,500	295,000	4,469,671	328,500
Cyclical Expenses	614,643	95,826	-	710,469	95,826
Discretionary Operating	4,415,771	548,172	98,872	4,865,071	449,300
Operational Carry-overs	1,974,660	-	144,520	1,830,140	(144,520)
<b>TOTAL</b>	<b>11,146,245</b>	<b>1,267,498</b>	<b>538,392</b>	<b>11,875,351</b>	<b>729,106</b>

## **3. Obligatory reserves and reserve funds**

These are legislated reserves and include Cash-in-Lieu Contributions for Parkland from developers, Development Charges, Gas Tax Grant, Building Permit Fees and Engineering Administration fees for development. There are statutory restrictions on these reserve

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<sup>1</sup> Some recreational programs and activities have a capital surcharge referred to as Recommending a Strategy or RAS for short. This was created as part of a Recreation master plan to obtain additional funding for facilities required to meet the demands of a growing community.

funds and their accounting treatment has been confirmed with our auditors. The budgeted ending balance will decrease \$1.1 million.

<b>Category</b>	<b>Beginning Balance 2021</b>	<b>Revenues</b>	<b>Expenses</b>	<b>Ending Balance 2021</b>	<b>Change over 2020</b>
Cash-in-Lieu Contributions for Parkland	5,190,172	964,324	250,000	5,904,496	714,324
Development Charges	33,002,670	9,689,288	12,673,725	30,018,233	(2,984,437)
Gas Tax Grant	8,020,945	5,266,804	2,500,000	10,787,749	2,766,804
Building Permit Fees	2,714,575	13,037	1,148,854	1,578,758	(1,135,817)
Engineering Administration	143,517	471,231	944,572	(329,824)	(473,341)
<b>TOTAL</b>	<b>49,071,879</b>	<b>16,404,684</b>	<b>17,517,151</b>	<b>47,959,412</b>	<b>(1,112,467)</b>

Revenue estimates for Development Charges are from the 2019 Development Charge Background Study and Cash-in-Lieu Contributions for Parkland are extrapolated from the trends of the preceding six years.

Gas tax revenue includes a one-time doubling of gas tax pending the approval of Bill C-25. The top-up payment allocated to Newmarket is \$2.6 million.

#### **4. Other reserves and reserve funds**

These are reserves and reserve funds not included in the above groups.

<b>Category</b>	<b>Beginning Balance 2021</b>	<b>Revenues</b>	<b>Expenses</b>	<b>Ending Balance 2021</b>	<b>Change over 2020</b>
Development Related Revenues	4,038,152	214,105	340,747	3,911,510	(126,642)
Restricted Operating	11,788,631	426,819	355,000	11,860,450	71,818
<b>TOTAL</b>	<b>15,826,783</b>	<b>640,924</b>	<b>695,747</b>	<b>15,771,960</b>	<b>(54,824)</b>

Development related revenues includes reserves for tree planting, perpetual maintenance, planning applications subdivision and finance administration fees.

Restricted operating reserves are set aside for very specific purposes for example CYFS, Library, Long-term disability, water & sewer rate stabilization reserves make up this category. Most of them are at a healthy level: the long-term disability reserve fund is 99% of our accrued obligation. Water, sewer, and stormwater rate stabilization has a combined balance of \$5.2 million.

## **Conclusion**

The majority of the Reserves and Reserve Funds budget has already been established through the previous adoption of the 2021 Operating and Capital Budgets. Projected revenues for reserves and reserve funds excluding transfers are based upon the development charge background study and proceeding year trends.

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

By ensuring that Asset Replacement Funds are appropriately allocated, this report links to Newmarket's key strategic directions of Long-term Financial Sustainability and its 3<sup>rd</sup> priority of multi-year budgeting.

## **Consultation**

The 2021 Reserves and Reserve Funds Budget has been created from the 2021 Capital and Operating Budgets which were developed by staff and have undergone extensive review by the public and Council

## **Human Resource Considerations**

Not applicable to this report.

## **Budget Impact**

This report has no direct impact on the Operating Budget. All transfers to or from the Operating Budget were previously approved by Council.

There is no direct impact on the Capital Budget. All transfers to the Capital Budget were previously approved by Council.

## **Attachments**

2021 Reserves and Reserve Funds Budget

## **Approval**

Mike Mayes, CPA, CGA, DPA  
Director, Financial Services/Treasurer

Esther Armchuk, LL.B  
Commissioner, Corporate Services

## **Contact**

For more information on this report, contact: Mike Mayes at 905-953-5300 ext. 2102 or via e-mail at [mmayes@newmarket.ca](mailto:mmayes@newmarket.ca)



## 2021 RESERVES AND RESERVE FUNDS BUDGET

Reserve / Reserve Fund Account	Account #	Balance Forward Jan.1/2021 \$	REVENUES					EXPENDITURES				Closing Balance Dec. 31/2021 \$
			Bank & Investment Interest	Contri- butions	From General Fund	Other	Total Revenue	To Capital Fund	To General Fund	Internal Transfers/ Other	Total	
		\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	

### RESERVE FUNDS:

#### Reserve Funds for Development-Related Revenues

Tree Planting	432300	Budget	434,183	1,799	100,000				101,799		125,000		125,000	410,982
Perpetual Maintenance	442170	Budget	1,786,326	6,310					6,310				-	1,792,635
Planning Application Subdivision Fee	468110	Budget	1,307,043	4,196			101,800		105,996		140,747		140,747	1,272,292

#### Reserve Funds for Cyclical Expenses

Election	413706	Budget	174,902	506			80,000		80,506				-	255,408
Inauguration	413707	Budget	87,749	320			5,000		5,320				-	93,069

#### Discretionary Operating Reserve Funds

NEER Support	410907	Budget	883,144	3,316					3,316		60,000		60,000	826,460
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#### Restricted Operating Reserve Funds

CYFS Reserve Fund	421240	Budget	497,903	4,021					4,021				-	501,924
LTD - Town	410227	Budget	4,628,173	17,948			248,195		266,143				-	4,894,316
Medical Benefits Plan	410228	Budget	202,898	762					762				-	203,660
Dental Benefits Plan	410229	Budget	69,109	260					260				-	69,368
Seniors Fund	457371	Budget	1,274	5					5				-	1,278
McLarty Fund	457790	Budget	3,168	12					12				-	3,179
L.A.C.A.C.-Heritage Fund	458321	Budget	20,479	77					77				-	20,556

#### General Capital Reserve Funds

Capital Contingency Fund	410901	Budget	84,667	318					318				-	84,985
Capital Financing Fund	410908	Budget	309,983	1,042					1,042				-	311,026
Community Benefit	410909	Budget	2,723,303	7,959					7,959				-	2,731,263
Designated Capital Fund	410903	Budget	1,468,634	5,595					5,595	402,200			402,200	1,072,029
Investment Income Fund	410910	Budget	22,524	43			256,186		256,229				-	278,753
Streetlight Retrofit Loan	410911	Budget	(7,052,906)				342,075		342,075				-	(6,710,831)
Loan for Fitness Centre	457302	Budget	-						-				-	-
Water Meter Replacement Loan	410913	Budget	(883,915)						-	9,178,903			9,178,903	(10,062,818)
Magna Centre Solar Panel Loan	410914	Budget	(1,140,785)				63,370		63,370				-	(1,077,415)
Solar Panel at RJT	410912	Budget	(485,611)				27,551		27,551				-	(458,060)
2013 Solar Panel	410902	Budget	(187,437)				11,708		11,708				-	(175,729)
OCIF&AMO Grant	410916	Budget	-	-					-				-	-
Timothy St Steel Structr Loan	410918	Budget	(509,803)						-				-	(509,803)
Loan to Capital Fund	410900	Budget	(167,160)				21,890		21,890				-	(145,270)

#### Designated Capital Reserve Funds

Road Reconstruction	432215	Budget	277,225	1,041					1,041				-	278,266
Purchase of Municipal Easement	432217	Budget	734,503	2,758					2,758				-	737,261
Sidewalks	432170	Budget	353,190	1,315					1,315				-	354,505

## 2021 RESERVES AND RESERVE FUNDS BUDGET

Reserve / Reserve Fund Account	Account #		Balance Forward Jan. 1/2021 \$	REVENUES					EXPENDITURES				Closing Balance Dec. 31/2021 \$
				Bank & Investment Interest	Contributions	From General Fund	Other	Total Revenue	To Capital Fund	To General Fund	Internal Transfers/ Other	Total	
				\$	\$	\$	\$	\$	\$	\$	\$	\$	
Pony Drive	432214	Budget	76,496	287				287				-	76,783
Dawson Manor Blvd.	432216	Budget	14,211	53				53				-	14,264
Insurance Proceeds Barn	410905	Budget	236,716	929				929	220,000			220,000	17,645
Library Non-TCA Capital Fund	410915	Budget	54,117	203				203				-	54,321
Library Capital Needs	410917	Budget	130,985	484				484				-	131,469
Public Art	457215	Budget	543,498	2,112	34,000	5,100		41,212				-	584,709
Theatre CIF Fund	457352	Budget	137,466	1,058		75,000		76,058	60,000			60,000	153,524
Theatre	457351	Budget	31,974	120				120				-	32,094
Museum Board	457531	Budget	295,072	1,108				1,108				-	296,180
Museum Conservation	457532	Budget	12,500	47				47				-	12,547
Museum Exhibit	457533	Budget	10,093	38				38				-	10,130
SWM Pond Maintenance	442183	Budget	2,768,455	9,797	400,000	26,396		436,193				-	3,204,648
Downstream Storm Drainage	442182	Budget	4,601	17				17				-	4,618
Stormwater Erosion	442181	Budget	6,661	25				25				-	6,686
LID (Low Impact Development)	442184	Budget	13,210	25				25				-	13,235
Environmental Green Fund	410960	Budget	53,763	202				202				-	53,964
Environmental Land Purchase	410971	Budget	1,678,273	5,995		372,000		377,995		206,076		206,076	1,850,192
All Our Kids Playpark	457840	Budget	3,069	12				12				-	3,080
Playground Equipment	457881	Budget	222,925	837				837				-	223,762
Fence	432132	Budget	10,429	39				39				-	10,468
Secondary Planning Study	468000	Budget	154,316	579				579				-	154,896
Official Plan	468115	Budget	1,278,597	4,554		101,800		106,354				-	1,384,952
Parking Purposes	422717	Budget	683,463	2,490				2,490				-	685,953
Downtown Parking	422710	Budget	148,852	559				559				-	149,411
Holland River Walkway	457861	Budget	150,818	566				566				-	151,384
Trail Contribution-Eden Oak	462150	Budget	33,775	127				127				-	33,902
N/W Quad.-Trail	457818	Budget	-	-				-				-	-
Sale of Property	410970	Budget	160,351	654				654	600,000			600,000	(438,996)
Stickwood-Walker Property	410973	Budget	415,880	1,992				1,992				-	417,872
Rawluk Property	410972	Budget	430,207	1,615				1,615				-	431,822
Fiddlefest	457893	Budget	5,867	22				22				-	5,889
Festival of Lights	457892	Budget	3,929	15				15				-	3,944
<b>Asset Replacement Funds</b>													
CYFS	471117	Budget	619,239	1,394		1,399,600		1,400,994	2,830,000			2,830,000	(809,766)
CYFS - Stn 4-5	471118	Budget	1,487,367	2,821		-		2,821	1,469,894			1,469,894	20,294
IT	473628	Budget	3,594,703	13,019		688,759		701,778	883,749			883,749	3,412,732
Roads	482267	Budget	2,625,904	10,564		2,094,163		2,104,727	4,770,400			4,770,400	(39,768)

## 2021 RESERVES AND RESERVE FUNDS BUDGET

Reserve / Reserve Fund Account	Account #		Balance Forward Jan. 1/2021 \$	REVENUES					EXPENDITURES				Closing Balance Dec. 31/2021 \$
				Bank & Investment Interest	Contributions	From General Fund	Other	Total Revenue	To Capital Fund	To General Fund	Internal Transfers/ Other	Total	
				\$	\$	\$	\$	\$	\$	\$	\$	\$	
Water	482437	Budget	24,725,173	88,285		2,818,000		2,906,285	40,000			40,000	27,591,458
Wastewater	482477	Budget	27,233,445	94,024		3,800,000		3,894,024				-	31,127,470
Storm Sewer	482497	Budget	(543,331)	(2,455)		993,435		990,980	450,000			450,000	(2,351)
Parks	482817	Budget	(13,182,348)	(47,882)		413,259		365,377	770,000			770,000	(13,586,972)
Other	482917	Budget	5,884,473	21,173		498,864		520,037	45,000			45,000	6,359,510
Library	485127	Budget	1,474,615	5,287		223,550		228,837	225,500			225,500	1,477,952
Fire	487717	Budget	(943,087)	(3,374)		15,738		12,364	715,000			715,000	(1,645,724)
Facilities	487767	Budget	(21,255,593)	(80,356)		1,153,493		1,073,137	706,000			706,000	(20,888,457)

### Growth Reserve Funds

Growth Fund	490949	Budget	743,966	2,341		472,659		475,000				-	1,218,965
Recommending A Strategy	457306	Budget	(27,469)	(39)		-	360,000	359,961		435,000		435,000	(102,508)
Trail Voluntary Levies	462100	Budget	3,063,392	11,365	146,000	-		157,365				-	3,220,757
<b>TOTAL RESERVE FUND</b>		<b>Budget</b>	<b>50,913,776</b>	<b>212,332</b>	<b>680,000</b>	<b>16,309,591</b>	<b>360,000</b>	<b>17,561,923</b>	<b>23,366,646</b>	<b>966,823</b>	<b>-</b>	<b>24,333,469</b>	<b>44,142,230</b>

### RESERVES:

#### Reserves for Operational Contingencies

Legal Services	322110	Budget	222,248			-		-				-	222,248
Emergency Contingency	325410	Budget	-			500,000	-	500,000				-	500,000
REV It Up	325710	Budget	87,000			73,500		73,500		200,000		200,000	(39,500)
Talent Management	322510	Budget	24,737			-		-		35,000		35,000	(10,263)
Corporate Consulting	322710	Budget	142,575			-		-		40,000		40,000	102,575
Waste Management	323442	Budget	437,338			-		-				-	437,338
Strategic Planning	327911	Budget	28,214			-		-				-	28,214
Strategic Planning	327910	Budget	68,119			-		-				-	68,119
Streetlighting	323730	Budget	175,000			-		-				-	175,000
Winter Control	323832	Budget	1,164,742			-		-				-	1,164,742
Reserves - Energy	328010	Budget	405,052			-		-				-	405,052
Reserve-Tax Adjustment	327310	Budget	250,000			-		-				-	250,000
Corporate Contingency	327210	Budget	305,736			-		-		20,000		20,000	285,736
Ec. Dev. Innovation Fund	323269	Budget	125,000			-		-				-	125,000
Bridge Inspections	329402	Budget	-			-		-				-	-
Major Repairs & Mtnc	329403	Budget	200,000			50,000		50,000				-	250,000
Council Priorities	322512	Budget	-					-				-	-
Grant Coordinator	341030	Budget	255,332					-				-	255,332
Insurance Claims	325413	Budget	250,078					-				-	250,078

#### Reserves for Development-Related Revenues

Street Signs	322230	Budget	56,353					-				-	56,353
Finance Admin. Of Developments	324314	Budget	395,237					-		75,000		75,000	320,237

## 2021 RESERVES AND RESERVE FUNDS BUDGET

Reserve / Reserve Fund Account	Account #		Balance Forward Jan. 1/2021 \$	REVENUES					EXPENDITURES				Closing Balance Dec. 31/2021 \$
				Bank & Investment Interest	Contributions	From General Fund	Other	Total Revenue	To Capital Fund	To General Fund	Internal Transfers/ Other	Total	
				\$	\$	\$	\$	\$	\$	\$	\$	\$	
Anti-Tampering Devices	325162	Budget	59,010					-				-	59,010
<b>Reserves for Cyclical Expenses</b>													
Customer Survey	322313	Budget	34,606			10,000		10,000				-	44,606
Wages and Benefits	322810	Budget	303,856					-				-	303,856
Computer Incentive Program	324210	Budget	13,530					-				-	13,530
Road Needs Study	329401	Budget	-					-				-	-
<b>Discretionary Operating Reserves</b>													
Continuous Improvement	324011	Budget	44,000					-				-	44,000
Hydro Dividend Reserve	329110	Budget	890,533					-				-	890,533
Corporate Rate Stabilization Fund	325210	Budget	2,067,364			544,856		544,856				-	2,612,220
Efficiency / Enhancement Fund	325310	Budget	530,730					-		38,872		38,872	491,858
<b>Reserves for Operational Carry-Overs</b>													
NDDC Incentive	323268	Budget	407,699					-				-	407,699
HR Consulting	323310	Budget	329,700					-				-	329,700
Customer Service	322314	Budget	-					-				-	-
IT	323113	Budget	50,000					-				-	50,000
Reserve-Recreation	323560	Budget	71,567					-				-	71,567
Grants	324414	Budget	317,982					-		144,520		144,520	173,462
Financial Services	324614	Budget	-					-				-	-
Reserve - Communications	324710	Budget	53,412					-				-	53,412
Asset Mgmt	328711	Budget	-					-				-	-
Operational Carry-Overs	328710	Budget	737,271					-				-	737,271
Wellness Reserve	328210	Budget	3,299					-				-	3,299
Charity - Golf Donations	328310	Budget	431					-				-	431
ERIC	324513	Budget	3,300					-				-	3,300
<b>Restricted Operating Reserves</b>													
Fire Services	327821	Budget	(0)					-				-	(0)
Building Permits	324116	Budget	-					-				-	-
Main St. BIA	326110	Budget	56,519					-				-	56,519
NEAC	327168	Budget	5,800					-				-	5,800
Library	325591	Budget	573,753					-				-	573,753
Library-Fund Raising	325592	Budget	24,618					-				-	24,618
Library-Strat. Plan Implmntn	325596	Budget	180,555					-				-	180,555
Library-Strategic Plan	325594	Budget	-					-				-	-
Library-Insurance	325595	Budget	10,000					-				-	10,000
Maintenance - Water	324942	Budget	60,648					-				-	60,648
Water Rate Stabilization Fund	327642	Budget	2,885,135			155,540		155,540	200,000	35,000		235,000	2,805,675

## 2021 RESERVES AND RESERVE FUNDS BUDGET

Reserve / Reserve Fund Account      Account #      Budget      Balance Forward Jan. 1/2021 \$				REVENUES					EXPENDITURES				Closing Balance Dec. 31/2021 \$
				Bank & Investment Interest	Contributions	From General Fund	Other	Total Revenue	To Capital Fund	To General Fund	Internal Transfers/ Other	Total	
				\$	\$	\$	\$	\$	\$	\$	\$	\$	
Sanitary Sewer Rate Stabilization Fu	327744	Budget	1,153,329					-				-	1,153,329
Apprenticeship Grants	329010	Budget	1,916					-				-	1,916
Storm Water Rate Stabilization	327748	Budget	1,362,002					-	60,000	35,000		95,000	1,267,002
Youth Reserve	329274	Budget	15,053					-				-	15,053
Public Works Services	329332	Budget	36,301					-		25,000		25,000	11,301
<b>General Capital Reserves</b>													
Unexpended Capital	341010	Budget	801,250					-		55,000		55,000	746,250
<b>Designated Capital Reserves</b>													
Minor Capital	323610	Budget	81,818					-				-	81,818
Mulock Farm	341020	Budget	2,672,499	9,948		50,000		59,948				-	2,732,447
Digital Initiative	328913	Budget	50,000					-				-	50,000
Community Service Group	323552	Budget	2,000					-				-	2,000
<b>Growth Reserves</b>													
Historic Downtown Centre	328410	Budget	15,122					-				-	15,122
Regional Healthcare Centre	328510	Budget	58,179					-				-	58,179
Regional Urban Centre	328610	Budget	37,326					-				-	37,326
<b>TOTAL RESERVES</b>		<b>Budget</b>	<b>20,594,872</b>	<b>9,948</b>	<b>-</b>	<b>1,383,896</b>	<b>-</b>	<b>1,393,844</b>	<b>260,000</b>	<b>703,392</b>	<b>-</b>	<b>963,392</b>	<b>21,025,324</b>
<b>SUMMARY BY FUNCTION</b>													
Operational Contingencies		Budget	4,141,171	-	-	623,500	-	623,500	-	295,000	-	295,000	4,469,671
Development-Related Revenues		Budget	4,038,152	12,305	100,000	101,800	-	214,105	-	340,747	-	340,747	3,911,510
Cyclical Expenses		Budget	614,643	826	-	95,000	-	95,826	-	-	-	-	710,469
Discretionary Operating		Budget	4,415,771	3,316	-	544,856	-	548,172	-	98,872	-	98,872	4,865,071
Operational Carry-Overs		Budget	1,974,660	-	-	-	-	-	-	144,520	-	144,520	1,830,140
Restricted Operating		Budget	11,788,631	23,084	-	403,735	-	426,819	260,000	95,000	-	355,000	11,860,449
General Capital		Budget	(5,017,255)	14,957	-	722,780	-	737,737	9,581,103	55,000	-	9,636,103	(13,915,621)
Designated Capital		Budget	13,941,801	51,624	434,000	630,296	-	1,115,920	880,000	206,076	-	1,086,076	13,971,645
Asset Replacement Funds		Budget	31,720,559	102,502	-	14,098,861	-	14,201,363	12,905,543	-	-	12,905,543	33,016,378
Growth Funds		Budget	3,890,516	13,667	146,000	472,659	360,000	992,326	-	435,000	-	435,000	4,447,842
<b>TOTAL RESERVE FUNDS &amp; RESERVES</b>		<b>Budget</b>	<b>71,508,648</b>	<b>222,280</b>	<b>680,000</b>	<b>17,693,487</b>	<b>360,000</b>	<b>18,955,767</b>	<b>23,626,646</b>	<b>1,670,215</b>	<b>-</b>	<b>25,296,861</b>	<b>65,167,554</b>

## 2021 OBLIGATORY RESERVE FUNDS BUDGET

Reserve / Reserve Fund Account	Account #	Balance Forward Jan.1/2021 \$	REVENUES					EXPENDITURES				Closing Balance Dec. 31/2021 \$
			Bank & Investment Interest	Contributions	From General Fund	Other	Total Revenue	To Capital Fund	To General Fund	Internal Transfers/ Other	Total	
			\$	\$	\$	\$	\$	\$	\$	\$	\$	
Parkland												
Parkland	457815	5,190,172	13,324	951,000			964,324		250,000		250,000	5,904,496
Development Charges												
General Government	460100	114,967	346	35,900			36,246	533,000			533,000	(381,787)
Library	460200	3,282,795	11,622	275,100			286,722				-	3,569,517
Fire	460300	(2,712,587)	(7,674)	371,300			363,626	4,427,670			4,427,670	(6,776,631)
Recreation Facilities	460400	15,849,336	55,602	3,980,300			4,035,902		1,389,035		1,389,035	18,496,204
Outdoor Recreation	460500	-	-	-			-	3,935,020			3,935,020	(3,935,020)
Yards & Fleet	460600	(504,078)	(1,482)	102,700			101,218	252,000			252,000	(654,861)
Town-Wide Engineering	460700	14,891,838	50,026	4,574,000			4,624,026	2,009,000	128,000		2,137,000	17,378,865
Dev. Charges-Parking	460800	2,014,199	7,317	188,600			195,917				-	2,210,116
Waste Diversion	460900	66,199	132	45,500								
Total DC's		33,002,670	115,888	9,573,400	-	-	9,689,288	11,156,690	1,517,035	-	12,673,725	30,018,233
Engineering Administration												
Engineering Admin.-Subdivision	469991	143,517	1,231	470,000			471,231		944,572		944,572	(329,824)
Building Code Permit Fees												
Building Permit Fees Reserve Fund	464656	2,714,575	13,037				13,037	30,000	1,118,854		1,148,854	1,578,759
Federal Gas Tax Grant												
Gas Tax	432250	8,020,945	27,749			5,239,055	5,266,804	2,500,000			2,500,000	10,787,749
TOTAL OBLIGATORY RESERVE FUNDS		49,071,879	171,229	10,994,400	-	5,239,055	16,404,684	13,686,690	3,830,461	-	17,517,151	47,959,412
TOTAL RESERVES, RESERVE FUNDS & OBLIGATORY RESERVE FUNDS		120,580,527	393,509	11,674,400	17,693,487	5,599,055	35,360,451	37,313,336	5,500,676	-	42,814,012	113,126,966





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## **2021 Budget Reconciliation Staff Report to Council**

Report Number: 2021-44

Department(s): Financial Services

Author(s): Anita Gibson, Sr. Financial Analyst, Financial Services

Meeting Date: June 14, 2021

### **Recommendations**

1. That the report entitled 2021 Budget Reconciliation dated June 14, 2021 be received; and,
2. That the adjustments to the Council approved 2021 budget be adopted; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

The 2021 Council approved budgets (tax and rate-supported operating, and capital) along with the implied reserve and reserve funds budget derived from the Council-approved budgets, have a combined revenue amount of \$153,798,989 and an expenditure total of \$156,443,850. The adjusted budget, per the Consolidated Statement of Operations, has a revenue amount of \$154,798,989 and an expenditure amount of \$136,967,817. The difference is due to the inclusion of budgeted amortization expense, post-employment benefit expense and the exclusion of budgeted tangible capital assets that will be capitalized. These adjustments make the budget Public Sector Accounting Standard (PSAS) compliant.

### **Purpose**

The purpose of this report is to provide Council with a reconciliation of the Council approved 2021 budget as it compares to the budget that will be reported in the 2021 financial statements.

## **Background**

A key outcome of the annual budget is a tax rate, which Council is asked to approve. This tax rate, and other rates such as water and wastewater, are based on a “cash basis” of accounting for the most part, and therefore do not include all of the Public Sector Accounting Standards (PSAS) requirements around accrual accounting and accounting for “non-financial assets and liabilities”.

These accounting standards do not require budgets to be prepared on a PSAS basis. The Town of Newmarket, like most municipalities, continues to prepare budgets on the traditional cash basis.

The Province of Ontario introduced Ontario Regulation 284/09 (O. Reg. 284/09) that allows a municipality to exclude from their estimated expenses, costs related to amortization expense, post-employment benefit expense and solid waste landfill closure and post-closure expense. However, the regulation does require that the municipality report on the impact of these excluded costs.

## **Discussion**

The Council approved 2021 Budget and associated levy excluded the following:

1. The budget did not include expenses for the amortization of its tangible capital assets in the amount of \$18.0 million, as amortization is a non-cash expense.
2. Based on an actuarial review as at the end of 2019, the 2021 expense for post-retirement benefits was estimated to be \$633,159, of which \$405,304 was included in the budget.
3. No solid waste landfill closure and post-closure costs have been included, as the Town does not have responsibility for any landfill sites.

In 2019 a major change was made in the budget process – the elimination of capital carryovers and the creation of achievable capital programs. The total Capital spending authority for 2021 was approved at \$37.9 million, of which \$36.3 million was identified as 2021 total Capital Programs. In May 3, 2021 council approved as part of the Q1 2021 Financial report an additional \$5.3 million to the year’s capital spending authority resulting in a total capital program budget of \$41.6 million. Of this amount, \$37.9 million has been identified as being tangible capital assets.

The attachment illustrates what the 2021 budget will look like in the Town’s consolidated financial statements in the Public Sector Accounting Board (PSAB) 3150 format.

## **Post-Employment Benefits**

Employee Future benefits are health and dental benefits that are provided to early retirees, future retirees and employees currently on long-term disability. An actuarial valuation was carried out as at December 31, 2019 using a discount rate of 2.8%. The liability for employee future benefits is estimated to be \$7.3 million, of which \$1.9 million has been funded for 2021. Although there is no legislative requirement to fund this liability – it may be handled on a “pay-as-you-go” basis – the Town continues to be fiscally prudent. The liability is expected to grow to \$7.7 million in 2021.

## **Amortization Expenses**

Amortization, commonly referred to as depreciation, theoretically represents the annual use of the Town’s assets. Although amortization expenses should not be used to determine the impairment of an asset, it is a good tool to predict the future annual financial commitments required for asset rehabilitation. The amounts and calculations for amortization expenses are in accordance with our tangible capital asset (TCA) policy.

## **Conclusion**

The adjustments to the Council approved 2021 budget included projected amortization expense, post-employment benefit expense and budgeted tangible capital assets, capitalized. These adjustments make the budget PSAB compliant.

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

There is no relationship to the strategic plan as this is a compliance report under the Municipal Act, 2001.

## **Consultation**

Not applicable.

## **Human Resource Considerations**

None.

## **Budget Impact**

This report is for information and as such, will have no direct impact on taxes, fees and charges or the use of reserves. There is no impact on the future tangible capital asset funding requirements of the municipality, as a result of the exclusion of any of the estimated expenses.

The original 2021 budget approved by Council included a deficit for the year of \$2.6 million. With the inclusion of the PSAB reporting requirements, the budget would result in a surplus of \$17.8 million.

## **Attachments**

2021 Budget Reconciliation (5 pages)

## **Approval**

Mike Mayes, CPA, CGA, DPA  
Director, Financial Services/Treasurer

Esther Armchuk, LL.B  
Commissioner, Corporate Services

## **Contact**

For more information on this report, contact Mike Mayes, Director of Financial Services/Treasurer at 905-953-5300 ext. 2102 or via e-mail at [mmayes@newmarket.ca](mailto:mmayes@newmarket.ca)

**THE CORPORATION OF THE TOWN OF NEWMARKET**  
**Consolidated Statement of Projected Financial Position**

**December 31, 2021**

	2020	2021
	Actual	Budget
<b>FINANCIAL ASSETS</b>		
Cash	\$ 61,522,596	\$ 65,829,865
Temporary Investments	64,834,304	60,000,000
Taxes receivable	13,659,099	6,748,885
User charges receivable	10,612,009	8,480,477
Accounts receivable	1,530,855	4,265,644
Inventory for resale	55,809	56,925
Surplus Land	155,285	155,285
Loans receivable	7,786,343	7,786,343
Investment in Newmarket Hydro Holdings Inc.	67,998,430	68,998,430
	228,154,730	222,321,854
<b>LIABILITIES</b>		
Accounts payable and accrued liabilities	30,706,653	31,320,786
Interest payable on debt	653,369	592,932
Employee future benefits payable	7,786,842	8,192,146
Long-term disability benefits payable	4,539,602	4,503,370
Deferred revenue	50,586,804	49,459,412
Long-term debt	41,561,103	37,864,872
	135,834,373	131,933,518
<b>NET FINANCIAL ASSETS</b>	92,320,357	90,388,336
<b>NON FINANCIAL ASSETS</b>		
Inventory	1,092,812	1,114,668
Prepaid expenses	2,167,783	2,027,783
Tangible Capital Assets	537,113,344	556,994,681
	540,373,939	560,137,132
<b>TOTAL NET ASSETS</b>	632,694,296	650,525,468
<b>ACCUMULATED SURPLUS</b>	\$ 632,694,296	\$ 650,525,468

THE CORPORATION OF THE TOWN OF NEWMARKET

Consolidated Statement of Projected Operations and Accumulated Surplus

Year ended December 31, 2021

	2020		2021
	Budget	Actual	Budget
<b>REVENUES</b>			
<b>Taxation and user charges</b>			
Residential and farm taxation	\$ 54,842,182	\$ 54,157,793	\$ 55,849,204
Commercial, industrial and business taxation	10,370,591	10,674,327	10,917,116
Taxation from other governments	722,525	949,067	722,525
User charges	56,226,497	51,085,098	56,536,515
	122,161,795	116,866,285	124,025,360
<b>Government Transfers</b>			
Government of Canada	-	92,122	-
Federal Gas Tax Revenue	6,458,000	1,314,489	2,500,000
Province of Ontario	660,891	4,005,588	660,891
	7,118,891	5,412,199	3,160,891
<b>Other</b>			
Contribution from developers	13,770,171	31,725,755	14,651,397
Investment income	2,456,604	2,951,303	2,482,880
Fine, penalties and interest	1,839,754	451,176	2,210,504
Rent and other	4,671,760	2,789,776	5,931,957
Gain on disposal of tangible capital assets	-	(818,049)	-
	22,738,289	37,099,961	25,276,738
<b>TOTAL REVENUES</b>	152,018,975	159,378,445	152,462,989



THE CORPORATION OF THE TOWN OF NEWMARKET

Consolidated Statement of Projected Operations and Accumulated Surplus

Year ended December 31, 2021

	2020		2021
	Budget	Actual	Budget
<b>EXPENSES</b>			
General government	19,691,858	18,029,151	<b>19,367,648</b>
Protection to persons and property	20,092,345	20,177,571	<b>20,592,053</b>
Transportation services	14,426,071	13,696,911	<b>15,252,817</b>
Environmental services	43,752,454	39,915,591	<b>42,686,264</b>
Recreation and cultural services	37,152,877	25,294,474	<b>35,563,986</b>
Planning and development	3,459,952	3,029,864	<b>3,505,049</b>
	<b>138,575,557</b>	<b>120,143,562</b>	<b>136,967,817</b>
Investment income from Newmarket Hydro Holdings Inc.	2,336,000	1,423,813	<b>2,336,000</b>
<b>Gain on foreign exchange</b>	-	(206,903)	-
<b>ANNUAL SURPLUS</b>	<b>15,779,418</b>	<b>40,451,793</b>	<b>17,831,172</b>
<b>ACCUMULATED SURPLUS, BEGINNING OF YEAR</b>	<b>592,242,503</b>	<b>592,242,503</b>	<b>632,694,296</b>
<b>ACCUMULATED SURPLUS, END OF YEAR</b>	<b>\$ 608,021,921</b>	<b>\$ 632,694,296</b>	<b>\$ 650,525,468</b>

THE CORPORATION OF THE TOWN OF NEWMARKET

Consolidated Statement of Projected Change in Net Financial Assets

Year ended December 31, 2021

	2020		2021
	Budget	Actual	Budget
<b>Annual surplus</b>	\$ 15,779,418	\$ 40,451,793	\$ 17,831,172
Acquisition of tangible capital assets	(31,163,090)	(14,265,592)	(37,931,700)
Contributed tangible capital assets	-	(22,678,699)	-
Amortization of tangible capital assets	17,193,659	17,396,439	18,050,363
Proceeds from sale of tangible capital assets	-	88,138	-
Loss (gain) on disposal of tangible capital assets	-	729,911	-
	(13,969,431)	(18,729,803)	(19,881,337)
Changes due to inventory	(15,135)	(336,040)	(21,856)
Changes due to prepaid expenses	120,000	154,525	140,000
	104,865	(181,515)	118,144
<b>CHANGE IN NET FINANCIAL ASSETS</b>	<b>1,914,852</b>	<b>21,540,475</b>	<b>(1,932,021)</b>
<b>NET FINANCIAL ASSETS, BEGINNING OF YEAR</b>	<b>70,779,882</b>	<b>70,779,882</b>	<b>92,320,357</b>
<b>NET FINANCIAL ASSETS, END OF YEAR</b>	<b>\$ 72,694,734</b>	<b>\$ 92,320,357</b>	<b>\$ 90,388,336</b>

THE CORPORATION OF THE TOWN OF NEWMARKET

Consolidated Statement of Projected Cash Flows

Year ended December 31, 2021

	2020		2021
	Budget	Actual	Budget
<b>CASH PROVIDED BY (USED IN):</b>			
<b>OPERATING ACTIVITIES</b>			
<b>Cash received from</b>			
Taxation	\$ 61,369,403	\$ 59,668,277	\$ 74,399,060
User charges	52,650,764	47,275,448	53,813,164
Government transfers	4,215,930	8,167,833	9,779,087
Contributions from developers	7,105,000	18,310,991	8,354,000
Investment income	3,792,604	5,494,014	3,818,880
Fine, penalties and interest	1,839,754	448,420	2,210,504
Rent and other	3,335,760	2,769,007	4,595,957
Aurora's share of Central York Fire Services	11,749,295	11,749,047	11,955,597
	146,058,510	153,883,037	168,926,248
<b>Cash paid for</b>			
Salaries, wages and employee benefits	63,889,786	61,046,868	64,528,684
Materials, goods, and supplies	10,374,338	5,137,231	5,239,976
Utilities	4,967,084	3,166,663	3,229,996
Contracted and general services	44,615,600	39,141,109	38,743,013
Capital repairs and maintenance	7,724,037	6,963,252	6,534,639
Interest on long-term debt	1,827,763	1,827,763	1,652,145
Rents and financial	284,257	199,292	203,278
	133,682,865	117,482,178	120,131,731
<b>Net change in cash from operating activities</b>	12,375,645	36,400,859	48,794,517
<b>CAPITAL ACTIVITIES</b>			
Proceeds on disposal of tangible capital assets	-	88,138	-
Cash paid for acquisition of tangible capital assets	(31,163,090)	(14,265,592)	(37,931,700)
<b>Net change in cash from capital activities</b>	(31,163,090)	(14,177,454)	(37,931,700)
<b>INVESTMENT ACTIVITIES</b>			
Gain on Foreign Exchange	-	(206,903)	-
Temporary investment	20,968,260	(1,866,044)	4,834,304
<b>Net increase in investment</b>	20,968,260	(2,072,947)	4,834,304
<b>FINANCING ACTIVITIES</b>			
Loans receivable	-	(7,693,622)	(7,693,622)
Principal repayment on long-term debt	(3,520,612)	(3,520,612)	(3,696,231)
<b>Net change in cash from financing activities</b>	(3,520,612)	(11,214,234)	(11,389,853)
<b>NET CHANGE IN CASH</b>	(1,339,797)	8,936,224	4,307,269
<b>CASH, BEGINNING OF YEAR</b>	52,586,372	52,586,372	61,522,596
<b>CASH, END OF YEAR</b>	\$ 51,246,575	\$ 61,522,596	\$ 65,829,865

## 2021 Budget Reconciliation

The budget approved by Council differs from the budget in the Consolidated Statements. The differences are mainly due to PSAB reporting requirements.

		<u>Revenues</u>	<u>Expenses</u>
<b>Council approved budget for 2021:</b>			
Operating fund - December 14, 2020		\$ 136,510,270	\$ 136,510,270
Less: Principal payment on long-term debt		\$ -	\$ (3,696,233)
Less: Transfers to / from other funds		\$ (1,670,215)	\$ (17,987,487)
Capital Program - December 14, 2020		\$ 36,268,500	\$ 36,268,500
Adjustment to Capital Spending Authority - May 3, 2021		\$ 5,348,800	\$ 5,348,800
Less: Transfers from other funds		\$ (23,920,646)	\$ -
Reserves and Reserve funds -		\$ 18,955,767	\$ 25,296,861
Less: Transfers to / from other funds		\$ (17,693,487)	\$ (25,296,861)
<b>TOTAL COUNCIL APPROVED BUDGET</b>	<b>(1)</b>	<b><u>\$ 153,798,989</u></b>	<b><u>\$ 156,443,850</u></b>
Less: Projection of Tangible Capital Assets Capitalized	<b>(2)</b>		(37,931,700)
Plus: Budgeted amortization expense	<b>(3)</b>		18,050,363
Plus: Post-employment benefit expenses	<b>(4)</b>		405,304
Plus: Investment income from Newmarket Hydro Holdings Inc.	<b>(5)</b>	<u>1,000,000</u>	
<b>Adjusted Budget per Consolidated Statement of Operations</b>		<b><u>\$ 154,798,989</u></b>	<b><u>\$ 136,967,817</u></b>

**Note:**

- (1) Council approves balanced budgets with the exception of Reserves and Reserve Funds. The difference between Revenue and Expenses is the net transfer to or from other funds.
- (2) This figure represents the total expenditures in the Capital Budget for Tangible Capital Assets. Disposals are not considered to be material and are therefore excluded.
- (3) This figure is the estimated amortization for the current year's budgeted Tangible Capital Asset additions and adding it to the previous year's actual amortization expense.
- (4) This is estimated based on the 2019 actuarial evaluation.



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## **Alex Doner Drive Traffic Review – Sykes Road to Kirby Crescent Staff Report to Council**

Report Number: 2021-39

Department(s): Engineering Services

Author(s): M. Kryzanowski, Manager, Transportation Services

Meeting Date: June 14, 2021

### **Recommendations**

1. That the report entitled “Alex Doner Drive Traffic Review – Sykes Road to Kirby Crescent” dated June 14, 2021 be received; and,
2. That Category 1 measures be approved for this section of Alex Doner Drive; and,
3. That this report be sent to York Regional Police to provide enforcement as they deem necessary; and,
4. That the traffic control review (such as all-way stops) be undertaken when traffic volumes have returned to a more normal level after the pandemic; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to outline the results of the traffic review, and to provide the next steps with respect to mitigation.

### **Background**

At the electronic Committee of the Whole dated July 22, 2020, the Committee referred a request to review traffic control and traffic calming measures on Alex Doner Drive from Sykes Road to Kirby Crescent.

Staff undertook the necessary studies to look at speeds and volumes on Alex Doner Drive. As for the traffic control studies for the placement of an all-way stop or other right-of-way control measure along the road section, Staff recommends that this part of the request be deferred until traffic and pedestrian volumes return to a more normal level after the pandemic and until the development of Glenway West is completed. Deferring the traffic control studies until after Glenway West is completed will help to take into account the increase in the number of drivers and residents in the area, which will be impacting both traffic and pedestrian volumes.

## Discussion

Alex Doner Drive is a residential collector road with sidewalks on both sides of the street. An all-way stop control exists at the Sykes/Alex Doner and the Kirby/Brimson/Alex Doner intersections. This section of Alex Doner Drive has two distinctly different road designs or geometrics. The section from Sykes Road to Otton Crescent (east) has gentle curves with houses on one and then on both sides of the road. The section from Otton Crescent (east) to Kirby Crescent has a long straight section to the old golf cart path area, followed by another longer straight section to Kirby Crescent. Houses are located on both sides of the street along this latter section.

The traffic information collected in 2021 shows that speeds are slightly higher in the straight sections (east of Otton Crescent). The speeds over time have been dropping slightly. The daily traffic volumes (AADT) have dropped a little over 20% from 2016. This is likely due to the pandemic, with less commuting as a result of residents working from home and schools being closed. In general, Staff has found that traffic volumes have been up to 30% lower than normal. However, speeds have been generally unaffected by the pandemic.

Road Segment	2021			2016			2011		
	Average	Operating	AADT	Average	Operating	AADT	Average	Operating	AADT
Sykes to Borland	37	43	1130						
Borland to Otton	43	50	940						
Otton to Kirby	44	52	950	47	54	1230	46	53	1330

Given the data in the above table and that Alex Doner Drive is a residential collector road, the Transportation Policy indicates that Category 1 measures would apply to reduce speeds. Therefore, solar speed boards and lawn boulevard signs will apply and, given the road geometrics, this may be a good location for York Regional Police to provide speed enforcement.

## Conclusion

Category 1 measures are recommended to mitigate the current level of speeding. As well, it is recommended that the Traffic Control review be postponed until traffic volumes



return to a more normal level and the development of Glenway West has been completed along Alex Doner Drive.

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

This review addresses the Council Strategic Pillar entitled “Safe Transportation (Streets)”. More specifically, the project addresses the following priorities under the “Safe Transportation (Streets)” Strategic Pillar:

- ii) Continue to implement the traffic mitigation strategy and Active Transportation Plan and explore/advance an off-road Mulock multi-use path;
- v) Develop a ‘complete street’ design and construction/reconstruction methodology to support ongoing safe street initiatives and continue to explore design options related to speed reduction, where appropriate.

## **Consultation**

No consultation was undertaken in the preparation of this report. The request came directly from Council (Committee of the Whole), as opposed to using the standard requirements set out in the Public Consultation and Support Policy.

## **Human Resource Considerations**

None

## **Budget Impact**

Category 1 measures are funded from the Transportation Services Operating budget. There are sufficient funds to accommodate the recommendations.

## **Attachments**

None.

## **Approval**

Rachel Prudhomme, M.Sc., P.Eng.,  
Director, Engineering Services

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

## **Contact**

For more information on this report, please contact Mark Kryzanowski, Manager, Transportation Services, at 905-953-5300, extension. 2508 or [mkryzanowski@newmarket.ca](mailto:mkryzanowski@newmarket.ca) .



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## **Stonehaven Avenue Traffic Review Staff Report to Council**

Report Number: 2021-41

Department(s): Engineering Services

Author(s): M. Kryzanowski, Manager, Transportation Services

Meeting Date: June 14, 2021

### **Recommendations**

1. That the report entitled Stonehaven Avenue Traffic Review dated June 14, 2021 be received; and,
2. That Category 1 measures be approved; and
3. That a painted median through the curved section of Stonehaven Avenue, west of Best Circle, approaching the commercial area at Bayview, be implemented; and,
3. THAT this report be forwarded to York Region Police to provide traffic enforcement, as they deem necessary; and,
4. That the traffic control review (for all-way stops or other stop control) be undertaken when traffic volumes have returned to a more normal level after the pandemic; and,
5. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to outline the findings and next steps resulting from the traffic speed and traffic control review as requested by Town Council.

### **Background**

At the electronic Committee of the Whole meeting on October 26, 2020, the Committee adopted the following recommendations:

- 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,
- 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.

## Discussion

Staff undertook the necessary studies to look at speeds and volumes on Stonehaven Avenue. As for the traffic control studies for the placement of an all-way stop or other right-of-way control measure along the road section, Staff recommends that this part of the request be deferred until traffic and pedestrian volumes return to a more normal level after the pandemic. Currently, the measured volumes do not meet the warrants to install an all-way stop, but volumes could be uncharacteristically low at this time due to less commuting, with residents working from home and schools being closed. It is not expected that the volumes will increase enough to reach the threshold required to meet the warrants at a later time, but it would be fairer to the community to make that determination once the travel patterns have returned to a new normal state.

Stonehaven Avenue is a main east-west primary residential collector that is located between Bayview Avenue and Leslie Street. The roadway has sidewalks on both sides. Over the past few years, the west side of Stonehaven Avenue has experienced growth, with a residential subdivision accessing from Dillman Avenue (National Homes subdivision), and the commercial development at Bayview Avenue. The impact from the growth can be noted in the table below. The daily volumes (AADT) are found to be higher in the west half of Stonehaven Avenue, and have fluctuated over the years.

### Speeds

The following table illustrates the average and operating speeds for Stonehaven Avenue over several years. The Average value is the average speed of vehicles travelling along the road section. The Operating value is the 85<sup>th</sup> percentile speed, or the speed at or below which 85 percent of vehicles travel. “AADT” is the average daily traffic volume that was measured.

	Bayview to Best			Lockwood to Leslie		
	Average	Operating	AADT	Average	Operating	AADT
2021	49	55	4950			
2020				45	52	3490
2019	49	55	6370	45	52	3970
2016	49	56	4410			

The speeds remain relatively consistent for both halves of Stonehaven Avenue, but they are slightly lower along the east half. In 2019, Stonehaven Avenue, east of the Kingsmere/Lockwood intersection was subject to the traffic-calming bollard program but

in which a series of more than the standard 3 sets of bollards was installed. The slightly lower speeds may be attributable to the success of the multiple bollard program pilot.

As for the specific request regarding permanent traffic calming measures, the Active Transportation Implementation Plan (ATIP) has identified Stonehaven Avenue as a candidate for a permanent bicycle route and bike lanes. It has been seen through the review of other existing bicycle lanes in Newmarket that travel speeds are lowered as a result of the additional pavement markings and the visual narrowing of the vehicle travel lanes through the addition of bike lanes. This finding conforms with the known fact in the transportation sector that bike lanes act as effective measure for traffic calming.

As for temporary traffic calming measures, the speeds are at the policy limit on the west half of Stonehaven Avenue which, according to the Town's policy, means that Category 1 measures would apply. These measures include placing the road on the solar speed board rotation list and deploying boulevard signs to slow traffic down. Category 1 measures also call for York Regional Police to be asked to provide speed enforcement.

In this case, Staff also recommends the painting of a centre line median through the curved section of Stonehaven Avenue, approaching the commercial area at Bayview Avenue. This is similar to what was implemented on Queen Street between Parkside and Lorne Avenue, and also through the forested section of Bristol Road. This measure has been found to be successful at reducing speeds and vehicle collisions.[Click or tap here to enter text.](#)

## **Conclusion**

It is recommended that Category 1 measures be deployed for speed mitigation. Furthermore, enhanced pavement markings on Stonehaven Avenue, west of the Best Circle west arm approaching the commercial section at Bayview Avenue could be implemented in the form of a painted widened median through the curved section. As well, it is recommended that the Traffic Control review be postponed until traffic levels return to a more normal level after the pandemic.

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

This review addresses the Council Strategic Pillar entitled "Safe Transportation (Streets)". More specifically, the project addresses the following priorities under the "Safe Transportation (Streets)" Strategic Pillar:

- ii) Continue to implement the traffic mitigation strategy and Active Transportation Plan and explore/advance an off-road Mulock multi-use path;
- v) Develop a 'complete street' design and construction/reconstruction methodology to support ongoing safe street initiatives and continue to explore design options related to speed reduction, where appropriate.

## **Consultation**

No consultation was undertaken in the preparation of this report. The request came directly from Council (Committee of the Whole).

## **Human Resource Considerations**

None.

## **Budget Impact**

The costs of any Category 1 measures implemented are already accommodated through the Transportation Business Unit's Operating Budget.

## **Attachments**

None.

## **Approval**

Rachel Prudhomme, M.Sc., P.Eng.,  
Director, Engineering Services

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

## **Contact**

For more information on this report, please contact Mark Kryzanowski, Manager, Transportation Services, at 905-953-5300, extension. 2508.





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## **A Commemorative Pride Bench Staff Report to Council**

Report Number: 2021-43

Department(s): Public Works Services, Recreation & Culture

Author(s): Mark Agnoletto, Director, Public Works Service; Colin Service, Director, Recreation & Culture

Meeting Date: June 14, 2021

### **Recommendations**

1. That the report entitled A Commemorative Pride Bench dated June 14<sup>th</sup>, 2021 be received; and,
2. That the installation of a Pride Rainbow Bench, as attached in the report be approved; and,
3. That Staff work with York Region Pride to finalize installation logistics; and,
4. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The York Region Pride Organization has requested permission from the Town of Newmarket to install a Pride Rainbow Bench in commemoration of a founding member who passed away in 2020. The purpose of this report is to seek approval from Council for the installation of this type of bench. Note that the Town has a celebration bench program where benches can be purchased and plated to celebrate and/or commemorate specific individuals. This celebration bench program is administered by the Public Works Department with approval of plaques delegated by Council to the Public Works Department. Specifically this report seeks approval of Council to install a rainbow coloured bench, recognizing that the rainbow is a symbol of the Pride movement and installation of a bench signifies support of the Pride movement.

## Background

The York Region Pride organization, in its 20<sup>th</sup> year of operation, serves to organize festivals, events, entertainment, and other initiatives, which, in the context of sexuality and gender identity, illuminate and celebrate human diversity, captivate the general public, inspire inclusivity, and foster harmony and acceptance. Since 2017, the Town of Newmarket has been home to the flagship event – the Pride Parade and Festival. The Town has supported this through provision of event support, and in kind contributions.

In 2020, a founding member of the organization passed away. To commemorate the loss of this individual, York Region Pride approached Staff to inquire about the installation of a rainbow bench (see photo as reference).



Please note that the organization could proceed with a traditional bench and plaque under the Celebration Bench Program which is administered by the Public Works Department. However, York Region Pride has specifically requested that the bench be a rainbow bench – the organization has indicated that they are willing to cover the cost of the bench if the Town is willing to install the bench.

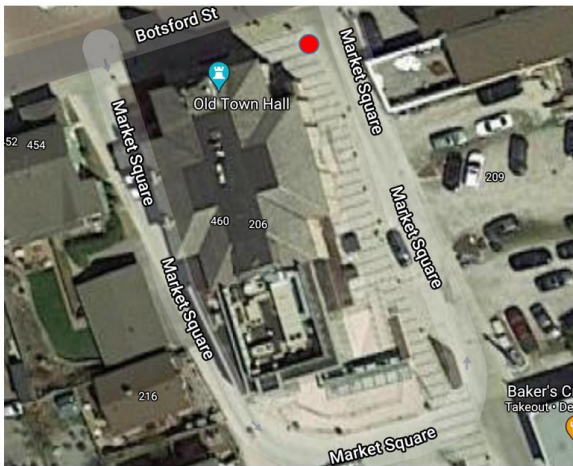
The rainbow has become an international symbol of lesbian, gay, bisexual, transgender, queer and two spirited (LGBTQ2S) pride and LGBTQ2S social movements. The colours reflect the identity and diversity of the LGBTQ2S community and serves as an outward symbol of support.

## Discussion

Staff met with York Region Pride representatives and determined two possible locations for the installation of a bench. Noting that the rainbow is an outward symbol of support for the community, it was important that locations considered had an appropriate level of visibility and prominence. Further, it is important that locations considered allowed for the bench to remain and did not require regular movement of the bench to accommodate other uses. While either location would be acceptable to the organization, the preference by York Region Pride was clearly for the Main Street location.

### First Location – Northeast Corner of Old Town Hall Property

The first location for consideration is the northeast corner of the Old Town Hall Property. (See red circle in photo below).



This location provides good visibility, would not require movement and would serve as a compliment to the current programming offered at Old Town Hall.

### Second (Preferred) Location – Main Street, Across from Clock Tower

The second location for consideration is on Main Street across from the Clock Tower. (See red circle in photo below).



This location provides greater visibility than the first location and would not require movement. Further, it would be located in a key location for the flagship event – the Pride Parade on Main Street.

## **Conclusion**

Staff are recommending that Council approve the installation of a Pride Bench at the Main Street location. Staff will then work with York Region Pride to finalize the installation details.

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

Installation of a Pride Bench aligns with our core values of respect and integrity.

## **Consultation**

Both sites have been reviewed by York Region Pride.

## **Human Resource Considerations**

Town staff would be required to install the bench.

## **Budget Impact**

York Region Pride intends to cover the cost of purchasing the bench.

## **Attachments**

None.

## **Approval**

Mark Agnoletto, Director, Public Works Services

Peter Noehammer, Commissioner, Development and Infrastructure Services

Colin Service, Director, Recreation & Culture

Ian McDougall, Commissioner, Community Service

## **Contact**

For further information, please contact Colin Service [cservice@newmarket.ca](mailto:cservice@newmarket.ca) or Mark Agnoletto [magnoletto@newmarket.ca](mailto:magnoletto@newmarket.ca).







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## **Stormwater Management Ponds Staff Report to Council**

Report Number: 2021-48

Department(s): Legislative Services

Author(s): Jaclyn Grossi, Legislative Coordinator

Meeting Date: June 14, 2021

### **Recommendations**

1. That the report entitled Stormwater Management Ponds dated June 14, 2021 be received; and,
2. That Council directs Staff to continue to not permit individuals to use Stormwater Management Ponds for recreational purposes in the Town of Newmarket; and,
3. That Staff be authorized and directed to do all things necessary to give effect to this resolution.

### **Purpose**

The purpose of this report is to provide Council with information regarding stormwater management ponds (SWMPs) and the risks associated with using them for recreational purposes. Using natural bodies of water and community rinks for recreational purposes is outside the scope of this report.

### **Background**

Due to the COVID-19 pandemic there was an influx of residents finding ways to enjoy the outdoors and stay active during the Provincial State of Emergency and Stay at Home Orders, particularly in the winter months. This has resulted in an increased number of individuals using SWMPs for recreational purposes.

## Discussion

### **The Town of Newmarket operates and owns over 65 stormwater management ponds (SWMPs)**

There are also 11 SWMPs on active development lands that have not yet been assumed by the Town of Newmarket. These wet ponds hold water at all times, and are designed to collect and store runoff from rain and melted snow. This allows dirt, sand, silt and other solids in the runoff to settle to the bottom of the pond, which improves the quality of water released back into creeks and rivers downstream. The water level in SWMPs fluctuates up and down constantly depending on the amount of water that is draining into the pond.

Unlike natural ponds, SWMPs are designed to collect and release runoff from rainfall and snowmelt to help prevent flooding in the community. As a result, water levels change rapidly due to the constant water flow. In the winter months, the pond water may also contain road salt and other contaminants, which contribute to poor ice quality. These factors combine to create dangerous and unpredictable conditions.

### **Lake Simcoe Region Conservation Authority's Position on SWMPs**

On January 15, 2021 the Lake Simcoe Region Conservation Authority (LSRCA) published a [safety message](#) which reminded residents about the dangers associated with SWMPs. The ice conditions are not monitored and air pockets can easily form under the surface. The LSCRA advises that open water can be found surrounding the edges of SWMPs and around the water outlets, creating a dangerous scenario if walking, playing or skating on any ice surface. Caution must be exercised at all times around frozen ponds or bodies of water as the fluctuating temperatures and use of road salts can create thin or unstable ice and a potentially hazardous condition.

### **York Region and other Greater Toronto and Hamilton Area (GTHA) municipalities advise residents to stay off of SWMPs**

Municipalities do not monitor the water level or ice thickness on SWMPs, and municipalities assume no responsibility for unintended use. All York Region municipalities as well as Pickering, Oakville, Brampton, Toronto, Milton, Whitby, Burlington, and Halton Hills have communicated to their residents that SWMPs are not safe for recreational activities and advise their residents to use only municipally constructed ice rinks that are maintained and monitored.

The Town of Newmarket offers a variety of safe outdoor activity options for residents including maintained ice rinks, splash pads, tennis courts, and parks. The Town currently works with community groups to provide three ice surfaces for residents' use during the winter months, with Riverwalk Commons being maintained by staff, and both Ken Sturgeon Park and the Newmarket Lions Park being maintained by residents. Future outdoor rink amenities will also be available through the Outdoor Ice Rink at the

Ray Twinney Recreational Complex, as well as the skating trail at the Mulock Park. These options are available to ensure that residents have an opportunity to spend time outside, and be physically active.

### **Municipal Enforcement Officers took an education first approach**

During the winter months, Municipal Enforcement Officers across the GTHA took an education first approach when responding to complaints received regarding the use of SWMPs. Officers educate residents on the associated safety risks while asking for voluntary compliance.

Some municipalities proactively patrol these areas but many are finding it difficult as Municipal Enforcement Officers have been redeployed to meet the needs of unpredictable and ever-changing regulations during the pandemic.

Between January 1, 2021 and June 7, 2021, Customer Service received 12 calls/emails from residents regarding SWMPs and only 4 of these were to advise that residents were using them for winter recreational activities. No calls or emails have been received regarding spring recreational activities. The Town will continue to educate the public on the safety issues surrounding SWMPs being used for recreational activities.

### **Signage is imperative to ensure residents understand the associated risks**

Municipalities have noted that signage is important for both public education and enforcement opportunities. Many municipalities are actively ensuring that all SWMPs are accompanied by appropriate signage to ensure that residents are aware of the unpredictable conditions and risks associated with using these facilities for recreational activities.

The Town of Oakville developed a [policy](#) in 2019 which ensures that all Town-managed SWMPs, as well as SWMPs not assumed by the municipality, have standard Town-approved signage erected to inform the public of safe practices within the areas and the potential risks associated with their use for recreational purposes.

### **Exercising the option to replace some SWMPs with Low Impact Development initiatives**

As the Town and the LSRCA have been working together on Low Impact Development (LID) initiatives, eliminating those SWMPs that are attracting risk is an option. As part of its push for LID, the LSRCA is encouraging the decommissioning of SWMPs through naturalization with vegetation, or by converting them into dry ponds (i.e. off-line depressions in the landscape that temporarily fill with water only when there is a heavy rain or snowmelt event; the water then drains naturally into the ground so that no water ever stays permanently in the dry pond).

Naturalization and creating dry ponds greatly lowers the risk associated with the recreational use of SWMPs. In addition to providing risk management, converting certain SWMP to naturalized or dry ponds have three additional benefits:

- They greatly reduce the amount of phosphorus and other pollutants that reach our natural watercourses (much more so than SWM ponds);
- They provide effective quantity control for stormwater, thereby lowering the risk of downstream flooding;
- They address one of Council's Strategic Pillars (Environmental Stewardship) and two of that Pillar's strategic priorities (i.e. continuing to implement programs that make Newmarket a leader in the implementation of LID; and partnering with the LSRCA on LID initiatives).

Converting SWMPs to dry ponds or naturalizing them can cost in excess of \$100,000 per pond. This activity is not in the current Capital Plan due to competing priorities and resources. However, if this is a direction that Council would like to take, there may be external funding available through various sources to help offset the costs.

Technical options that prevent freezing can render a SWMP unusable for risky winter activities. One such technique involves heating of the water. Heating is not recommended because of the danger it poses to the cold water fisheries into which the ponds drain. Another solution involves chemicals that lower the freezing temperature of water. This also should not be used because of the damage it can cause to flora and fauna in and near the ponds, and for environmental sustainability. However, Town staff are aware of one initiative in another York Region municipality where a very large but shallow pond was equipped with an aeration system. The aeration was installed to reduce odour and prevent the growth of excessive algae in the stagnant waters. An added benefit of the aeration system is that the water in the pond no longer freezes in winter, thereby eliminating the issue with risk associated with recreational winter use by residents. It should be noted, though, that this solution is very costly, and required well in excess of \$100,000 to install for one single pond.

## **Conclusion**

As municipalities across the Province continue to educate their residents on the dangers of using SWMPs for recreational purposes and ensure that safe alternatives are available for year round use, Staff recommend that the Town of Newmarket continue to do the same. Staff will also proactively continue to research best practices in neighbouring municipalities and beyond, and erect appropriate signage where applicable.

Should Council proceed with the recommendation to continue not allowing recreational activities on SWMPs, Staff will develop a strategy to ensure that the SWMPs are properly maintained and inspected, prohibited materials are removed, and that appropriate signage is erected at all locations.

Should Council wish to direct Staff to provide further information regarding the possibility of providing additional outdoor recreation amenities on natural bodies of water, such as ponds, rivers and lakes, and community rink surfaces, Staff will conduct additional research and consult with external stakeholders and agencies that have ownership over the natural bodies of water, such as the LSRCA, to prepare a report for a future meeting of Council.

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

The strategic vision of the Town of Newmarket is rooted in the concept of being Well Beyond the Ordinary – this vision is achieved through focus on the well being of our community. The wellness of our community has at all times been first and foremost in the actions taken to date.

This report also focuses on Council's Strategic Priorities of Extraordinary Places and Spaces creating the environment for an engaged, accessible, and inclusive community, and Environmental Stewardship by leading proactive planning and action related to climate change and other environmental initiatives.

## **Consultation**

York Region and Greater Toronto and Hamilton Area (GTHA) municipalities were consulted to determine best practices and current enforcement strategies.

Town Staff from various departments including Engineering Services, Recreational and Culture, Public Works Services, and Legislative Services were consulted as well.

The Town sought legal advice from external counsel and the Town's insurer, which informed the recommendations within this report.

## **Human Resource Considerations**

None.

## **Budget Impact**

All costs associated with new or improved signage would be funded from the existing Operating Budget.

## **Attachments**

None.

## **Approval**

Kiran Saini, Deputy Clerk

Lisa Lyons, Director of Legislative Services/Town Clerk

Esther Armchuk, Commissioner of Corporate Services

Ian McDougall, Commissioner of Community Services

Peter Noehammer, Commissioner of Development & Infrastructure Services

Jag Sharma, Chief Administrative Officer

## **Contact**

Please contact Jaclyn Grossi at [jgrossi@newmarket.ca](mailto:jgrossi@newmarket.ca).





# **Town of Newmarket**

## **Minutes**

### **Accessibility Advisory Committee**

Date: Thursday, March 18, 2021  
Time: 10:30 AM  
Location: Electronic VIA ZOOM  
See How to Login Guide

Members Present: Steve Foglia, Chair  
Jeffrey Fabian  
Felim Greene  
Martha Jez  
Linda Jones  
Allen Matrosov  
Patricia Monteath

Members Absent: Councillor Simon  
Huma Tahir

Staff Present: K. Saini, Deputy Town Clerk  
J. Grossi, Legislative Coordinator

The meeting was called to order at 10:31 AM.  
Steve Foglia in the Chair.

#### **1. Notice**

Steve Foglia 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 & Corrections to the Agenda**

None.

**3. Declarations of Pecuniary Interest**

None.

**4. Presentations & Deputations**

None.

**5. Approval of Minutes**

**5.1 Accessibility Advisory Committee Meeting Minutes of January 21, 2021**

Moved by: Jeffrey Fabian

Seconded by: Felim Greene

1. That the Accessibility Advisory Committee Meeting Minutes of January 21, 2021 be approved.

**Carried**

**6. Items**

**6.1 Main Street Accessibility**

Steve Foglia provided an update to the Accessibility Advisory Committee regarding a Main Street accessibility presentation to the Main Street District Business Improvement Area Board of Management (BIA) at a future meeting. The Legislative Coordinator advised that the presentation has been tentatively scheduled for the morning of BIA meeting on June 2, 2021.

Martha Jez discussed possible opportunities for local high school students to assist Main Street businesses with accessibility projects.

**6.2 Accessible Van Signage Update**

The Legislative Coordinator provided an update on the accessible van parking signage that is being added to four existing parking spots in the downtown area. The Committee confirmed that the four parking spots were currently van accessible and provided feedback on the draft signage, namely that the new signage should match the existing as much as possible.

**6.3 Rene Brey Washroom Accessibility Retrofit**

The Legislative Coordinator advised that the funding application for accessible improvements to the Rene Brey washroom had not been approved yet, and that additional information would be provided when the application had been processed.

**7. New Business**

**7.1 Elections Canada**

Steve Foglia advised that Elections Canada reached out and asked him to inspect all potential Federal election polling locations in Newmarket and Aurora to ensure accessibility for all voters in future elections.

**8. Adjournment**

Moved by: Jeffrey Fabian

Seconded by: Linda Jones

1. That the meeting be adjourned at 11:04 AM.

**Carried**

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Steven Foglia, Chair

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Date





## **Town of Newmarket**

### **Minutes**

### **Heritage Newmarket Advisory Committee**

Date: Tuesday, April 6, 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  
David McLennan  
Joan Seddon

Members Absent: Mitch Sauder

Staff Present: 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**

None.

**4. Approval of Minutes**

**4.1 Heritage Newmarket Advisory Committee Meeting Minutes of February 2, 2021**

Moved by: Gord McCallum

Seconded by: Councillor Bisanz

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

**Carried**

**5. Correspondence**

None.

**6. Items**

**6.1 425/431 Davis Drive (Union Hotel) - Fenestration Assessment**

The Planner provided an overview of the fenestration report and advised that most of the existing windows are in poor condition. Committee members discussed the condition of the windows and doors and the ongoing restoration work on the property.

Moved by: Joan Seddon

Seconded by: David McLennan

1. That the Fenestration Assessment prepared by Bob Abraham Architecture Corporation dated March 22, 2021 be received.

**Carried**

Moved by: Joan Seddon

Seconded by: Gord McCallum

2. That the Heritage Newmarket Advisory Committee support Planning Services in approving the heritage permit to remove and replace the windows and central entry with sidelights in accordance with the Fenestration Assessment prepared by Bob Abraham Architecture Corporation dated March 22, 2021.



**Carried**

**6.2 Discussion about status of Committee Review of List of Properties of Interest**

Committee members discussed the ongoing project to review the List of Heritage Properties of Interest. Members discussed the difficulty of evaluating properties on the list without access to archive materials to conduct further research. Members discussed concentrating on properties which could be removed from the list, which may be possible without access to the materials in the archives.

Moved by: Councillor Bisanz

Seconded by: Joan Seddon

1. That the Heritage Newmarket Advisory Committee continue with the review of the Municipal Register of Non-Designated Properties to the degree possible without access to the Newmarket Archives materials.

**Carried**

**6.3 Council Workshop - Advisory Committees Work Plan Accomplishments**

The Legislative Coordinator advised the Heritage Committee of the Council Workshop regarding Advisory Committees Work Plan Accomplishments scheduled for June 7, 2021 which will feature presentations from all of the Town's advisory committees. The Chair will present to Council on behalf of the Committee.

**7. Committee Reports**

**7.1 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.

**7.2 Lower Main Street South Heritage Conservation District Advisory Group**

The Planner provided an update on properties considered at the Lower Main Street South Heritage Conservation District Advisory Group recently,

including 225 Main Street South, 210A/212 Main Street South and 209 Main Street South.

**8. New Business**

None.

**9. Adjournment**

Moved by: Gord McCallum

Seconded by: Norman Friend

1. That the meeting be adjourned at 7:40 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, April 7, 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 (8:38 AM - 9:17 AM)  
Debbie Hill  
Jennifer McLachlan  
Ken Sparks

Members Absent: Rob Clark  
Mark Iacovetta  
Omar Saer

Staff Present: E. Hawkins, Business Development Specialist  
J. Grossi, Legislative Coordinator

The meeting was called to order at 8:32 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**

**4.1 Pub Crawl Experience Update**

Ariana Laxdal, Chief Event Specialist and Co-founder of RiLax Event Management provided the Main Street District Business Improvement Area Board of Management with a presentation regarding the Pub Crawl Experience. She provided an overview of the participating restaurants and their proposed menu items, additional ticket information, and mock ups of various marketing items. She also presented the confirmed sponsors and the three phase social media strategy.

Members queried the presenter regarding ticket sale dates, logo options and marketing opportunities.

Moved by: Councillor Kwapis

Seconded by: Jennifer McLachlan

1. That the presentation provided by Ariana Laxdal, Chief Event Specialist and Co-founder, RiLax Event Management regarding the Pub Crawl Experience Update be received.

**Carried**

**5. Deputations**

None.

**6. Approval of Minutes**

**6.1 Main Street District Business Improvement Area Board of Management Meeting Minutes of March 3, 2021**

Moved by: Councillor Kwapis

Seconded by: Jennifer McLachlan

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

**Carried**

## **7. Items**

### **7.1 Newmarket Chamber of Commerce Networking Breakfast**

Jennifer McLachlan advised the Board that she would be speaking on behalf of the BIA at the Newmarket Chamber of Commerce Networking Breakfast. She asked the Members to provide her with some ideas or topics that they would like to see highlighted during her segment.

### **7.2 WordPress Business Pro Invoice**

Moved by: Councillor Kwapis

Seconded by: Jennifer McLachlan

1. That the Main Street District Business Improvement Area Board of Management approve the HostPapa invoice regarding WordPress Business Pro for the amount of \$243.40.

**Carried**

### **7.3 Council Workshop regarding Boards and Committees of Council**

The Legislative Coordinator advised that a Council Workshop has been scheduled for June 7, 2021 to allow all Town of Newmarket Advisory Boards and Committees an opportunity to present their recent work to Council. Jennifer McLachlan volunteered to present on behalf of the BIA.

### **7.4 Sub-Committee Reports**

Street Events

- Tom Hempen advised that street events are currently on hold due to the Public Health measures and that the Town will continue looking at opportunities for the Fall.

Advertising and COVID-19 Marketing & Advertising

- Jennifer McLachlan advised that the partnerships with snapd and the Newmarket Chamber of Commerce were working well, and that additional updates related to social media would be shared as projects moved along.

## **7.5 Garbage Update**

Councillor Kwapis advised that there were no new updates regarding garbage on Main Street, and that the Town is continually working to improve the inground garbage containers.

## **7.6 Parking Update**

Councillor Kwapis advised that letters had been circulated to all residents on D'Arcy Street regarding the 11 or 12 new parking spaces that would be created, once approved by Council.

## **7.7 Staff Update**

### **7.7.1 Financial Update**

The Business Development Specialist reviewed the revised vendor payment process which is to be used to streamline the process between the Town of Newmarket's Finance Department and Board Members. She further advised that this process and an overview of the month end would be distributed by email.

### **7.7.2 Financial Incentive Program Staff Working Group Update**

The Business Development Specialist advised that no new applications had been received for the Financial Incentive Program.

## **8. New Business**

### **8.1 Vendors in Riverwalk Commons**

Ken Sparks asked for an update regarding vendors in Riverwalk Commons when Public Health measures allowed.

### **8.2 Updates**

Tom Hempen provided the following updates on behalf of Rob Clark, in his absence:

Website



- COVID-19 Marketing & Advertising Committee meeting will be scheduled to review the wireframes. The final version will be circulate it to the Board of Management via email.

snapped

- Social Media support will begin in May, the retainer hours April were used to support Digital Main Street needs.
- Please provide an updates on the following to assist with social media content creation:
  - New Additions to BIA (new Merchants or changes) i.e. New store
  - Significant upcoming/past/current events
  - Direct News or news that impacts Main Street (good or bad)
  - Commercial Leases available (with details)
  - Properties for sale
  - Accolades/Celebrations (merchants)
  - Residential leases (with details)

## 9. Closed Session

Tom Hempen advised that there was no requirement for Closed Session.

## 10. Adjournment

Moved by: Ken Sparks

Seconded by: Jennifer McLachlan

1. That the meeting be adjourned at 9:17 AM.

**Carried**

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Tom Hempen, Chair

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Date



# Newmarket Public Library Board

## Minutes

Date: Wednesday, April 21, 2021

Time: 5:30 PM

Members Present: Darcy McNeill, Chair  
Jane Twinney, Vice Chair  
Kelly Broome  
Leslee Mason

Members Absent: Darryl Gray  
Art Weis  
Victor Woodhouse

Staff Present: Linda Peppiatt, Acting CEO  
Jennifer Leveridge, Manager, Library Services  
Benjamin Shaw, Manager, Library Operations  
Lianne Bond, Administrative Coordinator

### 1. Meeting to be held through live video interface

The Chair called the meeting to order at 5:34 pm

### 2. Adoption of Agenda Items

The Chair asked if there were any additions to the agenda.

- 2.1 Adoption of the Regular Agenda
- 2.2 Adoption of the Closed Session Agenda
- 2.3 Adoption of the Consent Agenda Items

#### **Motion 21-04-180**

**Moved by** Kelly Broome

**Seconded by** Jane Twinney

**That** items 2.1 to 2.3 be adopted as presented.

**Carried**

**3. Declarations**

None were declared.

**4. Consent Agenda Items**

4.1 Adoption of the Regular Board meeting minutes for March 17, 2021

4.2 Strategic Operations Report for March, 2021

4.3 First Quarter Statistical Data

4.4 First Quarter Financial Statements

**Motion 21-04-181**

**Moved by** Jane Twinney

**Seconded by** Leslee Mason

**That** items 4.1 to 4.4 be adopted and approved as presented.

**Carried**

**5. Reports**

5.1 Dr. Seuss Books of Concern

The Library Board reviewed the report on Dr. Seuss Books of concerns and requested that a further investigation be conducted regarding this matter. The Board asked for further information on other materials that may be a potential cause of concern and what other libraries and library associations are doing regarding this.

**6. Business Arising**

6.1 Strategic Planning

The Acting CEO advised that the Library has had three submissions to the Request for Quote (RFQ) for Strategic Planning. The Board appointed three Directors to the Evaluation Team to review the proposals. The Manager, Library Operations will assist with the evaluation process.

**Motion 21-04-182**

**Moved by** Kelly Broome

**Seconded by** Leslee Mason

**That** the Library Board appoint Library Board Directors Kelly Broome, Darryl Gray and Leslee Mason to evaluate the RFQ's received for Strategic Planning;

**And that** the Evaluation Team report back to the Library Board at the next regularly scheduled Library Board meeting.

**Carried**

## 6.2 Library Board Action List

The Library Board reviewed the Action List.

**Motion 21-04-183**

**Moved by** Jane Twinney

**Seconded by** Kelly Broome

**That** the Library Board receive the Action List as presented.

**Carried**

## 7. New Business

There was no new Business

## 8. Closed Session (If required)

**Motion 21-04-184**

**Moved by** Jane Twinney

**Seconded by** Leslee Mason

**That** the Library Board move into a Closed Session at 6:10 pm to discuss personal matters pertaining to an identifiable individual per section 16.1.4 (b) of the Public Libraries Act, R.S.O. 1990 Chapter P.44.

**Carried**

**Motion 21-04-185**

**Moved by** Jane Twinney

**Seconded by** Kelly Broome

**That** the Library Board move out of Closed Session at 6:18 pm.

**Carried**

**Motion 21-04-186**

**Moved by** Kelly Broome

**Seconded by** Leslee Mason

**Motion Arising from Closed Session**

**That** the Library Board extend the contract of the Acting CEO as outlined in the Closed Session.

**Carried**

**9. Dates of Future Meetings**

The next regular Library Board meeting is scheduled for Wednesday, May 19, 2021 at 5:30 pm. Location electronic via Zoom

**10. Adjournment**

**Motion 21-04-187**

**Moved by** Jane Twinney

**Seconded by** Leslee Mason

**That** there being no further business the meeting adjourn at 6:19 pm.

**Carried**

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Darcy McNeill, Chair

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Linda Peppiatt, Acting CEO  
Secretary/Treasurer



June 16, 2021

Statement to Newmarket Council:

There is still time for the Council to rethink its approach to regulating massage businesses in Newmarket. It is overwhelmingly clear that several speakers here today do not agree with the direction the Council is heading. Please listen to us and recognize the harm that will be caused by such a restrictive bylaw, particularly for working class Asian migrant massage workers. They too are part of the Newmarket community.

It is clear that one of the drivers of revisiting this bylaw was concern over alleged human trafficking taking place. Yet in the Council's last meeting it was revealed that York Regional Police indicated that they have no evidence of trafficking occurring at massage parlors in Newmarket. Despite this, the Council appears to have now shifted to justifying reforms with the aim to 'drive sex work out of the town,' 'protect reputable businesses,' and 'uphold town values.' As an international anti-trafficking organization, Freedom United is alarmed at how the fear of trafficking — which apparently is a non-existent problem — opened the door to ultimately targeting the livelihoods of marginalized members of your own community.

Even if Newmarket aims to prevent human trafficking, this restrictive approach is absolutely not the path to take. In the Council's last meeting you spoke about the risks of driving sex work underground and Freedom United explained that sex trafficking is different from consensual sex work. From an evidence-based perspective, pushing sex work into the shadows puts sex workers in less safe conditions and isolates the minority of those who are trafficked or facing violence, making it harder for them to access support. That will be an effect of a restrictive bylaw.

To this point, we ask the Council about the implications of having police vet all business licensing applications for 'criminal activity' — does this mean applicants will be screened for engaging in sex work or having their immigration status investigated?

Lastly, we ask that you put yourselves in the place of the Asian massage workers in Newmarket. It's clear that this licensing regime is putting the heaviest burden on them, making it more difficult for them to earn a living. We urge you to center their concerns today and reflect on the harm posed by the bylaw before you.

Joanna Ewart-James  
Executive Director  
Freedom United



**Mayor and Council**  
Town of Newmarket

*Traditional territories of the  
Wendat, Haudenosaunee and  
the Anishinaabe peoples*

*Treaty Land of the Williams  
Treaties First Nations*

Via Email:

<a href="mailto:jtaylor@newmarket.ca">jtaylor@newmarket.ca</a>	<a href="mailto:tmorrison@newmarket.ca">tmorrison@newmarket.ca</a>
<a href="mailto:tvegh@newmarket.ca">tvegh@newmarket.ca</a>	<a href="mailto:bkwapis@newmarket.ca">bkwapis@newmarket.ca</a>
<a href="mailto:gsimon@newmarket.ca">gsimon@newmarket.ca</a>	<a href="mailto:kbroome@newmarket.ca">kbroome@newmarket.ca</a>
<a href="mailto:vwoodhouse@newmarket.ca">vwoodhouse@newmarket.ca</a>	<a href="mailto:cbisanz@newmarket.ca">cbisanz@newmarket.ca</a>
<a href="mailto:jtwinnney@newmarket.ca">jtwinnney@newmarket.ca</a>	

June 18, 2021

Dear Town Representatives,

**RE: Newmarket Business Bylaw 2020-31**

We are writing to oppose the proposed amendments to Newmarket Business Bylaw 2020-31, specifically opposing the inclusion of the proposed "Personal Wellness Establishment" criteria.

## About Pivot Legal Society

Pivot Legal Society is a non-profit legal organization based in Vancouver BC. Our organization continues to campaign for the rights of adult sex workers, foremost through the decriminalization of sex work. Decriminalization is a necessary step to protecting the safety and rights of sex workers by ensuring that they have full access to health, safety and human rights. All sex workers deserve to have their choices respected and be able to work safely, without fear of violence, discrimination and social stigma.

## Proposed Amendments to Newmarket Business Bylaw 2020-31

We understand that many Asian massage workers offer non-therapeutic and non-medical massage treatment in your community. The new amendments to the Newmarket Business Bylaw

will mandate workers be trained by accredited institutions, which often include English language skills requirements. We are concerned about the repressive and discriminatory impact of the Town of Newmarket's proposed policy on Asian sex workers.

The adoption of this policy will create barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking Asian workers face barriers in attending college and obtaining the credentials that would be required to work in an approved Personal Wellness Establishment.

## **Addressing anti-Asian racism**

The Asian community is already heavily hit by the COVID-19 pandemic and facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent them from working, which may lead to the shutdown of Asian massage parlours.

The proposed bylaw will be perceived as anti-Asian and racist because Asian workers and businesses will be affected disproportionately. Although the bylaw claims an exception is available for "non-Western practice," in reality that application for exception is a high-barrier process. To obtain an exception, an establishment will be required to collect extensive documentation and be interviewed by town staff.

The criteria set out for a "Personal Wellness Establishment" enact a set of racist and xenophobic hurdles, and were arrived at without meaningful community consultation. Asian massage workers and sex workers should not be left out of policy decisions that directly impact their livelihood.

## **Municipal policies should reflect best practices**

We understand that the amendments to this proposed policy in Newmarket are informed by anti-trafficking intentions. The proposed regulations, however, do not augment health and safety practices that could in fact benefit and improve the occupational health and safety of massage parlor workers. Protecting the health and safety of sex workers is constitutionally mandated by the *Canadian Charter of Rights and Freedoms*.<sup>1</sup>

Regarding the restrictive provisions that create adverse working conditions for massage workers, Lam et al. (2021) note that "[i]ncreased policing, law enforcement, and government control create new forms of distress, pain, and hardship for marginalized communities... Migrant Asian massage workers, as revealed through our survey and ethnographic data, have suffered immensely from oppressive pre-existing and COVID-19-specific policies that deny them access to government benefits, expose them to health risks, and bring violence into their workplace and everyday lives through surveillance and police raids."<sup>2</sup>

Rather than rely on outdated and prohibitionist approaches to sex work, we encourage local elected officials to engage with the ample public health research and data that outlines best

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1 Canada (Attorney General) v. Bedford, 2013 SCC 72

2 Elene Lam et al., "The Double-Edged Sword of Health and Safety: COVID-19 and the Policing and Exclusion of Migrant Asian Massage Workers in North America", online: (2021) Social Sciences (Basel), 10:157, available at <https://www.mdpi.com/2076-0760/10/5/157/pdf>

practices regarding indoor sex work. As researchers Bungay and Guta (2017) note, "[regulations] should be extended to include the physical, economic, policy, and social environments, including protocols for customer condom use and substance use behavior and payment."<sup>3</sup>

Instead of further restricting the income-generation activities of local workers, Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

## **Creating fair and effective bylaws and policies**

The Town of Newmarket must speak with Asian workers in massage parlors in order to reflect their interests in any local bylaws and public policy decisions. These workers are the experts in the conditions they face, and they should inform law- and policymakers regarding proposed solutions.

We urge the Town of Newmarket to adopt an anti-racist lens to this bylaw: remove the requirement of having accredited credentials to work in the proposed bylaw so that Asian workers can continue to work and massage parlours can continue to operate and serve the community. Rather than advance stigmatizing and discriminatory policy, the Town must directly consult with local massage workers to address any adverse health, social, economic, and cultural conditions they are facing.

Sincerely,

**Pivot Legal Society**

Lyndsay Watson, Legal Director  
[lyndsay@pivotlegal.org](mailto:lyndsay@pivotlegal.org)

Meenakshi Mannoe, Criminalization &  
Policing Campaigner  
[meenakshi@pivotlegal.org](mailto:meenakshi@pivotlegal.org)

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3 Vicki Bungay & Adrian Guta "Strategies and Challenges in Preventing Violence Against Canadian Indoor Sex Workers.", online: (2018) American Journal of Public Health, 108, doi: 393\_398, <https://doi.org/10.2105/AJPH.2017.304241>





Mayor John Taylor, Deputy Mayor Tom Vegh and City Councillors  
395 Mulock Drive  
P.O. Box 328 Station Main,  
Newmarket, Ontario  
L3Y 4X7

Via Email

18 June 2021

Dear Messrs. Taylor and Vegh and Councillors

**RE: Personal Wellness Establishments - Proposed Amendments to By-Law 2020-31**

I am writing on behalf of the Canadian Civil Liberties Association (CCLA), an independent, national, non-governmental human rights organization committed to defending the rights, dignity, and freedoms of all people in Canada.

We are writing this letter to express our concerns with proposed amendments to By-Law 2020-31 regarding the licensing of “Personal Wellness Establishments” (PWE) in Newmarket, that will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism.

The proposed amendments include excessive requirements that are unnecessarily burdensome, discriminatory, and may cause people to lose their jobs and businesses. It is unclear why this level of surveillance, scrutiny and stringency is necessary or justified for these businesses.

To name just one example, the proposed amendments include the requirement that the applicant for a PWE business license must submit a list of all PW attendants affiliated with the businesses and include for each: proof of age, proof of eligibility to work in Canada, and government-issued photo ID.

Furthermore, the provision under section 8.6 (4) that would allow the licensing body to vet all business applications through the York Regional Police’s FOI process—and to



consider subsequent police comment in the licensing process—is additionally intimidating and discriminatory. When read in conjunction with section 8.6(3)(a), the provision would potentially permit the personal information of individuals associated with each business to be provided to police. This may make staff and ownership—particularly those who are newcomers to Canada—understandably wary of the licensing process, and justifiably concerned about what protection of their privacy, equality and other rights they may expect from police and city authorities.

And of urgent practical concern, the proposed amendments include the superfluous and discriminatory requirement that workers in PWEs be trained by accredited institutions in Canada, many of which require certain English language skills. This training requirement will likely create particular barriers for many Asian workers in massage parlours in Newmarket. Some newcomer Asian workers may not have the requisite English-language skills for Canadian institutions. And some may be low-income workers, lacking the financial means to attend college. It is difficult to understand the purpose of such a requirement, and it will likely negatively impact individuals' ability to work and may lead to the closing of businesses.

And while the bylaw does allow for an extremely narrow exception to this requirement, the exception is only available for alternative modalities where no accreditation is available from a Canadian institution, and includes excessive requirements (e.g. collecting extensive documentation) that are intimidating, onerous, and discriminatory.

The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled; nonetheless those who trained abroad or by informal or on-the-job training will not meet the criteria for the exception.

The Asian community has already been heavily hit by the COVID-19 pandemic and is facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent individuals from Asian and other communities from earning an income.

In addition, to the extent that these amendments have been discussed in the context of addressing sex work and trafficking, CCLA is also concerned about the repressive and discriminatory approach of the Town of Newmarket against sex workers. Sex work is not unlawful in Canada. Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

The proposed amendments will disproportionately impact Asian residents, workers and businesses. CCLA calls on you to adopt an anti-racist lens to this by-law, and to remove unnecessary requirements, in particular, the requirement concerning accredited credentials as a condition of work. People must be able to earn a living, and businesses to operate and serve the community.

Considering the discriminatory nature of the proposed amendments, and the impact of this discourse on Asian residents of the Town, CCLA also urges you to take serious measures to eliminate discrimination and promote equality in Newmarket.

Sincerely,

A handwritten signature in black ink, appearing to read 'NMA', is positioned above the printed name.

Noa Mendelsohn Aviv  
Equality Director

Cc:  
Butterfly



**Subject:** Vote **YES** on Business By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and requirements

To: Mayor John Taylor, Newmarket Town Councillors & Staff

I am writing as a concerned citizen and resident of Newmarket, to thank you for the work you have done to protect the wellbeing and safety of our community, families and children from the negative impact of Body Rub Parlours. I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

I am deeply troubled by the fact that advocacy groups like Butterfly from Toronto are attempting to cloud the truth of what body rub parlours really are and what “sex work” truly represents. Survivors of human trafficking, the Toronto Police and front-line service providers have all confirmed that people are being trafficked in body rub parlours and holistic spas throughout Ontario and Canada under the umbrella of “sex work”. These ‘businesses’ are fronts for prostitution. The City of Toronto has itself acknowledged this reality.

I would ask that you watch this short 5-minute video, where 6 women who were formerly in body rub parlours talk about the truth and realities of this experience.

<https://www.youtube.com/watch?v=B5rZon5hgwE&feature=youtu.be>

Unlike those Toronto groups, I am a resident of Newmarket and I am standing with you to bring an end to sexual exploitation through body rub parlours and other similar establishments in our town. I am asking that you vote **YES** to ratify By-law 2020-31 to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

With respect,

W  
William A. Stassen  
409 Alex Doner Drive, Newmarket (Ward 7)





June 19, 2021

**Subject: Vote YES on Business By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and requirements**

To Mayor John Taylor, Newmarket Town Councillors & Staff,

We are writing as a concern community group of Newmarket, to thank you for the work you have done to protect the wellbeing and safety of the community, families and children from the negative impact of Body Rub Parlours. Fight4Freedom has community outreach efforts in Newmarket and we exist to be an active voice and advocate of justice for individuals exploited by human trafficking in the form of sexual exploitation as well as the sex industry and to further assist them in finding necessary support systems that will aid in their journey to safety, healing, and moving forward.

We are asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

We are deeply trouble by the fact that advocacy groups like Butterfly from Toronto are attempting to cloud the truth of what body rub parlours really are and what “sex work” truly represents. Survivors of human trafficking, the Toronto Police and front-line service providers, like us, have all confirmed that people are being trafficked in body rub parlours and holistic spas throughout Ontario and Canada under the umbrella of “sex work”. These ‘businesses’ are fronts for sexual exploitation. The City of Toronto has itself acknowledged this reality. We have been doing parlours outreach since 2015 in various regions across Southern Ontario. Body rub parlours and holistic spas are repressive and discriminatory for vulnerable groups, not only to Asian groups. To associate the issue of body rub parlours to anti-Asian racism is an attempt to cloud the truth.

We would ask that you watch this short video, where 6 women who were formerly in body rub parlours talk about the truth and realities of this experience.  
<https://www.youtube.com/watch?v=B5rZon5hgWE&feature=youtu.be>  
These are not isolated experiences by these 6 women but a shared reality of individuals who work in body rub parlours and holistic spas. We have seen from our field experience that local by-laws, similar to By-law 2020-31, designed to truly bring an end to injustice and sexual exploitation are effective in closing down parlour and spa fronts for sexual exploitation.

Unlike these Toronto groups, we are a community group of Newmarket and we are standing with you to bring an end to sexual exploitation through body rub parlours and other like establishments in our town. I am asking that you vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

With respect,

A handwritten signature in black ink, appearing to read 'Gladys', with a stylized flourish at the end.

Gladys Mok  
International Associate Director  
[gladys@fight4freedom.ca](mailto:gladys@fight4freedom.ca)

PO BOX 47605 Don Mills  
Toronto ON  
M3C 3S7  
[admin@fight4freedom.ca](mailto:admin@fight4freedom.ca)  
[fight4freedom.ca](http://fight4freedom.ca)





Subject: Vote being amended to adopt the proposed Personal Wellness Establishment with stricter language and requirements

To: Mayor John Taylor, Newmarket Town Councillors & Staff

I am writing as a concern citizen and resident of Newmarket, to thank you for the work you have done to protect the wellbeing and safety of our community, families and children from the negative impact of Body Rub Parlours. I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

I am deeply trouble by the fact that advocacy groups like Butterfly from Toronto are attempting to cloud the truth of what body rub parlours really are and what “sex work” truly represents. Survivors of human trafficking, the Toronto Police and front-line service providers have all confirmed that people are being trafficked in body rub parlours and holistic spas throughout Ontario and Canada under the umbrella of “sex work”. These ‘businesses’ are fronts for prostitution. The City of Toronto has itself acknowledged this reality.

I would ask that you watch this short video, where 6 women who were formerly in body rub parlours talk about the truth and realities of this experience. <https://www.youtube.com/watch?v=B5rZon5hgwE&feature=youtu.be>

Unlike these Toronto groups, I am a resident of Newmarket and I am standing with you to bring an end to sexual exploitation through body rub parlours and other like establishments in our town. I am asking that you vote **YES** to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

With respect,  
Irene Collard  
383 Dorchester St  
Newmarket, Ont



Subject: Vote **YES** on Business By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and requirements

To: Mayor John Taylor, Newmarket Town Councillors & Staff

I am writing as a concern citizen and resident of Newmarket, to thank you for the work you have done to protect the wellbeing and safety of our community, families and children from the negative impact of Body Rub Parlours. I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

I am deeply trouble by the fact that advocacy groups like Butterfly from Toronto are attempting to cloud the truth of what body rub parlours really are and what “sex work” truly represents. Survivors of human trafficking, the Toronto Police and front-line service providers have all confirmed that people are being trafficked in body rub parlours and holistic spas throughout Ontario and Canada under the umbrella of “sex work”. These ‘businesses’ are fronts for prostitution. The City of Toronto has itself acknowledged this reality.

I would ask that you watch this short video, where 6 women who were formerly in body rub parlours talk about the truth and realities of this experience. <https://www.youtube.com/watch?v=B5rZon5hgwE&feature=youtu.be>

Unlike these Toronto groups, I am a resident of Newmarket and I am standing with you to bring an end to sexual exploitation through body rub parlours and other like establishments in our town. I am asking that you vote **YES** to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

With respect  
Lisa Klassen





SHOWING UP FOR RACIAL JUSTICE

June 20, 2021

Dear Members of Newmarket Town Council,

My name is Renee Dumaresque and I am writing on behalf of Showing Up for Racial Justice (SURJ) Toronto, a local chapter of an international organization committed to undermining white support for white supremacist systems and institutions. We work in support of and collaborate with local and national racial justice and decolonization organizing led by Black, Indigenous, and People of Colour (BIPOC) organizers.

SURJ TO represents a body of deeply concerned Toronto residents who are deeply concerned about the proposed amendments to the bylaws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism.

The new bylaw (Business By-law 2020-31 be amended to adopt the proposed Personal Wellness Establishment) will mandate workers be trained by accredited institutions, which often have English language skills requirements.

This policy will create barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking Asian workers will not be able to attend college and obtain the required credentials. They will not be able to work in Newmarket, and their massage parlours will be shut down.

Although the bylaw claims an exception is available to “non-Western practice,” the application for the exception (*e.g.* collecting extensive documents, being interviewed by the town staff) is intimidating and exclusionary. The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled, but those who trained abroad or by informal training on-the-job training will not meet the criteria for the exception.

Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. The Asian community is already heavily hit by the COVID-19 pandemic and facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent them from working, which may lead to the shutdown of Asian massage parlours.

We are also concerned about the repressive and discriminatory approach of the Town of Newmarket against sex workers. Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

This policy will be perceived as anti-Asian and racist because Asian workers and businesses would be affected disproportionately. We urge the Town of Newmarket to adopt an anti-racist lens to this

bylaw: remove the requirement of having accredited credentials to work in the proposed bylaw so that Asian workers can continue to work and massage parlours can continue to operate and serve the community. We also call on the town to take further steps to eliminate discrimination and promote equality in Newmarket.

Thank you,

Renee Dumaresque, RSW, MSW  
SURJ Toronto

A handwritten signature in black ink, appearing to read 'Renee Dumaresque', with a stylized flourish at the end.

To: Mayor John Taylor, Newmarket Town Councillors & Staff

I am writing as a concern citizen and resident of York Region, to thank you for the work you have done to protect the wellbeing and safety of our community, families and children from the negative impact of Body Rub Parlours. I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

I am deeply troubled by the fact that advocacy groups from Toronto are attempting to cloud the truth of what body rub parlours really are and what "sex work" truly represents. Survivors of human trafficking, the Toronto Police and front-line service providers have all confirmed that people are being trafficked in body rub parlours and holistic spas throughout Ontario and Canada under the umbrella of "sex work". These 'businesses' are fronts for sexual exploitation. The City of Toronto has itself acknowledged this reality.

I would ask that you watch this short video, where 6 women who were formerly in body rub parlours talk about the truth and realities of this experience.

<https://www.youtube.com/watch?v=B5rZon5hgwE&feature=youtu.be>

Unlike these Toronto groups, I am a resident of York Region and I am standing with you to bring an end to sexual exploitation through body rub parlours and other like establishments in our town. I am asking that you vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

With respect,

Wendy Lee  
2884 Bur Oak Ave  
Markham ON





To:  
Mayor of Newmarket  
Councillors of Newmarket  
City staff of Newmarket

My name is Carolina Jimenez, I am the coordinator of the Decent Work and Health Network and I am emailing on behalf of our organization. We are a group of health workers based in the GTHA who understand the important links between work and health. Work and health are inextricably linked -- the worse a person's working conditions the worse their health. We are writing this letter to express our concerns about the proposed amendments to the bylaws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism.

The new bylaw (Business By-law 2020-31 be amended to adopt the proposed Personal Wellness Establishment) will mandate workers be trained by accredited institutions, which often have English language skills requirements.

This policy will create barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking Asian workers are not able to attend college and obtain the required credentials. They will not be able to work in Newmarket, and their massage parlours will be shut down.

Although the bylaw claims an exception is available to "non-Western practice," the application for the exception (e.g. collecting extensive documents, being interviewed by the town staff) is intimidating and exclusionary. The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled, but those who trained abroad or by informal training on-the-job training will not meet the criteria for the exception.

Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. The Asian community is already heavily hit by the COVID-19 pandemic and facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent them from working, which may lead to the shutdown of Asian massage parlours.

We are also concerned about the repressive and discriminatory approach of the Town of Newmarket against sex workers. Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

This policy will be perceived as anti-Asian and racist because Asian workers and businesses would be affected disproportionately. We urge the Town of Newmarket to adopt an anti-racist lens to this bylaw: remove the requirement of having accredited credentials to work in the proposed bylaw so that Asian workers can continue to work and massage parlours can continue to operate and serve the community. We also call

on the town to take further steps to eliminate discrimination and promote equality in Newmarket.

Please feel free to reach out to me if you'd like to discuss further.

Thanks,  
Carolina

--

**Carolina Jimenez RN, MPH** (she/her)  
Coordinator, Decent Work and Health Network

To:  
Mayor of Newmarket  
Councillors of Newmarket  
Town Staff of Newmarket

We are writing this letter to express my concerns about the proposed amendments to the bylaws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism.

The new bylaw amendment (amendment to Business By-law 2020-31, to adopt proposed Personal Wellness Establishment) will mandate workers be trained by accredited institutions, which often have English language skills requirements.

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Although the bylaw claims that an exemption is available for “non-Western practice,” the application for the exemption (e.g. collecting extensive documents, being interviewed by the town staff) is intimidating and exclusionary. The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled, but those who are trained abroad or by informal, on-the-job training will not meet the criteria for the exemption.

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Signed,  
Colin and Sarah Macdonald



**June 20, 2021**

**RE: ANTI-ASIAN RACISM AND BYLAW AMENDMENT TO ADOPT  
PERSONAL WELLNESS ESTABLISHMENTS  
Town Council Meeting on June 21**

To:

Mayor of Newmarket

Councillors of Newmarket

Town Staff of Newmarket

My name is Michael McGahon, resident of Newmarket and currently living in Ward 1. I am writing this letter to express my concerns about the proposed amendments to the bylaws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism. The new bylaw amendment (amendment to Business By-law 2020-31, to adopt proposed Personal Wellness Establishment) will mandate workers be trained by accredited institutions, which often have English language skills requirements.

This policy will create barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking Asian workers are not able to attend college and obtain the required credentials. They will not be able to work in Newmarket, and the massage parlours they work in will be shut down.

Although the bylaw claims that an exemption is available for “non-Western practice,” the application for the exemption (e.g. collecting extensive documents, being interviewed by the town staff) is intimidating and exclusionary. The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled, but those who are trained abroad or by informal, on-the-job training will not meet the criteria for the exemption.

Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. The Asian community is already heavily hit by the COVID-19 pandemic and facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent them from working, which may lead to the shutdown of Asian massage parlours.

I am also concerned about the repressive and discriminatory approach of the Town of Newmarket against sex workers. Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

This policy will be perceived as anti-Asian and racist because Asian workers and businesses would be affected disproportionately. I urge the Town of Newmarket to adopt an anti-racist lens to this bylaw: remove the requirement of having accredited credentials to work in the proposed bylaw so that Asian workers can continue to work and massage parlours can continue to operate and serve the community. We also call on the town to take further steps to eliminate discrimination and promote equality in Newmarket.

Signed,

Michael McGahon





June 20, 2021

To Mayor John Taylor, Deputy Mayor Tom Vegh, and Town of Newmarket Councillors,

I am writing to share opposition and feedback to the proposed bylaw and licensing amendments affecting personal wellness establishments in Newmarket. As a taxpayer and citizen, I am concerned that we're conflating issues and jumping to legislate an increase to policing powers, leading to already marginalized members of this community to become even more vulnerable. While we're enforcing stronger rules for businesses, the concern I have is towards the increase of penalties for workers that live and work in our town. Considering that these workers are often immigrants and Asian, this increase in policing power and financial damage serves only to further harm a group that is already facing extreme difficulty surviving and providing for their families. If we are concerned that the establishments in question are "sites of human trafficking" (which there is no evidence for), these bylaws do absolutely nothing to address that issue. The outcome is only systemic racism in action, thinly veiled as good intentions.

Body rub businesses and Asian-owned massage businesses have been a part of standard wellness practice for many years, in many countries. It is critical to note that not all Asian-owned massage businesses provide sex work. This argument has been established already by many workers expressing protest to this initiative. Targeting these businesses with increased fee structures for fines and increased bylaw enforcement is not organic, it's the outcome of conflating nebulous arguments and moral panic with a lack of evidence, and is driven by private interest. As has been discussed by several parties to date, the underlying issue of human trafficking here is concern over sex work and sex workers operating within our town. To be clear, this is a completely separate issue to human trafficking and to conflate this argument with sex work is both regressive and unfounded by evidence (the York Regional Police have acknowledged a lack of evidence to support that trafficking is taking place in our town). It is woefully convenient to conflate a moralistic, puritanical perspective against sex work with an issue that requires actual societal supports and careful, targeted measures to address.

While some of this legislation is in line with federal law (specifically the licensing and operation aspects), the legal area surrounding sex work is undergoing constant challenge and evolution. Additionally, the Canadian public does not have a consensus or majority view on sex work as a profession (proved in research for Bill C-36). I'm concerned that our town councillors are using their platform to transform personal moral positioning into law. As stated by the Council of Women Against Sex Trafficking in York Region, this victory is groundwork they intend to use to increase similar policing powers across York Region. By ratifying these bylaw amendments, the Town of Newmarket is establishing legal precedent that will increase harm to workers and increase policing powers, without doing a single tangible effort to actually prevent human trafficking.

Given the recent wave of anti-Asian racism and violence faced by our fellow community members, I find it concerning that our town council is increasing policing powers against a group of business owners and workers from majority Asian descent. There have been many letters of protest to this initiative by both private citizens and community organizations, and I fail to see our town's government listening to these voices with any gravity.

This effort effectively picks and chooses who we want in this town and serves only to add policing measures to those our town council deems as undesirable. In the same meeting that a commemorative bench is being funded for pride celebrations, we are actively harming and further marginalizing a group that is already at risk. Additionally, this effort unintentionally adds economic harm to a group already severely impacted by the COVID-19 pandemic. If our concern is stopping human trafficking, a pursuit of importance, then our approach must approach the issue as a whole. In addition to amending bylaws, we need to amplify societal supports to increase access to housing, licensing, and financial mobility for all people that live in our beautiful town. These are the efforts that will make Newmarket safer for all.

Sincerely,

Daniel McIntyre



To: Mayor John Taylor, Newmarket Town Councillors & Staff

My name is Natasha Tso, and I am writing to express my support for the ratification of the amendment of By-law 2020-31.

Thank you for the work you have done thus far to protect the wellbeing and safety of our community by acknowledging the detrimental impact that Body Rub Parlours has on both society and individual lives. Human trafficking is one of the fastest growing crimes in the world, and Newmarket is certainly not immune to this injustice. Survivors of trafficking, researchers, law enforcement and anti-trafficking service providers all cite Body Rub Parlours as well-known places where trafficking occurs.

I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements. This amendment will help prevent the exploitation of people in our community as it will address a known location where traffickers use threat, coercion, debt bondage and blackmail in order to traffic individuals for the purposes of sexual exploitation.

Additionally, this By-law will demonstrate that the Town of Newmarket does not condone a system predicated in racism, colonial violence, and misogyny, which form the very fabric of the sex industry. Ratifying By-Law 2020-31 will help to combat racism in the community through recognizing that the sex industry perpetuates racist ideologies and beliefs.

According to the Asian Pacific Institute on Gender-Based Violence, of the 3,636 survivors of human trafficking whose race

or ethnicity was known, the second largest group was Asian (27%). This staggering reality is, in part, made possible due to the fact that many migrant workers are low-income and non-English-speaking, rendering them in an unequal negotiating position when deliberating with employers and clients about what services are to be provided in Body Rub Parlours. These factors, among others, compound intersectionality in such a way to increase the vulnerability of racialized minorities to sexual exploitation in the provision of services in these Parlours. As a result, minority groups are overrepresented in the sex industry. That is why, as a person of Asian descent, the suggestion by certain groups that this amendment to the By-law is anti-Asian or racist, is completely offensive.

By ratifying this amendment to the By-law the Town of Newmarket will be at the forefront of combatting the trafficking of persons in the community through addressing a known area where sex trafficking flourishes and a system where racist ideas are perpetuated. Insofar as racialized communities are already overrepresented as survivors of commercial sexual exploitation, legislation such as By-law 2020-31 affords such communities additional protections to prevent them from being inadvertently trapped in a vocational cycle which capitalizes on their vulnerability and disregards the equal dignity owed to all persons irrespective of race, gender, sex, immigration status, language capacity, and economic stability, I am asking that you vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

Ratifying this By-law is a vital step to combating the trafficking of persons in our community and beyond. Together we can end sexual exploitation.

Sincerely,  
W. Natasha Tso  
Vaughan, Ontario



BridgeNorth Women's Mentorship & Advocacy Service  
23-1111 Davis Drive, Newmarket.  
ON, Canada L3Y 9E5  
(905)-895-9065  
office@bridgenorth.org

June 19, 2021

Subject: Vote YES on Business By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and requirements

To: Mayor John Taylor, Newmarket Town Councillors & Staff

My name is Amie Sawulski, and I am writing to express my support for the ratification of the amendment of By-law 2020-31.

Thank you for the work you have done this far to protect the wellbeing and safety of our community by acknowledging the detrimental impact that Body Rub Parlours has on both society and individual lives. Human trafficking is one of the fastest growing crimes in the world, and Newmarket is certainly not immune to this injustice. Survivors of trafficking, researchers, law enforcement and anti-trafficking service providers all cite Body Rub Parlours as well-known places where trafficking occurs.

I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements. This amendment will help prevent the exploitation of people in our community as it will address a known location where traffickers use threat, coercion, debt bondage and blackmail in order to traffic individuals for the purposes of sexual exploitation.

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An anti-trafficking advocate recently shared that her son received a text message from their friend inviting them to go to a local illicit Body Rub Parlour. Her son said "no" and his friend's response was: "Why not? Asians like it." This troubling story highlights the racist beliefs and attitudes that are fostered among purchasers of sex that demean and degrade women who identify as Asian. According to the Asian Pacific Institute on Gender-Based Violence, of the 3,636 survivors of human trafficking whose race or ethnicity was known, the second largest group was Asian (27%). This staggering reality is, in part, made possible due to the fact that many migrant workers – as has been highlighted in the press – are low-income and non-English-speaking, rendering them in an unequal negotiating position when deliberating with employers and clients about what services are to be provided in Body Rub Parlours. These factors, among others, compound intersectionality in such a way to increase the vulnerability of racialized minorities to sexual exploitation in the



provision of services in these Parlours. As a result, minority groups are overrepresented in the sex industry and buyer review boards are filled with offensive ethnic and racial stereotypes.

By ratifying this amendment to the By-law the Town of Newmarket will be at the forefront of combatting the trafficking of persons in the community through addressing a known area where sex trafficking flourishes and a system where racist ideas are perpetuated. Insofar as racialized communities are already overrepresented as survivors of commercial sexual exploitation, legislation such as By-law 2020-31 affords such communities additional protections to prevent them from being inadvertently trapped in a vocational cycle which capitalizes on their vulnerability and disregards the equal dignity owed to all persons irrespective of race, gender, sex, immigration status, language capacity, and economic stability, I am asking that you vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

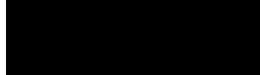
Ratifying this By-law is a vital step to combating the trafficking of persons in our community and beyond. Together we can end sexual exploitation.

Sincerely,  
<your name>  
<your address>  
<your phone number>



Amie Sawulski

219-259 Dunlop st  
west Barrie Ontario



BridgeNorth Women's Mentorship & Advocacy Service  
23-1111 Davis Drive, Newmarket.  
ON, Canada L3Y 9E5  
(905)-895-9065  
office@bridgenorth.org

June 21, 2021

Subject: Vote YES on Business By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and requirements

To: Mayor John Taylor, Newmarket Town Councillors & Staff

My name is Mikhaela, and I am writing to express my support for the ratification of the amendment of By-law 2020-31.

Thank you for the work you have done this far to protect the wellbeing and safety of our community by acknowledging the detrimental impact that Body Rub Parlours has on both society and individual lives. Human trafficking is one of the fastest growing crimes in the world, and Newmarket is certainly not immune to this injustice. Survivors of trafficking, researchers, law enforcement and anti-trafficking service providers all cite Body Rub Parlours as well-known places where trafficking occurs.

I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements. This amendment will help prevent the exploitation of people in our community as it will address a known location where traffickers use threat, coercion, debt bondage and blackmail in order to traffic individuals for the purposes of sexual exploitation.

Additionally, this By-law will demonstrate that the Town of Newmarket does not condone a system predicated in racism, colonial violence, and misogyny, which form the very fabric of the sex industry. Ratifying By-Law 2020-31 will help to combat racism in the community through recognizing that the sex industry perpetuates racist ideologies and beliefs.

An anti-trafficking advocate recently shared that her son received a text message from their friend inviting them to go to a local illicit Body Rub Parlour. Her son said "no" and his friend's response was: "Why not? Asians like it." This troubling story highlights the racist beliefs and attitudes that are fostered among purchasers of sex that demean and degrade women who identify as Asian. According to the Asian Pacific Institute on Gender-Based Violence, of the 3,636 survivors of human trafficking whose race or ethnicity was known, the second largest group was Asian (27%). This staggering reality is, in part, made possible due to the fact that many migrant workers – as has been highlighted in the press – are low-income and non-English-speaking, rendering them in an unequal negotiating position when deliberating with employers and clients about what services are to be provided in Body Rub Parlours. These factors, among others, compound intersectionality in such a way to increase the vulnerability of racialized minorities to sexual exploitation in the

provision of services in these Parlours. As a result, minority groups are overrepresented in the sex industry and buyer review boards are filled with offensive ethnic and racial stereotypes.

By ratifying this amendment to the By-law the Town of Newmarket will be at the forefront of combatting the trafficking of persons in the community through addressing a known area where sex trafficking flourishes and a system where racist ideas are perpetuated. Insofar as racialized communities are already overrepresented as survivors of commercial sexual exploitation, legislation such as By-law 2020-31 affords such communities additional protections to prevent them from being inadvertently trapped in a vocational cycle which capitalizes on their vulnerability and disregards the equal dignity owed to all persons irrespective of race, gender, sex, immigration status, language capacity, and economic stability, I am asking that you vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

Ratifying this By-law is a vital step to combating the trafficking of persons in our community and beyond. Together we can end sexual exploitation.

Sincerely,

Mikhaela Gray  
12 Algonquin Trail, Oro-Medonte, ON  
705-241-4235

BridgeNorth Women's Mentorship & Advocacy Service  
23-1111 Davis Drive, Newmarket.  
ON, Canada L3Y 9E5  
(905)-895-9065  
office@bridgenorth.org

June 21, 2021

Subject: Vote YES on Business By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and requirements

To: Mayor John Taylor, Newmarket Town Councillors & Staff

My name is Aaron Beerman, and I am writing to express my support for the ratification of the amendment of By-law 2020-31.

Thank you for the work you have done this far to protect the wellbeing and safety of our community by acknowledging the detrimental impact that Body Rub Parlours has on both society and individual lives. Human trafficking is one of the fastest growing crimes in the world, and Newmarket is certainly not immune to this injustice. Survivors of trafficking, researchers, law enforcement and anti-trafficking service providers all cite Body Rub Parlours as well-known places where trafficking occurs.

I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements. This amendment will help prevent the exploitation of people in our community as it will address a known location where traffickers use threat, coercion, debt bondage and blackmail in order to traffic individuals for the purposes of sexual exploitation.

Additionally, this By-law will demonstrate that the Town of Newmarket does not condone a system predicated in racism, colonial violence, and misogyny, which form the very fabric of the sex industry. Ratifying By-Law 2020-31 will help to combat racism in the community through recognizing that the sex industry perpetuates racist ideologies and beliefs.

An anti-trafficking advocate recently shared that her son received a text message from their friend inviting them to go to a local illicit Body Rub Parlour. Her son said "no" and his friend's response was: "Why not? Asians like it." This troubling story highlights the racist beliefs and attitudes that are fostered among purchasers of sex that demean and degrade women who identify as Asian. According to the Asian Pacific Institute on Gender-Based Violence, of the 3,636 survivors of human trafficking whose race or ethnicity was known, the second largest group was Asian (27%). This staggering reality is, in part, made possible due to the fact that many migrant workers – as has been highlighted in the press – are low-income and non-English-speaking, rendering them in an unequal negotiating position when deliberating with employers and clients about what services are to be provided in Body Rub Parlours. These factors, among others, compound intersectionality in such a way to increase the vulnerability of racialized minorities to sexual exploitation in the

provision of services in these Parlours. As a result, minority groups are overrepresented in the sex industry and buyer review boards are filled with offensive ethnic and racial stereotypes.

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Ratifying this By-law is a vital step to combating the trafficking of persons in our community and beyond. Together we can end sexual exploitation.

Sincerely,

Aaron Beerman  
12 Algonquin Trail, Oro-Medonte, ON  
705-984-4134

Mayor of Newmarket  
Councillors of Newmarket  
City staff of Newmarket

20 June 2021

Dear All,

I am writing to express concerns about the proposed amendments to the bylaws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism and further exposing them to risks of violence.

The new bylaw (Business By-law 2020-31 be amended to adopt the proposed Personal Wellness Establishment) will mandate workers be trained by accredited institutions, which often have English language skills requirements.

This policy will create barriers for Asian workers to work in massage parlours in Newmarket. Low-income, non-English speaking Asian workers are not be able to attend college and obtain the required credentials. They will not be able to work in Newmarket, and their massage parlours will be shut down.

Although the bylaw claims an exception is available to “non-Western practice,” the application for the exception (e.g. collecting extensive documents and being interviewed by the town staff) is intimidating and exclusionary. The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled, but those who trained abroad or by informal training on-the-job training will not meet the criteria for the exception.

Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. The Asian community is already heavily hit by the COVID-19 pandemic and facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent them from working, which may lead to the shutdown of Asian massage parlours.

I am also concerned about the repressive and discriminatory approach of the Town of Newmarket against sex workers. Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

This policy strikes me as anti-Asian and racist because Asian workers and businesses would be affected disproportionately. I urge the Town of Newmarket to remove the requirement of having accredited credentials to work in the proposed bylaw so that Asian workers can continue to work and massage parlours can continue to operate and serve the community. I also call on the town to take further steps to eliminate discrimination and promote equality in Newmarket.

Sincerely,

Genevieve Fuji Johnson  
Professor  
Department of Political Science  
Simon Fraser University  
gfjohnso@sfu.ca





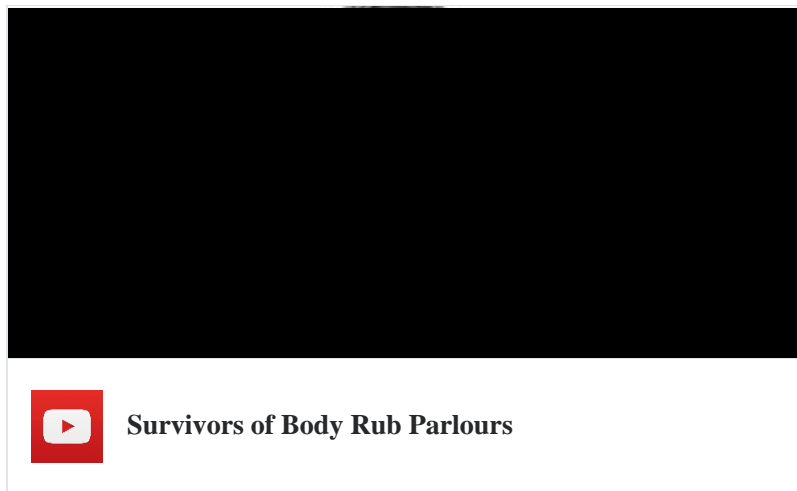
To: Mayor John Taylor, Newmarket Town Councillors & Staff

I am writing as a concern citizen and resident of Newmarket, to thank you for the work you have done to protect the wellbeing and safety of our community, families and children from the negative impact of Body Rub Parlours. I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

I am deeply trouble by the fact that advocacy groups like Butterfly from Toronto are attempting to cloud the truth of what body rub parlours really are and what “sex work” truly represents. Survivors of human trafficking, the Toronto Police and front-line service providers have all confirmed that people are being trafficked in body rub parlours and holistic spas throughout Ontario and Canada under the umbrella of “sex work”. These ‘businesses’ are fronts for prostitution. The City of Toronto has itself acknowledged this reality.

I would ask that you watch this short video, where 6 women who were formerly in body rub parlours talk about the truth and realities of this experience.

<https://www.youtube.com/watch?v=B5rZon5hgWE&feature=youtu.be>



Unlike these Toronto groups, I am a resident of Newmarket and I am standing with you to bring an end to sexual exploitation through body rub parlours and other like establishments in our town. I am asking that you vote **YES** to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

With respect,

Louise Marling  
7 Cunningham Dr.  
Thornton, ON

June 19, 2021

To: Mayor John Taylor, Newmarket Town Councillors & Staff

My name is Louise Marling, and I am writing to express my support for the ratification of the amendment of By-law 2020-31.

Thank you for the work you have done this far to protect the wellbeing and safety of our community by acknowledging the detrimental impact that Body Rub Parlours has on both society and individual lives. Human trafficking is one of the fastest growing crimes in the world, and Newmarket is certainly not immune to this injustice. Survivors of trafficking, researchers, law enforcement and anti-trafficking service providers all cite Body Rub Parlours as well-known places where trafficking occurs.

I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements. This amendment will help prevent the exploitation of people in our community as it will address a known location where traffickers use threat, coercion, debt bondage and blackmail in order to traffic individuals for the purposes of sexual exploitation.

Additionally, this By-law will demonstrate that the Town of Newmarket does not condone a system predicated in racism, colonial violence, and misogyny, which form the very fabric of the sex industry. Ratifying By-Law 2020-31 will help to combat racism in the community through recognizing that the sex industry perpetuates racist ideologies and beliefs.

An anti-trafficking advocate recently shared that her son received a text message from their friend inviting them to go to a local illicit Body Rub Parlour. Her son said “no” and his friend’s response was: “Why not? Asians like it.” This troubling story highlights the racist beliefs and attitudes that are fostered among purchasers of sex that demean and degrade women who identify as Asian. According to the Asian Pacific Institute on Gender-Based Violence, of the 3,636 survivors of human trafficking whose race or ethnicity was known, the second largest group was Asian (27%). This staggering reality is, in part, made possible due to the fact that many migrant workers – as has been highlighted in the press – are low-income and non-English-speaking, rendering them in an unequal negotiating position when deliberating with employers and clients about what services are to be provided in Body Rub Parlours. These factors, among others, compound intersectionality in such a way to increase the vulnerability of racialized minorities to sexual exploitation in the provision of services in these Parlours. As a result, minority groups are overrepresented in the sex industry and buyer review boards are filled with offensive ethnic and racial stereotypes.

By ratifying this amendment to the By-law the Town of Newmarket will be at the forefront of combatting the trafficking of persons in the community through addressing a known area where sex trafficking flourishes and a system where racist ideas are perpetuated. Insofar as racialized communities are already overrepresented as survivors of commercial sexual exploitation, legislation such as By-law 2020-31 affords such communities additional protections to prevent them from being inadvertently trapped in a vocational cycle which capitalizes on their

vulnerability and disregards the equal dignity owed to all persons irrespective of race, gender, sex, immigration status, language capacity, and economic stability, I am asking that you vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

Ratifying this By-law is a vital step to combating the trafficking of persons in our community and beyond. Together we can end sexual exploitation.

Sincerely,

Louise Marling

7 Cunningham Dr.,

Thornton, ON L0L 2N0

June 19, 2021

Subject: Vote YES on Business By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and requirements

To: Mayor John Taylor, Newmarket Town Councillors & Staff

My name is Wendy, and I am writing to express my support for the ratification of the amendment of By-law 2020-31.

Thank you for the work you have done this far to protect the wellbeing and safety of our community by acknowledging the detrimental impact that Body Rub Parlours has on both society and individual lives. Human trafficking is one of the fastest growing crimes in the world, and Newmarket is certainly not immune to this injustice. Survivors of trafficking, researchers, law enforcement and anti-trafficking service providers all cite Body Rub Parlours as well-known places where trafficking occurs.

I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements. This amendment will help prevent the exploitation of people in our community as it will address a known location where traffickers use threat, coercion, debt bondage and blackmail in order to traffic individuals for the purposes of sexual exploitation.

Additionally, this By-law will demonstrate that the Town of Newmarket does not condone a system predicated in racism, colonial violence, and misogyny, which form the very fabric of the sex industry. Ratifying By-Law 2020-31 will help to combat racism in the community through recognizing that the sex industry perpetuates racist ideologies and beliefs.

An anti-trafficking advocate recently shared that her son received a text message from their friend inviting them to go to a local illicit Body Rub Parlour. Her son said “no” and his friend’s response was: “Why not? Asians like it.” This troubling story highlights the racist beliefs and attitudes that are fostered among purchasers of sex that demean and degrade women who identify as Asian. According to the Asian Pacific Institute on Gender-Based Violence, of the 3,636 survivors of human trafficking whose race or ethnicity was known, the second largest group was Asian (27%). This staggering reality is, in part, made possible due to the fact that many migrant workers – as has been highlighted in the press – are low-income and non-English-speaking, rendering them in an unequal negotiating position when deliberating with employers and clients about what services are to be provided in Body Rub Parlours. These factors, among others, compound intersectionality in such a way to increase the vulnerability of racialized minorities to sexual exploitation in the provision of services in these Parlours. As a result, minority groups are overrepresented in the sex industry and buyer review boards are filled with offensive ethnic and racial stereotypes.

By ratifying this amendment to the By-law the Town of Newmarket will be at the forefront of combatting the trafficking of persons in the community through addressing a known area where

sex trafficking flourishes and a system where racist ideas are perpetuated. Insofar as racialized communities are already overrepresented as survivors of commercial sexual exploitation, legislation such as By-law 2020-31 affords such communities additional protections to prevent them from being inadvertently trapped in a vocational cycle which capitalizes on their vulnerability and disregards the equal dignity owed to all persons irrespective of race, gender, sex, immigration status, language capacity, and economic stability, I am asking that you vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

Ratifying this By-law is a vital step to combating the trafficking of persons in our community and beyond. Together we can end sexual exploitation.

Sincerely,

Wendy Hayhoe  
4 Haley Drive, Loretto, Ont. L0G 1L0

BridgeNorth Women's Mentorship & Advocacy Service  
23-1111 Davis Drive, Newmarket.  
ON, Canada L3Y 9E5  
(905)-895-9065  
[office@bridgenorth.org](mailto:office@bridgenorth.org)

June 21, 2021

Subject: Vote YES on Business By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and requirements

To: Mayor John Taylor, Newmarket Town Councillors & Staff

My name is Lisa Bickle, and I am writing to express my support for the ratification of the amendment of By-law 2020-31.

Thank you for the work you have done this far to protect the wellbeing and safety of our community by acknowledging the detrimental impact that Body Rub Parlours has on both society and individual lives. Human trafficking is one of the fastest growing crimes in the world, and Newmarket is certainly not immune to this injustice. Survivors of trafficking, researchers, law enforcement and anti-trafficking service providers all cite Body Rub Parlours as well-known places where trafficking occurs.

I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements. This amendment will help prevent the exploitation of people in our community as it will address a known location where traffickers use threat, coercion, debt bondage and blackmail in order to traffic individuals for the purposes of sexual exploitation.

Additionally, this By-law will demonstrate that the Town of Newmarket does not condone a system predicated in racism, colonial violence, and misogyny, which form the very fabric of the sex industry. Ratifying By-Law 2020-31 will help to combat racism in the community through recognizing that the sex industry perpetuates racist ideologies and beliefs.

An anti-trafficking advocate recently shared that her son received a text message from their friend inviting them to go to a local illicit Body Rub Parlour. Her son said "no" and his friend's response was: "Why not? Asians like it." This troubling story



highlights the racist beliefs and attitudes that are fostered among purchasers of sex that demean and degrade women who identify as Asian. According to the Asian Pacific Institute on Gender-Based Violence, of the 3,636 survivors of human trafficking whose race or ethnicity was known, the second largest group was Asian (27%). This staggering reality is, in part, made possible due to the fact that many migrant workers – as has been highlighted in the press – are low-income and non-English-speaking, rendering them in an unequal negotiating position when deliberating with employers and clients about what services are to be provided in Body Rub Parlours. These factors, among others, compound intersectionality in such a way to increase the vulnerability of racialized minorities to sexual exploitation in the provision of services in these Parlours. As a result, minority groups are overrepresented in the sex industry and buyer review boards are filled with offensive ethnic and racial stereotypes.

By ratifying this amendment to the By-law the Town of Newmarket will be at the forefront of combatting the trafficking of persons in the community through addressing a known area where sex trafficking flourishes and a system where racist ideas are perpetuated. Insofar as racialized communities are already overrepresented as survivors of commercial sexual exploitation, legislation such as By-law 2020-31 affords such communities additional protections to prevent them from being inadvertently trapped in a vocational cycle which capitalizes on their vulnerability and disregards the equal dignity owed to all persons irrespective of race, gender, sex, immigration status, language capacity, and economic stability, I am asking that you vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

Ratifying this By-law is a vital step to combating the trafficking of persons in our community and beyond. Together we can end sexual exploitation.

Sincerely,  
Lisa Bickle  
811 Line 9 South, Oro Medonte, ON

BridgeNorth Women's Mentorship & Advocacy Service  
23-1111 Davis Drive, Newmarket.  
ON, Canada L3Y 9E5  
(905)-895-9065  
[office@bridgenorth.org](mailto:office@bridgenorth.org)

June 19, 2021

Subject: Vote YES on Business By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and requirements

To: Mayor John Taylor, Newmarket Town Councillors & Staff

My name is Helen Hufnagel, and I am writing to express my support for the ratification of the amendment of By-law 2020-31.

Thank you for the work you have done this far to protect the wellbeing and safety of our community by acknowledging the detrimental impact that Body Rub Parlours has on both society and individual lives. Human trafficking is one of the fastest growing crimes in the world, and Newmarket is certainly not immune to this injustice. Survivors of trafficking, researchers, law enforcement and anti-trafficking service providers all cite Body Rub Parlours as well-known places where trafficking occurs.

I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements. This amendment will help prevent the exploitation of people in our community as it will address a known location where traffickers use threat, coercion, debt bondage and blackmail in order to traffic individuals for the purposes of sexual exploitation.

Additionally, this By-law will demonstrate that the Town of Newmarket does not condone a system predicated in racism, colonial violence, and misogyny, which form the very fabric of the sex industry. Ratifying By-Law 2020-31 will help to combat racism in the community through recognizing that the sex industry perpetuates racist ideologies and beliefs.

An anti-trafficking advocate recently shared that her son received a text message from their friend inviting them to go to a local illicit Body Rub Parlour. Her son said "no" and his friend's response was: "Why not? Asians like it." This troubling story highlights the racist beliefs and attitudes that are fostered among purchasers of sex that demean and degrade women who identify as Asian. According to the Asian Pacific Institute on Gender-Based Violence, of the 3,636 survivors of human trafficking whose race or ethnicity was known, the second largest group was Asian (27%). This staggering reality is, in part, made possible due to the fact that many migrant workers – as has been highlighted in the press – are low-income and non-English-speaking, rendering them in an unequal negotiating position when deliberating with employers and clients about what services are to be provided in Body Rub Parlours. These factors, among others, compound intersectionality in such a way to increase the vulnerability of racialized minorities to sexual exploitation in the provision of services in these Parlours. As a result, minority groups are

overrepresented in the sex industry and buyer review boards are filled with offensive ethnic and racial stereotypes.

By ratifying this amendment to the By-law the Town of Newmarket will be at the forefront of combatting the trafficking of persons in the community through addressing a known area where sex trafficking flourishes and a system where racist ideas are perpetuated. Insofar as racialized communities are already overrepresented as survivors of commercial sexual exploitation, legislation such as By-law 2020-31 affords such communities additional protections to prevent them from being inadvertently trapped in a vocational cycle which capitalizes on their vulnerability and disregards the equal dignity owed to all persons irrespective of race, gender, sex, immigration status, language capacity, and economic stability, I am asking that you vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

Ratifying this By-law is a vital step to combating the trafficking of persons in our community and beyond. Together we can end sexual exploitation.

Sincerely,  
Helen Hufnagel  
Barrie, ON



Major John Taylor  
Newmarket Town Councillors

Dear Mr. Mayor Taylor & Town Councillors:

Re: Vote **YES** on Business By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with explicit language and requirements

I am writing as an Anti -Human Trafficking Specialist, former Chair – BOD, Co-Founder of U-R Home Awareness & Support Services, as well as a resident of York Region. For the last eight years I have supported women/girls in York Region who have been sex trafficked and sexually exploited in a variety of avenues; hotels/motels, Airbnb's, body rub parlours, escort agencies, etc.

I would encourage each of you; Mayor Taylor, Deputy Mayor/Regional Councillor Vegh, Councillors Woodhouse, Morrison, Simon, Twinney, Kwapis, Broome, and Bisanz to stand-firm with your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with explicit language and accreditation requirements.

The work that you have completed and the decision you make will protect our children and families while ensuring their wellbeing and safety from the negative impacts of body rub parlours in Newmarket.

Since more than two-thirds of the reported human trafficking incidents in Canada occurred in Ontario, it is imperative that Newmarket Mayor and council do all it can to prevent this crime.<sup>1</sup>

Advocacy groups like Butterfly from Toronto and their supporters are attempting to mask the truth of the realities of body rub parlours and what “sex work” truly represents. Survivors of human trafficking, the Toronto Police and front-line service providers have all confirmed that people are being trafficked in body rub parlours and holistic spas throughout the Greater Toronto Area, and Canada under the umbrella of “sex work”.

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<sup>1</sup> <https://www150.statcan.gc.ca/n1/pub/85-005-x/2018001/article/54979-eng.htm>



The Palermo Protocol, Section III, article 9, which addresses the prevention of trafficking in persons and includes in point 5,  
***States Parties shall adopt or strengthen legislative or other measures, such as educational, social or cultural measures, including through bilateral and multilateral cooperation, to discourage the demand that fosters all forms of exploitation of persons, especially women and children, that leads to trafficking.***<sup>2</sup>  
This Protocol was ratified by Canada in May 2002.

By voting YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with explicit language and accreditation requirements you will be protecting girls/women in the Town of Newmarket from the “demand” for sexual services that is inherent in body rub parlours.

Six women Survivors of Body Rub Parlours speak of the realities of their experiences in this video, <https://www.youtube.com/watch?v=B5rZon5hgwE&feature=youtu.be>

As a community agency working with survivors of human trafficking and exploitation, I am asking that you vote **YES** to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

Kind Regards

*Debbie Pond*

Debbie Pond  
U-R Home Awareness & Support Services

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<sup>2</sup> [https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch\\_XVIII\\_12\\_ap.pdf](https://treaties.un.org/doc/Treaties/2000/11/20001115%2011-38%20AM/Ch_XVIII_12_ap.pdf)

Mayor of Newmarket  
Councillors of Newmarket  
City staff of Newmarket

On behalf of the Asian Canadian Women Alliance (ACWA), we are writing this letter to express our concerns about the proposed amendments to the bylaws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism.

Grounded in a progressive, feminist and anti-oppressive framework, ACWA is a network that amplifies voices of our communities. We have been actively involved in organizing against Anti-Asian racism. Our goal is to build strong coalitions within our communities, as well as with Indigenous, Black and other marginalized communities, to educate, advocate and effect systemic change toward a just and equitable future for all. That is why we find the proposed amendments to be really problematic.

The new bylaw (Business By-law 2020-31 be amended to adopt the proposed Personal Wellness Establishment) will mandate workers be trained by accredited institutions, which often have English language skills requirements.

This policy will create insurmountable barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking Asian workers are not be able to attend college and obtain the required credentials. They will not be able to work in Newmarket, and their massage parlours will be shut down.

Although the bylaw claims an exception is available to “non-Western practice,” the application for the exception (*e.g.* collecting extensive documents, being interviewed by the town staff) is intimidating and exclusionary. The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled, but those who trained abroad or by informal training on-the-job training will not meet the criteria for the exception.

Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. The Asian community is already heavily hit by the COVID-19 pandemic and facing anti-Asian racism. The Town of Newmarket should not impose additional social and economic barriers that will deny these Asian women workers from having the ability to work and live with dignity. Such amendments may also lead to the closing down of Asian massage parlours in the area.

We are also concerned about the repressive and discriminatory approach of the Town of Newmarket against sex workers. Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

This policy will be perceived as anti-Asian and racist because Asian workers and businesses would be affected disproportionately. We urge the Town of Newmarket to adopt an anti-racist lens to this bylaw: remove the requirement of having accredited credentials to work in the proposed bylaw so that Asian workers can continue to work and massage parlours can continue

to operate and serve the community. We also call on the town to take further steps to eliminate discrimination and promote equality in Newmarket.

Sincerely,

Asian Canadian Women's Alliance

Signed by

Winnie Ng, PhD.

co-founder of Asian Canadian Women's Alliance,

Chair Emeritus, Unifor National Chair in Social Justice and Democracy.

Ryerson University



June 21, 2021

Subject: Vote YES on Business By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and requirements

To: Mayor John Taylor, Newmarket Town Councillors & Staff

My name is Pam Cope, and as a resident in a neighboring community, I am writing to express my support for the ratification of the amendment of By-law 2020-31.

Thank you for the work you have done this far to protect the wellbeing and safety of our community by acknowledging the detrimental impact that Body Rub Parlours has on both society and individual lives. Human trafficking is one of the fastest growing crimes in the world, and Newmarket is certainly not immune to this injustice. Survivors of trafficking, researchers, law enforcement and anti-trafficking service providers all cite Body Rub Parlours as well-known places where trafficking occurs.

I am asking that you hold firm to your decision and vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements. This amendment will help prevent the exploitation of people in our community as it will address a known location where traffickers use threat, coercion, debt bondage and blackmail in order to traffic individuals for the purposes of sexual exploitation.

Additionally, this By-law will demonstrate that the Town of Newmarket does not condone a system predicated in racism, colonial violence, and misogyny, which form the very fabric of the sex industry. Ratifying By-Law 2020-31 will help to combat racism in the community through recognizing that the sex industry perpetuates racist ideologies and beliefs.

An anti-trafficking advocate recently shared that her son received a text message from their friend inviting them to go to a local illicit Body Rub Parlour. Her son said “no” and his friend’s

response was: “Why not? Asians like it.” This troubling story highlights the racist beliefs and attitudes that are fostered among purchasers of sex that demean and degrade women who identify as Asian. According to the Asian Pacific Institute on Gender-Based Violence, of the 3,636 survivors of human trafficking whose race or ethnicity was known, the second largest group was Asian (27%). This staggering reality is, in part, made possible due to the fact that many migrant workers – as has been highlighted in the press – are low-income and non-English-speaking, rendering them in an unequal negotiating position when deliberating with employers and clients about what services are to be provided in Body Rub Parlours. These factors, among others, compound intersectionality in such a way to increase the vulnerability of racialized minorities to sexual exploitation in the provision of services in these Parlours. As a result, minority groups are overrepresented in the sex industry and buyer review boards are filled with offensive ethnic and racial stereotypes.

By ratifying this amendment to the By-law the Town of Newmarket will be at the forefront of combatting the trafficking of persons in the community through addressing a known area where sex trafficking flourishes and a system where racist ideas are perpetuated. Insofar as racialized communities are already overrepresented as survivors of commercial sexual exploitation, legislation such as By-law 2020-31 affords such communities additional protections to prevent them from being inadvertently trapped in a vocational cycle which capitalizes on their vulnerability and disregards the equal dignity owed to all persons irrespective of race, gender, sex, immigration status, language capacity, and economic stability, I am asking that you vote YES to ratify By-law 2020-31 being amended to adopt the proposed Personal Wellness Establishment with stricter language and accreditation requirements.

Ratifying this By-law is a vital step to combating the trafficking of persons in our community and beyond. Together we can end sexual exploitation.

Sincerely,

Pam Cope

6043 County Road 27

Cookstown, ON

L0L 1L0

Mayor of Newmarket  
Councillors of Newmarket  
City staff of Newmarket

The Hamilton Centre for Civic Inclusion is an organization that seeks to address systemic racism and discrimination in Hamilton, Ontario. We are writing this letter to express our concerns about the proposed amendments to the bylaws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism. Legislative decisions such as the new bylaw (Business By-law 2020-31 be amended to adopt the proposed Personal Wellness Establishment) will mandate workers be trained by accredited institutions, which often have English language skills requirements have an enormous impact on low-income, non-English speaking Asian workers.

This policy will create barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking Asian workers are not able to attend college and obtain the required credentials. They will not be able to work in Newmarket, and their massage parlours will be shut down.

Although the bylaw claims an exception is available to “non-Western practice,” the application for the exception (e.g. collecting extensive documents, being interviewed by the town staff) is intimidating and exclusionary. The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled, but those who trained abroad or by informal training on-the-job training will not meet the criteria for the exception.

Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. The Asian community is already heavily hit by the COVID-19 pandemic and facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent them from working, which may lead to the shutdown of Asian massage parlours.

We are also concerned about the repressive and discriminatory approach of the Town of Newmarket against sex workers. Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

This policy will be perceived as anti-Asian and racist because Asian workers and businesses would be affected disproportionately. We urge the Town of Newmarket to adopt an anti-racist lens to this bylaw: remove the requirement of having accredited credentials to work in the proposed bylaw so that Asian workers can continue to work and massage parlours can continue to operate and serve the community. We also call on the town to take further steps to eliminate discrimination and promote equity in Newmarket.

**Kojo Dampley**

Executive Director

Hamilton Centre for Civic Inclusion

T: 905 297 4694 x 202 | E: [kdampley@hcci.ca](mailto:kdampley@hcci.ca),

423 King Street East,

Hamilton, ON

L8N 1C5

Website: [www.hcci.ca](http://www.hcci.ca)

I understand a Vote is on the Table, regarding the legalization of the referenced Parlours, where sensuality and sex are often for sale!

First-hand, I have experienced the loss of a Brother to suicide because of pornography and massage/rub parlours, by which he destroyed promising relationships. Also, a nephew stooped to assault and rape after exposure to these environments. I myself faced-down the lure of a pimp, so I understand the insidious market of flesh!

As you would protect your own Daughter, Son and/or Grandchildren, please promote a YES-vote to the changes recommended!

Thank you.  
Ruth Dow



Hello,

We are writing on behalf of the Chinese Canadian Collective, an organization dedicated towards examining Chinese Canadian experiences, issues + representation.

We are writing this letter to express our concerns about the proposed amendments to the bylaws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism.

The new bylaw amendment (amendment to Business By-law 2020-31, to adopt proposed Personal Wellness Establishment) will mandate workers be trained by accredited institutions, which often have English language skills requirements.

This policy will create barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking Asian workers are not able to attend college and obtain the required credentials. They will not be able to work in Newmarket, and the massage parlours they work in will be shut down.

Although the bylaw claims that an exemption is available for “non-Western practice,” the application for the exemption (e.g. collecting extensive documents, being interviewed by the town staff) is intimidating and exclusionary. The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled, but those who are trained abroad or by informal, on-the-job training will not meet the criteria for the exemption.

Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. The Asian community is already heavily hit by the COVID-19 pandemic and facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent them from working, which may lead to the shutdown of Asian massage parlours.

We are also concerned about the repressive and discriminatory approach of the Town of Newmarket against sex workers. Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

This policy will be perceived as anti-Asian and racist because Asian workers and businesses would be affected disproportionately. We urge the Town of Newmarket to adopt an anti-racist lens to this bylaw: remove the requirement of having accredited credentials to work in the proposed bylaw so that Asian workers can continue to work and massage parlours can continue to operate and serve the community. We also call on the town to take further steps to eliminate discrimination and promote equality in Newmarket.

Signed,

Chinese Canadian Collective





To:  
Mayor of Newmarket  
Councillors of Newmarket  
City staff of Newmarket

Hello,

I am writing today on behalf of AQUA (Asian Queer Alliance). Our organization works to provide community support for queer Asian people of marginalized genders in Toronto. We are writing this letter to express our concerns about the proposed amendments to the bylaws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism.

The new bylaw (Business By-law 2020-31 be amended to adopt the proposed Personal Wellness Establishment) will mandate workers be trained by accredited institutions, which often have English language skills requirements.

This policy will create barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking Asian workers are not able to attend college and obtain the required credentials. They will not be able to work in Newmarket, and their massage parlours will be shut down.

Although the bylaw claims an exception is available to “non-Western practice,” the application for the exception (e.g. collecting extensive documents, being interviewed by the town staff) is intimidating and exclusionary. The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled, but those who trained abroad or by informal training on-the-job training will not meet the criteria for the exception.

Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. The Asian community is already heavily impacted by the COVID-19 pandemic and facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent them from working, which may lead to the shutdown of Asian massage parlours.

We are also concerned about the repressive and discriminatory approach of the Town of Newmarket against sex workers. Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

This policy will be perceived as anti-Asian and racist because Asian workers and businesses would be affected disproportionately. We urge the Town of Newmarket to adopt an anti-racist lens to this bylaw: remove the requirement of having accredited credentials to work in the proposed bylaw so that Asian workers can continue to work and massage parlours can continue to operate and serve the community. We also call on the town to take further steps to eliminate discrimination and promote equality in Newmarket.

Please consider removing these requirements, and doing right by all the communities you serve.

Sincerely,

AQUA



[asianqueeralliance.ca](http://asianqueeralliance.ca) | [Instagram](#) | [Facebook](#)

To:  
Mayor of Newmarket  
Councillors of Newmarket  
Town Staff of Newmarket

Dear all,

We are writing on behalf of the Asian Law Student Association at Osgoode Hall Law School. We are a collective of Asian-identifying law students who hold space, support and foster community for Asian-identifying law students and all the communities we have deep connections to, in and beyond the Osgoode community and law school context. We are committed to working towards dismantling systemic barriers in the legal profession and beyond. As such, we were deeply concerned to hear about the proposed amendments to the bylaws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism. We are writing in solidarity with Butterfly to urge that the bylaw be reconsidered in light of the concerns brought forward in the remainder of this letter, and that it be amended accordingly.

The new bylaw amendment (amendment to Business By-law 2020-31, to adopt proposed Personal Wellness Establishment) will mandate workers be trained by accredited institutions, which often have English language skills requirements.

This policy will create barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking Asian workers are not able to attend college and obtain the required credentials. They will not be able to work in Newmarket, and the massage parlours they work in will be shut down.

Although the bylaw claims that an exemption is available for “non-Western practice,” the application for the exemption (e.g. collecting extensive documents, being interviewed by the town staff) is intimidating and exclusionary. The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled, but those who are trained abroad or by informal, on-the-job training will not meet the criteria for the exemption.

Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. The Asian community is already heavily hit by the COVID-19 pandemic and facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent them from working, which may lead to the shutdown of Asian massage parlours.

We are also concerned about the repressive and discriminatory approach of the Town of Newmarket against sex workers. Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

This policy will be perceived as anti-Asian and racist because Asian workers and businesses would be affected disproportionately. We urge the Town of Newmarket to adopt an anti-racist lens to this bylaw: remove the requirement of having accredited credentials to work in the proposed bylaw so that Asian workers can continue to work and massage parlours can continue to operate and serve the community. We also call on the town to take further steps to eliminate discrimination and promote equality in Newmarket.

We ask that this concern be added to the agenda on Monday.

Signed,

Asian Law Students of Osgoode 2021-2022

[alsa.osgoode@gmail.com](mailto:alsa.osgoode@gmail.com)



To:  
Mayor of Newmarket  
Councillors of Newmarket  
City staff of Newmarket

McMaster Stands with Hong Kong is a group that concerns about human right issues as well as state oppression. We are writing this letter to express our concerns about the proposed amendments to the bylaws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism.

The new bylaw (Business By-law 2020-31 be amended to adopt the proposed Personal Wellness Establishment) will mandate workers be trained by accredited institutions, which often have English language skills requirements.

This policy will create barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking Asian workers are not be able to attend college and obtain the required credentials. They will not be able to work in Newmarket, and their massage parlours will be shut down.

Although the bylaw claims an exception is available to “non-Western practice,” the application for the exception (*e.g.* collecting extensive documents, being interviewed by the town staff) is intimidating and exclusionary. The lack of accreditation from Canadian colleges and other institutions does not mean workers are unskilled, but those who trained abroad or by informal training on-the-job training will not meet the criteria for the exception.

Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. The Asian community is already heavily hit by the COVID-19 pandemic and facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent them from working, which may lead to the shutdown of Asian massage parlours.

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Regards,







To:  
Mayor of Newmarket  
Councillors of Newmarket  
City staff of Newmarket

OHKYA is a group that support the Hong Kong diaspora in Ontario. There are lots of HongKongers living in Newmarket. We are writing this letter to express our concerns about the proposed amendments to the bylaws of Newmarket, which will disproportionately affect Asian massage workers and businesses, further contributing to systemic racism.

The new bylaw (Business By-law 2020-31 be amended to adopt the proposed Personal Wellness Establishment) will mandate workers be trained by accredited institutions, which often have English language skills requirements.

This policy will create barriers for Asian workers in massage parlours in Newmarket. Low-income, non-English speaking Asian workers are not be able to attend college and obtain the required credentials. They will not be able to work in Newmarket, and their massage parlours will be shut down.

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Asian massage workers offer non-therapeutic and non-medical massage treatment. There are no safety or health concerns raised by the clients or workers. The Asian community is already heavily hit by the COVID-19 pandemic and facing anti-Asian racism. The Town of Newmarket should not impose extra social and economic barriers to prevent them from working, which may lead to the shutdown of Asian massage parlours.

We are also concerned about the repressive and discriminatory approach of the Town of Newmarket against sex workers. Newmarket should treat sex workers in a fair and unbiased manner and promote sex worker safety, dignity, and well-being.

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Regards,







Mayor John Taylor and Town of Newmarket Council Members

I am writing today to restate the support of the Council of Women Against Sex Trafficking in York Region in the adoption of the Town of Newmarket Licensing Regime for Personal Wellness Establishments as well as to address a number of the opposing claims made during the Committee of the Whole session on June 16.

Once again, I commend your actions to address illicit body rub parlours in the Town of Newmarket. Flynn Scott and his team did an outstanding job of shaping this new bylaw to not only address the issue at hand, but to also protect and encourage legitimate Personal Wellness Establishments while being flexible enough to address those who do not fit into the defined criteria of accreditation and professional association membership. Not an easy task. One that in the early stages of discussion, I wondered how this would be accomplished. In my opinion, they not only did it, they surpassed expectations. Therefore, we strongly encourage its adoption by Council.

Having said that, as we heard on June 16, this is a highly charged, contentious issue. Deputations were made by a number of organizations and women who labeled your efforts as racist, anti-Asian and discriminatory -- led by Butterfly: Asian and Migrant Sex Workers Support Network. And the attacks continue. The lead message on its homepage ([butterflysw.org](http://butterflysw.org)) reads as follows:

**We cannot tolerate it anymore!**

*"Racist attacks being waged by some anti-trafficking organizations against Asian massage parlours and sex workers must end. We need you to take action to sign the statement to condemn racist attacks from pro-carceral and harmful anti-trafficking organizations which foster anti-Asian racial discrimination and anti-sex work hate."*

It goes on to say:

*"Newmarket is going to shut down all Asian massage parlours despite the opposition from many racial justice, human rights and sex workers rights activists and organizations, and from the massage and sex workers themselves."* It encourages the signing and submitting of the form letter they have on their site.

The highly-charged opposing claims as I understand them are as follows:

**Language and culture barriers**

They claim, as they did in their deputations on Wednesday, that a language / cultural barrier puts Asian Migrant Sex Workers at a disadvantage. It makes it impossible, they say, for them to address the qualifications put in place by the new bylaw. But as we heard on Wednesday, Mayor you were very respectful in giving the women, who had to speak through a translator, more time. And the new Town By-law also allows for the same respect. Section 8.6 (4) talks to the critical importance of utilizing translators throughout the interview process.

**Canadian certified professional qualifications / criteria**

The new bylaws also provide an alternate standard (8.6(3) (c), for those who don't fit the established criteria, to work with by-law staff to better understand the owner / attendant experience, training and knowledge of the modality of massage they are offering in order to ensure a fair process for all members of the community. If they have the skills, proficiency and knowledge

they claim to have based on training from another country that is not provided here or years of experience, and are operating within the laws of the land, they should be able to articulate that during the interview process.

Flynn Scott also confirmed that they will do all that they can to assist those who may need some additional support, which he believes might be as minimal as taking a few extra courses.

However, the framework also makes it clear that all PWEs must adhere to sound business, ethical, health and safety guidelines such as keeping a record of each alternate massage provided and pre-screening health forms – a practice already in place by legitimate spas and wellness centres today. It instils confidence in residents that the PWE has met and adheres to the highest licensing standards as put forth by the Town of Newmarket. This is for all PWEs regardless of race, culture or ethnic background.

### **Safety**

Those that oppose the passing of the PWE Framework also claim that repressive laws and policies will push these women underground and expose them to police and other violence, including physical violence, sexual violence, exploitation and even murder. However, any number of reports will tell you that sex work is already operating underground and no amount of legislation / legalization of it will make it safe, protect against physical or sexual violence, exploitation and even murder.

There are countless stories of survivors (Casandra Diamond of BridgeNorth) who have suffered horrendous violence and abuse from pimps, BRP owners and from the men who purchase sex. Women, who even though they speak English, could not find a way out, could not protect themselves.

To summarize. The proposed Licensing Regime for Personal Wellness Establishments is not about being anti-Asian, systemic racism or carseral, it is about being pro-women / young girls. It is about their dignity and their rights. It is about sending a clear message that sexual exploitation through Body Rub Parlours is no longer welcomed in Newmarket. It is about upholding the law.

On behalf of the Council of Women Against Sex Trafficking in York Region, I thank you for taking a stand against illicit Body Rub Parlours by voting yes to passing the Licensing Regime for Personal Wellness Establishments.

Thank you.



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

Cc Robert Vallee, PACT Founder, Board Chair & CEO



June 20-2021

**In the matter of the Town of Newmarket Council Vote on the Personal Wellness Establishments  
licensing initiative to take place on June 21-2021 at 1:00 pm**  
(PDF of Bill C-36 from Canada's Department of Justice is attached.)

Mayor Taylor and Council Members,

Please note that this letter is in 2 sections: an executive summary followed by its full content.

**Executive Summary:**

- i. The PWE licensing regime/initiative is an ingenious and very effective tool in managing prostitution within commercial establishments that sell massage and sexual services.
- ii. Its policy of insisting on proper training and accreditation with on-going monitoring will help enhance the quality of massage services while keeping the prostitution-related activities out of Newmarket commercial establishments.
- iii. It is aligned with Federal law C-36 in terms of protecting the community from the criminal activities associated with body rub parlours and bogus wellness/holistic establishments and, very importantly, its goal of prohibition of sexual services **merits your full support.**

**Full content:**

Council,

Let's examine the law:

#1. Bill C-36, known as the *Protection of Communities and Exploited Persons Act* is clear in the matter of prostitution. It targets the criminals: (a) buyers of sex, (b) procurers a.k.a. pimps, (c) operators of establishments in which they sell the sexual services of prostituted persons, and (d) individuals who advertise the sale of sexual services of prostituted persons.

#2. Canada's Criminal Code in the matter of prostitution in massage parlours is also clear.

The Code's (section 286.2) clearly states: ***"It is a crime to receive a financial or other material benefit obtained by or derived from the commission of the purchasing offence of sex. 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."***

This brings us to Butterfly's Asian-Migrant Sex Workers May 3rd-2021 deputation when its Executive Director admitted that Asian-sex migrant workers and owners-operators are providing sexual services in Newmarket. I quote them:

*"We are now providing a lot of good service, alternative massage services to the people in Newmarket. But the new policy, Option 1 would exclude them to continue the service and many businesses would be shut down. We also need to recognize that they are the business owners/workers and residents in Newmarket who contribute to the town by paying rent, provide inexpensive massage services and spend expenses in the city."*

It took no time for them to resort to accusations of 'racism and sexism'.

Those were born out of their realization that the PWE licensing initiative will go a long way in shutting down their illegal activities but not those of legitimate massage service providers.

Back to the Law and I quote Canada's Criminal Code: "*Those who sell their own sexual services are protected from criminal liability for participating in the commission of those offences if the offences relate to **their own** sexual services.*"

This means that independent, entrepreneurial sex workers will not be charged.

Therefore, you can ignore the repeated claims by Butterfly Advocacy Group that their Asian Migrant Sex Workers are not trafficked because **they are neither independent nor entrepreneurial** when providing massages with 'happy endings' in Newmarket-located body rub parlours.

I must remind you that Butterfly is a member of the Global Network of Sex Work Projects.

It is comprised of 313 organisations operating in 95 countries across 5 continents.

This network actively lobbies for the **full decriminalisation of the ENTIRE sex trade** including, and I quote from their website:

*"Entire sex trade includes sex workers, clients, families, and third parties such as personal managers, brothel keepers, receptionists, maids, landlords, hotels who rent rooms to sex workers and anyone else who is seen as facilitating, organising and profiting from sex work."*

So, locally, who is behind Butterfly Asian-Migrant sex Workers group, this alleged not-for-profit advocacy group?

I dare you to find, on Butterfly's website, any mention of:

- a) its membership in the Global Network of Sex Work Projects.
- b) its Board of Directors' listings of names,
- c) the members of its Executive Leadership Team,
- d) their organization listing with the province of Ontario, and
- e) an ANNUAL REPORT with AUDITED FINANCIALS that INCLUDE DONATIONS.

I researched what they offer, in terms of services and resources, to their female migrant workers. Primarily, they offer legal resources to help them deal with police officers, bylaw enforcement and immigration officers.

**But I must emphasize that Butterfly does NOT offer career-management services that would enable sex migrant workers to exit the prostitution business.**

#3. Newmarket's new PWE licensing initiative is clear. And appropriate!

The PWE bylaw is an ingenious and very effective tool in managing prostitution.

The use of accreditation is the silver bullet (with serious enforcement) and that explains the 'over-the-top-Racist & Sexist' reaction by Elene Lam, along with her parade of so-called academic experts (one from Rhode Island) and elderly 'victims of your racism'.

They know that the criterion of accredited training with certification will make a massive dent in their prostitution activities/revenues.

**In closing,**

The final vote you take on the new Personal Wellness Establishments' motion is one that will have lasting positive impact on your community. A YES vote will lead to a cleansing of the no-credentials sex workers and their pimps at the retail level.

Thank you.



Robert Vallée

Chair & CEO, PACT-Markham and Council of Women Against Sex Trafficking-York Region

905.201.1005

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Photo: Reg Natarajan



## Newmarket wants to legislate body rub parlours out of existence

*Proposed amendments will strip Asian massage workers of their livelihoods*



Opinion by

**Lorraine Chuen**

JUNE 14, 2021







**I**n Newmarket, Ontario, a council possessed by the idea of driving sex work out of town is poised to strip Asian massage workers of their livelihoods — regardless of whether they provide sexual services or not.

Proposed amendments to the town's body rub parlour bylaw will require massage workers to attain particular credentials, effectively leaving many Asian workers unable to do a job they have done for years.

## Newmarket's body rub parlour bylaw offers one window into the quiet violence of municipal bylaws.

"It is not fair to make me take courses to satisfy your 'professional standards' when I already have years of experience and related certificates," said Ive, a self-employed Asian massage worker in Newmarket, in a testimony read before town council last month.

"Your amendment is creating more barriers, including financial difficulties, for us as massage workers," she concluded, describing the difficulties of running a business during the COVID-19 pandemic, especially as a worker with a family and young children to care for.

Across Ontario, municipalities are using bylaws and licensing to target migrant-run massage parlours. Newmarket's body rub parlour bylaw offers one window into the quiet violence of municipal bylaws — and the confluence of systemic racism, anti-migrant legal regimes, and anti-sex worker hatred faced by Asian massage workers.

## The 'reputable' and 'unreputable'

At first blush, the Newmarket body rub parlour bylaw review may seem like a standard administrative process to modernize an outdated bylaw. The current 20-year-old bylaw regulates businesses that offer massages given by someone who is



In reality, both the original bylaw and the proposed amendments are attempts to get rid of massage businesses suspected of engaging in sex work.

In a recent public information session, Newmarket licensing officer John Comeau explained how the Municipal Act does not authorize municipalities to ban body rub parlours. As a workaround, Newmarket sought to legislate body rub parlours out of existence through a 2002 bylaw that created prohibitive zoning restrictions (body rub parlours can only operate in a tiny corner of the town) and limited the number of body rub parlour licenses to two.

Then why the sudden need for change?

Under the current bylaw, many wellness centres and spas run by middle-class, white business owners fall under the classification of body rub parlour and are operating illegally, without a licence. Newmarket officials have expressed that they do not wish to penalize these “reputable” businesses.

On the flip side, officials have cited challenges with enforcing the bylaw and “getting convictions” for businesses that they *do* wish to penalize — primarily those where they suspect sex work may be taking place.

**When deputants drew connections between the bylaw and the murders in Atlanta, they were met with incredulity.**

The bylaw review has been framed as an effort to move the “reputable” businesses under a novel licensing framework that will distinguish them from the “unreputable” massage businesses.

In May 2021, Newmarket staff proposed amendments that would replace the body rub parlour business classification with a new “personal wellness centre” classification. This new licensing regime would require any non-RMT workers offering massage services to have particular massage training credentials, and would be tightly regulated by a stringent licensing application process — including



promote massage services with any sort of erotic appeal.

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Such changes will have a disproportionate and difficult impact on Asian massage workers and sex workers in Newmarket. These workers already face racism and language barriers to employment and may not have the means to pursue formal training programs. The bylaw's training requirement will put these people out of work or force them into more dangerous settings.

There is also the concern that these procedural changes to the bylaw will be paired with an increase in punitive enforcement strategies, given the council's underlying aim of driving sex work out of Newmarket. As [seen in Toronto](#), these strategies do nothing to make workplaces safer or address human trafficking — instead, they subject workers to heightened surveillance, steep fines, and harassment from police and bylaw officers.



Loretta Mui

## Feeding anti-Asian racism



three months after a man opened fire at a series of spas in Atlanta, killing six Asian women and two others.

“There’s a hell of a lot at stake,” human rights lawyer Vincent Wong told Newmarket Town Council as part of a deputation in early May.

“People have been harassed; people have been wronged; people have had their livelihood stolen from them. People have been unjustly arrested, charged, and deported. People have been raped, and people have been murdered.”

Over the last few years, municipal licensing departments, bylaw reviews, and bylaw enforcement in places like Toronto, Brampton, and Hamilton have been used to target massage parlours. Asian massage workers have experienced [repressive ticketing and charges, along with harassment and abuse, from bylaw officers](#).

**But it doesn’t matter, because the town council isn’t much concerned with human trafficking.**

These municipal crackdowns have been largely fuelled by racist, anti-sex work campaigns, under the [guise of anti-human trafficking advocacy](#). These campaigns falsely conflate all migrant massage work and sex work with human trafficking, while ignoring workers’ voices and having little regard for issues of migrant labour exploitation, migrant workers’ rights, and the fight for full and permanent immigration status.

Anti-Asian racism has also intensified amid the COVID-19 pandemic, with a significant rise in verbal and physical attacks, particularly against women.

Newmarket’s white town council, however, has dismissed concerns about anti-Asian racism related to its bylaw review as extreme and unreasonable.

“There is a comingling here,” Councillor Victor Woodhouse said during the deputations on the bylaw proposal. “Saying that because we’re not allowing those of Asian descent to be involved in unregulated massage, that somehow then we are anti-Asian, or that because we have a standard, we’re somehow anti-Asian.”



they were met with incredulity.

“Don’t you think it’s going a little far to say that people who think that massage parlours should be shut down are the same as a mass murderer?” said Mayor John Taylor, rather than trying to understand the root issues of racism, misogyny, and anti-sex worker stigma experienced by Asian massage workers.

## Disdain for sex workers

Labour, migrant, sex workers’ and women’s rights advocates urged the town council during the deputations to reduce the harm to massage workers and sex workers caused by the bylaw.

They called for a rejection of unnecessary barriers to licensing, such as requiring formal training credentials; to repeal harmful provisions, such as the prohibition on locked doors; to remove the current licensing cap and zoning restrictions; and to refrain from the use of repressive bylaw enforcement tactics that target migrant massage workers.

Elene Lam, the executive director of Butterfly, a grassroots group whose membership is largely made up of Asian, migrant massage workers and sex workers, highlighted the need to adopt policies that prioritize worker safety. She pointed out the racism inherent in a bylaw that creates barriers to licensing and employment for Asian migrant massage workers.

Sandra Ka Hon Chu (HIV Legal Network), Kennes Lin (Chinese Canadian National Council Toronto Chapter), Chanelle Gallant (Migrant Sex Workers Project), Molly Bannerman (Women and HIV/AIDS Initiative), Marie Morton (CAYR Community Connections), and Luis Alberto Mata (FCJ Refugee Centre) also spoke in support of Asian massage workers’ rights.

The deputations also included the voices of Asian massage workers.

“My fellow massage parlour workers are not good at English,” Lisa Zhang, a Chinese massage worker from Toronto, explained through an interpreter. “They are old, and



“We have always faced harassment from the police and licensing department. They always talk to us with an unfriendly attitude, conflate our profession with human trafficking, check our identification, and further affect our living and working environments.”

**Bylaws designed to shut down massage parlours ultimately have the effect of restricting massage workers’ ability to meet their basic needs.**

Tsz Chan, a community organizer studying at McMaster University, read out testimonies from Asian massage workers from Newmarket and the Greater Toronto Area.

“I do not understand why the government keeps targeting us. I would not have known about this proposed bylaw amendment if my friends had not told me,” said Ye, a Chinese massage worker in Newmarket, in one of these testimonies.

Despite the knowledge shared by deputants — drawn from years of community-based advocacy, evidence-based policy research, legal expertise and lived experience — the mayor and council members dismissed anyone who raised concerns about systemic racism, migrant rights, or sex workers’ rights.

Other deputants opposed to body rub parlours sought to delegitimize the skills of Asian massage workers and were generally well received by the council. “I assure you that the diploma mill is actually in mainland China,” stated Cassandra Diamond from BridgeNorth, an organization that has received millions of provincial dollars for anti-human trafficking programming. Councillor Grace Simon shared that Diamond was a “personal good friend.”

Sweeping statements were also made that all body rub parlours were sites for trafficking and sexual exploitation, despite York Regional Police data showing that trafficking and exploitation are occurring almost exclusively *outside of* these businesses.





trafficking. They just want to get rid of body rub parlours.

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“This isn’t only an issue about potential for human trafficking. It’s about sex work and prostitution, frankly,” said Mayor Taylor. “I don’t want to send a message to the community that prostitution or sex work is acceptable.”

“I think we really just want to drive [sex work] out of our town,” Deputy Mayor Tom Vegh plainly stated. “I don’t think it’s consistent with the values of our town.”

It was apparent that the outcome of the bylaw review had been largely predetermined, backed by a disdain for sex workers and a disregard for their safety and economic well-being.



Loretta Mui

## A precarious future



and regulatory staff have updated their proposed amendments. In a recent webinar, they shared additional worrisome features of the new regime — including the York Regional Police's participation in screening licensing applications.

On June 16, Newmarket staff will present their revised proposed regulations to the town council.

All Asian massage workers, regardless of whether they engage in sex work or not, face discrimination rooted in hateful and moralistic perceptions of sex work. Bylaws designed to shut down massage parlours ultimately have the effect of restricting massage workers' ability to meet their basic needs, while causing further harm through bylaw enforcement fining and harassing workers and an increased risk of arrest, detention, and deportation.

Advocacy organizations and grassroots groups in support of massage workers and sex workers rights are [calling for an end to the racist, anti-sex work attacks on migrant massage parlours](#) being launched by anti-trafficking organizations. More broadly, advocacy is also occurring at the provincial level in response to a never-ending array of anti-trafficking initiatives that have been funded to the tune of \$300 million.

This includes a freshly passed human trafficking bill that empowers police and inspectors to further surveil, harass, investigate and punish sex workers, particularly migrant and racialized sex workers, under the pretext of rescue.

You can read Butterfly and the HIV Legal Network's joint submission on Bill 251 [here](#).

*Correction: An earlier version of this story said the town council was planning to pass the bylaw amendments on June 16. In fact, June 16 was the date for a meeting to further discuss the amendments.*

You might also be interested in...





**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>.



# **Town of Newmarket**

## **Minutes**

### **Special Committee of the Whole - Electronic**

Date: Wednesday, June 16, 2021  
Time: 1:00 PM  
Location: Streamed live from the Municipal Offices  
395 Mulock Drive  
Newmarket, ON L3Y 4X7

Members Present: Mayor Taylor  
Deputy Mayor & Regional Councillor Vegh  
Councillor Simon  
Councillor Woodhouse  
Councillor Twinney  
Councillor Morrison (1:00 PM - 4:40 PM)  
Councillor Kwapis  
Councillor Broome  
Councillor Bisanz (1:00 PM - 2:33 PM)

Staff Present: J. Sharma, Chief Administrative Officer  
E. Armchuk, Commissioner of Corporate Services  
P. Noehammer, Commissioner of Development & Infrastructure Services  
I. McDougall, Commissioner of Community Services  
L. Lyons, Director of Legislative Services/Town Clerk  
K. Saini, Deputy Town Clerk  
F. Scott, Manager of Regulatory Services  
J. Unger, Director of Planning & Building Services  
A. Walkom, Legislative Coordinator  
J. Grossi, Legislative Coordinator

For consideration by Council on June 21, 2021.  
The meeting was called to order at 1:00 PM.

Mayor Taylor in the Chair.

Committee of the Whole recessed at 3:18 PM and reconvened at 3:30 PM.

## **1. Notice**

Mayor Taylor advised that the Municipal Offices were closed to the public and that this meeting was streamed live at [Newmarket.ca/meetings](http://Newmarket.ca/meetings). Residents who would like to provide comment on an item on this agenda were encouraged to provide their feedback in writing through email to Legislative Services at [clerks@newmarket.ca](mailto:clerks@newmarket.ca) or by joining the meeting electronically through video or telephone. He advised residents that their comments would form part of the public record.

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

The Clerk advised of the following additions to the agenda:

- Item 5.12: Deputation provided by Alice Cavanagh, Health Providers Against Poverty regarding Personal Wellness Establishments.
- Item 5.13: Deputation provided by Dr. Vivian Tam, Health Providers Against Poverty regarding Personal Wellness Establishments.
- Item 5.14: Deputation provided by Poe Liberado regarding Personal Wellness Establishments.
- Item 5.15: Deputation provided by Ivy Chan regarding Personal Wellness Establishments.
- Item 5.16: Deputation provided by Molly Bannerman, Women and HIV/AIDS Initiative regarding Personal Wellness Establishments.
- Item 5.17: Deputation provided by Stephanie Watts regarding Personal Wellness Establishments.
- Item 5.18: Deputation provided by Jenny Liang regarding Personal Wellness Establishments.

The Clerk advised of the following corrections to the agenda:

- Item 5.8: Paulina Cumming has withdrawn her deputation request.
- Item 5.11: Dongmei Li has withdrawn her deputation request.

Moved by: Councillor Kwapis  
Seconded by: Councillor Broome

1. That the Committee of the Whole suspend the Procedure By-law to permit more than five deputations; and,
2. That the additions and corrections to the agenda be approved.

**Carried by Two Thirds**

**3. Conflict of Interest Declarations**

None.

**4. Presentations & Recognitions**

**4.1 Personal Wellness Establishments**

**Note:** This item was dealt with under sub-item 6.1. Please see sub-item 6.1 for motion.

The Manager of Regulatory Services provided a presentation which included a background of the review of personal wellness establishments and the public consultation conducted to date. The presentation continued with a definition of personal wellness establishments, application requirements for a licence, and zoning implications and considerations. The presentation concluded with an overview of the staff recommendations and next steps for the amendments to the Business Licence By-law.

**5. Deputations**

**5.1 Personal Wellness Establishments - Katie Gilligan**

Katie Gilligan provided a deputation which outlined the importance of training and accreditation for personal massage services due to clients' medical conditions.

**5.2 Personal Wellness Establishments - Robert Vallee**

Robert Vallee provided a deputation that outlined his belief that stronger enforcement was needed to prohibit sex work and provided his support for the proposed Personal Wellness Establishments regulations.

**5.3 Personal Wellness Establishments - Marnie Hill**

Marnie Hill provided a deputation which advised she supported the proposed Personal Wellness Establishments regulations and advised that the Council of Women Against Sex Trafficking in York Region would like to use these proposed regulations to encourage other York Region municipalities to do the same.

**5.4 Personal Wellness Establishments - Tsz Chan**

Tsz Chan provided a deputation which outlined her concerns that the proposed regulations would make it difficult for massage workers to be able to continue their work.

**5.5 Personal Wellness Establishments - Elene Lam**

Elene Lam provided a deputation which outlined her concerns that the proposed regulations would impact Asian workers.

**5.6 Personal Wellness Establishments - Lisa Zhang**

Lisa Zhang provided a deputation which outlined her experience as an immigrant worker and her concerns that the proposed regulations would make it difficult to be licensed due to the training requirement.

**5.7 Personal Wellness Establishments - Jessie Tang**

Jessie Tang, Co-executive Director, Chinese Canadian National Council Toronto Chapter provided a deputation which outlined her concerns that the proposed licence training requirements would make it difficult for Asian immigrant workers to be licensed.

**5.8 Personal Wellness Establishments - Paulina Cumming**

Paulina Cumming withdrew her request to provide a remote deputation.

**5.9 Personal Wellness Establishments - Ann De Shalit**

Ann De Shalit provided a deputation which outlined her concerns that the proposed Personal Wellness Establishments regulations would adversely affect racialized massage and sex workers.

**5.10 Personal Wellness Establishments - Elena Shih**

Elena Shih provided a deputation which outlined her concerns that a licencing regime would negatively impact Asian immigrant workers.

**5.11 Personal Wellness Establishments - Dongmei Li**

Dongmei Li withdrew her request to provide a remote deputation.



#### **5.12 Personal Wellness Establishments - Alice Cavanagh**

Alice Cavanagh, Health Providers Against Poverty provided a deputation which outlined her concerns that the proposed regulations would negatively impact workers from the Asian communities.

#### **5.13 Personal Wellness Establishments - Dr. Vivian Tam**

Dr. Vivian Tam provided a deputation which outlined her concerns with the health and safety of sex workers within the proposed regulations.

#### **5.14 Personal Wellness Establishments - Poe Liberado**

Poe Liberado provided a deputation that the training requirement included in the proposed regulations would make it difficult for immigrant workers to receive a licence.

#### **5.15 Personal Wellness Establishments - Ivy Chan**

Ivy Chan provided a deputation which provided her experience working in a massage parlour and outlined her concerns that the proposed regulations would impact her ability to work.

#### **5.16 Personal Wellness Establishments - Molly Bannerman**

Molly Bannerman, Women and HIV/AIDS Initiative provided a deputation that outlined her concerns that the proposed regulations would increase employment barriers to female Asian workers and their safety.

#### **5.17 Personal Wellness Establishments - Stephanie Watts**

Stephanie Watts provided a deputation that outlined her concerns that workers in massage parlours are currently being mistreated.

#### **5.18 Personal Wellness Establishments - Jenny Liang**

Jenny Liang provided a deputation on behalf of Dongmei Li which provided her experience working in a massage parlour and outlined her concerns that the proposed regulations would make it difficult to continue working in massage parlours.

Moved by: Councillor Woodhouse

Seconded by: Councillor Morrison

1. That sub-items 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.9, 5.10, 5.12, 5.13, 5.14, 5.15, 5.16, 5.17, and 5.18 being remote deputations provided by Katie Gilligan, Robert Vallee, Marnie Hill, Tsz Chan, Elene Lam, Lisa

Zhang, Jessie Tang, Ann De Shalit, Elena Shih, Alice Cavanagh, Dr. Vivian Tam, Poe Liberado, Ivy Chan, Molly Bannerman, Stephanie Watts, and Jenny Liang be received.

**Carried**

## **6. Items**

### **6.1 Licensing Regime for Personal Wellness Establishments**

An alternate motion was presented and is noted below in bold.

Moved by: Councillor Broome

Seconded by: Councillor Simon

1. **That the presentation provided by Flynn Scott, Manager of Regulatory Services regarding Personal Wellness Establishments be received; and,**
2. That the report entitled Licensing Regime for Personal Wellness Establishments dated June 16, 2021 be received; and,
3. That staff be directed to proceed to a statutory public meeting in order to amend the Town's Zoning By-laws to consider Personal Wellness Establishments; and,
4. That Business By-law 2020-31 be amended to adopt the proposed Personal Wellness Establishment regulations, **as amended to include language regarding residential use and restricting overnight accommodations in commercial storefronts;** and,
5. That the proposed Personal Wellness Establishment regulations within the Business By-law 2020-31 take effect at the same time that a future proposed amendment to the Zoning By-laws for Personal Wellness Establishments is deemed effective; and,
6. That Schedule 7: Body-Rub Parlours of By-law 2002-151 be repealed; and,
7. That the AMPS By-law 2019-62, Schedule A be amended as proposed in Attachment #2, **as amended,** and,

8. That the Fees and Charges By-law 2020-09, Schedule F be amended as proposed in Attachment #3; and,
9. That staff be directed and authorized and directed to do all things necessary to give effect to this resolution.

**Carried**

## **7. Closed Session**

### **7.1 Proposed Acquisition and Disposition of Land – Property in Ward 6**

### **7.2 Proposed Acquisition and Disposition of Land – Property in Ward 6**

Moved by: Councillor Broome

Seconded by: Councillor Twinney

1. That the Committee of the Whole resolve into Closed Session to discuss the following matters:
  - a. Proposed Acquisition and Disposition of Land – Property in Ward 6 – A trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization, as per Section 239 (2)(i) of the Municipal Act, 2001.
  - b. Proposed Acquisition and Disposition of Land – Property in Ward 6 – A proposed or pending acquisition or disposition of land by the municipality or local board, as per Section 239 (2)(c) of the Municipal Act, 2001.

**Carried**

The Committee of the Whole resolved into Closed Session at 4:40 PM.  
The Committee of the Whole (Closed Session) Minutes are recorded under separate cover.

The Committee of the Whole resumed into Open Session at 6:00 PM

## **8. Adjournment**

Moved by: Councillor Twinney  
Seconded by: Councillor Kwapis

1. That the meeting be adjourned at 6:00 PM.

**Carried**

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John Taylor, Mayor

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Lisa Lyons, Town Clerk



# Personal Wellness Establishments

Special Committee of the Whole  
June 16, 2021



# AGENDA

01

**Background**

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02

**Consultation**

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03

**Proposed Licensing Framework for PWEs**

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04

**Zoning Considerations & Implications**

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05

**Staff Recommendations & Next Steps**

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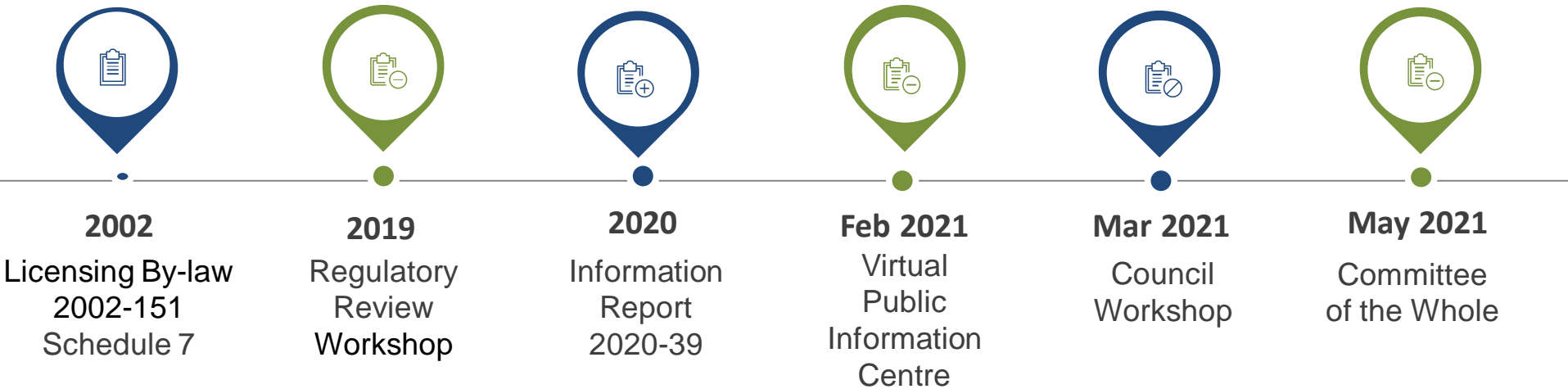
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## Background: Goals of this review

- 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?



## Consultation: How & when were stakeholders engaged?



**January 2021**

Online Survey #1

Letters to  
stakeholders



**February  
2021**

Public  
Information  
Centre

Letters to  
stakeholders



**February  
2021**

Online Survey #2

Letters to  
stakeholders



**March 2021**

Council  
Workshop

One-on-one  
meetings

Letters to  
stakeholders



**April 2021**

Emails and letters  
to stakeholders

One-on-one  
meetings



**May 2021**

Email, telephone,  
letter submissions  
to stakeholders

One-on-one  
meetings

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## Additional Feedback Received

- ◆ Strong recommendation from one advocacy group to change the classification name from PWE to something never used prior by other municipalities
  
- ◆ **Rationale:**
  - Stigma associated to PWE term remains
  - Belief that businesses will obtain licence under false pretenses

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## Proposed Licensing Framework for PWEs:

- ◆ Definitions
- ◆ Application Requirements
- ◆ General Regulations
- ◆ Specific Regulations
- ◆ Enforceability

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## What is a Personal Wellness Establishment?

**“Personal Wellness Establishment”** means any premises or part thereof where an **Alternative Massage** is performed, offered, or solicited in pursuance of a business;

**“Alternative Massage”** means any massage that is not provided by persons licensed, or registered as a regulated health professional under the laws of the Province of Ontario, by the College of Massage Therapists as registered massage therapists or massage therapists to provide medical or therapeutic in nature, nor is it designed to appeal to erotic appetites or inclinations;

**“Personal Wellness Attendant”** means any Person who performs, offers, or solicits an Alternative Massage at a Personal Wellness Establishment;

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# Application Requirements

## **Section 3: General Regulations**

- Must apply for and obtain a business licence
- Must comply with all federal, provincial, and municipal laws
- Advertising requirements

## **Section 6: Application and Renewal**

- General requirements for the applicant

## **Section 7: Suspension, Cancellation, and Refusal**

- Failure to act in accordance with the law and with integrity and honesty
- Ability to post a notice on unlicensed premises

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## Application Requirements

### Section 8.6(1)

- Submit a floor plan showing the location of every room

### Section 8.6(2)

- Submit a **declaration** with property owner being informed of the nature of business conducted



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# Application Requirements

## Section 8.6 (3)(a)

- Submit a list of all Attendants affiliated with the business and include:
  - Proof of age
  - Proof of eligibility to work in Canada
  - Government issued photo I.D.
  - A list of services being offered (matching qualifications)

## Section 8.6 (3)(b)

- Submit a certificate, diploma, or other documentation from an accredited educational institution in Canada, as it relates to the services being offered (by each Attendant)

---

## Application Requirements

### Section 8.6 (3)(c)

- Where no accredited educational institution in Canada offers such training for Personal Wellness Attendants, the following shall be submitted:
  - I. The name and membership number (if applicable) of the Personal Wellness Attendant
  - II. The Alternative Massage modality or modalities practiced by the Personal Wellness Attendant
  - III. Proof satisfactory to the Manager that the Personal Wellness Attendant is a member in good standing of the association
  - IV. Any other relevant documentation upon the request of the Manager

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# Application Requirements

## Section 8.6 (4)

- Prior to issuing a business licence, the Manager may require:
  - I. An interview with the Owner or Attendant(s) to ensure they are qualified
  - II. An onsite inspection to verify the details of the application
  - III. The application be referred to YR Public Health, YRP, or any Town department for the purpose of providing non-binding input

---

## Requirements of the Business Owner

### Section 8.6 (5)(a)

- Ensure list of attendants is kept up to date with Licensing Division

### Section 8.6 (5)(b)

- Keep a record of every alternative massage that has been performed and the list shall:
  - include the name of attendant providing service
  - be kept for 1 year, and be produced upon request
  - ~~• Include a medical pre-screening form~~

### Section 8.6 (5)(c)

- ~~• include a medical history pre-screening form~~

### Section 8.6 (5)(d) & (e)

- Ensure no sexual services are being provided
- That attendants are fully clothed

---

## Requirements of Business Owner

### Section 8.6 (6)

- Ensure business name is included on all advertisements

### Section 8.6 (7)

- Only operate between 8am-10pm

### Section 8.6 (8)

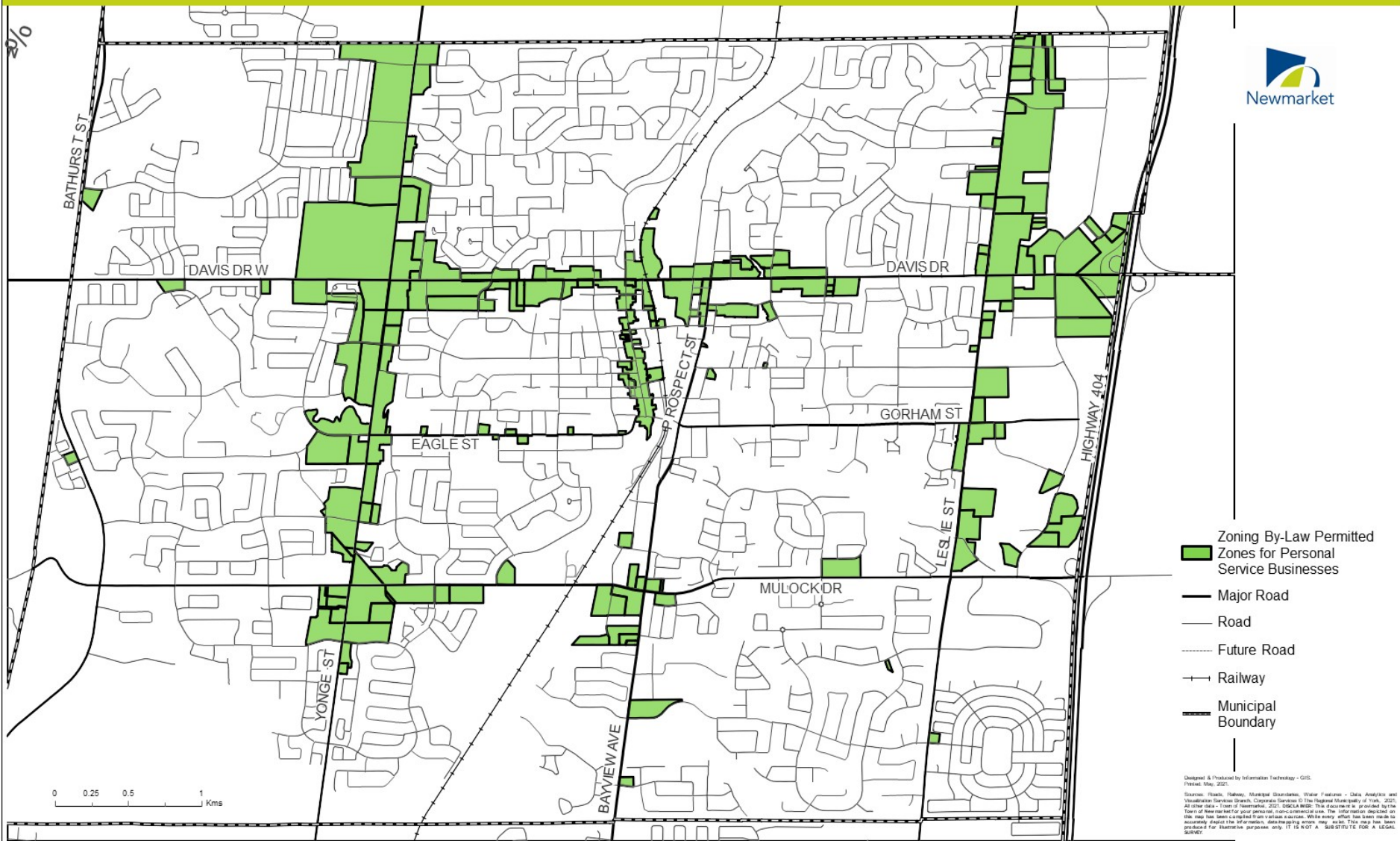
- Only permit customers to enter through a ~~primary~~ principal entrance as identified by floor plan submitted through application

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## Zoning Implications & Considerations

- Amend Zoning By-law 2010-40 and Urban Centres Zoning By-law 2019-06 to repeal the definition of BRP and any reference to BRPs
- Introduce a new definition for Personal Wellness Establishments and permit them in all Urban Centre zones, all Mixed Use zones, the Mixed Employment (EM) zone, as well as in the following Commercial zones:
  - Convenience Commercial (CC)
  - Service Commercial (CS)
  - Retail Commercial (CR-1 and CR-2)

# Town of Newmarket - Site Availability for Personal Service Businesses



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## Zoning Considerations & Implications

### Rationale:

- Personal Service Shops are permitted in the proposed zones
- Feedback received from local business owners that their business practices offer a combination of both classifications
- ***Phase Two:*** When Personal Service Shops are brought forward for a proposed licensing framework, we do not want to create impacts to our existing business community



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## Zoning Considerations & Implications

- Amending the Town's zoning by-laws will take time due to statutory processes
- Licensing framework is proposed to take effect at the same time that a future proposed amendment to the Zoning By-laws for Personal Wellness Establishments is deemed effective

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## Staff Recommendations & Next Steps

While awaiting zoning amendments to take effect, staff will begin the administrative process re: licensing implementation plan.

This will include:

- Preparing application forms, waivers, and documentation templates
- Further consultation with businesses that may be impacted by new legislation
- Establishing a small, informal working group with any and all interested stakeholders to discuss an implementation and rollout plan
- Preparing supporting documentation and educational information to be utilized during the application interview process
- Further strengthening community partnerships

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## Next Steps

- 1) Adopt the proposed amendments to Business Licence By-law 2020-31
- 2) Provide direction for Planning to proceed with a statutory public meeting for proposed zoning amendments
- 3) Once zoning amendments are finalized, the licensing framework will take effect
- 4) Based on the proposed timelines re: zoning, licensing will begin for the 2022 calendar year

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# Questions?



### Robert Vallee's Deputation for the June 16-2021 Committee of the Whole

Committee of the Whole,

Last March, a Newmarket Today headline claimed that:

***"Councillor Simon brushes aside concerns about driving sex work underground."***

To which Grace Simon was quoted as saying: ***'That's what police are for!'***

Are both claims true or false?

The answer is they are FALSE on both counts based on our investigation.

False because #1, sex work is already entrenched and underground in Newmarket.

This, according to the May 3<sup>rd</sup> deputation of the Butterfly Asian Migrant Sex Workers' Executive Director who said:

*"We need to acknowledge that many Asian migrants are now providing a lot of good service, alternative massage services to the people in Newmarket. But the new policy, Option 1 would exclude them to continue the service and many businesses would be shut down. We also need to recognize that they are the business owners/workers and residents in Newmarket who contribute to the town by paying rent, provide inexpensive massage services and spend expenses in the city. And so we should not treat them as criminals or traffick victims."*

A VIP FYI for you:

Butterfly is a member of the Global Network of Sex Work Projects.

This network is comprised of 313 organisations operating in 95 countries across 5 continents.

This network actively lobbies for the **full decriminalisation of the ENTIRE sex trade** including, and I quote from their website:

*"Entire sex trade includes sex workers, clients, families, and third parties such as personal managers, brothel keepers, receptionists, maids, landlords, hotels who rent rooms to sex workers and anyone else who is seen as facilitating, organising and profiting from sex work."*

A 2<sup>nd</sup> VIP FYI for you:

Butterfly is also a member of the Canadian Alliance for Sex Work Law Reform.

That Alliance has launched a legal challenge to Bill C-36 in the Ontario Superior Court.

This challenge will make its way to the Supreme Court because they claim that the law, through its Criminal Code provisions, violates their human rights as sex workers.

Their goal, once again, is full decriminalization of sex work.

So, Council, do you think they are going to walk away from their territory of Newmarket where they are entrenched and are also operating freely in big markets like Toronto, Ottawa and in mid-sized markets like Markham and Vaughan?

NO WAY!!!

And they will use the justice system to achieve it.

.....

Now, back to Councillor Simon's ***'That's what police are for!'*** statement.

I have bad news for you Committee Members:

YRP has made body rub parlours and prostitution-related incidents a **low to non-existent** priority.

I can tell you with confidence that the Police will not be there for you to enforce that prohibition.

You are on your own.

And I'll prove it to you.

1. April 2017: Detective Thai Truong of Sex-Trafficking 'Project Raphael' fame with 104 men charged is in the spotlight.

When questioned at YRP's press conference, he admitted ***"our police agency is NOT interested in investigating prostitution unless it involves children under 18 or human trafficking."***

2. One local newspaper, The Auroran, quoted Det. Truong regarding the charges laid:

***"We really did not want to IDENTIFY any of the men who were NOT looking to buy prostituted children."***

3. When asked to clarify his statement, Truong went on to say: ***"York Regional Police has NO INTEREST in making arrests for prostitution involving 'consenting adults'."***

I remind everyone that, in Canada, buying sex is a crime that comes with a jail term regardless of age.

4. In 2019, PACT-Markham met with Truong and his boss, the Deputy Chief-Special Investigations. We asked Truong to explain the sex trafficking section's protocol for handling BRP complaints and requests for intervention, Truong said and I quote:

***"When we receive them, we determine if and when we will respond."***

His boss did not correct him.

5. When I asked his boss, Brian Bigras, why we are not seeing the names of 'johns' charged with the crime of purchasing sex in their published reports, he replied: ***"We don't do that."***

When I mentioned that they had published the names of the 104 men charged in 2017, he said: ***"We don't do that anymore."***

6. In 2020, Police Chief MacSween cancelled the investigation of Markham's 50+ body rub parlours/wellness centers that ex-Police Chief Jolliffe had ordered on our behalf through our deputation to York Region Police Services Board.

No explanation given.

7. Next in 2021 is Sex-Trafficking Detective #2, Jason Dearing.

Dearing was a co-presenter at the Town's Public Information webinar conducted by staff.

Dearing presented YRP's Massage Parlour Initiative in 2018 in which:

a) the officers identified 15 sex trade workers.

b) their average age was 40 years old, (Ah yes, Asian sex migrants), and

c) no juveniles were located.

There was NO MENTION of the # of charges laid on the BRP operators.

Why?

Because none were laid by YRP.

When Dearing was asked why the data for BRPs was so low, he replied:

***"The majority of the exploitation that is taking place is OUTSIDE massage parlours, not to say that there is not exploitation or criminal activity within them, but the majority of our focus is outside of massage parlours and more in hotels and that area of the community."***

8. The crime stats for the Region do explain YRP's indifference to complaints of prostitution in massage parlours by bylaw enforcement or residents.

In the past 4 years, there was:

- a 308% increase in organized crime incidents from 886 to 3,617,
- a 259% rise in shootings from 17 to 61, and
- a 30% increase in violent crimes from 6,795 to 8,830.

Lastly,

#9. York Regional Police's Crime Statistics Summary for Commodification of Sexual Activity for 2017 to 2019 includes violations for:

- obtaining sexual services,
- material benefit from sexual services,
- procuring, and
- advertising sexual services.

Focus on the decreasing # of violations/crimes:

Total of 79 crimes in 2017 down to 65 in 2018 down to 42 in 2019.

(Note: York Region has 135+ BRPs/bogus wellness-holistic centers and 3 strip clubs).

So, now that you know the facts, ask yourselves:

**Is your licensing and enforcement regime strong enough to enforce that prohibition, especially without police support?**

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**

[Redacted]

[Redacted]

[www.pactmarkham.com](http://www.pactmarkham.com)

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







Marnie Hill, Deputation Newmarket Committee of the Whole – June 16, 2021

Thank you for the opportunity to speak to you today. I have read the PWE Staff Report and I commend Flynn Scott and his team in their efforts to establish a licensing framework for Personal Wellness Establishments in Newmarket. I also commend you, Mayor and Council, for undertaking this complex issue. For becoming the first municipality in the Region to step up and take a stand against the exploitation, abuse and trafficking of women in body rub parlours.

You just heard Robert Vallee speak of the critical importance that your new framework for PWEs be robust enough to stand on its own. To have enough teeth to enable enforcement by city staff so that police involvement is rarely, if ever, required.

I believe that the Licensing Framework for PWEs before you effectively achieves that goal. Therefore, my ask of you today is threefold:

1. That you unanimously endorse the Staff Report Framework and all its recommendations, amendments and improvements, as it brings a full prohibition to any business related to sexual activity while allowing legitimate wellness businesses to exist.
2. That, in support of the efforts by -- the Council of Women Against Sex Trafficking in York Region and PACT Markham -- to end the sexual exploitation and trafficking of women in commercial establishments in all of York Region, that you authorize our use of your Licensing Framework for PWEs. We would like to use it as the basis for our discussion with the remaining eight municipalities of the Region, asking for their support and implementation before the next municipal election in October 2022.
3. I ask that you designate a member of Council to work with us to enlist the Region of York ... along with our Provincial government ... in amending the Municipal Act of Ontario:
  - To not license body rub parlours,
  - To provide legitimate massage establishments with protection from unwanted competition by criminal massage operators,
  - To protect trained and qualified personal wellness providers from the harassment of unwanted requests for sexual services by clients,
  - To free up police resources to focus on their equally critical child-trafficking prevention initiatives, and
  - To support the Province's human trafficking initiative.

By working together, we can make the trafficking, exploitation and abuse of women and girls a historic footnote ... not only in Newmarket but in all of Ontario. **Can we count on your support?**

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

Cc Robert Vallee, PACT Founder, Board Chair & CEO





**Newmarket Bylaw Amendment Public Consultation Written Submission**  
Butterfly (Asian and Migrant Sex Workers Support Network) and HIV Legal Network  
*June 15, 2021*

Butterfly (Asian and Migrant Sex Workers Support Network) and the HIV Legal Network provide the following feedback with respect to the most recent proposed amendments to Newmarket's body rub parlour bylaw:

- 1. The mandatory training requirements for the proposed Personal Wellness Establishment ("PWE") licensing classification will create barriers to employment for Asian migrant massage workers.** The new bylaw will require businesses applying for the PWE license to employ only those workers with massage training accreditation from a recognized college. Asian migrant massage workers often come to Canada with limited English skills, and already face significant barriers to employment. Many face language barriers to accessing college education, which typically only offer coursework in English and require a minimum English requirement for enrolment. Some are not able to afford college courses due to financial barriers.

A lack of college accreditation does not mean Asian massage workers are unskilled. On the contrary, massage has been a traditional practice of many Asian countries for thousands of years. Many of the workers have learned their skills in Asia, during on-the-job training, and/or through informal training programs. Some have worked for more than a decade in the massage industry. By mandating minimum training credentials to access employment in the massage industry, the proposed bylaw does not recognize the breadth of experiences, knowledge, and skills brought by Asian massage workers. This exclusion constitutes a form of systemic anti-Asian racism: many Asian massage workers will be excluded from working in PWEs as a result of this amendment, and many Asian massage parlours will be forced to close.

- 2. The proposed vetting procedures in the licensing application process are excessive and will create additional barriers for Asian migrant massage workers.** The screening process will include interviews with owners and attendants, on-site inspections, and referrals to public health and the York Regional Police. The net vetting procedures will also require proof of eligibility to work in Canada, creating another barrier to employment for workers with precarious immigration status. Asian women already experience systemic discrimination in seeking employment, and such procedures would impose additional burdens. We are particularly concerned about the engagement with York Regional Police (YRP), given that Asian migrant massage workers already experience disproportionate harassment, surveillance, and

targeting from police and bylaw enforcement officers, and are likely to be the subject of discriminatory and unfounded complaints. The partnership with YRP would undoubtedly exacerbate this issue.

- 3. Asian massage workers and business owners have not been properly consulted during this bylaw review.** During the May 3, 2021 Committee of the Whole meeting, testimony was shared from an Asian massage worker in Newmarket, who stated, “I do not understand why the government keeps targeting us. I would not have even known about this proposed bylaw amendment if my friends had not told me.” Another worker said, “Your amendment is creating more barriers including financial difficulties for us as massage workers.” 29 massage businesses were contacted for consultation during the body rub parlour bylaw review, of which 22 were consulted. Our understanding is that the majority of these businesses already had RMT licenses or some form of college accreditation. However, the Asian businesses and Asian massage workers who will be most adversely affected by this bylaw amendment were not reached and did not get a chance to meaningfully participate in this consultation.
- 4. We are deeply concerned by the conflation of massage parlours and human trafficking.** During the May 3, 2021 Committee of the Whole meeting, representatives from groups such as Parents against Human Trafficking and BridgeNorth made sweeping claims in front of the Newmarket Town Council, stating that all body rub parlours were sites for trafficking and sexual exploitation. These deputations appeared to be well-received by council members, despite anti-Asian, orientalist statements made by deputants such as, “I assure you that the diploma mill is actually in mainland China.” We urge Newmarket Town Council to recognize these campaigns as anti-sex work campaigns seeking to shut down massage parlours and criminalize the people who work in them, under the banner of anti-human trafficking advocacy. The conflation of massage work with human trafficking is harmful, incorrect, and not based on evidence. Many of these campaigns purporting to advocate against human trafficking ignore migrant workers’ voices and fail to focus on issues related to labour trafficking such as migrant labour exploitation in Canada and the fight for full and permanent immigration status.
- 5. The proposed bylaw amendment is driven by anti-Asian and anti-sex work discrimination.** The Newmarket Town Council made its intentions clear during the May 3, 2021 Committee of the Whole Meeting that their intention was to “drive sex work out of Newmarket.” In addition to falsely conflating sex work with human trafficking, the Mayor and Deputy Mayor also expressed that they simply did not want body rub parlours in Newmarket — regardless of whether human trafficking was an issue, citing “community values”. These statements confirm that the Council’s intentions underlying this review do not stem from a genuine concern for the safety of workers or potential victims of trafficking, but rather from a disdain for sex workers, and a disregard for their safety and economic well-being. The language that has been used by Newmarket Town Council and staff paint a picture of massage parlours as illegal, irreputable, and undesirable, and promotes the hatred and discrimination of sex workers.

Two Ontario courts have already deemed the sex work offences unconstitutional on the basis that they threaten the safety and security of sex workers; these decisions will undoubtedly change the legal landscape governing sex work in the coming years. Furthermore, not all Asian migrant massage workers engage in sex work. Whether or not they sell or trade sex, the discrimination migrant massage workers face is nevertheless rooted in discrimination against massage parlours, and hateful and moralistic perceptions of sex work. Bylaws that seek to shut down massage parlours which are majority Asian ultimately have the effect of restricting workers' ability to work to meet basic needs, while causing further harm by increasing their vulnerability, fining workers, subjecting them to harassment from bylaw enforcement, and heightening the risk of arrest, detention, and deportation.

We urge the Newmarket Town Council to prioritize **inclusion** and **respect** as Newmarket community values — rather than promoting systemic racism and hateful perceptions of sex work. The proposed PWE licensing classification will perpetuate the latter, and we urge the Town Council to reject this proposal and commit to further consultation with migrant massage workers and Asian businesses before amending the current bylaws.

Contact information:

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## **Licensing Regime for Personal Wellness Establishments Staff Report to Council**

Report Number: 2021-46

Department(s): Legislative Services

Author(s): F. Scott, Manager of Regulatory Services  
J. Comeau, Municipal Licensing and Enforcement Officer

Meeting Date: June 16, 2021

### **Recommendations**

1. That the report entitled Licensing Regime for Personal Wellness Establishments dated June 16<sup>th</sup>, 2021 be received; and,
2. That staff be directed to proceed to a statutory public meeting in order to amend the Town's Zoning By-laws to consider Personal Wellness Establishments; and,
3. That Business By-law 2020-31 be amended to adopt the proposed Personal Wellness Establishment regulations; and,
4. That the proposed Personal Wellness Establishment regulations within the Business By-law 2020-31 take effect at the same time that a future proposed amendment to the Zoning By-laws for Personal Wellness Establishments is deemed effective; and,
5. That Schedule 7: Body-Rub Parlours of By-law 2002-151 be repealed; and,
6. That the AMPS By-law 2019-62, Schedule A be amended as proposed in Attachment #2; and,
7. That the Fees and Charges By-law 2020-09, Schedule F be amended as proposed in Attachment #3; and,
8. That staff be directed and authorized and directed to do all things necessary to give effect to this resolution.

### **Executive Summary**

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 a draft by-law and proposed regulations in response to further direction provided at the May 10, 2021 Council meeting.

## Purpose

The purpose of this report is to present Council with next steps regarding the licensing of Personal Wellness Establishments through the adoption of proposed regulations within the Town's Business Licence By-law.

## 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.

Section 34 of the Planning Act provides the authority for municipalities to enact zoning bylaws to regulate the use of land and structures.

A zoning by-law controls the use of land in your community by stating exactly how land may be used, where buildings and other structures can be located, the types of buildings that are permitted and how they may be used, and the lot sizes and dimensions, parking requirements, building heights, and setbacks from the street.

### Historical Content

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 plan.

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 referenced further consultation efforts, reviewing the proposed options with relevant stakeholders, and providing Council with advanced options at a future Council meeting. Following this Workshop, Town staff then proceeded to request further public engagement by presenting 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 were summarized and presented on May 3<sup>rd</sup>, 2021 in [Staff Report 2021-36](#). Upon receiving this report, Council directed Staff to proceed with drafting proposed regulations that would repeal the Town's Body-Rub Parlour classification and introduce a Personal Wellness Establishment classification that would strictly prohibit services that appeal to sexual or erotic inclinations, while requiring business owners to only permit persons with enhanced levels of training to perform alternative massages in Newmarket.

Following this direction from Town Council, Staff engaged in further rounds of public consultation that included one-on-one meetings, phone calls to local businesses, email correspondence, and engagement with our community through a [Webinar](#) posted on the Town's YouTube page to present draft regulations in a plain language context.

Using the information gained through all forms public consultation, in addition to closely reviewing regulations established in other municipalities, Town staff has drafted proposed regulations for Council's consideration, as presented in this report.

## **Discussion**

While reviewing regulations pertaining to alternative massage services, Town staff quickly noted that there is "no one-size-fits-all" model. Many municipalities have drafted regulations unique to their community's needs or expectations. Best practices have been reviewed throughout various municipalities to help form Town staff's direction. However, it is relevant to note that the draft regulations presented in this report reflects best practices pre-established in the Town of Newmarket and shared with us by our local business community. In addition to this feedback, Town staff has also received strong input from many advocacy groups throughout Ontario. All forms of feedback have been included in the proposed regulations for Council's consideration, while working under the direction of Council to increase the standards of our community through a licensing framework for Personal Wellness Establishments (PWEs).

## **Consultation completed between May 3 – June 4, 2021**

Following the consultation completed and highlighted in previous reports (see Background section of this report), Staff has further engaged local business owners, community advocacy groups, the College of Registered Massage Therapists, and other interested stakeholders. A summary of all consultation completed between May 3 and June 4, 2021 is provided below.

### **Pre-established Local Businesses in Newmarket**

Recognizing that the proposed regulations may have an impact on existing businesses throughout Town, staff notified and engaged with the business community using a variety of different methods. A list of 30 local businesses were initially identified to be Personal Wellness Establishments. This list was compiled by utilizing York Region's Business directory, performing online searches, and completing in-person inspections of known commercial locations throughout Newmarket. All 30 businesses were notified through a combination of emails, mailed letters, and hand-delivered notices.

Of the 30 businesses notified:

- 4 have recently closed or relocated outside of Newmarket, bringing Staff's list of potentially impacted businesses to 26.

Of the remaining 26 businesses identified:

- 17 responded and engaged via Zoom meetings, phone calls, or email exchanges.
- Through further engagement with these businesses, it was determined that 11/17 businesses are not offering the services of a PWE, but instead were identified as Personal Service Shops (i.e. hair salon, nail salon, or some form of beautician).

The remaining 6 businesses identified were engaged to better understand different aspects of their business practices. This included:

- the level of training obtained by their attendants;
- the types of services being provided; and
- any practices that they believe should become best practices for the community as a whole.

Of the 6 businesses identified as offering PWE services:

- 4 businesses reported that staff members have training from an accredited institution; and
- 2 businesses stated that staff members do have some level of training that could be submitted to the Town, but not from an accredited institution, as the services provided are not offered through any accreditation program.

For a complete list of comments received from local business owners, please refer to **Attachment #1** of this report.

Despite every effort, Town staff were not able to engage with the remaining 9 local businesses believed to be operating as a body rub parlour or some form of alternative massage services. Town staff attempted contact using all of the following methods per business:

- 1) multiple email attempts using their advertised email addresses;
- 2) personal phone calls using their advertised phone numbers;
- 3) hand delivered letters posted directly to the business premises; and
- 4) mailed letters to the last known business address.

### **Community Advocacy Groups**

Town staff requested input from interested community advocacy groups and the consultation process was extended to any advocacy group without limitation to their geographical location (i.e. not Newmarket specific). Staff received feedback from the following 5 community advocacy groups:

- Butterfly: Asian and Migrant Sex Worker Support Network;
- HIV Legal Network;
- BridgeNorth;
- Parents against Child Trafficking – Markham & Richmond Hill; and
- Women against Sex Trafficking in York Region.

While each group represented various positions and perspectives, Town staff believes it is relevant to summarize a few key points as follows:

- one advocacy group has requested that the name of the licence classification be changed from “Personal Wellness Establishment” to a new defined term that no other municipality has used prior.
  - Rationale for doing so is related to stigma: a belief that rebranding body rub parlours will not stop pre-existing body rub parlours from believing (even optically) that the Town will licence them, despite being associated with adult entertainment businesses rather than PWEs;
- strong feedback from various groups to ensure all applications and by-laws are translated into different languages in order to ensure all members of our community have the ability to understand the rules and regulations;
- feedback that not all modalities of alternative massage have training programs offered through accredited institutions in Canada;
- recognition by nearly all advocacy groups that a humanistic approach is needed when implementing or enforcing this by-law; and
- Town staff were strongly encouraged to utilize our community partners to ensure businesses and employees are supported throughout the licensing process.

### **College of Registered Massage Therapists**

Town staff contacted the College of Registered Massage Therapists (CMTO) for input. The CMTO regulates massage therapy throughout Ontario and are governed by the

[Massage Therapy Act, 1991](#). Town staff was redirected to the specific requirements of the CMTO for the purpose of becoming a Registered Massage Therapist in Ontario. A brief summary of the information received is as follows:

- successful completion of a Massage Therapy diploma program recognized by the Ministry of Training, Colleges, and Universities (or equivalent);
- successful completion of CMTO's certification exam;
- ability to satisfy the Registration Committee that the applicant has not been convicted or charged with, and not found "guilty" of an offence that affects their ability to engage in the practice of the profession;
- demonstration that the applicant is a Canadian Citizen, a permanent resident of Canada, or authorized under the Immigration and Refugee Protection Act (Canada) to engage in the practice of Massage Therapy;
- ability to satisfy the Registration Committee that their past and present conduct provides reasonable grounds for the belief that they will:
  - practice Massage Therapy with decency, honesty and integrity, and in accordance with the law;
  - does not have any physical or mental condition or disorder that could affect their ability to practice Massage Therapy in a safe manner; and
  - will display an appropriate and professional attitude.

Town staff has reviewed the requirements of a Registered Massage Therapist (RMT) in Ontario and are recommending several similar provisions in the proposed by-law to mirror the requirements established by the CMTO as a best practice for all forms of massage services. However, it is relevant to clarify that Town staff are not proposing to licence RMTs as part of the PWE classification. The information gathered has assisted staff in proposing regulations which increase the overall standards of our community in relation to alternative massage services.

### **Other Interested Stakeholders**

In addition to the consultation highlighted above, a Webinar was posted on the Town's YouTube page. The Webinar used plain language to present an initial draft of the proposed regulations in order to spark further feedback and engagement. Several stakeholders, including advocacy groups, local residents, and local businesses, provided additional input following their review of the Webinar. A summary of any follow up meetings conducted with Town staff, in addition to all correspondence received, has been provided for Council's reference under **Attachment #1**. However, it is relevant to highlight that there was a strong sense of support for the draft regulations proposed.

### **Proposed Regulations for Business Licence By-law 2020-31**

In an effort to increase the standards of our community, Town staff recommends adopting modernized regulations to capture an ever-evolving alternative massage industry. When drafting the proposed regulations, Town staff focused on having all regulations be clear and concise, enforceable, and ensure that public health and safety

are prioritized. Through consultation with various stakeholders and a review of standard practices in other municipalities, Town staff are proposing the following licensing requirements for Personal Wellness Establishments:

### **1. Section 3: General Regulations**

Town of Newmarket Business Licence By-law 2020-31, which was adopted in June 2020, already contains general regulations that apply to all classifications of business established by by-law. Under the general regulations, PWEs will also be required to comply with all applicable provisions therein. A summary of key provisions previously adopted by Town Council as general regulations are highlighted as follows:

- the requirement for a business to obtain and display a business licence;
- the requirement for a business to comply with all federal, provincial and municipal legislation;
- the requirement to ensure all licensed businesses only advertise services that they are authorized and approved to offer;
- the requirement to ensure all licensed businesses only advertise using the business name identified on their application; and
- all applicants provide proof to demonstrate they are authorized to work in Canada.

### **2. Section 7: Suspension, Cancellation and Refusal**

Section 7 of By-law 2020-31 provides the Town Manager or their designate with the authority to suspend, cancel or refuse a business licence. A summary of key provisions previously adopted by Town Council as powers to issue, suspend, or refuse a business licence are highlighted as follows:

- Section 7(1) authorizes the Town to suspend, cancel or refuse a licence to an applicant or licensee where past conduct affords reasonable grounds for belief that the business owner will not operate its business in accordance with the law or with honest and integrity.
- Section 7(1)(b) also authorizes the Town to refuse a licence to an applicant who has been found to provide the Town with false information in order to obtain a business licence;
- Section 7(11) also contains enforceable provisions, such as the ability for the Town to post a notice on the premises to advise that any business operating is doing so without a Town-approved business licence. This provision demonstrates to the community that the Town is aware of noncompliance and is taking steps to remedy. It is clear and transparent and Council previously approved a fine amount of \$600 for removing any posted notice from the premises prior to resolving the matter in full (i.e. obtaining a licence or closing the premises).

### **3. Section 8.6 – Proposed Regulations for PWEs:**

This section is newly proposed for the purpose of establishing specific regulations pertaining to PWE owners and attendants. Town staff is proposing to only licence business owners in order to hold them accountable for all staff and attendants therein. This direction aligns with all other licensing classifications recently brought forward for Council's consideration. The proposed regulations as summarized as follows:

#### **Sections 8.6(3)(b) and 8.6 (3)(c): Proof of training required for attendants**

- Requires every owner to submit a list of all PWE attendants and their qualifications to be reviewed and approved by the Town's Licensing Division;
- Qualification standards proposed include training from an accredited institution in Canada.
- An alternative standard is proposed through **Section 8.6(3)(c)**, where no accredited institution offers training for the services provided. An example of this would be Osteopathy being performed by any person other than a RMT, as no accredited institution offers Osteopathic training. In this instance, a fulsome review of the credentials provided, in conjunction with other regulations contained in the proposed by-law, will be utilized to consider the issuance of a business licence.

#### **Section 8.6(4): Other application requirements**

- This section provides Town staff with the authority to conduct application interviews with PWE business owners and their attendants in order to ensure that they are duly qualified to offer alternative massage services. Staff will use these interviews to better understand the owner or attendant's experience, training and knowledge of the modality of alternative massage they intend to offer to ensure no persons are obtaining a licence under false pretenses.
  - Through public consultation, staff have learned the importance of utilizing translation services throughout these interviews in order to ensure a fair process for all members of our community.
  - Public consultation also encouraged us to utilize these interviews to help spot signs of exploitation, so that we can better work with our community partners at York Regional Police to help address criminal activity.
- **Section 8.6(4)(b)** provides Staff the authority to conduct an onsite inspection prior to the approval of an application. This will empower Town staff to confirm details of the application and ensure all services provided comply with federal, provincial, and municipal legislation.
- **Section 8.6 (4)(c)** provides Town staff the authority to circulate any application received to specific community partnerships (i.e. Public Health, York Regional Police, etc.) for the purpose of providing a non-binding report. Should that report be negative or unfavorable, it will assist the Town in denying the application.
  - Through consultation with York Regional Police, Town staff has confirmed a process and procedure in which applications can be reviewed, and staff remains confident that this section will help create barriers for businesses

associated with criminal activity from obtaining a business licence.

**Section 8.6(5)(e): No sexual services are permitted to be offered, provided, or advertised within commercial storefronts**

In keeping with direction provided by Council at May 3<sup>rd</sup> Committee of the Whole, in addition to feedback received from relevant stakeholders, the proposed regulations expressly prohibit the offering, providing, or advertising of sexual services within commercial storefronts throughout Town. It is relevant to note that the intention of this review is to increase the standards of our community through a licensing framework. Respecting federal and provincial legislation, the proposed by-law focusses on licensing powers and the overall scope of a municipality to enact such by-laws. The provision referenced above is included to clarify and ensure that all businesses understand their requirement to comply with all federal, provincial, and municipal legislation.

**Zoning By-law 2010-40**

Section 34 of the Planning Act provides the authority for municipalities to enact zoning bylaws to regulate the use of land and structures. The Town's zoning by-laws define Body-Rub Parlours (BRPs) and permits their use in the General Employment and Heavy Employment zones. Currently, a 500m separation distance is imposed under the Town's Licensing By-law 2002-151, Schedule 7, which requires all BRP to also be located at least 500m from all schools, daycares, churches, and arterial roadways. The current zoning imposed is highly restrictive and does not capture the existing business practices throughout our community.

On May 10, 2021, Town Council directed staff to proceed with repealing the Town's BRP classification and adopting a Personal Wellness Establishment licensing framework. In order to do so, there are zoning considerations that requires Council direction in order to proceed. Staff has consulted with the Town's Planning Department, in addition to obtaining an external legal opinion, to determine the best course of action regarding potential zoning amendments and their implications. The recommendation received from both is as follows:

1. Amend Zoning By-law 2010-40 and Urban Centres Zoning By-law 2019-06 to repeal the definition of BRP and any reference to BRPs throughout; and
2. Introduce a new definition for Personal Wellness Establishments and permit them in all Urban Centre zones, all Mixed Use zones, the Mixed Employment (EM) zone, as well as in the following Commercial zones:
  - Convenience Commercial (CC);
  - Service Commercial (CS); and
  - Retail Commercial (CR-1 and CR-2).

Repealing BRP provisions from Town zoning by-laws is an important step in ensuring zoning regulations remain consistent with the Town's licensing by-laws and the direction of Council. By repealing BRPs and enacting new regulations pertaining to Personal

Wellness Establishments, the overall licensing framework seeks to increase the standards and expectations of our community while simultaneously identifying the appropriate locations for businesses to legitimately operate within Newmarket.

The proposed zones above reflects pre-established zones in the Town's zoning bylaws which permits Personal Service Shops to operate (i.e. hair salons, nail salons, and other forms of beauticians). Town staff recommends mirroring these zones due to the feedback received from local business owners to advise that their business practices offers a combination of both classifications. As part of a second phase of this review, Town staff will be proposing a licensing framework for Personal Service Shops at a later date. In order to ensure that no businesses become impacted due to zoning restrictions, Town staff strongly recommends that zoning be adopted as proposed.

However, in order for these changes to be made, Town staff is seeking direction from Council to proceed to a statutory public meeting in order to amend Zoning By-law 2010-40 and Urban Centres Zoning By-law 2019-06. In consultation with the Town's Planning Department, an estimated timeframe to enact such amendments will be approximately six months, in order to account for the notification period, public meeting, Committee and Council scheduling, and appeal periods.

## **Conclusion**

Following a comprehensive review and extensive consultation process, Town staff is recommending the adoption of the proposed licensing framework pertaining to Personal Wellness Establishments. Town staff is also requesting Council direction to proceed to statutory public meeting to initiate proposed amendments to the Town's zoning by-laws. The adoption of the proposed licensing framework will take effect upon the adoption of all zoning amendments.

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

The strategic vision of the Town of Newmarket is rooted in the concept of being *Well Beyond the Ordinary* – this vision is achieved through focus on the well being of our community. The wellness of our community has at all times been first and foremost in the actions taken to date.

## **Consultation**

Consultation with the Town's Planning department has occurred to confirm the proposed amendments to the Town's zoning by-laws.

An external legal opinion through AIRD BERLIS has also been received as part of this review.



Direct consultation or a review of applicable by-laws has also been completed with the following municipalities: Cambridge, Edmonton, Guelph, Hamilton, Kitchener, Toronto, Vancouver, and Windsor.

Finally, consultation with relevant stakeholders has also been completed and has been included throughout this report.

## **Human Resource Considerations**

The adoption of a licensing framework for PWEs will result in minimal impacts to existing staff resourcing. Legislative Services will utilize the existing compliment of staff within the Licensing Division to review applications, and to implement and enforce regulations, as needed.

## **Budget Impact**

Revenue is anticipated as a result of imposing a licensing regime on PWEs. Through consultation, Town staff has confirmed there are six known PWE businesses within Town, with potentially nine additional businesses that were not able to be consulted (see Discussion section of this report). Town staff is proposing an annual licensing fee of \$150 per business, which will generate approximately \$2,250 in annual revenue.

In addition to the annual licensing fees, staff anticipates additional revenue through enforcement action to be taken for noncompliance, which is proposed to be enforced through the Town's AMPS By-law.

## **Attachments**

Attachment #1 – Consultation with Stakeholders

Attachment #2 – Amended AMPS By-law

Attachment #3 – Amended Fees and Charges By-law

Attachment #4 – Draft Amendments to Business Licence By-law 2020-31

## **Approval**

Lisa Lyons, Director/Town Clerk, Legislative Services

Jason Unger, Director, Planning & Building Services

Esther Armchuk, Commissioner, Corporate Services

Peter Noehammer, Commissioner, Development & Infrastructure

## **Contact**

Flynn Scott, Manager of Regulatory Services, Legislative Services

John Comeau, Municipal Licensing and Enforcement Officer, Legislative Services

# **Attachment #1:**

## **Additional Stakeholder & Community Feedback Received**

### **Local Business Feedback**

- Businesses should be performing health screenings prior to performing services, but concerns were raised over privacy concerns
- Licensed businesses should be required to post their business licence
- Support for Personal Wellness Establishment licence classification was heard from many local businesses to help to legitimize industry
- No businesses were identified to have employees with no training
- There was significant confusion over what the difference between a Personal Wellness Establishment was compared to a Personal Service Shop.
- Cautions were received that educational institutions that are not accredited may not be credible
- Concerns were raised over home occupations, and that the licensing of Personal Wellness Establishments could push unlicensed services out of store fronts and into residential areas
- It was noted that the alternative massage industry has been hurt by the COVID-19 Pandemic, and as a result businesses do not have the resources to spend large amounts of money on a licensing process.
- Concerns were raised that Personal Wellness Establishments were being licensed prior to Personal Service Shops
- Strong support for the Town to request information to ensure landlords are aware of the services offered within business
- Support was received for the Town to ease zoning restrictions for Personal Wellness Establishments to mirror those of Personal Service Shops

- Concerns were raised from businesses who operate within proximity to Body-Rub Parlours.

## Local Resident Feedback

I support banning Erotic Massage. These type of establishment take advantage of women and girls and have no place in Newmarket or anywhere.

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We are in favour of banning erotic massage parlours. We don't want them in our town. It is not something we want our youth to grow up thinking is acceptable for themselves or others.

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Thanks for consulting on massage business. Myself and family have been residents of Newmarket for over 30 years and support the rule change whole heartedly. Thanks

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I would support, welcome and approve a bylaw that would enforce, ban and shut down body run/erotic 'massage parlors'.

---

I am opposed to this type of store opening in Newmarket (or surroundings).

Let the owners and clients move to a big city and practice their wares there. This is a family/children oriented area and this type of behavior does not belong.

---

I hope the council will do the most ethical thing and pass the bylaw to ban erotic massage parlours.

---

They should definitely be banned. I didn't realize that they are allowed. In this time of people not knowing if they can feed their family or pay required expenses, what a disgusting waste of money.

---

As a resident of a community that had an erotic massage business, I am in support of establishing a new bylaw that allows only regulated health professionals to provide massage services to clients.

I am in full support of a proper vetting process conducted by town officials, York Region Public Health or York Regional Police for applicants wishing to open up a massage/spa business to ensure that erotic massage businesses stay out of the community.

---

Once again during this high stress period of the pandemic, everybody seems to be outraged about something and not at all reluctant to shout their message from the rooftops under the guise of saving us all physically or morally.

Whether it is the anti-vaccers, the anti-mascers or any other nut claiming the moral high ground for him/herself ...now seems to be the time to vent their anger and spleen

So why not pick on eastern style medical practices like Holistic massage, Tai Chi, Shiatsu, Acupuncture etc.

Most of the practitioners of these eastern disciplines are not accredited or acknowledged by western medicine which basically depends on drastic chemical and surgical intervention to try to cure us....not always successfully.

Most of the practitioners of eastern style massage therapy are not accredited RMT certificate holders BUT that does not make them sex workers... far from it.

Most of these people have had years of training and experience outside Canada, are highly proficient and are just trying to earn a living in a country which appears to do nothing but put barriers in their path to earn an honest living. The same seems to be true for highly skilled doctors who come from "non-western" countries and cannot become licensed here and even if they do get an Ontario licence, they are still discriminated against when trying to join hospital staff.

The bylaw defining any holistic massage establishment as "EROTIC" is just simply wrong and above all discriminatory

How and where and with what financial resources are recently arrived practitioners of eastern holistic massage supposed to obtain accreditation from an institution which doesn't even exist.

Of course there may be the odd massage establishment where some sexual activity takes place but if it does, it happens in a controlled and safe environment for the personnel.

Also, why pick on massage establishments only. Why not include all of the Motels and Hotels around town and the vicinity ??? Ask any motel owner what goes on during lunch breaks and weekends.

Canadian law has been notoriously disingenuous when it comes to the topic of SEX !

We are far behind most western countries not only in our puritanical attitudes but also in protecting women.

Banning massage parlours while appeasing Bible thumping moralists will not stamp out the odd sexual encounter. It will, however, drive it underground, allow the criminal element to take control of it , and above all, put women into a greater risk situation.

---

Erotic massage should be banned. We, the residents and the council, have the opportunity to set the tone for the character of our town while Newmarket is growing.. Lets do the right thing. It is always easier to do the right thing at the beginning than to undo a wrong decision.

Making the right decisions for many aspects, such as building new residences, expanding Southlake, considering our green space, global warming and weather our infrastructure can

handle expansion while the town of Newmarket is growing will have a similar impact. Please consider not to grow Newmarket to a point that it loses its character, the green spaces that are left and still available and put more people and housing in an area that will become too cramped. It is not only housing that needs to be considered but also the social impact of being overcrowded.

The more people, the more green space we will need for that moment to just go out and breathe without having to travel out of town. Covid has made us even more aware of the importance of outdoor space.

Overcrowding, lack of healthy and good entertainment spaces, wrong decisions with regards to the type of businesses allowed, may bring the violence and criminality we see in the bigger centres.

---

Hello,

I agree with the bylaw:

Language was added to the motion that this would include a full prohibition on any business related to sexual activity.

Under this model, anyone who wants to open a massage business of any kind needs to have some kind of training. Anyone who can't meet those requirements would not be able to get a business licence, and there would need to be a vigorous vetting process to stop unqualified businesses from attempting to sneak into this classification.

Thanks for the opportunity to voice my opinion,

---

I totally agree with council on changing the massage by-law to prevent sex workers from working in Newmarket!

---

Hello, I am writing this e-mail to voice my concerns about the proposition of the new bylaw in Newmarket regarding massage/"body rub" parlors.

I feel that the attitudes our Mayor, John Taylor, and our Deputy Mayor Tom Vegh are approaching this subject with are unfair and biased. It seems to me as though both Taylor and Vegh are entirely apathetic to the struggles of sex workers in our community. While I am wholly in favour of implementing regulations that would benefit and protect workers, I don't think our Mayor/Deputy Mayor feel the same way. Sex workers are already facing disproportionate rates

of violence, and this bylaw would likely drive many businesses underground, where there is even less security for them.

Deputy Mayor Tom Vegh has expressed that he "really just [wants] to drive [sex work] out of our town", and Taylor has said that he "[doesn't] want to send a message to our community that prostitution or sex work is acceptable." I would like to remind these two that sex work is a legitimate occupation. It is no less valid than any other, and the fact that our community leaders do not see it as such quite honestly seems motivated by nothing other than misogyny towards a primarily female-associated occupation. People who do this type of work deserve far more than being treated as outcasts or criminals, when they are simply offering a service that will always be in demand. "Driving it out" of our town is just not realistic, and I must say Vegh and Taylor are kidding themselves if they think that it is possible to eradicate an entire profession from Newmarket.

I urge our Mayor and Deputy Mayor to think more critically about this issue, and why it really is that it bothers them so much. Finally, I have to ask if this is really such a pressing issue right now. We are currently still in the midst of a pandemic which has led to high rates of financial instability, food insecurity and mental health problems. I don't see how, when we are facing all these crises, it makes sense to focus in on sex work in massage parlors, of all things. Is now really the time to be making things harder for a group of workers who may not be able to even find any other form of employment? Please remember that they are people just as you and I are, people that need to feed themselves and their families.

Thank you,

---

I feel that massage with a sexual component is not only needed but should be allowed, especially as we've been in lock down for over a year.

There is nothing wrong with it between consenting adults and if it's managed and regulated, it would be much safer for all involved. It will continue underground if not addressed.

The sex trade has been going on for ever and will never go away. It's just much safer if it's licenced and the workers have full health care coverage.

---

Yes they should be licensed. We don't need to turn our town into a Blue Light District.

---

We totally agree that there needs to be proper bylaws banning non medical establishments. Our daughter is a registered Massage Therapist and had to work extremely hard. She has a thriving business and these other massage parlours are giving the professional ones a bad name. It is time there was a stand taken against these parlours.

---

I'm fully in support of the towns proposed By Law banning Erotic Massage in our town. As a former resident of Richmond Hill I remember the problems that resulted to the community when the Fantasia Club was allowed to operate in Richmond Hill years ago . While this is not the same kind of operation that this By Law is intended to control it will reduce the risk of other disgusting activity occurring anywhere in this town. Why can we not be a leader in preventing this type of "Business" from ever starting up. It will just lead to many other problems that Newmarket does not need to deal with.

---

Please do not allow licensing in Newmkt for these erotic massage parlours.

---

All massage parlors should be banned,they just promote a criminal element

---

thank you for reaching out and providing me the opportunity to share a few additional thoughts regarding the proposed direction for 'Personal Wellness Establishment' licensing:

General:

- One of the key issues in this space is the fact that regardless what you name the category, it does not prevent the owners from shutting down and changing their business model to some other form but still providing the same illegal service as before - tanning salon, nail salon, etc. These places may or may not fall under 'personal wellness' unless they are specifically listed. I would encourage you and your team to expand the definition to ensure such alternative "wellness businesses" don't start popping up.

Licensing applications - additional recommendations:

- Review by YRP is great, but should be mandatory.
- Passport & nicknames/aliases should also be required to be submitted - this is critical because many will attempt to use different names. Also documentation of entitlement to work in Canada if passport not available.
- Email addresses and web pages should be submitted
- Application should be required to be in person, and be done independently NOT through an agent. Applicants should speak english well enough to process the license. \*\*The requirement to speak English is not meant as a restriction for performing business, but in this business that requires extra precautions to protect people from being exploited, it



allows for better assessment on trafficking potential. If languages other than English are used, a certified translation can be provided at the applicant's expense.

- Previous addresses & dates for the last 5 years should be required, as well as employment history for the last 5 years
- Business license history should be submitted - whether any license was suspended or denied is important, including reason for & description of businesses
- There should be a signed statement from the business owner + the building owner (if they're leasing) stating that sexual services will not be offered or provided in any form (including online pornography, in offsite locations, etc.), as well as forced/coerced work or trafficking of others will not be utilized in conjunction with the license
- Anyone applying for a licence must first complete an information course that provides an overview of all the employment standards, regulations, and laws that apply to this type of work so that they know their rights and responsibilities
- Renewal requirement for license every 2 years - what is the protocol for this? In person renewal, etc.

Operation additional recommendations:

- All rooms used for patron services must have a transparent or translucent window (with specified dimensions). Purpose: to prevent owners/operators from making the claim they are unaware that the workers are performing services that contravene the bylaws during an inspection
- To reduce the chance of trafficking occurring in any establishment, workers, operators and owners must meet with an inspector \_\_\_/year (alone and away from the licensed establishment) for discussion to determine they are not being trafficked. Must be in possession of passport at the time.
- A list of services available and the cost associated with them should be posted in an open public place onsite and with the licensing department - no services other than those posted are allowed
- No part of the premises should be used as a dwelling or for sleeping. No worker, operator or owner may reside at the place of business.

Thank you for the opportunity. Any questions, let me know.

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Comments from Robert Vallee of Parents Against Child Trafficking – Markham & Richmond Hill and Marnie Hill of the Council of Women Against Sex Trafficking in York Region in the matter of the Personal Wellness Establishments Committee of the Whole meeting on June 16 -2021 at 2:00pm

**Additions and modifications based on the PWE PPT slides presented by Flynn Scott**

- Overall impression: you skirted the issue of Body Rub Parlours by focusing on legitimate establishments. The information delivered in the YouTube video did not deliver the message that the Council's intent is to make it clear that BRPs that sell sex are not welcome in Newmarket.
- Alternative massage -- need to clearly state that this means massages that are not of a sexual nature. Include a full list of Alternative Massage services allowed by the Town. Not naming them leaves this wide open to abuse as "alternate" treatments could lead to fraudulent claims of legitimacy. Other modalities can be added to the list later once they are vetted.
- There needs to be random inspections, much like they are conducted with food service establishments to ensure PWEs are compliant with the newly established license requirements. A certificate on the front door like the ones posted on restaurants indicating Pass / Fail would give the citizens of Newmarket confidence the spa is legitimate.
- Add sizeable financial penalties to the owners/operators to act as a deterrent, in addition to the use of suspension or cancellation of the licence because the owner/operator will complain to their ward councillor who will, in turn, pressure the Manager to NOT cancel or suspend the licence.
- As for Section 8.6 (3) (a)..regarding "proof of eligibility to work in Canada", make the owner/operators aware of and abide by the Government of Canada's Immigration and Citizenship guidelines. The guidelines are: "There are 2 types of work permits: open work permits and employer-specific work permits:
  - Open work permits allow you to work for any employer in Canada, **except for an employer** who is listed as ineligible on the Government of Canada's list of employers who have failed to comply with the conditions, or **who regularly offers striptease, erotic dance, escort services or erotic massages.**
  - Employer-specific work permits allow you to work according to the conditions on your work permit, which include:
    - the name of the employer you can work for,
    - how long you can work, and
    - the location where you can work (if applicable)

**For both work permits, the Town's Manager – Regulatory Services will benefit from enforcing the aforementioned guidelines.**

- As for Section 8.6 (3) (b) Attendant's certificate validity must be confirmed by the Town's **legal representative**, not by Town staff.
- As for Section 8.6 (3)(c) Attendant with no accredited training certification program in Canada wants to work in Newmarket? **No way**. This must not to be left to the discretion of the Town Manager. DELETE Section 8.6 (3)(c).
- As for Section 8.6 (4) Manager may require...an interview... prior to issuing a licence. Change to **'will require... for all 3 requirements.'**
- As for Section 8.6 (8) Customer entrance is by front door only and it **must remain unlocked** during business hours.
- As for Section 8.6 (5)(b) Records of alternative massages performed in each establishment be ELECTRONICALLY filed with the Town by the operators/owners on an agreed-upon and regular schedule
- We are confused re F. Scott's reference to Osteopath as there are a number of legitimate Osteopathic Schools in Canada and should be a basic requirement for anyone providing Osteopathic services.



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Board Chair & CEO  
Robert Vallee of Parents Against Child Trafficking – Markham & Richmond Hill  
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# Corporation of the Town of Newmarket

## By-law 2021-XX

A By-law to amend By-law 2019-62 being a By-law to implement an Administrative Monetary Penalty System in the Town of Newmarket.

Whereas the Municipal Act, 2001 and Ontario Regulation 333/07 authorizes a municipality to require a Person to pay an Administrative Penalty for a contravention of any By-law respecting the parking, standing or stopping of vehicles; and,

Whereas the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2019-62 to implement an Administrative Monetary Penalty System in the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule A of By-law 2019-62 as it relates to the Designated By-law Provisions.

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

- 1. That Schedule A to the By-law 2019-62 be amended to remove the following sections:

By-law 2002-151 (Licensing)						
By-law 2002-151 Schedule 7 Body-rub Parlours		7.2	Operate without a body-rub parlour licence	450.00	600.00	750.00
		7.3	Failure to obtain an attendant's licence	450.00	600.00	750.00
		7.4(a)	Provide services designed to appeal to sexual appetites	450.00	600.00	750.00
		7.4(b)	Provide body-rubs to a person under 18 years of age	225.00	300.00	375.00
		7.4(c)	Failure to post sign restricting entry for under 18 years of age	225.00	300.00	375.00
		7.4(d)	Permit employee under 18 years of age	225.00	300.00	375.00
		7.4(e)	Business open without owner/operator onsite	225.00	300.00	375.00
		7.4(f)	Consume or be in possession of alcohol or drugs	450.00	600.00	750.00
		7.4(g)	Permit intoxicated person to remain in body-rub parlour	225.00	300.00	375.00
		7.4(l)	Failure to post licence	225.00	300.00	375.00
		7.4(o)	Failure to provide required documentation to Licensing Officer	225.00	300.00	375.00
		7.4(p)	Failure to provide copy of attendant licences	225.00	300.00	375.00
		7.4(s)	Use or permit any camera or recording device	225.00	300.00	375.00
		7.4(t)	Failure to post sign as directed by Town	225.00	300.00	375.00
		7.6	Prohibited sign	225.00	300.00	375.00
By-law 2002-151 Schedule 7 Body-rub Parlours		7.7	Circulate, post, or distribute printed material	225.00	300.00	375.00
		7.9	Advertise unauthorized business name or logo	225.00	300.00	375.00
		7.11(a)	Contravene approved floor plan	225.00	300.00	375.00
		7.11(b)	Locked or obstructed rooms	225.00	300.00	375.00
		7.11(d)	Body-rub parlour used as a dwelling	225.00	300.00	375.00
		7.11(e)	Room for body-rub not equipped with window	225.00	300.00	375.00
		7.12	Operate business contrary to hours of 11:00am to 11:59pm	225.00	300.00	375.00
		7.13(a)	Operate body-rub parlour within 500m of residential zone	225.00	300.00	375.00
		7.13(b)	Operate body-rub parlour on or within 500m of restricted roadway	225.00	300.00	375.00
		7.13(c)	Operate body-rub parlour within 500m of any school,	225.00	300.00	375.00

			church, or child day care			
		7.13(d)	Operate body-rub parlour within 1km of another body-rub parlour	225.00	300.00	375.00
		7.47	Obstruct a Licensing Officer	450.00	600.00	750.00

2. That Schedule A to the By-law 2019-62 be amended to add the following sections:

Business Licence By-law 2020-31						
Business Licence By-law 2020-31, as amended	1.	8.6 (1)	Failure to provide accurate floor plan	225.00	300.00	375.00
	2.	8.6 (5)(a)	Unauthorized attendant	450.00	600.00	750.00
	3.	8.6 (5)(b)	Failure to maintain records	225.00	300.00	375.00
	4.	8.6 (5)(c)	Failure to pre-screen customer	225.00	300.00	375.00
	5.	8.6 (5)(d)	Permit attendant to be nude	450.00	600.00	750.00
	6.	8.6 (5)(e)	Offer or provide sexual services	450.00	600.00	750.00
	7.	8.6 (6)	Advertise contrary to conditions	450.00	600.00	750.00
	8.	8.6 (7)	Operate when prohibited	450.00	600.00	750.00
	9.	8.6 (8)	Use of unauthorized entrance	375.00	300.00	375.00

Enacted this XX day of XXXXXXXXXX, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk



# Corporation of the Town of Newmarket

## By-law 2021-XX

A by-law to amend Fees and Charges By-law 2019-52 being a by-law to adopt fees and charges for services or activities provided by the Town of Newmarket. (Legislative Services - Licensing Charges).

Whereas the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2019-52 to establish Legislative Services - Licensing Fees for the Corporation of the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule of By-law 2019-52.

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

1. That the Schedule to the By-law 2019-52 be amended to remove the following fees:

Service Provided	Unit of Measure	2020 Fee
Body-Rub Parlour Owner*	each	\$639
Body-Rub Parlour Owner/Operator*	each	\$639
Body-Rub Parlour Operator*	each	\$446
Body-Rub Attendant	each	\$285

2. That the Schedule to the By-law 2019-52 be amended to add the following fees:

Service Provided	Unit of Measure	2020 Fee
Personal Wellness Establishment	each	\$150

Enacted this XX day of XXXXXXXX, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk





# Corporation of the Town of Newmarket

## By-law 2021-XX

A By-law to amend By-law 2020-31 being a By-law to regulate and licence businesses in the Town of Newmarket.

**Whereas** Section 151 of the Municipal Act 2001, S.O. 2001, c25, as amended, establishes that a municipality may provide for a system of licences with respect to a business;

**And whereas** the Council of the Town of Newmarket deems it advisable to pass such by-law;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That Section 2 “Definitions” to the By-law 2020-31 be amended to add the following:

“**Alternative Massage**” means any massage that is not provided by persons licensed, or registered as a regulated health professional under the laws of the Province of Ontario by the College of Massage Therapists as registered massage therapists or massage therapists to provide medical or therapeutic in nature, nor is it designed to appeal to erotic appetites or inclinations;

“**Personal Wellness Attendant**” means any Person who performs, offers, or solicits an Alternative Massage at a Personal Wellness Establishment;

“**Personal Wellness Establishment**” means any premises or part thereof where an **Alternative Massage** is performed, offered or solicited in exchange for payment;

2. That Section 8 to the By-law 2020-31 be amended to add the following sections:

### 8.6 Personal Wellness Establishments

- (1) Every room intended to be operated as part of a **Personal Wellness Establishment** shall be clearly identified at the time of a new or renewal **Business Licence** application process through the provision of a floor plan showing the location of each room.
- (2) Every Owner or Operator of a Personal Wellness Establishment shall submit a copy of a signed declaration demonstrating that the property owner and lessor has been informed of the nature of the owner's business.

- (3) Every Owner or Operator of a Personal Wellness Establishment shall submit to the Town:
- (a) a list of all Personal Wellness Attendants affiliated with the Personal Wellness Establishment, where the list shall include the following:
    - (i) proof satisfactory to the **Licensing Officer** that each Personal Wellness Attendant is eighteen (18) years of age or older, a citizen of Canada, or a landed immigrant or produce a valid work permit issued by the Government of Canada; to work in the occupation of Alternative Massage services or similar occupation category;
    - (ii) government issued photo identification;
    - (iii) complete contact information for each Personal Wellness Attendant, including full name, phone number, and address; and
    - (iv) An itemized list of services each Personal Wellness Attendant is qualified to perform.
  - (b) a certificate, diploma, or other documentation certifying that the Personal Wellness Attendant has, in respect to the Alternative Massage services intended to be offered or provided, successfully completed a training program from an accredited educational institution in Canada;
  - (c) notwithstanding Section 8.6(3)(b), every Owner or Operator of a Personal Wellness Establishment offering or providing services where no accredited educational institution in Canada offers such training for Personal Wellness Attendants, the following shall be submitted:
    - (i) the name and membership number (if applicable) of the Personal Wellness Attendant;
    - (ii) the Alternative Massage modality or modalities practiced by the Personal Wellness Attendant;
    - (iii) proof satisfactory to the Manager that the Personal Wellness Attendant is a member in good standing of the association; and
    - (iv) any other relevant documentation upon the request of the Manager.
- (4) Prior to the issuance of a Personal Wellness Establishment Licence, the Manager may require one or more of the following be completed:
- (a) an interview with the Owner or any Personal Wellness Attendant employed by the Owner to ensure they are qualified to offer **Alternative Massage** services;
  - (b) an onsite inspection to verify the details of the application; and
  - (c) the application be referred to York Region Public Health, York Region Police, or any other Town department for the purpose of providing non-binding input.

(5) Every Personal Wellness Establishment shall ensure:

- (a) the Town has been notified of any Personal Wellness Attendant employed by the business prior to the Personal Wellness Attendant beginning to offer services at the Personal Wellness Services Establishment and all information listed in Section 8.6(3) has been forwarded to the Town for approval;
  - (b) a record is kept of each Alternative Massage provided and every record shall:
    - (i) include the name of the Person who provided the Alternative Massage and the time and date of the Alternative Massage;
    - (ii) be kept for at least one year after the date of the Alternative Massage;
    - (iii) be immediately produced upon demand to any Person assigned or appointed by the Manager to enforce this By-law; and
  - (c) a pre-screening form for each client of the Alternative Massage Business is completed to record the name, contact information, phone number and email address and medical conditions that assess the medical risk to an individual who receives an Alternative Massage;
  - (d) no Personal Wellness Attendant is nude in any portion of the Personal Wellness Establishment except for in any washrooms, showers, or change rooms; and
  - (e) no services are offered or provided that appeal to erotic or sexual appetites.
- (6) No Personal Wellness Establishment shall **Market** its products or services through any means of promotion unless the Business name is clearly displayed.
- (7) Every **Personal Wellness Establishment** shall only operate between the hours of 8:00 a.m. and 10:00 p.m. within the same calendar day.
- (8) Every Owner or Operator of a Personal Wellness Establishment shall ensure that no Persons other than staff enter the Personal Wellness Establishment except through a principal entrance as identified in the floor plan.

3. That the following Section 11 be added to By-law 2020-31:

#### **11. Repeal**

- (2) Licensing By-law 2002-151 Schedule 7 Body Rub Parlours is hereby repealed.

Enacted this XX day of XXXXXXXX, 2021.

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John Taylor, Mayor

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Lisa Lyons, Town Clerk



# Corporation of the Town of Newmarket

## By-law 2020-31

### OFFICE CONSOLIDATION

This is a consolidation of the Town’s By-law to regulate and licence businesses to operate in the Town of Newmarket, being By-law 2020-31, as amended by the below listed by-laws and is prepared for reference and information purposes only. The following consolidation is an electronic reproduction made available for information only. It is not an official version of By-law 2017-19. Official versions of all by-laws can be obtained from Legislative Services by calling 905-953-5300. If there are any discrepancies between this consolidation and By-law 2017-19 and listed amending by-laws the official by-laws shall prevail.

2021-09 – March 1, 2021	Rooftop patios

A By-law to regulate and licence businesses to operate in the Town of Newmarket.

**Whereas** sections 9, 11 and 151 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended, establishes that a municipality may provide for a system of licences with respect to a business;

**And whereas** the Council of the Town of Newmarket deems it advisable to pass such by-law;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

### 1. Title

This By-law may be known and cited for all purposes as the “Business Licence By-law 2020-31”.

### 2. Definitions

In this By-law

**“Alternative Massage”** means any massage that is not provided by persons licensed, or registered as a regulated health professional under the laws of the Province of Ontario by the College of Massage Therapists as registered massage therapists or massage therapists to provide medical or therapeutic in nature, nor is it designed to appeal to erotic appetites or inclinations;

**“Animal”** means any member of the animal kingdom other than a human;

**“Appeals Committee”** means the **Appeals Committee** established by the Town;

**“Applicant”** means a **Person** applying for a **Business Licence** to carry on a **Business**, activity, or undertaking pursuant to this By-law;

**“Attendant”** means any **Person** other than a licensed **Owner** or **Operator** who provides services designed to appeal to the needs of a particular **Business**;

“**Bird**” means a warm-blooded egg-laying vertebrate distinguished by the possession of feathers, wings, and a beak and (typically) by being able to fly;

“**Bed and Breakfast**” means a dwelling or part of a dwelling in which not more than three (3) bedrooms are used or maintained for the accommodation of the travelling public, in which the **Owner**-occupant supplies lodgings with or without meals for hire or pay;

“**Business**” means the carrying on of a commercial or industrial undertaking of any kind or nature, or the providing of professional, personal, or other services as set out in Section 8 of this By-law, but does not include any activity carried on by the government, its agencies, or government owned corporations;

“**Business Licence**” or “**Licence**” means a **Licence** to operate a **Business** pursuant to this By-law;

“**Commercial Rooftop Patio**” means any portion of a rooftop dedicated as a serving area that is an accessory use to a restaurant or to a commercial use;

“**Council**” means **Council** for the Corporation of the **Town** of Newmarket;

“**Dwelling Unit**” means a room or group of rooms to be used by one family that functions as a single independent housekeeping unit in which cooking facilities, living quarters and sanitary facilities are provided for the exclusive use of those residing within the unit only, and with a private entrance from outside the building or from a common hallway or stairway inside;

“**Fees and Charges By-law**” means the **Town Fees and Charges By-law** 2019-52, as amended;

“**Licensee**” means a Person licensed under this By-law;

“**Licensing Officer**” means an individual appointed by the **Town** as a **Municipal Enforcement Officer** or any other individual designated by the **Town** to enforce this By-law;

“**Live Music**” means any live performance utilizing an instrument ones’ voice, a device or electronic equipment to amplify music, or any other form of live performance;

“**Lot**” means a parcel of land which is legally capable of being conveyed in accordance with the *Planning Act*, R.S.O. 1990, c. P.13, as amended, or is described in accordance with a registered Plan of Condominium.

“**Manager**” means the **Town’s** Manager of Regulatory Services or their designate;

“**Market**” means sell, offer for sale, promote, canvass, solicit, rent, advertise, book, arrange or facilitate sale or rental, and includes placing, posting, or erecting advertisements physically or online;

“**Municipal Enforcement Officer**” means an individual appointed by the **Town** as a Municipal Law Enforcement Officer or any other individual designated by the **Town** to enforce this By-law;

“**Opaque Barrier**” means a barrier which does not permit the transmission of light through its structure;

“**Operator**” or “**Owner**” means any **Person** that operates or owns a **Business** as identified in this By-law;

“**Outdoor Serving Area**” means any area on private or public property which is licensed to serve alcohol and is used by a business for the serving or

consumption of food, beverages or refreshments which is not enclosed within a building structure or is exposed to the outdoors;

**“Permanent Resident”** in respect of any dwelling or **Lot** means a **Person** who normally resides in a dwelling on the **Lot** and for these purposes a **Person** cannot normally reside at more than one location;

**“Permitted Animal”** means an **Animal** identified as a "Permitted **Animal**" as listed in the **Town’s Animal Control By-law Schedule 'A'**, as amended;

**“Person”** includes a natural **Person**, corporation, partnership or party, and the **Personal** or other legal representatives or a **Person** to whom the context can apply according to law;

**“Personal Wellness Attendant”** means any **Person** who performs, offers, or solicits an **Alternative Massage** at a **Personal Wellness Establishment**;

**“Personal Wellness Establishment”** means any premises or part thereof where an **Alternative Massage** is performed, offered or solicited in exchange for payment;

**“Pet Store”** means a **Premises** in which the primary purpose of **Animals** or **Birds** for use as pets, or goods and merchandise associated with such **Animals** or **Birds**, are offered or kept for **Retail** sale or rental to the public;

**“Premises”** means the area of a building and/or **Lot** occupied or used by a **Business** or enterprise. In a multiple tenancy buildings occupied by more than one **Business**, each **Business** shall be considered a separate **Premises**;

**“Retail”** means the sale of products or goods to the ultimate consumer, usually in small quantities, in the ordinary course of **Business**;

**“Short Term Rental”** means all or part of a **Dwelling Unit** used to provide temporary sleeping accommodations for any rental period that is less than 28 consecutive days in exchange for payment. This includes a **Bed and Breakfast** but excludes hotels, motels and accommodations where there is no exchange for remuneration;

**“Short Term Rental Company”** means any **Person** who facilitates or brokers **Short Term Rental** reservations via the internet and who:

- (a) receives payment, compensation, or any financial benefit due to, as a result of, or in connection with a **Person** making or completing reservations of those **Short Term Rentals**; or
- (b) collects, accesses, or holds information on the number of nights that reservations of those **Short Term Rentals** are made or completed,

but does not apply to a **Person** who facilitates or brokers reservations for a **Short Term Rental** that is the principal residence of that person or their immediate family but **“Person”** includes multiple **Persons** who, acting together, carry on the **Business** of a **Short Term Rental Company**, despite the fact that no single one of those **Persons** carries on the activity in its entirety, and such may be held jointly and severally responsible for each other’s actions;

**“Sign By-law”** means the **Town’s Sign By-law 2017-73**, as amended;

**“Town”** means the Corporation of the **Town** of Newmarket in the Regional Municipality of York;

**“Veterinarian”** means a **Person** qualified and authorized to practice veterinary medicine;

“**Zoning By-law**” means the **Town’s Zoning By-law** 2010-40, as amended.

### 3. General Regulations

- (1) A **Person** must not carry on any **Business** unless that **Person** holds a valid and subsisting **Business Licence** issued to that **Person** for that **Business** within the **Town**.
- (2) Every **Business** shall comply with all federal, provincial, and municipal by-laws and regulations applicable to the **Business** and the **Business Premises**.
- (3) If a **Person** operates a **Business** at more than one **Premises**, that **Person** shall apply for and maintain a separate **Business Licence** for each **Premises**.
- (4) If a **Person** operates more than one type of **Business** at the same **Premises**, that **Person** shall apply for and maintain a separate **Business Licence** for each **Business**.
- (5) Every holder of a **Business Licence** shall post or display the **Business Licence** at the place of **Business** in a location visible to customers and suppliers attending the **Business**.
- (6) Every **Business Licence** issued shall be deemed to be a personal **Business Licence** to the licensee therein named.
- (7) A valid **Licence** will permit a **Business** to conduct the specific activities to the stated extent described in the **Licence** application. If a **Business** entity makes any changes to the information contained in its **Business Licence** application or information, undertakes new **Business** activities or expands those activities, it is required to obtain a new **Business Licence** or a **Business Licence** amendment for those activities.
- (8) No **Person** operating a **Business** within the **Town** shall **Market** that **Business** or its products and services through any means of promotion unless:
  - (a) the **Person** operating that **Business** is the holder of a valid **Business Licence** issued pursuant to this By-law;
  - (b) the **Business** name being promoted or marketed matches the named endorsed on the **Business Licence**; and
  - (c) the marketing offers products and services that comply with **Town** by-laws and related enactments.
- (9) No **Person** shall carry on a **Business** of any kind, in any way or manner on **Town** owned property, parks, boulevards, highways or other public property unless specifically authorized to do so by a permit under this Bylaw or another enactment.

### 4. Administration and Enforcement

- (1) Through delegated authority, the **Manager** may:
  - (a) grant, issue, or amend a **Business Licence** if the **Licensing Officer** is satisfied that the **Applicant** has complied with all of the by-laws of the **Town** and related enactments that apply to the **Applicant’s Business**;
  - (b) suspend, cancel, or refuse to issue a **Business Licence** in accordance with Section 7 of this By-law;



- (c) impose conditions on a **Licence** at the time of issuance, renewal, or suspension for the purposes of ensuring compliance with all applicable enactments pertaining to the **Business**;
  - (d) conduct inspections and investigations to ensure that all regulations and provisions prescribed in this By-law are carried out; and
  - (e) prepare, from time to time, forms to be used for the purpose of making applications under this By-law.
- (2) No **Person** shall Obstruct or attempt to Obstruct a **Licensing Officer** or other **Person** who is exercising a power or performing a duty under this By-law.

## 5. Licence Fees

- (1) **Business Licence** fees shall be in accordance with those specified in the **Fees and Charges By-law**.
- (2) An administrative penalty of 25% of the renewal fee shall be added to each unpaid **Business Licence** after 31 days from the renewal date. If unpaid by this time, the **Licence** shall be revoked and a new **Business Licence** application shall be required.
- (3) If an application for a **Licence** is withdrawn, in writing, prior to the issuance of the **Licence**, the **Licence** Fee shall be refunded to the **Applicant** if a **Licence** was pre-paid.
- (4) No **Licence** Fee shall be refunded after the issuance of a **Licence**.

## 6. Application and Renewal

- (1) The terms of a **Business Licence** issued under this By-law are for a period commencing January 1st and ending December 31st of the year for while the **Licence** is issued.
- (2) All new **Business Licence** applications shall be accompanied by a non-refundable \$50.00 application processing fee. If a **Business Licence** application is approved, the application processing fee shall be applied to the **Business Licence** fee identified under the Fees and Charges Bylaw.
- (3) Every **Applicant** for a new **Business Licence** or for the renewal of a **Business Licence** issued under this By-law shall:
  - (a) submit a completed application on the forms provided;
  - (b) file proof satisfactory to the **Licensing Officer** that they are eighteen (18) years of age or older, a citizen of Canada, or a landed immigrant or produce a valid work permit issued by the Government of Canada; to work in the occupation of the **Licence** type that they are applying for;
  - (c) provide a copy of the:
    - (i) incorporating document and a copy of the last annual information return which has been filed with the appropriate government department, if the **Applicant** is a corporation; or
    - (ii) registered declaration of partnership, if the **Applicant** is a registered partnership;

- (d) provide any other document relating to the operation of the **Business** requested by the **Licensing Officer**, including but not limited to:
    - (i) government issued photo identification;
    - (ii) Vulnerable Sector Screening Search or Criminal Conviction Background Search issued by the Police Service in which the **Applicant** resides;
    - (iii) Harmonized Sales Tax (HST) number;
    - (iv) York Regional Health Department Inspection Certificate;
    - (v) Insurance Certificates;
  - (e) pay any required fees pursuant to the **Fees and Charges By-law**; and
  - (f) pay any outstanding fine(s) owed to the **Town** prior to the issuance of a **Business Licence**.
- (4) If a **Person** submits a **Business Licence** application for which additional information or documentation is required by the **Licensing Officer**, the **Person** shall supply all required information and documentation within 30 days of the request made by the **Licensing Officer**, after which time the application may be refused and a new application for a **Business Licence** is required.

## 7. Suspension, Cancellation, and Refusal

- (1) The **Manager** may revoke, suspend, cancel or refuse to renew or issue a **Licence**:
  - (a) where the past conduct of the **Applicant** or licensee affords reasonable grounds for belief that the **Applicant** or licensee will not carry on the activity for which the **Applicant** is applying for or the licensee is licensed for, in accordance with law and with integrity and honesty;
  - (b) where the **Applicant** of licensee has been found by the **Manager** or **Licensing Officer** to fail to comply with any provision of this By-law; or
  - (c) where the **Applicant** has been found by the **Manager** to provide false information in order to obtain a **Business Licence**.
- (2) Upon such revocation, suspension, cancellation, or refusal to issue or renew a **Business Licence**, the **Manager** shall provide a formal letter outlining the reason(s) for the refusal and shall be delivered to the **Applicant** or licensee within seven (7) business days. Such notice shall set out and give reasonable particulars of the ground(s) for the decision and options for an Appeal Hearing.
- (3) An **Applicant** or licensee of a **Business Licence** may request a hearing before the **Appeals Committee** for reconsideration of the **Manager's** decisions to revoke, suspend, cancel, or refuse to issue or renew a **Business Licence** by delivering a written request to the **Manager** within fourteen (14) days of the **Manager's** decision being sent.

- (4) The **Applicant** or licensee of a **Business Licence** must pay a non refundable Appeal Fee in accordance with the Fees and Charges Bylaw.
- (5) Before the **Appeals Committee** makes any decision, a written notice to advise the **Applicant** or licensee of the recommendations being made by the **Manager** with respect to the **Licence** shall be provided to the **Applicant** or licensee.
- (6) The **Applicant** or licensee shall have the right to make a submission in support of an application or renewal or retention of a **Licence** before the **Appeals Committee**.
- (7) Failure for the **Applicant** or licensee to attend the scheduled hearing before the **Appeals Committee** shall result in the proceeding of the hearing.
- (8) The decision of the **Appeals Committee** is final and binding.
- (9) No **Person** shall conduct any **Business** pursuant to their **Business Licence** during a period of suspension of that **Business Licence**.
- (10) No **Person** shall **Market** a **Business** during a period of suspension of that **Business' Licence**.
- (11) If the **Manager** suspends, cancels or refuses to issue, amend or renew the **Business Licence** for a **Business**, the **Town** may post a notice of suspension, cancellation, or refusal on the **Premises** of the **Business**.
- (12) A posted notice of suspension, cancellation, or refusal of a **Business Licence** shall not be removed until the **Manager** has approved the issuance of a valid **Business Licence**.
- (13) If a **Business** is operating without a **Licence** required under this By-law, the **Town** may post a notice describing the failure to hold a valid **Business Licence** on the **Premises** of the **Business**.
- (14) A posted notice of operating without a **Business Licence** shall not be removed until the **Manager** has approved the issuance of a valid **Business Licence**.

## 8. Specific Regulations

### 8.1 Pet Stores

- (1) Every **Pet Store** shall be maintained at all times in a sanitary, well-ventilated, clean condition, and free from offensive odours.
- (2) Every **Animal** shall be kept in sanitary, well-bedded, well-lighted, clean quarters, kept at a temperature appropriate for the health requirements of the type or species of **Animal** housed therein.
- (3) Every cage or other container used for the keeping or housing of any **Animal** shall:
  - (a) be of adequate size to permit any such **Animal** to stand normally to its full height, to turn around, and to lie down in a fully extended position;
  - (b) in the case of a cage or other container used to keep or house only **Birds**, have a removable metal or other impermeable bottom which shall be cleaned daily;

- (c) in the case of all other cages or containers, have a floor of either solid or wire mesh construction or any combination thereof, provided that:
    - (i) all spaces in wire mesh shall be smaller than the pads of the foot of any **Animal** confined therein;
    - (ii) any such wire mesh shall be of a thickness and design adequate to prevent injury to any such **Animal**; and
    - (iii) such floor shall be of sufficient strength to support the weight of any such **Animal**;
  - (d) be equipped with receptacles for food and for water, so mounted or situation that they cannot be easily overturned or contaminated; and
  - (e) be located and enclosed in a manner as to prevent undue physical contact with the public.
- (4) Fresh water shall be provided daily to every **Animal** in sufficient quantity to maintain at all times a potable supply available to such **Animal**.
- (5) **Animals** shall be fed periodically each day in accordance with the particular food requirements of each type or species of **Animal** kept within the **Pet Store**.
- (6) Every **Applicant** licensed or required to be licensed with the **Town** under this By-law shall:
- (a) provide to every purchaser of a cat or dog a health assessment from a licensed **Veterinarian** to verify the **Animal** has received up to date veterinary care;
  - (b) only permit a cat or dog within the **Pet Store** for the purpose of sale, where facilitated through adoption, and where the cat or dog has been obtained from one (1) of the following sources:
    - (i) municipal **Animal** shelters;
    - (ii) registered humane societies;
    - (iii) registered shelters; or
    - (iv) a recognized **Animal** rescue group;
  - (c) provide all enclosed dogs or cats reasonable exercise;
  - (d) not keep or sell any sick, injured, or diseased **Animals** unless under the direction of a veterinarian;
  - (e) not display any **Animal** in an exterior display window;
  - (f) not permit to be sold, offer for sale, or give away any **Animal** before it has reached the normal weaning age, based on known requirements of that particular species; and
  - (g) give the purchaser on any sale all available information pertaining to the disposition of any dog or cat, a receipt showing the name and address of the vendor and the purchaser, the date of sale, the sale price, the breed or crossbreed, sex, age, and description.

(7) Every **Pet Store** shall maintain a registry of each dog or cat purchased or otherwise obtained. Each entry shall be made at the time each dog or cat comes into the possession of any **Owner**, employee, or **Person** associated with the **Pet Store** and shall include:

- (a) the date of purchase;
- (b) a full description of the dog or cat;
- (c) the name, address, and contact information of the **Person** from whom the dog or cat was obtained; and

the **Pet Store** shall retain the register in respect of each transaction for the period of twelve (12) months thereafter and be made available to the **Manager** upon request.

(8) Every **Pet Store** shall ensure that an **Attendant** in charge of and responsible for the care and safe keeping of **Animals** within the **Pet Store** remains on site at all times during the **Business** hours of operation.

(9) Only **Permitted Animals**, as identified within the **Town's Animal Control By-law Schedule A**, shall be sold in any **Pet Store**.

(10) Every **Person** licensed under this By-law shall make every reasonable effort to obtain the name, address and description of anyone offering to sell or give to the licensee any **Animal** which the licensee has cause or reason to suspect has been stolen or otherwise unlawfully obtained and the licensee shall report the facts promptly to the nearest Police Division of the Region of York Police Services.

(11) Where the **Licensing Officer** or **Municipal Enforcement Officer** determines that an **Animal** appears to require medical attention, they may require the licensee to take the **Animal** to a qualified **Veterinarian** forthwith.

## **8.2 Short Term Rental Operators**

(1) No more than one (1) **Short Term Rental** is permitted on a **Lot**.

(2) **Short Term Rentals** shall only be operated within one (1) **Dwelling Unit** on a **Lot**.

(3) **Short Term Rentals** shall provide one (1) off-street parking space for each bedroom identified as in use by the **Business**. In addition to this requirement, one (1) off-street parking space shall be provided for the **Permanent Resident** of the property.

(4) Each bedroom intended to be operated as part of a **Short Term Rental** shall be clearly identified at the time of a new or renewal **Business Licence** application process through the provision of a floor plan showing the location of each bedroom.

(5) Any changes to the number or location of bedrooms shall be provided to the **Municipal Enforcement Officer** through a **Licence** amendment application, prior to those bedrooms being used by the **Business**.

(6) An **Operator** of a **Short Term Rental** shall not:

- (a) rent out or provide any sleeping accommodations within any vehicle, tent, or any accessory building;
- (b) permit more than three (3) bedrooms to be made available for use;

- (c) permit more than (6) overnight guests at one time; or
  - (d) permit beds or bedrooms to be used that are not identified on the **Business Licence** application for that **Premises**.
- (7) An **Operator** of a **Short Term Rental** shall post or display the **Business Licence** number on any **Marketing**, advertisements, or promotions for that **Business**.
- (8) An **Applicant** for a **Short Term Rental** shall provide:
  - (a) proof that they are a **Permanent Resident** on the property; or
  - (b) the name of the **Permanent Resident(s)** on the property and a copy of a tenancy agreement, or other proof satisfactory to the **Licensing Officer**, of an existing and ongoing principal residential use, at the time of a new or renewal application.
- (9) An **Operator** of a **Short Term Rental** shall ensure that a **Permanent Resident** on the property is present and available within the **Town** at all times while guests are staying on the **Premises**, and is able to respond to concerns raised by guests, neighbours, or the **Licensing Officer** within two (2) hours.
- (10) An **Operator** of a **Short Term Rental** shall provide to each guest and the **Licensing Officer** the telephone number of the **Person** who is present or available to respond to concerns pursuant to **Town** by-laws or provincial regulations.
- (11) No **Person** shall **Market**, operate, or make available any **Dwelling Unit** or part of a **Dwelling Unit** for paid accommodation of less than 28 days unless that **Dwelling Unit** has a current **Short Term Rental Licence**.
- (12) Upon approval of a **Short Term Rental Business Licence**, the **Applicant** shall post a sign in conformity with the **Town's Sign By-law**, to identify the **Premises** as a licensed **Short Term Rental** within the **Town**.
- (13) Every **Short Term Rental** shall comply with Schedule A of this By-law as a condition of their **Business Licence** and shall comply with the demerit point system licensing requirements imposed.
- (14) Every **Short Term Rental Operator** shall only **Market**, list, or advertise their **Business** on a licensed **Short Term Rental Company** platform.

### 8.3 Short Term Rental Companies

- (1) No **Person** shall carry on the **Business** of a **Short Term Rental Company** unless they have obtained a **Licence** to do so from the **Town**.
- (2) No **Person** shall, **Market**, advertise, facilitate the advertising or rental of, or broker a **Short Term Rental** if its **Operator** is not licensed as such with the **Town**.
- (3) Every **Person** shall take down or remove a listing or advertisement related to an unlicensed **Operator** within 24 hours of being requested to do so by the **Town**.
- (4) An application for a **Short Term Rental Company Licence** shall be in a form approved by the **Manager** and require the **Applicant** to provide:

- (a) the **Short Term Rental Company's** registered **Business** address in Ontario;
  - (b) the name, phone number and e-mail address of a **Person** responsible for responding to all communications from the **Town**;
  - (c) details of the process by which the **Short Term Rental Company** will remove advertisements for a **Short Term Rental** if its **Operator** has not obtained a **Licence** with the **Town**;
  - (d) details of the **Short Term Rental Company's** procedure for dealing with problem **Operators** and responding to complaints; and
  - (e) any other information or documentation required by the **Manager**.
- (5) A **Short Term Rental Company** shall comply with all applicable fees as identified within the **Town's Fees and Charges By-law**.
- (6) An **Applicant** for a **Short Term Rental Company Licence** shall, prior to being issued a **Licence**, execute an agreement with the **Town** governing the use, retention, and disclosure of **Operator** and guest information on terms satisfactory to the **Manager**.
- (7) Every **Short Term Rental Company** shall keep a record of each concluded transaction in relation to a **Short Term Rental** listed or advertised on its platform for three (3) years following the last day of the rental period. A transaction is concluded on the last day of the rental period. The records retained shall include the following:
- (a) the name, address, and **Licence** number of the **Operator**;
  - (b) the number of nights the **Short Term Rental** was rented;
  - (c) the nightly and total price charged for the **Short Term Rental**;
  - (d) whether the rental was an entire-unit rental or room rental; and
  - (e) any other information required by the **Manager**.
- (8) Every **Short Term Rental Company** shall keep a record of the number of **Short Term Rental** listings or advertisement it removed from its platform in accordance with Sections 8.3(1) and 8.3(2) of this By-law.
- (9) Every **Short Term Rental Company** shall provide the records referred to in this section to the **Town** upon the request of the **Manager**.
- (10) Every **Short Term Rental Company** shall create **Operator** and guest accounts on its platforms as requested by the **Manager**, to be used to investigate compliance with this By-law.
- (11) No **Short Term Rental Company** shall obstruct, in any manner, access to any accounts established for use by the **Manager** or **Licensing Officer** to investigate compliance with this By-law.

#### **8.4 Outdoor Serving Areas**

- (1) Prior to the submission of their business licence application, every **Owner** or **Operator** shall ensure that they are in compliance with all federal, provincial, and municipal requirements, including but not limited to the:

- (a) Alcohol and Gaming Commission of Ontario;
  - (b) Central York Fire Services;
  - (c) Town's Planning Department;
  - (d) Town's Building Department; and
  - (e) York Region Public Health.
- (2) Every **Owner** or **Operator** who proposes to sell or offer for sale alcohol from the **Outdoor Serving Area** shall provide to the Manager, at the time of their application, a copy of the Liquor Licence issued by the Alcohol and Gaming Commission of Ontario.
  - (3) Every **Owner** or **Operator** shall ensure the **Outdoor Serving Area** operated at all time in accordance with the Alcohol and Gaming Commission of Ontario.
  - (4) No **Owner** or **Operator** shall operate or permit the occupancy of any **Outdoor Serving Area** between the hours of 1:00 a.m. and 11:00 a.m.
  - (5) Every **Outdoor Serving Area** that is located within 40m of the property line of an adjacent residential property shall be required to install a solid, translucent, or Opaque Barrier that is a minimum of 1.8m in height along its perimeter for the purpose of noise reduction and security.
  - (6) Every **Outdoor Serving Area** which is illuminated in an area adjacent to a residential use shall ensure all lighting fixtures and illumination are arranged, designed, and installed to deflect the light down and away from residential buildings, lots, and streets.
  - (7) Any person that proposes to operate an **Outdoor Serving Area** on public property along Main Street and between Millard Avenue and Water Street must first obtain approval from the Town's Planning Department.
  - (8) Notwithstanding Section 6(1) of this By-law, every **Outdoor Serving Area** located on public property shall only be permitted between April 1<sup>st</sup> and October 30<sup>th</sup> within the same calendar year.

## 8.5 Commercial Rooftop Patios

- (1) Prior to the submission of their business licence application, every **Owner** or **Operator** shall ensure that they are in compliance with all federal, provincial, and municipal requirements, including by not limited to the:
  - (a) Alcohol and Gaming Commission of Ontario;
  - (b) Central York Fire Services;
  - (c) Town's Planning Department;
  - (d) Town's Building Department; and
  - (e) York Region Public Health.
- (2) Every **Owner** or **Operator** shall only operate or permit the occupancy of any **Commercial Rooftop Patio** between the hours of 9:00 a.m. and 11:00 p.m. within the same calendar day.
- (3) No **Live Music** shall be permitted on any **Commercial Rooftop Patio** at any time.



- (4) Notwithstanding Section 8.5(3) above, an **Owner** or **Operator** of a **Commercial Rooftop Patio** can apply for a noise exemption permit to allow **Live Music** for special event purposes.
- (5) Any other form of music permitted on a **Commercial Rooftop Patio** shall comply with Noise Bylaw 2017-76, as amended.
- (6) Every **Commercial Rooftop Patio** shall be required to install a solid, translucent, or Opaque Barrier that is a minimum of 1.8m in height along its perimeter for the purpose of noise reduction and security, unless otherwise authorized by the Town.
- (7) Every **Commercial Rooftop Patio** which is illuminated in an area adjacent to a residential use shall ensure all lighting fixtures and illumination are arranged, designed, and installed to be dark sky compliant and to deflect the light down and away from residential buildings, lots, and streets.

## 8.6 Personal Wellness Establishments

- (1) Every room intended to be operated as part of a **Personal Wellness Establishment** shall be clearly identified at the time of a new or renewal **Business Licence** application process through the provision of a floor plan showing the location of each room.
- (2) Every Owner or Operator of a Personal Wellness Establishment shall submit a copy of a signed declaration demonstrating that the property owner and lessor has been informed of the nature of the owner's business.
- (3) Every Owner or Operator of a Personal Wellness Establishment shall submit to the Town:
  - (a) a list of all Personal Wellness Attendants affiliated with the Personal Wellness Establishment, where the list shall include the following:
    - (i) proof satisfactory to the **Licensing Officer** that each Personal Wellness Attendant is eighteen (18) years of age or older, a citizen of Canada, or a landed immigrant or produce a valid work permit issued by the Government of Canada; to work in the occupation of Alternative Massage services or similar occupation category;
    - (ii) government issued photo identification;
    - (iii) complete contact information for each Personal Wellness Attendant, including full name, phone number, and address; and
    - (iv) An itemized list of services each Personal Wellness Attendant is qualified to perform.
  - (b) a certificate, diploma, or other documentation certifying that the Personal Wellness Attendant has, in respect to the Alternative Massage services intended to be offered or provided, successfully completed a training program from an accredited educational institution in Canada;
  - (c) notwithstanding Section 8.6(3)(b), every Owner or Operator of a Personal Wellness Establishment offering or providing

services where no accredited educational institution in Canada offers such training for Personal Wellness Attendants, the following shall be submitted:

- (i) the name and membership number (if applicable) of the Personal Wellness Attendant;
- (ii) the Alternative Massage modality or modalities practiced by the Personal Wellness Attendant;
- (iii) proof satisfactory to the Manager that the Personal Wellness Attendant is a member in good standing of the association; and
- (iv) any other relevant documentation upon the request of the Manager.

(4) Prior to the issuance of a Personal Wellness Establishment Licence, the Manager may require one or more of the following be completed:

- (a) an interview with the Owner or any Personal Wellness Attendant employed by the Owner to ensure they are qualified to offer **Alternative Massage** services;
- (b) an onsite inspection to verify the details of the application; and
- (c) the application be referred to York Region Public Health, York Region Police, or any other Town department for the purpose of providing non-binding input.

(5) Every Personal Wellness Establishment shall ensure:

- (a) the Town has been notified of any Personal Wellness Attendant employed by the business prior to the Personal Wellness Attendant beginning to offer services at the Personal Wellness Services Establishment and all information listed in Section 8.6(3) has been forwarded to the Town for approval;
- (b) a record is kept of each Alternative Massage provided and every record shall:
  - (i) include the name of the Person who provided the Alternative Massage and the time and date of the Alternative Massage;
  - (ii) be kept for at least one year after the date of the Alternative Massage;
  - (iii) be immediately produced upon demand to any Person assigned or appointed by the Manager to enforce this By-law; and
- (c) a pre-screening form for each client of the Alternative Massage Business is completed to record the name, contact information, phone number and email address and medical conditions that assess the medical risk to an individual who receives an Alternative Massage;
- (d) no Personal Wellness Attendant is nude in any portion of the Personal Wellness Establishment except for in any washrooms, showers, or change rooms; and

- (e) no services are offered or provided that appeal to erotic or sexual appetites.
- (6) No Personal Wellness Establishment shall **Market** its products or services through any means of promotion unless the Business name is clearly displayed.
- (7) Every **Personal Wellness Establishment** shall only operate between the hours of 8:00 a.m. and 10:00 p.m. within the same calendar day.
- (8) Every Owner or Operator of a Personal Wellness Establishment shall ensure that no Persons other than staff enter the Personal Wellness Establishment except through a principal entrance as identified in the floor plan.

## 9. Offences

- (1) Every **Person** who contravenes any provision of this By-law is liable for the administrative fees set out under the Administrative Monetary Penalty System By-law 2019-62, Schedule A.
- (2) Every **Person** who is in contravention of the provisions of this By-law may request a review of the matter in accordance with the Administrative Monetary Penalty System By-law-2019-62.
- (3) Any **Person** who contravenes a provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for by the *Provincial Offences Act*, R.S.O. 1990, c. P.33, as amended.

## 10. Severability

- (1) Any reference contained in this by-law to a statute, regulation or by-law includes it as amended, revised, consolidated or replaced.
- (2) All words in this by-law must be read and construed as incorporating the singular or the plural in any case, as applicable.
- (3) Article, section and paragraph headings in this by-law are inserted solely for ease of reference.
- (4) All words and personal pronouns relating to words contained in this by-law include the male and the female.
- (5) The schedules referred to in this by-law form an integral part of it. Each entry in a column of a schedule is to be read in conjunction with the entry or entries across from it.
- (6) Where a court of competent jurisdiction declares any section of this By-law to be invalid, or to be not in force, or without effect, it is the intention of **Council** in enacting this By-law that the remainder of this By-law shall continue in force and applied and enforced in accordance with its terms to the fullest extent possible according to law.

## 12. Repeal

- (1) Schedule 7 of Licensing By-law 2002-151 is hereby repealed.

Enacted this day of June, 2021.

John Taylor, Mayor

**Schedule A**  
**Demerit Point System for Short Term Rentals**

A Demerit Point System is hereby established to enforce this By-law, any other Town by-law, or Provincial Act or Regulation including, but not limited to, administrative penalties as set out in the Town's Administrative Monetary Penalty System By-law 2019-62, as amended, the Building Code Act, the Fire Protection and Prevention Act, and the Provincial Offences Act.

- (1) The number of demerit points referenced in Column 3 of Table 1 of this Schedule will be applied against a Short Term Rental business premises and licence in respect of the matter noted in Column 1 under the following conditions:
  - a. fifteen (15) days from the date of issue for an administrative penalty issued under the Town's AMPS By-law;
  - b. upon the issuance of a Part 1 or Part III ticket under the Provincial Offences Act; or
  - c. upon conviction in the Ontario Court of Justice;
  - d. the confirmation of an order; or
  - e. the confirmation of any contravention documented by Central York Fire Services.
- (2) A Short Term Rental shall be awarded fifteen (15) demerit points upon the approval of their initial business licence.
- (3) Contraventions to the business premises as identified within Table 1 of this Schedule will result in a loss of demerit points. Demerit points shall remain in place for a duration of one (1) year from the date on which the demerit points were assessed.
- (4) Upon the loss of fifteen (15) or more demerit points to any Short Term Rental Licence, the Manager shall suspend, revoke, or impose additional conditions on a Short Term Rental Licence. The Owner or Operator may dispute any actions taken by the Manager by making a request, in writing, to appear before the Appeals Committee for the Town.

**Hearing with the Appeals Committee**

- (5) Notice shall be delivered by e-mail or regular mail to the address provided for the Owner or Operator of the Short Term Rental or Bed and Breakfast business, as identified on the application forms provided for a business licence.
- (6) Notice shall be provided a minimum of two (2) weeks in advance of the Hearing with the Appeals Committee date.
- (7) Notice provided in accordance with Section 5 of this Schedule shall be deemed to be sufficient Notice with or without confirmation of receipt of the Notice.

- (8) The fee payable by the Owner or Operator for the Hearing with the Appeals Committee shall be as prescribed and in accordance with the Town’s Fees and Charges By-law.
- (9) If the Owner or Operator fails to attend on the scheduled date, the Hearing with the Appeals Committee may proceed in absentia.
- (10) After hearing the matter, the Appeals Committee may:
- a. confirm the conditions imposed on, the suspension of, or the revocation of the business licence;
  - b. amend the conditions imposed on, the suspension of, or the revocation of the business licence; or
  - c. cancel the conditions imposed on, the suspension of, or the revocation of the business licence.
- (11) The decision of the Appeals Committee is final and binding.

Table 1		
Column 1 Infraction	Column 2 Reference	Column 3 Demerit Points
Fire Protection & Prevention Act/Fire Code	FPPA	15
Operate while business licence is suspended or revoked	Business Licence By-law 2020-31, as amended	7
Building Code Act	BCA	7
More than the number of bedrooms permitted	Business Licence By-law 2020-31, as amended	5
More than the number of guests permitted	Business Licence By-law 2020-31, as amended	5
Failure to respond to complaint by specified time	Business Licence By-law 2020-31, as amended	5
Contravention to Noise By-law	Noise By-law 2017-76	5
Contravention to Property Standards By-law	Property Standards By-law 2017-62, as amended	3
Contravention to Clean Yards By-law	Clean Yards By-law 2017-63	3
Failure to post business licence number on advertisements	Business Licence By-law 2020-31, as amended	3
Failure to post business licence on premises	Business Licence By-law 2020-31, as amended	3
Failure to post Sign	Business Licence By-law 2020-31	2
Contravention to Waste Collection By-law	Waste Collection By-law 2017-19	2





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

## Memorandum

### Amendment to the Urban Centres Zoning By-law 2019-06

June 21, 2021


On April 19, 2021, Council directed staff to forward the technical zoning by-law amendment to the Urban Centres Zoning By-law 2019-06 to a regular Council meeting for approval, after the Regional Municipality of York (York Region) approved OPA 25 (Urban Centres Secondary Plan technical amendment).

On May 7, 2021, York Region issued a Notice of Decision advising of the approval of OPA 25. The appeal period ended on May 27, 2021 and there was no appeal received; therefore, OPA 25 is now in effect. As such, the attached Zoning By-law 2021-29, being a technical amendment to the Urban Centres Zoning By-law 2019-06, is before Council for approval.

The purpose of Zoning By-law 2021-29 is to clarify the original intent of the regulations, achieve greater alignment between various sections and maps, and to ensure conformity with the Secondary Plan. The effect of Zoning By-law 2021-29 is to have updated definitions, development standards and maps that conform to the Secondary Plan outlined in a more user-friendly manner.

For more information on this Memorandum, please contact Jason Unger, Director of Planning & Building Services, at 905-895-5193.

Attachment (1)



Jason Unger  
Director, Planning and Building Services





# Corporation of the Town of Newmarket

## By-law 2021-29

A By-law to amend By-law Number 2019-06 being a zoning by-law for the Urban Centres Secondary Plan area (Technical Amendment).

Whereas it is deemed advisable to amend By-law Number 2019-06;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That By-law Number 2019-06 is hereby amended by:

- a. Deleting the year “2017” in Provision 1.9.2 iii)a) Minor Variance Applications replacing it with “2018”.
- b. Revising the date “September 4<sup>th</sup>, 2018” in Provision 1.9.3 iii)b) to “September 24<sup>th</sup>, 2018”.
- c. Revising the by-law number “1989-96” in Provision 1.10 i)b) to “1981-96”.
- d. Deleting Diagram 3-6 under definition of Daylighting Triangle in Section 3 Definitions and replacing it with the diagram shown in Schedule 1 to this by-law.
- e. Adding the following text to the definition of Floor Space Index in Section 3 Definitions:

“For the purpose of calculating Floor Space Index, the following lands shall be excluded from *lot area*:

- Natural Heritage System and identified significant natural heritage areas;
- Floodplain and Hazard Lands, unless development exists or has been permitted by the Lake Simcoe Region Conservation Authority, and
- Public infrastructure such as hydro facilities and pumping stations.

For greater certainty, lands used for the following purposes shall be included as part of *lot area* when calculating Floor Space Index:

- off-street parking and servicing areas;
- private streets and driveways;
- public streets conveyed to the Town or the Regional Municipality of York;
- parks and open space dedicated to the Town or a public authority;
- lands conveyed to the Town for underground hydro
- private landscaped areas, including private squares that are designed to be used by the public.”

- f. Deleting the definition of “Width of Driveway” in Section 3.

- g. Deleting the words “which is designated on Schedule “F” to this By-law” in Section 4.12 Planned Width of Street Allowance and replacing them with the word “that”.
- h. Adding *Retirement Residence* to Section 5.3.1.2 Parking Standards – Non-Residential Uses and adding the following Minimum Off-Street Parking Requirement and Maximum Off-Street Parking Requirement for *Retirement Residence*:

Type or Nature of Use	Minimum Off-Street Parking Requirements	Maximum Off-Street Parking Requirements
<i>Retirement Residence</i>	0.5 <i>parking space</i> per unit plus 0.25 <i>parking spaces</i> per unit for visitor	1.0 parking space per unit plus 0.25 parking spaces per unit for visitor

- i. Deleting the text in Section 5.3.1.4 Carpooling Parking Space for certain Non-residential Uses and replacing with the following:
 

“Notwithstanding Section 5.3.1.2 of this By-law, the required parking for developments involving financial institution, hospital, library, medical clinic, medical office building, medical/dental laboratory, office, elementary school, secondary school, or post-secondary school uses must provide carpooling parking spaces at a rate of 5% of the total required parking supply for any of these non-residential *uses*, but shall not be less than 2.0 spaces.”
- j. Adding “*Place of Assembly*” and “*Medical Office*” as permitted uses under Non-Residential Uses in Table 6.2.2.1 Mixed Use Zone Permitted Uses.
- k. Deleting the text of footnote 4 under Section 6.2.2.1 and replacing it with the following:
 

“Stand-alone surface *parking lot* shall not be located on *lots* that front onto Yonge Street or Davis Drive. Where a stand-alone surface *parking lot* is permitted, it shall be subject to Section 5.4.1 of this By-law.”
- l. Deleting the words “38.0 metres” after “at least 66% of the *Building* frontage above the” in Provision 6.2.4.2(ii)(a) Height – Podiums and replacing it with “podium height”.
- m. Deleting the text in Provision 6.2.4.2(ii)(b) Height – Podiums and replacing it with the following:
 

ii)b) “If a *building* with a height greater than 26.0 metres but less than 38.0 metres contains a podium, the podium shall not exceed 17.0 metres in height and the *building* above the podium shall be set back a minimum of 1.5 metres from the edge of the podium for a length of at least 66% of the *building* frontage above the podium height adjacent to the *public street*.”
- n. Deleting the text in Provision 6.2.4.5(i) Setback and replacing it with the following:
 

i) “Any *building* with a frontage on Yonge Street or Davis Drive shall be setback a minimum of 3.0 metres from the *lot line* that abuts Yonge Street or Davis Drive.”

- o. Adding the following text as Provision 6.2.4.5(ii) Setback and renumbering subsequent provisions:
  - ii) “Any *building* with a frontage on Yonge Street or Davis Drive, located on a *corner lot*, shall be setback a minimum of 3.0 metres from the *lot line* that abuts a *public street* other than Yonge Street or Davis Drive.”
- p. Deleting the text in the renumbered Provision 6.2.4.5 iv) and replacing it with the following:
  - iv) “The wall of any tall *building* located above the podium height in accordance with Provision 6.2.4.2 ii) shall be set back a minimum 12.5 metres from any *lot line* that does not abut a *public street*.”
- q. Deleting Diagram 6-3 in Section 6.2.4.5 Setback and replacing it with the diagram shown in Schedule 2 to this by-law as Diagram 6-3a.
- r. Adding the diagram shown in Schedule 3 to this by-law as Diagram 6-3b to Section 6.2.4.5 Setback.
- s. Deleting the text in Provision 6.2.4.9 ii) Parking and Access to Lot and replacing it with the following:
  - ii) “Parking may be provided within a *building* or *structure* or on the surface, but shall only be located in a *side yard* or *rear yard* on *lots* that front onto Davis Drive or Yonge Street.”
- t. Deleting the text in Provision 6.2.4.9 iii) Parking and Access to Lot and replacing it with the following:
  - iii) “Parking for motorized vehicles shall not be permitted in the *yard* that abuts Davis Drive or Yonge Street.”
- u. Deleting the text in Provision 6.2.4.9 iv) and replacing it with the following:
  - iv) “Notwithstanding provision 6.2.4.9 (i), vehicular access may be located in the *yard* that abuts Davis Drive or Yonge Street if access to the *lot* is only from Davis Drive or Yonge Street.”
- v. Adding the following site-specific exception to Section 6.2.5 Site Specific Exceptions to the Mixed Use Zone Regulations:
 

MU-1 (6) 460 Davis Drive – Notwithstanding the provisions set out in this by-law, a setback of 7.5 metres shall be provided from the northerly boundary of the MU-1 (6) Zone as shown on Schedule A Map 5 to this By-law and that no buildings or structures shall be erected within the setback area.
- w. Deleting “Convenience Store” as a permitted use from Table 6.3.2.1 Institutional Zone Permitted Uses.
- x. Deleting SS(1) in Section 8.1 Site Specific Exceptions.
- y. Deleting the text in Section 8.2.1 Holding Zones and Exceptions to Permit Development and replacing it with the following:
 

“For any *lot* that is subject to a Holding Zone (H) on Maps 13 through 18 of this By-law (for example (H)-1), *uses* permitted by this By-law shall be permitted prior to the removal of the Holding Zone (H) and the provisions under Section 6.2.1.2, Section 6.2.5,

Section 6.3.1.2, Section 6.3.5, Section 6.4.1.2, Section 6.4.5 and Section 8.1 shall prevail.”

- z. Deleting the first paragraph in Section 8.2.2 Requirement to Remove the (H) Symbol and replacing it with the following:

“Notwithstanding Section 8.2.1, for any lot that is subject to a Holding Zone (H), no development as defined by the Planning Act and/or Site Plan Application Process Manual may occur without an application to remove the (H) symbol from the lot.”

- aa. Deleting Schedule A; Schedule A Maps 1 to 6; Schedule B; Schedule B Maps 7 to 12; Schedule C; Schedule C Maps 13 to 18; Schedule D; Schedule E, and Schedule F, and replacing them with Schedules 4 to 27 attached to this by-law.

- 2. That Schedules 1 to 27 inclusive attached to this by-law are declared to form part of this by-law.

Enacted this 21<sup>st</sup> day of June, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk

Schedule 1 to By-law 2021-29

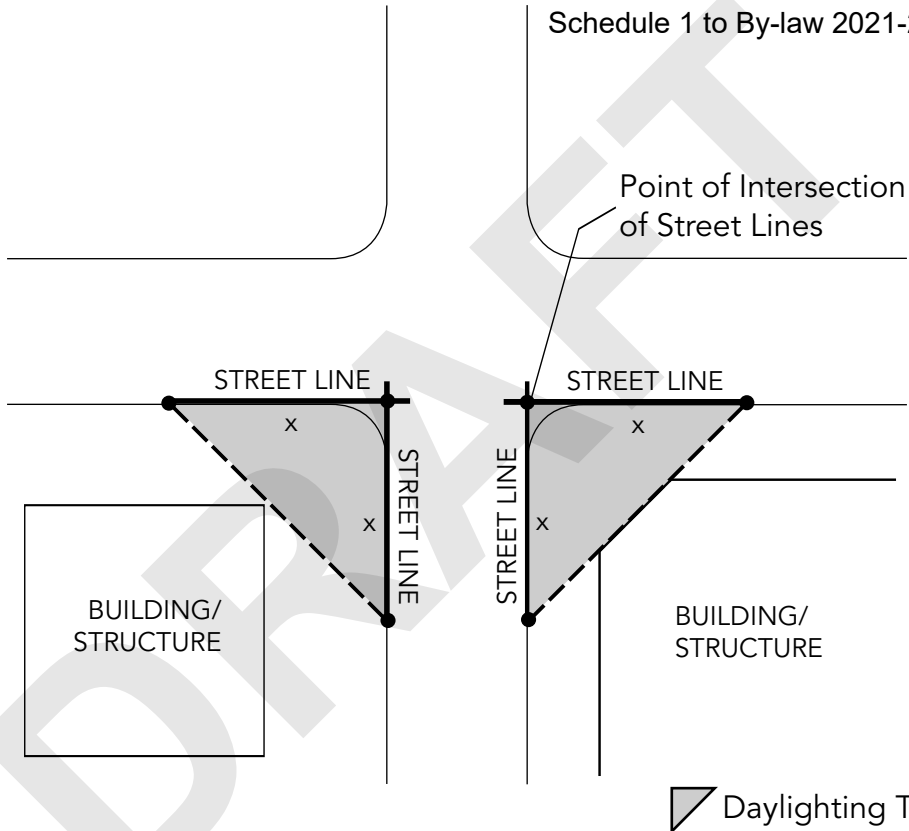
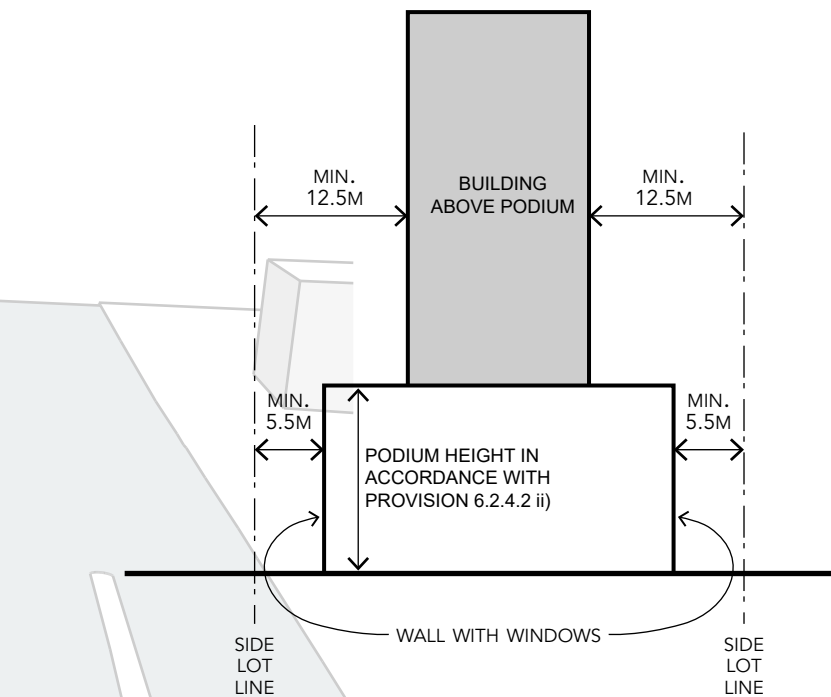


Diagram 3-6 Daylighting Triangle

## Schedule 2 to By-law 2021-29



*Diagram 6-3a SIDE SETBACK NOT ADJACENT TO A PUBLIC STREET*

## Schedule 3 to By-law 2021-29

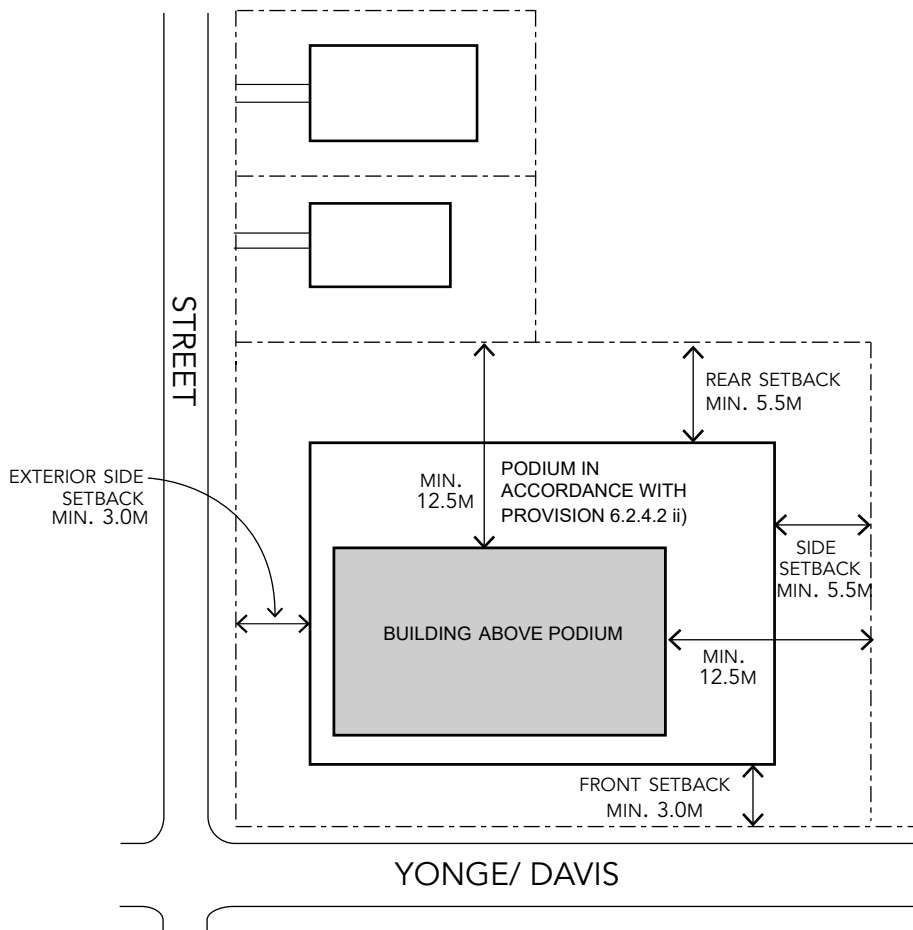
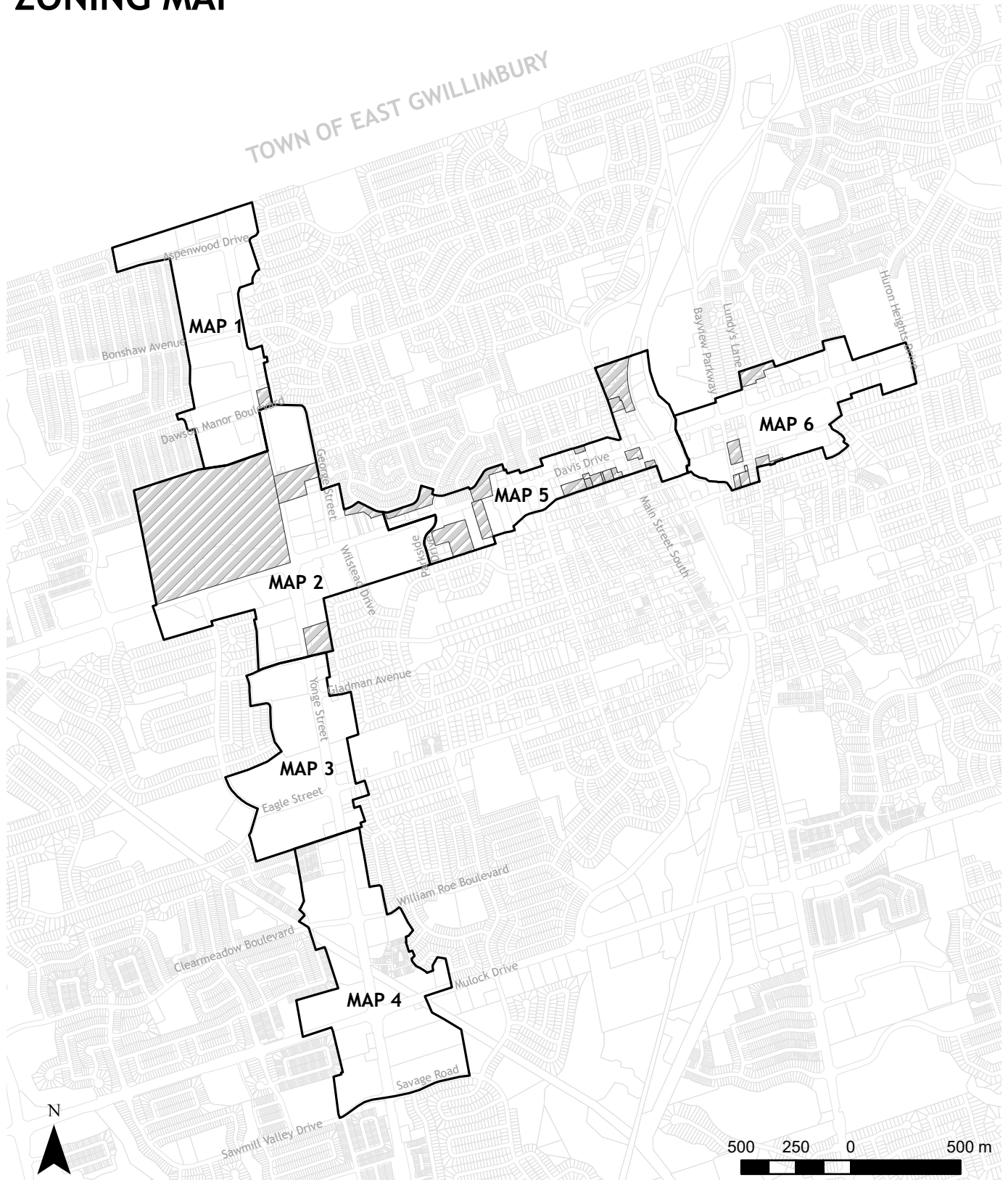


Diagram 6-3b. SETBACKS on A CORNER LOT

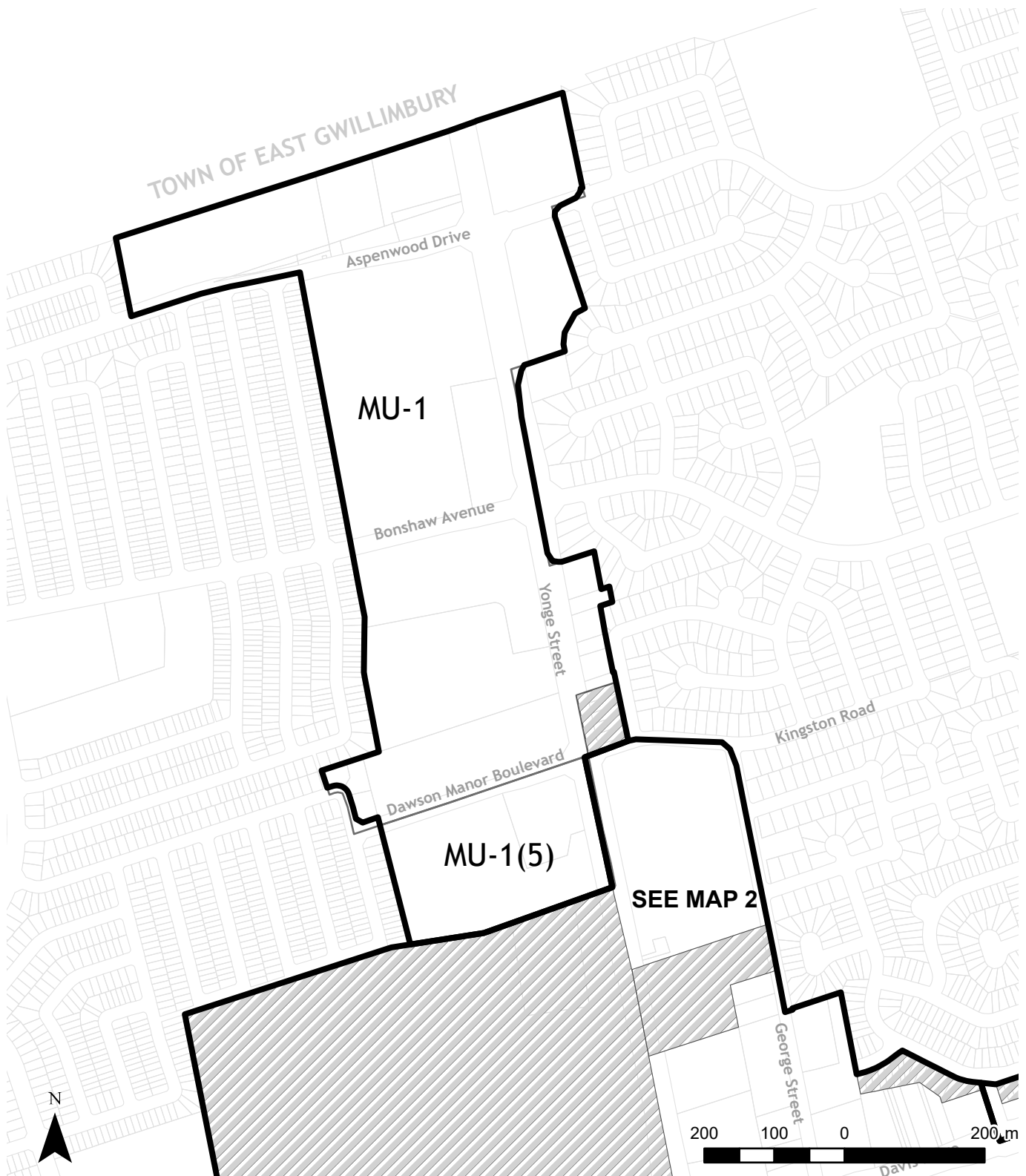
# ZONING MAP



*Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.*

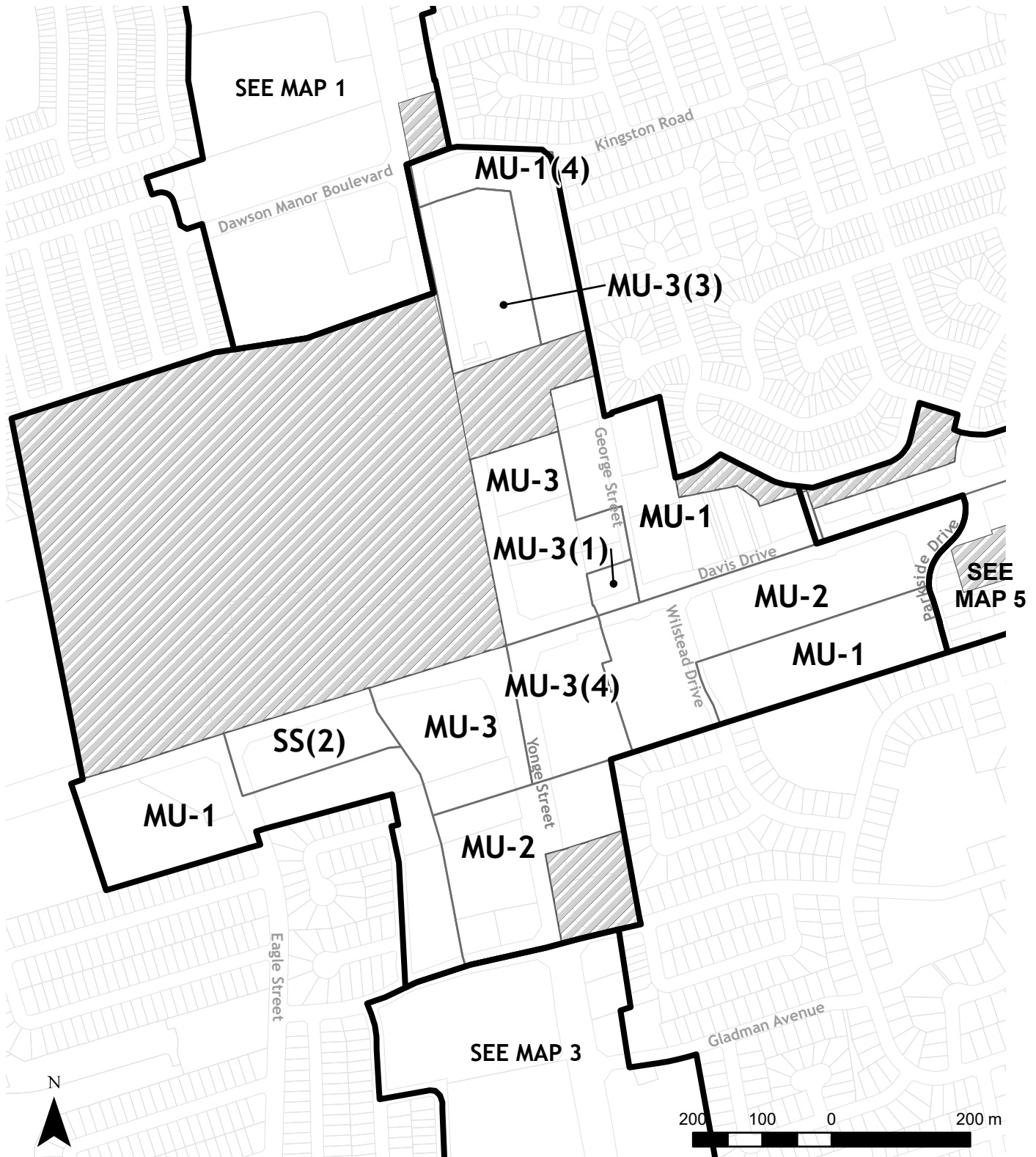


# YONGE NORTH ZONING MAP



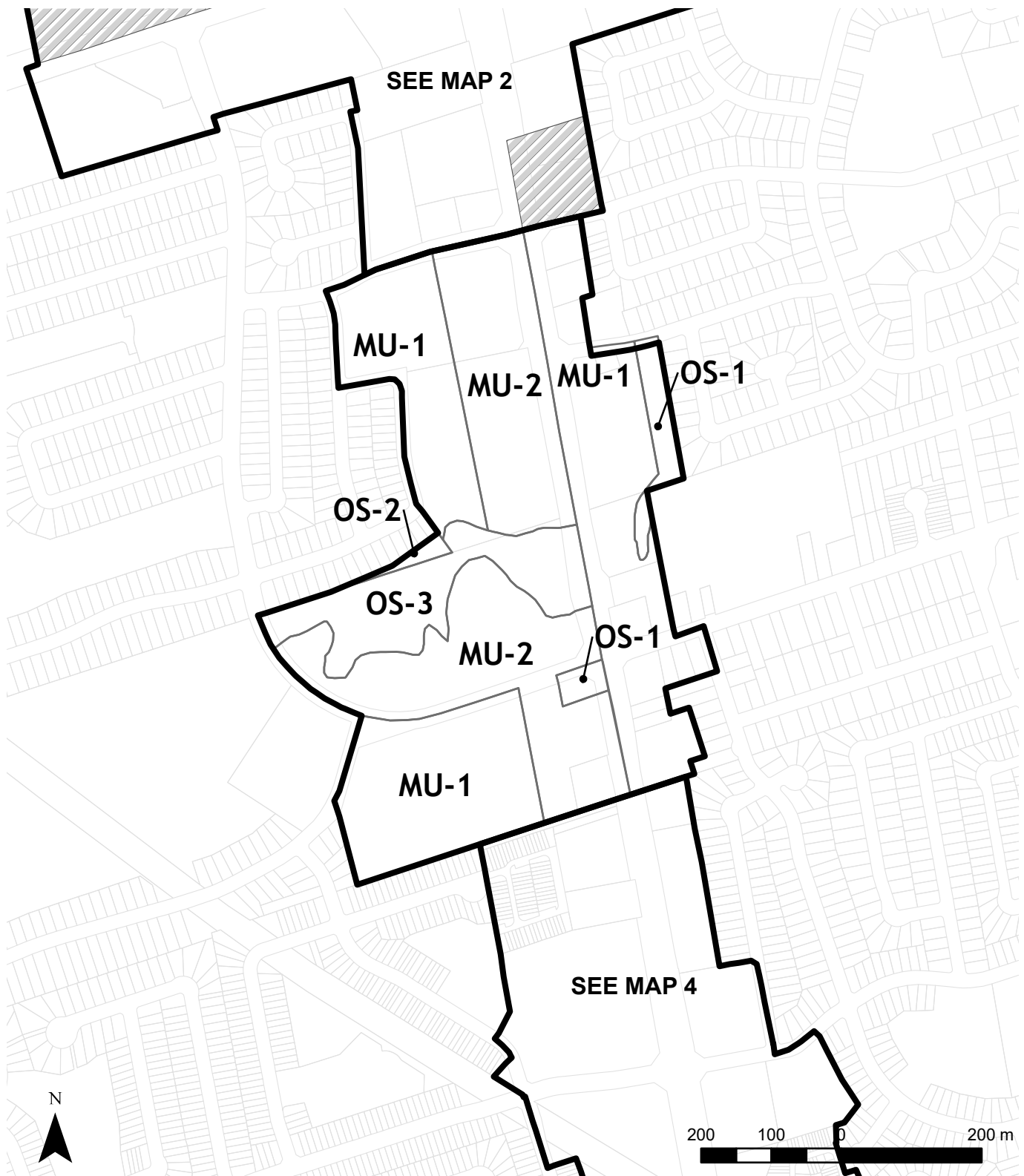
*Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.*

# YONGE AND DAVIS ZONING MAP



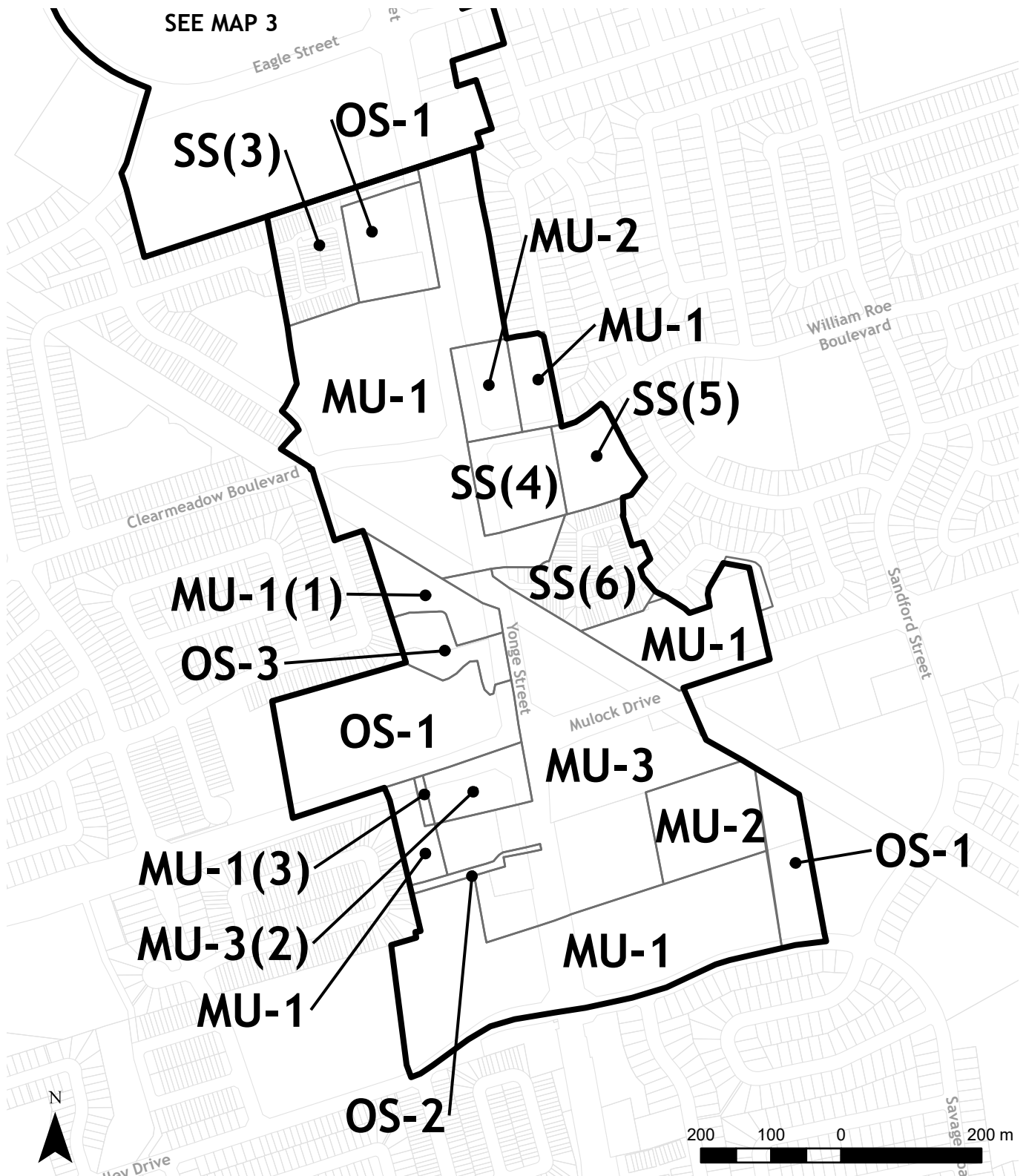
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

## YONGE CIVIC ZONING MAP



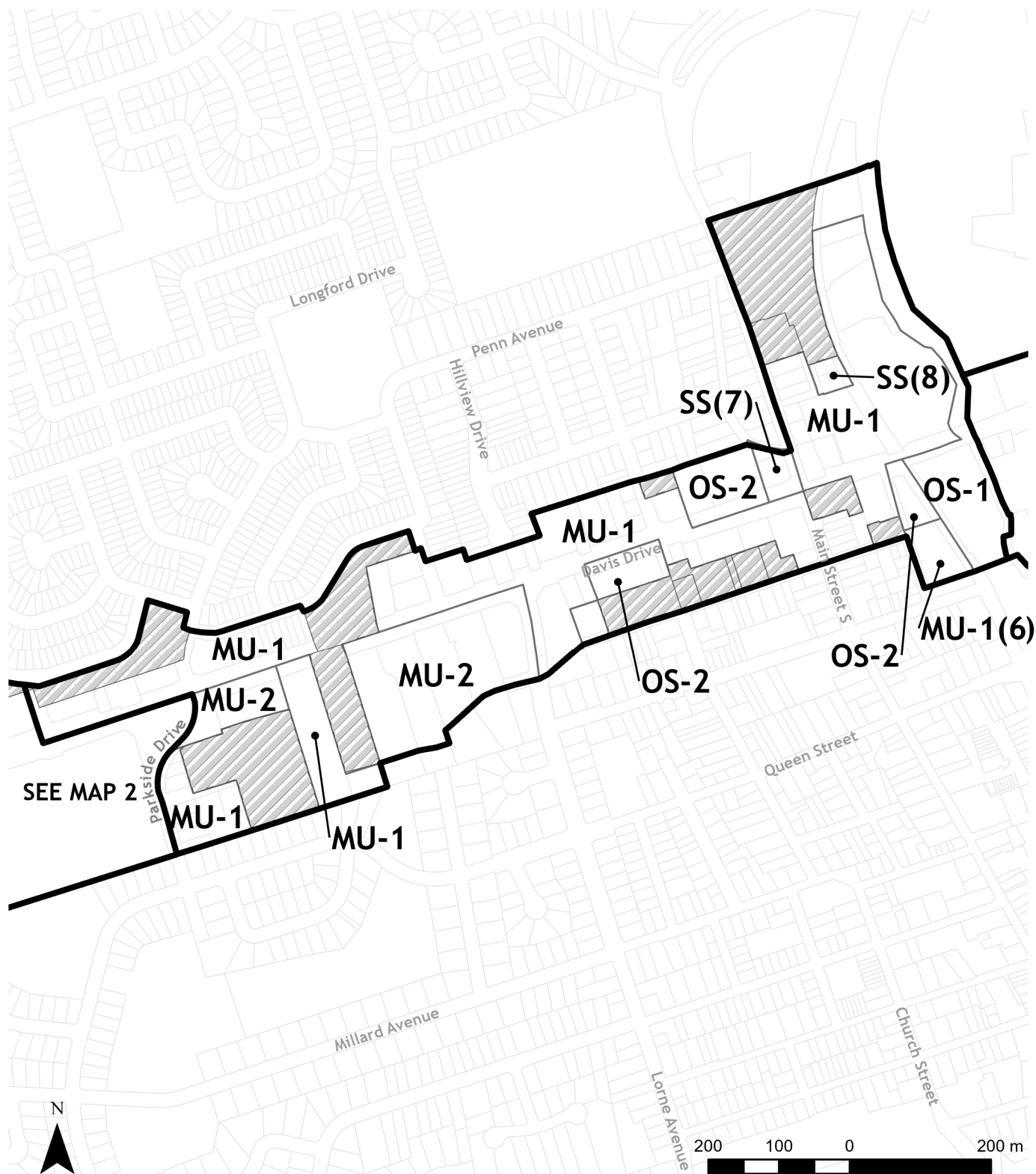
*Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.*

## YONGE SOUTH ZONING MAP



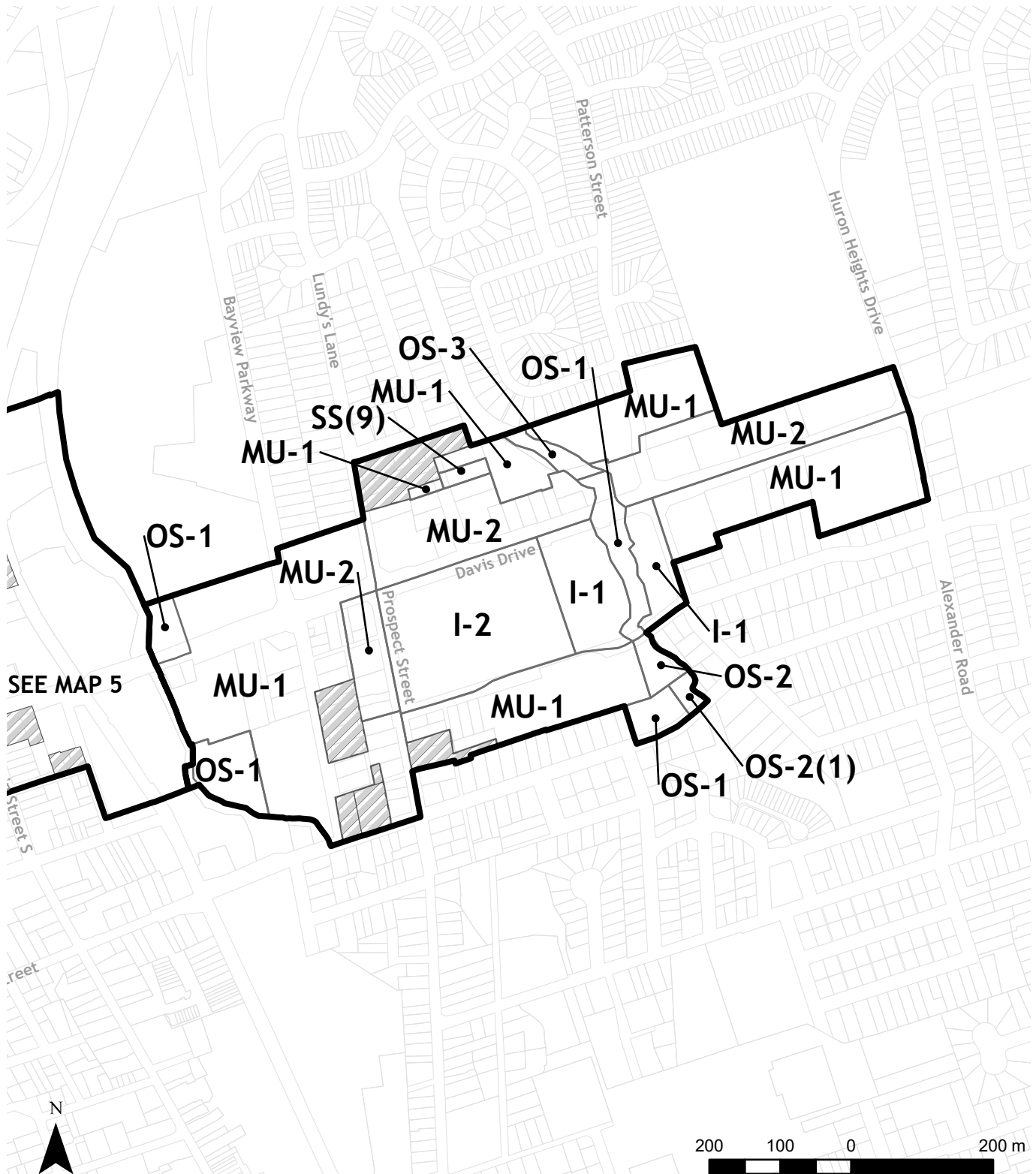
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

## DAVIS DRIVE ZONING MAP



Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

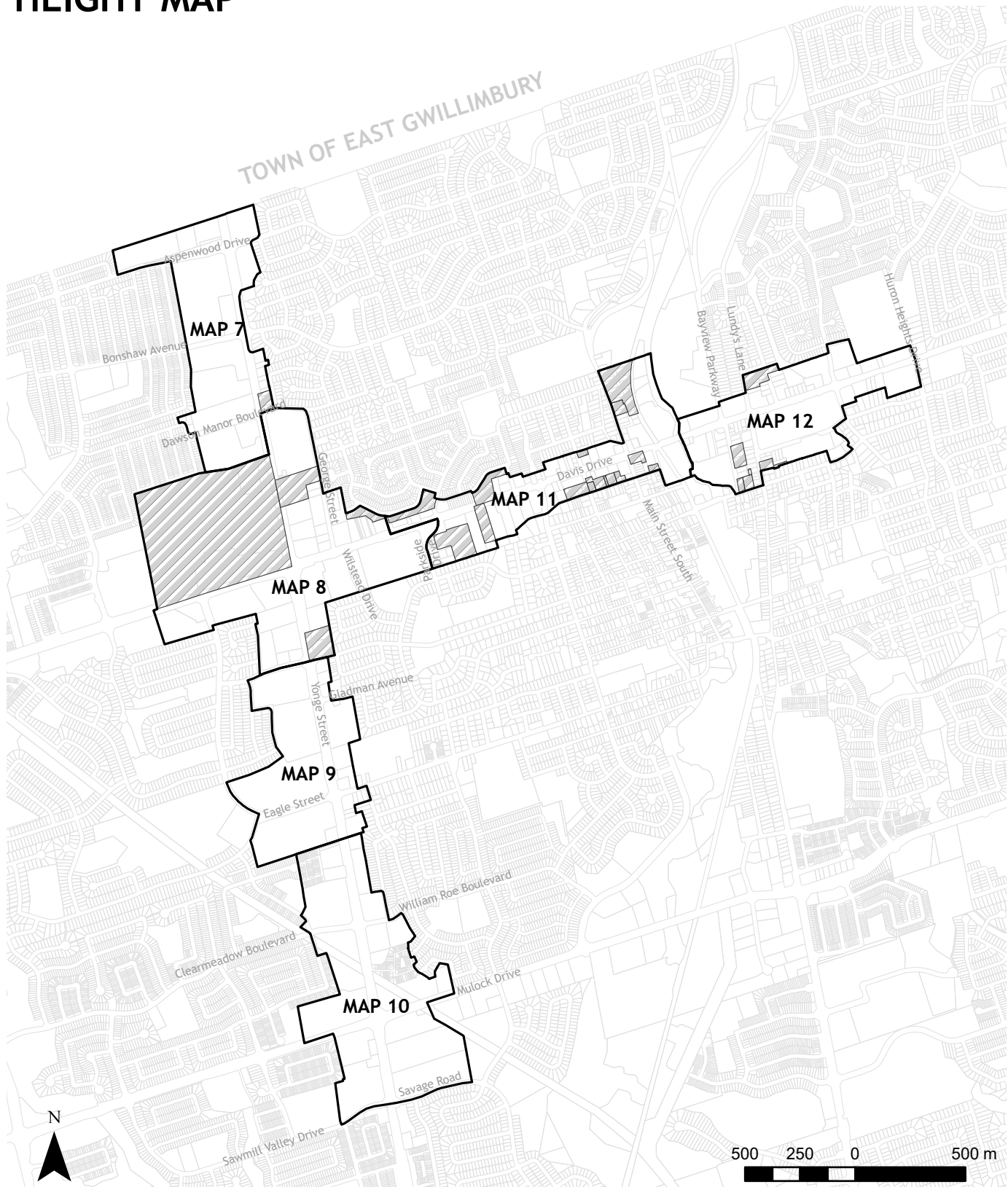
# REGIONAL HEALTHCARE CENTRE ZONING MAP



SEE MAP 5

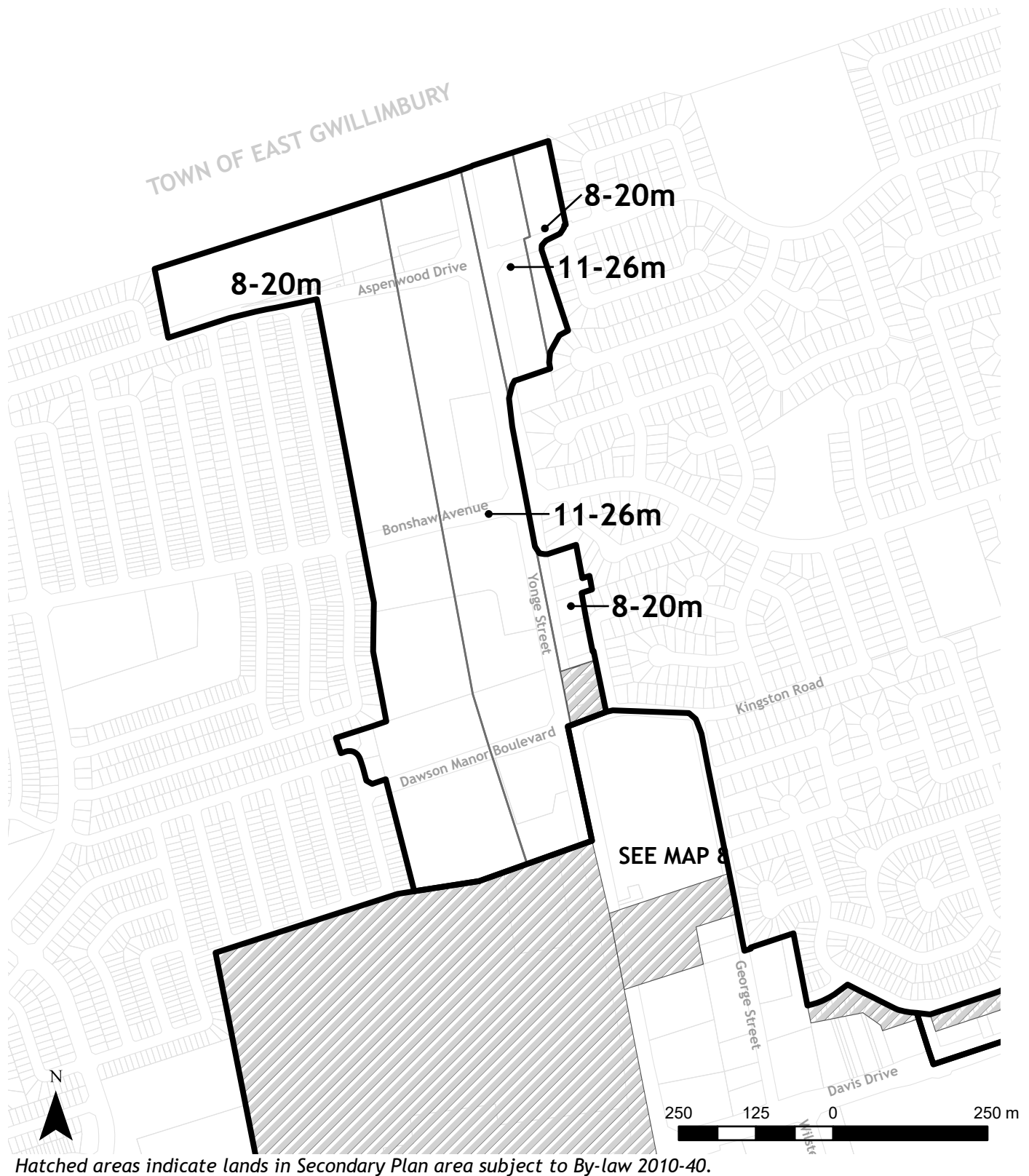
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

# HEIGHT MAP



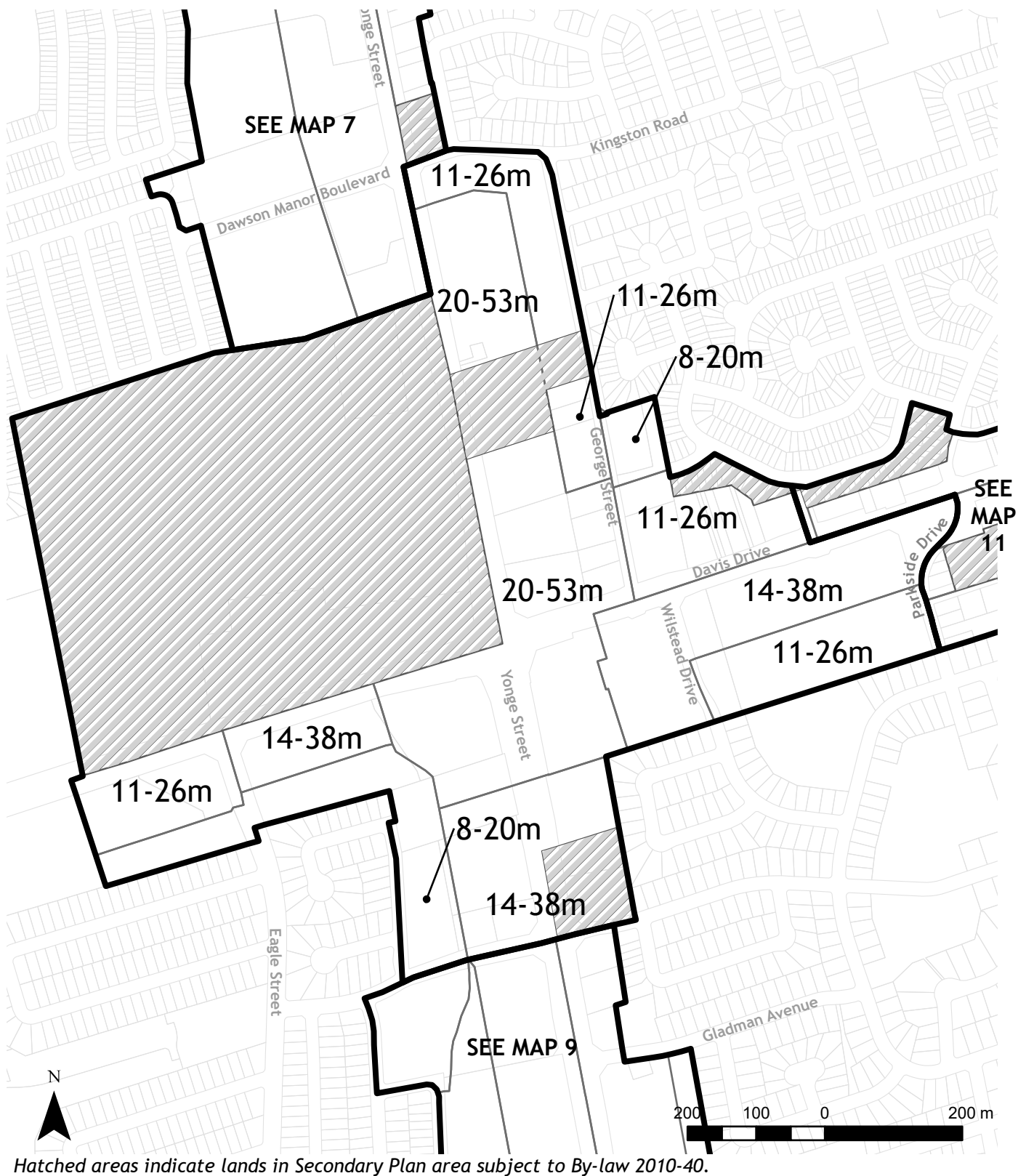
*Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.*

# YONGE NORTH HEIGHT MAP

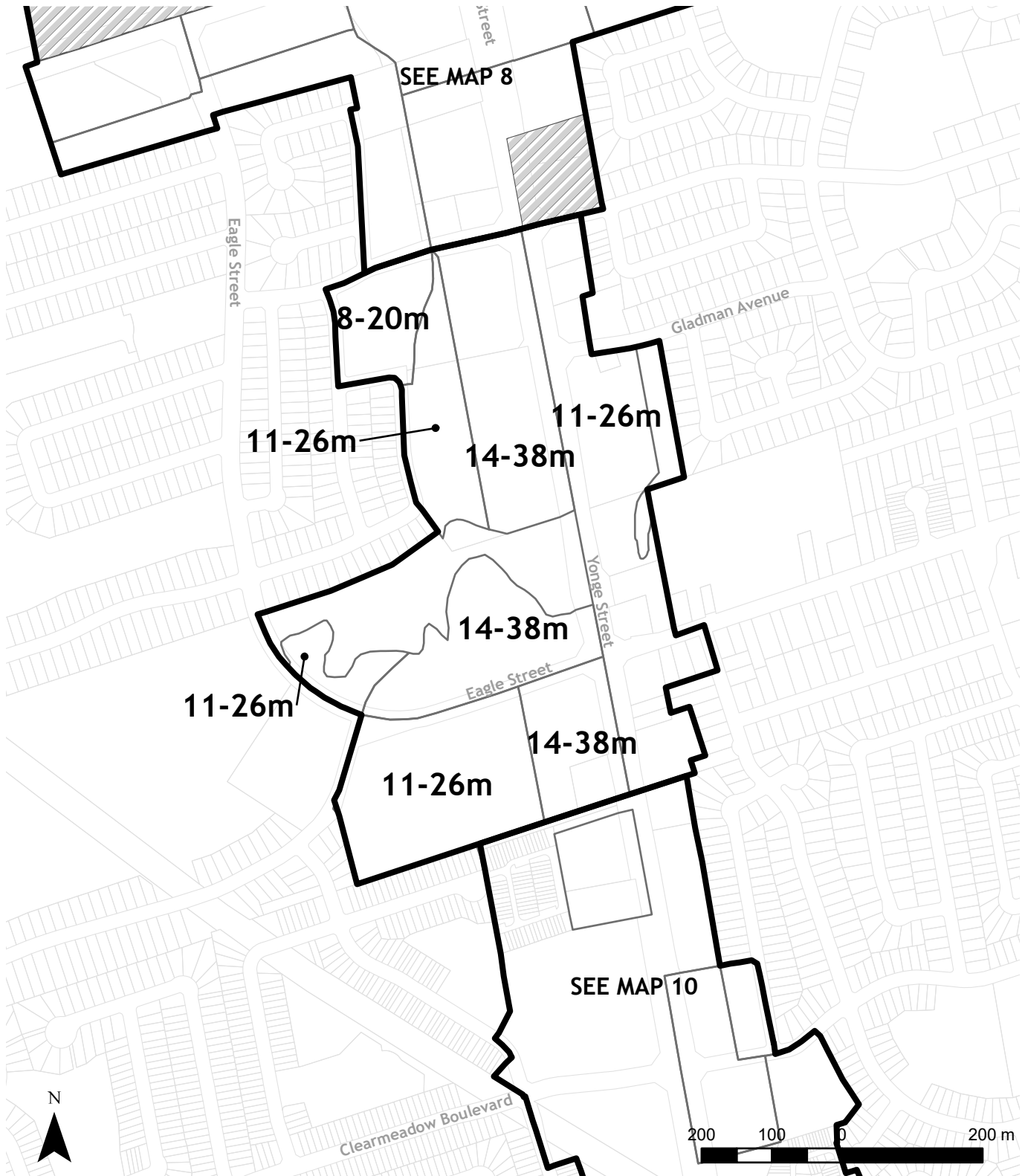




# YONGE AND DAVIS HEIGHT MAP

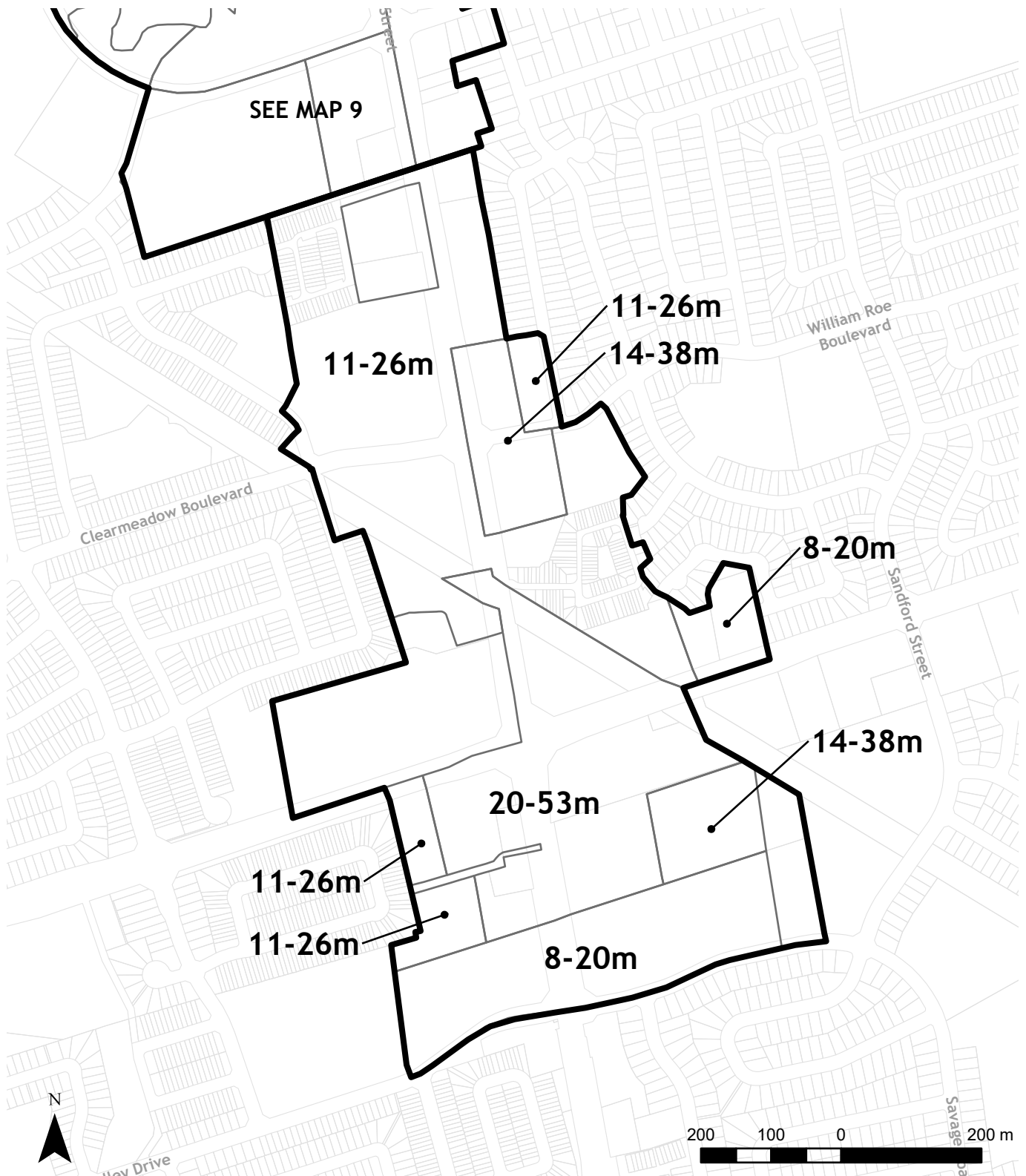


# YONGE CIVIC HEIGHT MAP



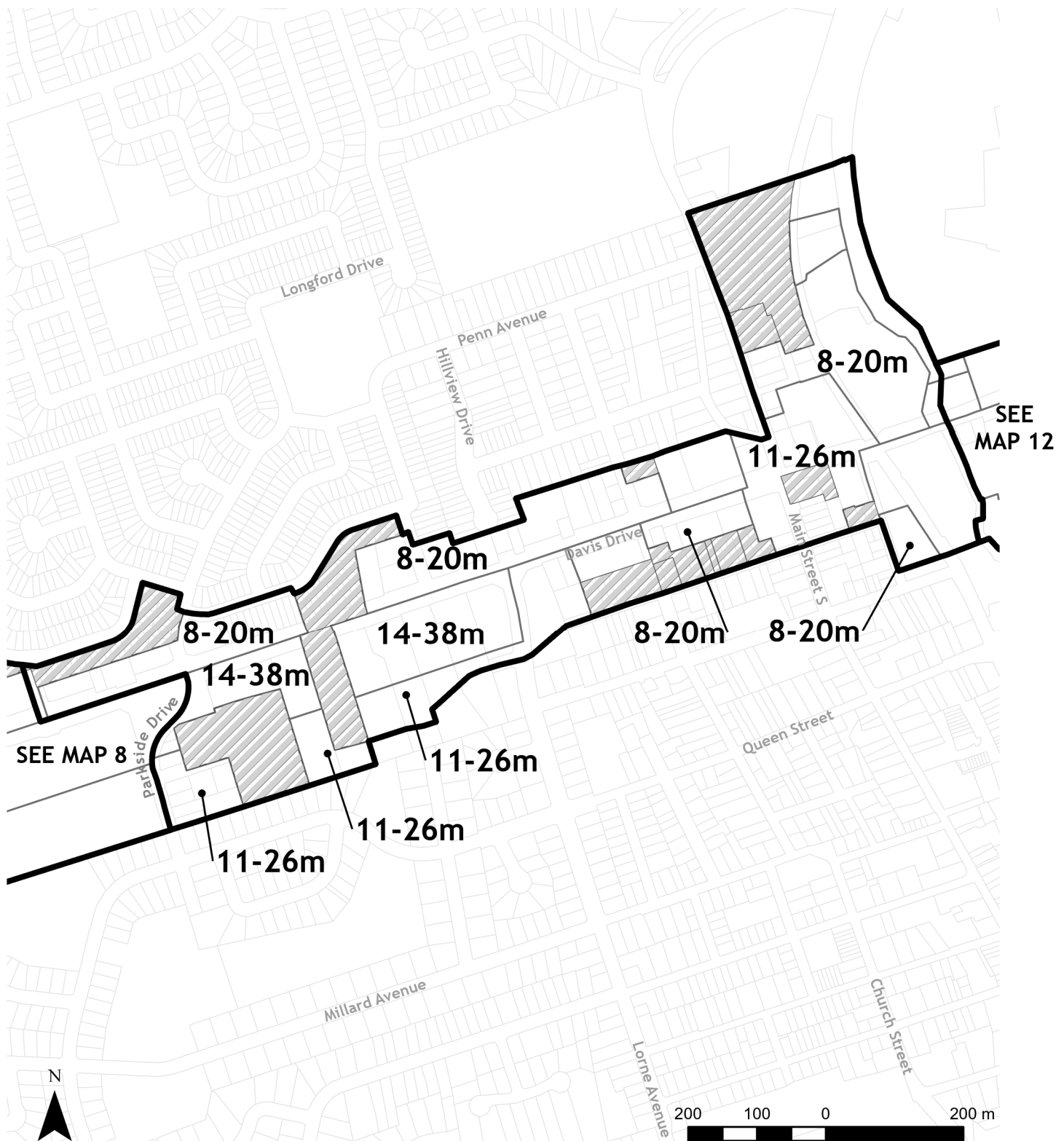
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

# YONGE SOUTH HEIGHT MAP



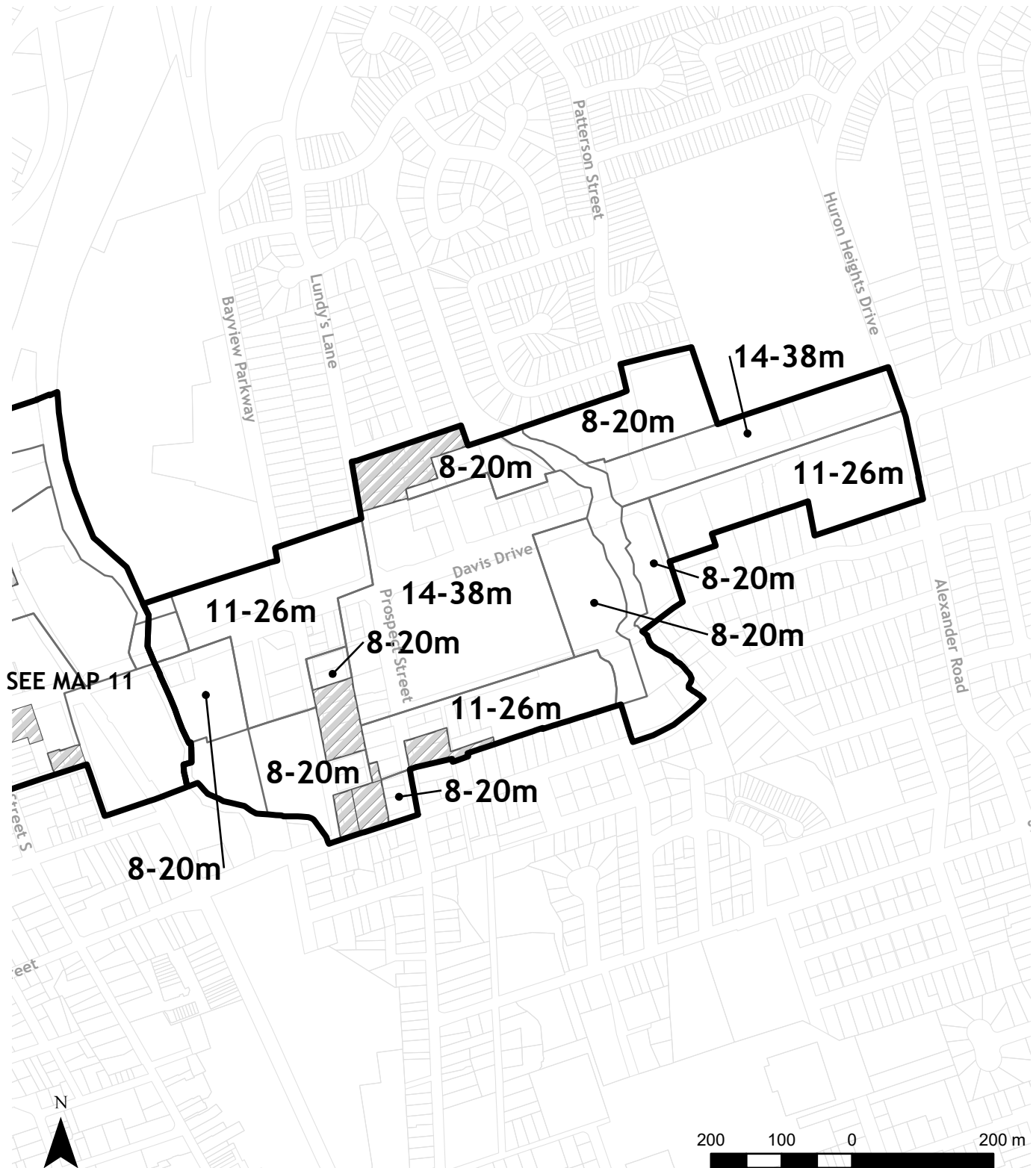
*Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.*

## DAVIS DRIVE HEIGHT MAP



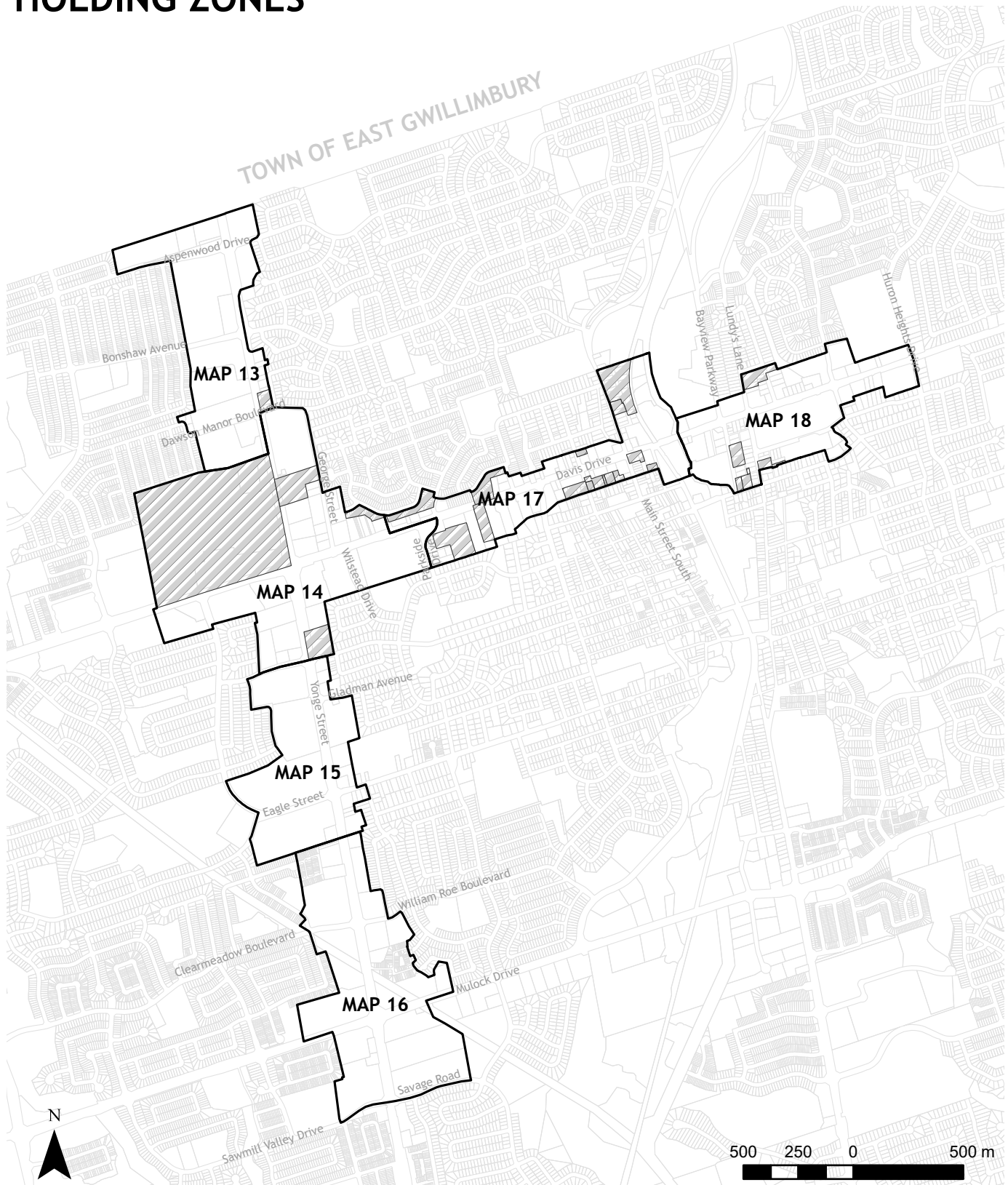
*Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.*

# REGIONAL HEALTHCARE CENTRE HEIGHT MAP



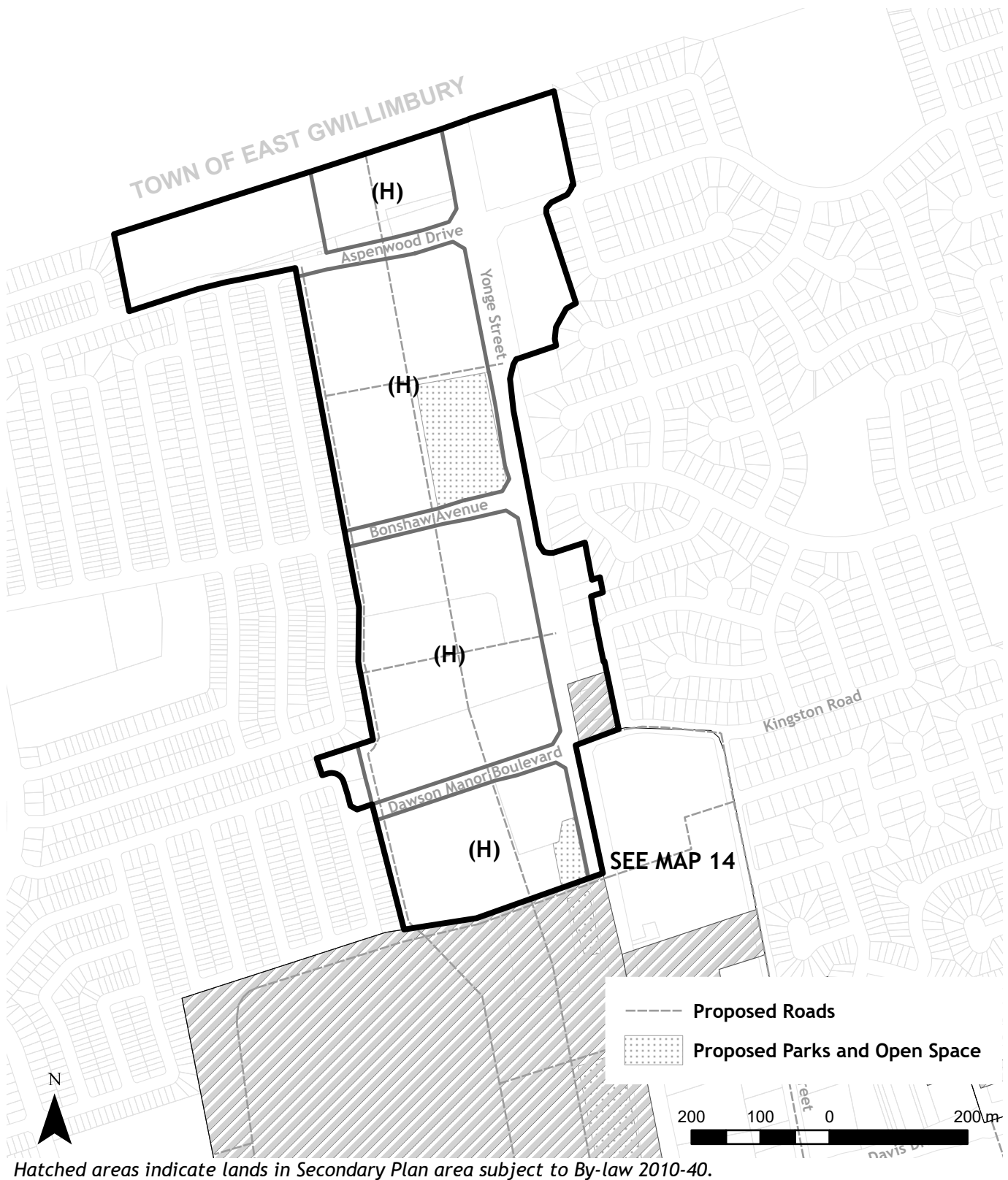
*Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.*

# HOLDING ZONES

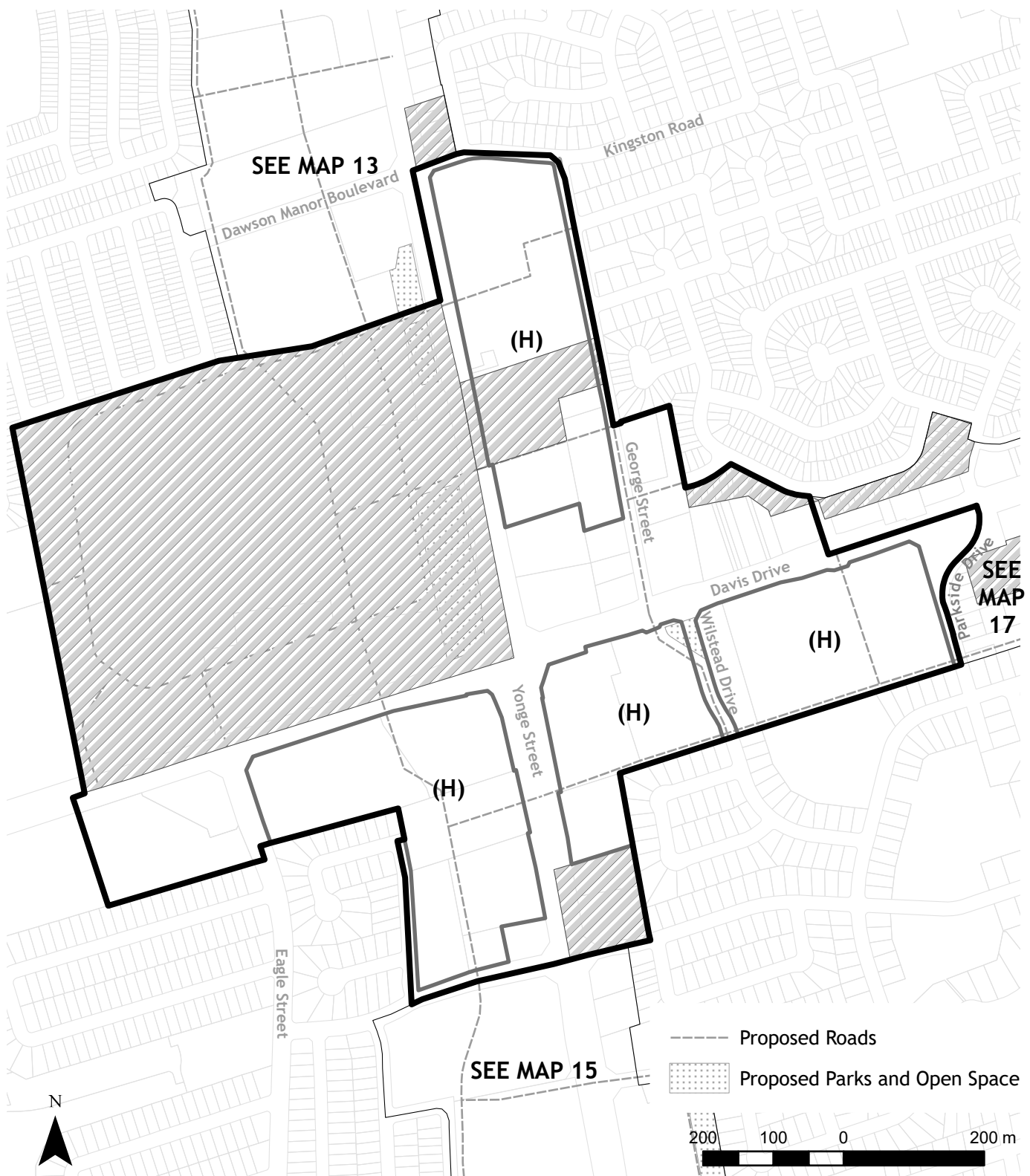


*Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.*

# YONGE NORTH HOLDING ZONES



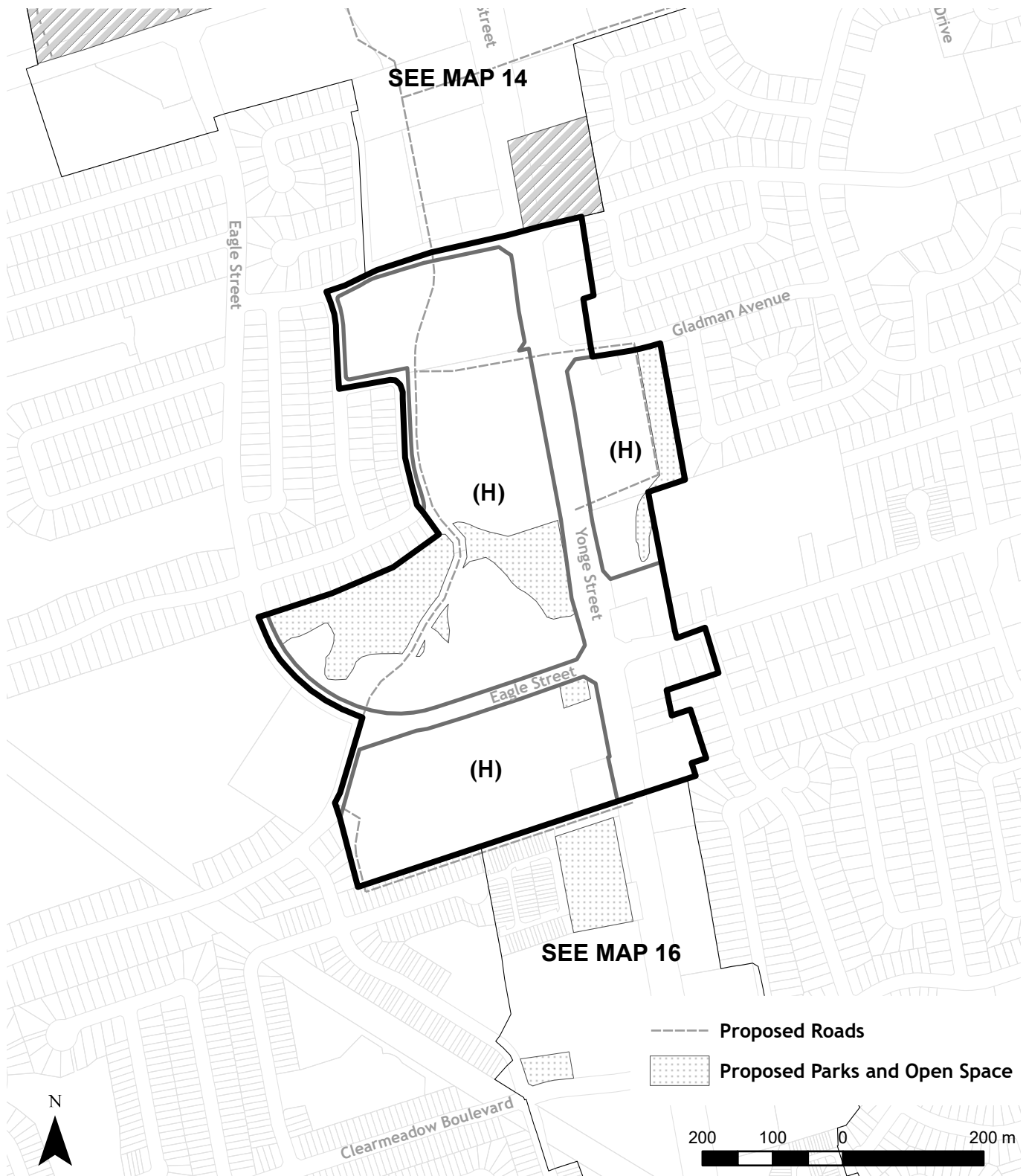
# YONGE AND DAVIS HOLDING ZONES



Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

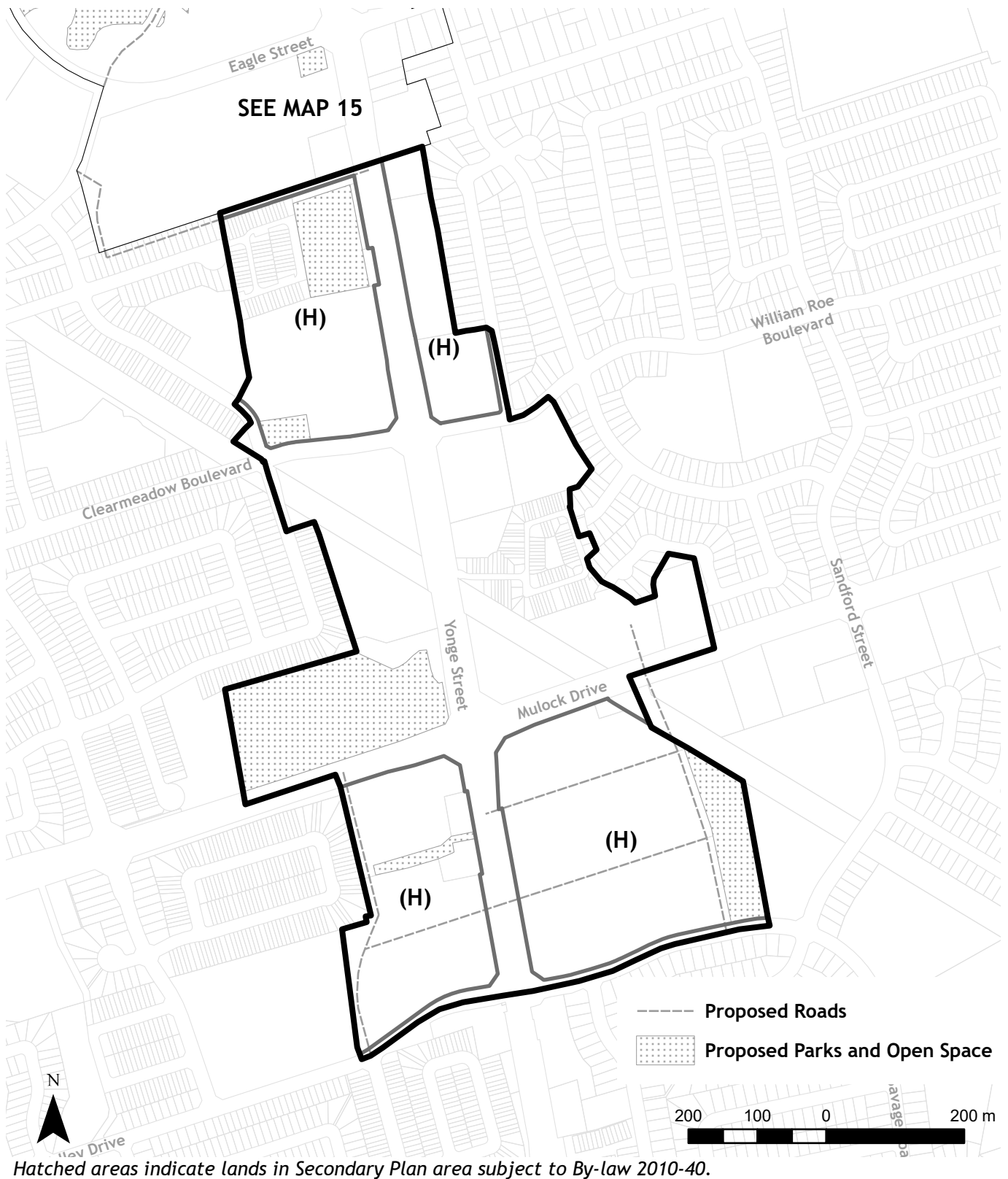


# YONGE CIVIC HOLDING ZONES

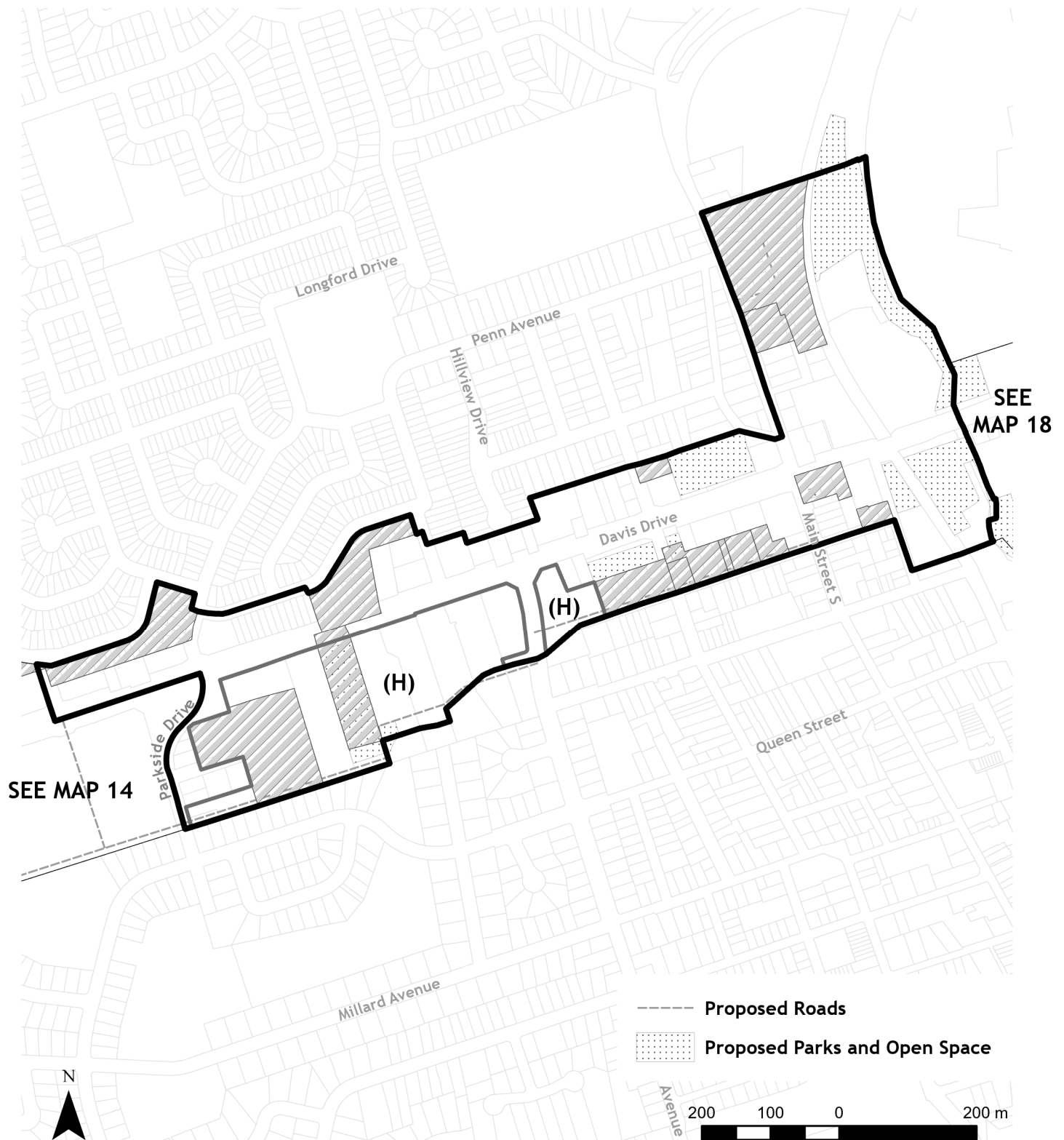


Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

# YONGE SOUTH HOLDING MAP

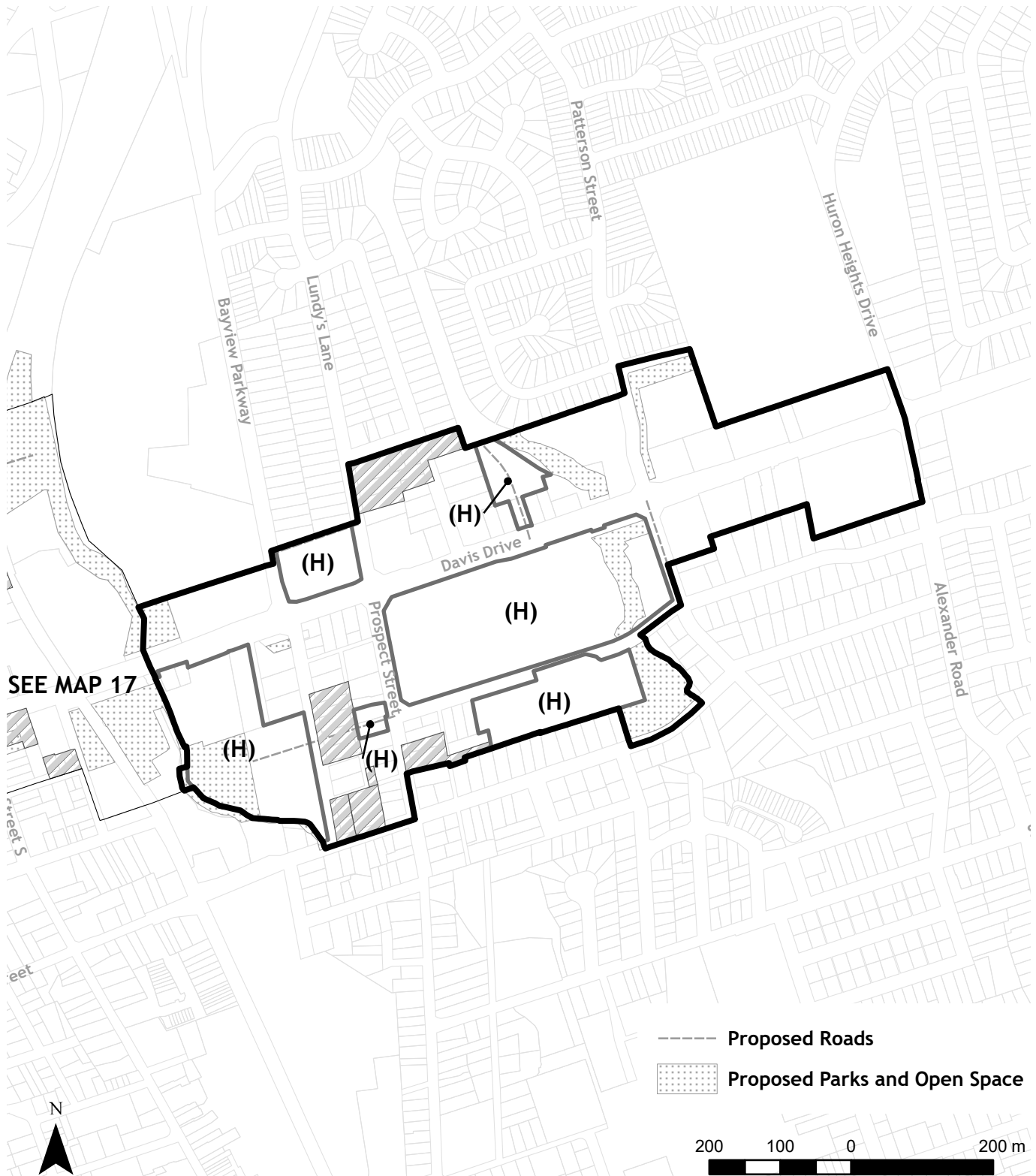


# DAVIS DRIVE HOLDING ZONES



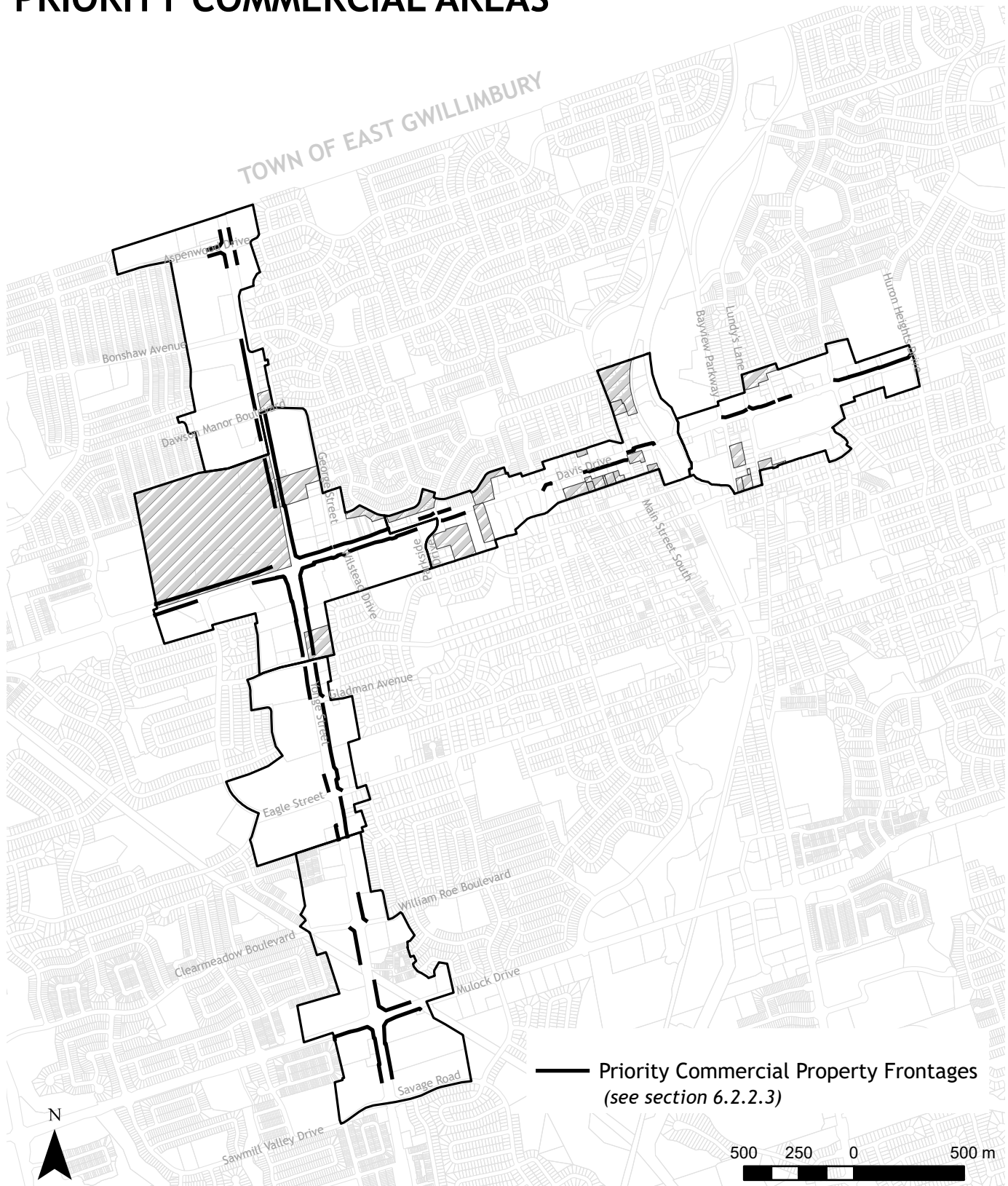
Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.

# REGIONAL HEALTHCARE CENTRE HOLDING ZONES



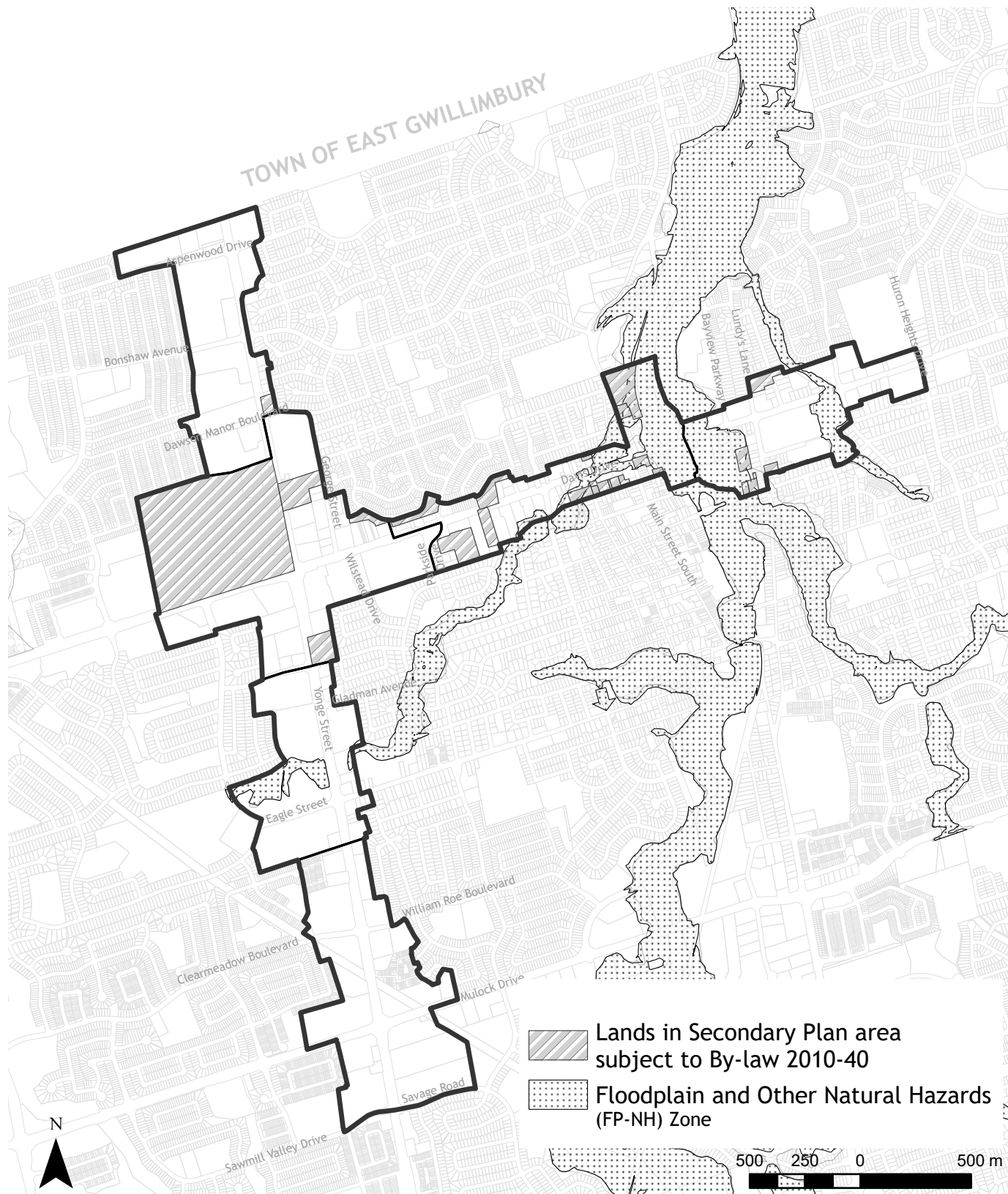
*Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.*

# PRIORITY COMMERCIAL AREAS



*Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.*

# FLOODPLAIN AND OTHER NATURAL HAZARDS



*Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.*



# PARKING REDUCTION AREAS



*Hatched areas indicate lands in Secondary Plan area subject to By-law 2010-40.*







# Corporation of the Town of Newmarket

## By-law 2021-31

A By-law to appoint Deputy Clerks for the Town of Newmarket. (Jaclyn Grossi, Flynn Scott, and Andrew Walkom).

Whereas Section 228(2) of the Municipal Act provides that a municipality may appoint a Deputy Clerk having all of the powers and duties of the Clerk under this and any other Act.

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That Jaclyn Grossi, Flynn Scott and Andrew Walkom be and are hereby appointed Deputy Clerk for the Corporation of the Town of Newmarket and shall have all the powers and duties of the Clerk under the Municipal Act, 2001 and all other Acts; and,
2. That in addition to the required statutory duties, the Deputy Clerk shall perform such other duties as Council may direct from time to time by resolution or by by-law; and,
3. That the Deputy Clerk may be styled "Deputy Town Clerk"; and,
4. That this By-law shall come into force and take effect on June 21, 2021.

Enacted this 21<sup>st</sup> day of June, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk





# Corporation of the Town of Newmarket

## By-law 2021-32

A By-law to amend By-law 2019-62 being a By-law to implement an Administrative Monetary Penalty System in the Town of Newmarket.

Whereas the Municipal Act, 2001 and Ontario Regulation 333/07 authorizes a municipality to require a Person to pay an Administrative Penalty for a contravention of any By-law respecting the parking, standing or stopping of vehicles; and,

Whereas the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2019-62 to implement an Administrative Monetary Penalty System in the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule A of By-law 2019-62 as it relates to the Designated By-law Provisions.

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

- 1. That Schedule A to the By-law 2019-62 be amended to remove the following sections:

By-law 2002-151 (Licensing)						
By-law 2002-151 Schedule 7 Body-rub Parlours		7.2	Operate without a body-rub parlour licence	450.00	600.00	750.00
		7.3	Failure to obtain an attendant's licence	450.00	600.00	750.00
		7.4(a)	Provide services designed to appeal to sexual appetites	450.00	600.00	750.00
		7.4(b)	Provide body-rubs to a person under 18 years of age	225.00	300.00	375.00
		7.4(c)	Failure to post sign restricting entry for under 18 years of age	225.00	300.00	375.00
		7.4(d)	Permit employee under 18 years of age	225.00	300.00	375.00
		7.4(e)	Business open without owner/operator onsite	225.00	300.00	375.00
		7.4(f)	Consume or be in possession of alcohol or drugs	450.00	600.00	750.00
		7.4(g)	Permit intoxicated person to remain in body-rub parlour	225.00	300.00	375.00
		7.4(l)	Failure to post licence	225.00	300.00	375.00
		7.4(o)	Failure to provide required documentation to Licensing Officer	225.00	300.00	375.00
		7.4(p)	Failure to provide copy of attendant licences	225.00	300.00	375.00
		7.4(s)	Use or permit any camera or recording device	225.00	300.00	375.00
		7.4(t)	Failure to post sign as directed by Town	225.00	300.00	375.00
		7.6	Prohibited sign	225.00	300.00	375.00
By-law 2002-151 Schedule 7 Body-rub Parlours		7.7	Circulate, post, or distribute printed material	225.00	300.00	375.00
		7.9	Advertise unauthorized business name or logo	225.00	300.00	375.00
		7.11(a)	Contravene approved floor plan	225.00	300.00	375.00
		7.11(b)	Locked or obstructed rooms	225.00	300.00	375.00
		7.11(d)	Body-rub parlour used as a dwelling	225.00	300.00	375.00
		7.11(e)	Room for body-rub not equipped with window	225.00	300.00	375.00
		7.12	Operate business contrary to hours of 11:00am to 11:59pm	225.00	300.00	375.00
		7.13(a)	Operate body-rub parlour within 500m of residential zone	225.00	300.00	375.00
		7.13(b)	Operate body-rub parlour on or within 500m of restricted roadway	225.00	300.00	375.00
		7.13(c)	Operate body-rub parlour within 500m of any school,	225.00	300.00	375.00

		church, or child day care			
	7.13(d)	Operate body-rub parlour within 1km of another body-rub parlour	225.00	300.00	375.00
	7.47	Obstruct a Licensing Officer	450.00	600.00	750.00

2. That Schedule A to the By-law 2019-62 be amended to add the following sections:

Business Licence By-law 2020-31						
Business Licence By-law 2020-31, as amended	1.	8.6 (1)	Failure to provide accurate floor plan	225.00	300.00	375.00
	2.	8.6 (5)(a)	Unauthorized attendant	450.00	600.00	750.00
	3.	8.6 (5)(b)	Failure to maintain records	225.00	300.00	375.00
	4.	8.6 (5)(c)	Failure to pre-screen customer	225.00	300.00	375.00
	5.	8.6 (5)(d)	Permit attendant to be nude	1,800.00	2,400.00	3,000.00
	6.	8.6 (5)(e)	Offer or provide sexual services	1,800.00	2,400.00	3,000.00
	7.	8.6 (6)	Advertise contrary to conditions	450.00	600.00	750.00
	8.	8.6 (7)	Operate when prohibited	450.00	600.00	750.00
	9.	8.6 (8)	Use of unauthorized entrance	225.00	300.00	375.00
	10.	8.6(9)(a)	Human habitation in PWE	450.00	600.00	750.00
	11.	8.6(9)(b)	Furniture used for sleeping purposes	450.00	600.00	750.00

Enacted this 21<sup>st</sup> day of June, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk



# Corporation of the Town of Newmarket

## By-law 2021-33

A by-law to amend Fees and Charges By-law 2019-52 being a by-law to adopt fees and charges for services or activities provided by the Town of Newmarket. (Legislative Services - Licensing Charges).

Whereas the Municipal Act, 2001 authorizes a municipality to pass by-laws imposing fees or charges for services or activities provided or done by or on behalf of it; and,

Whereas Council enacted By-law 2019-52 to establish Legislative Services - Licensing Fees for the Corporation of the Town of Newmarket; and,

Whereas it is deemed necessary to amend the Schedule of By-law 2019-52.

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

1. That the Schedule to the By-law 2019-52 be amended to remove the following fees:

Service Provided	Unit of Measure	2020 Fee
Body-Rub Parlour Owner*	each	\$639
Body-Rub Parlour Owner/Operator*	each	\$639
Body-Rub Parlour Operator*	each	\$446
Body-Rub Attendant	each	\$285

2. That the Schedule to the By-law 2019-52 be amended to add the following fees:

Service Provided	Unit of Measure	2020 Fee
Personal Wellness Establishment	each	\$150

Enacted this 21st day of June, 2021.

John Taylor, Mayor

Lisa Lyons, Town Clerk



# Corporation of the Town of Newmarket

## By-law 2021-34

A By-law to amend By-law 2020-31 being a By-law to regulate and licence businesses in the Town of Newmarket.

**Whereas** Section 151 of the Municipal Act 2001, S.O. 2001, c25, as amended, establishes that a municipality may provide for a system of licences with respect to a business;

**And whereas** the Council of the Town of Newmarket deems it advisable to pass such by-law;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That Section 2 “Definitions” to the By-law 2020-31 be amended to add the following:

**“Alternative Massage”** means any massage that is not provided by persons licensed, or registered as a regulated health professional under the laws of the Province of Ontario by the College of Massage Therapists as registered massage therapists or massage therapists to provide medical or therapeutic in nature, nor is it designed to appeal to erotic appetites or inclinations;

**“Personal Wellness Attendant”** means any Person who performs, offers, or solicits an Alternative Massage at a Personal Wellness Establishment;

**“Personal Wellness Establishment”** means any premises or part thereof where an **Alternative Massage** is performed, offered or solicited in exchange for payment;

2. That Section 8 to the By-law 2020-31 be amended to add the following sections:

### 8.6 Personal Wellness Establishments

- (1) Every room intended to be operated as part of a **Personal Wellness Establishment** shall be clearly identified at the time of a new or renewal **Business Licence** application process through the provision of a floor plan showing the location of each room.
- (2) Every Owner or Operator of a Personal Wellness Establishment shall submit a copy of a signed declaration demonstrating that the property owner and lessor has been informed of the nature of the owner's business.
- (3) Every Owner or Operator of a Personal Wellness Establishment shall submit to the Town:

- (a) a list of all Personal Wellness Attendants affiliated with the Personal Wellness Establishment, where the list shall include the following:
  - (i) proof satisfactory to the **Licensing Officer** that each Personal Wellness Attendant is eighteen (18) years of age or older, a citizen of Canada, or a landed immigrant or produce a valid work permit issued by the Government of Canada; to work in the occupation of Alternative Massage services or similar occupation category;
  - (ii) government issued photo identification;
  - (iii) complete contact information for each Personal Wellness Attendant, including full name, phone number, and address; and
  - (iv) An itemized list of services each Personal Wellness Attendant is qualified to perform.
- (b) a certificate, diploma, or other documentation certifying that the Personal Wellness Attendant has, in respect to the Alternative Massage services intended to be offered or provided, successfully completed a training program from an accredited educational institution in Canada;
- (c) notwithstanding Section 8.6(3)(b), every Owner or Operator of a Personal Wellness Establishment offering or providing services where no accredited educational institution in Canada offers such training for Personal Wellness Attendants, the following shall be submitted:
  - (i) the name and membership number (if applicable) of the Personal Wellness Attendant;
  - (ii) the Alternative Massage modality or modalities practiced by the Personal Wellness Attendant;
  - (iii) proof satisfactory to the Manager that the Personal Wellness Attendant is a member in good standing of the association; and
  - (iv) any other relevant documentation upon the request of the Manager.
- (4) Prior to the issuance of a Personal Wellness Establishment Licence, the Manager may require one or more of the following be completed:
  - (a) an interview with the Owner or any Personal Wellness Attendant employed by the Owner to ensure they are qualified to offer **Alternative Massage** services;
  - (b) an onsite inspection to verify the details of the application; and
  - (c) the application be referred to York Region Public Health, York Region Police, or any other Town department for the purpose of providing non-binding input.
- (5) Every Personal Wellness Establishment shall ensure:



- (a) the Town has been notified of any Personal Wellness Attendant employed by the business prior to the Personal Wellness Attendant beginning to offer services at the Personal Wellness Services Establishment and all information listed in Section 8.6(3) has been forwarded to the Town for approval;
  - (b) a record is kept of each Alternative Massage provided and every record shall:
    - (i) include the name of the Person who provided the Alternative Massage and the time and date of the Alternative Massage;
    - (ii) be kept for at least one year after the date of the Alternative Massage;
    - (iii) be immediately produced upon demand to any Person assigned or appointed by the Manager to enforce this By-law; and
  - (c) a pre-screening form for each client of the Alternative Massage Business is completed to record the name, contact information, phone number and email address and medical conditions that assess the medical risk to an individual who receives an Alternative Massage;
  - (d) no Personal Wellness Attendant is nude in any portion of the Personal Wellness Establishment except for in any washrooms, showers, or change rooms; and
  - (e) no services are offered, **Marketed**, or provided that appeal to erotic or sexual appetites.
- (6) No Personal Wellness Establishment shall **Market** its products or services through any means of promotion unless the Business name is clearly displayed.
- (7) Every **Personal Wellness Establishment** shall only operate between the hours of 8:00 a.m. and 10:00 p.m. within the same calendar day.
- (8) Every Owner or Operator of a Personal Wellness Establishment shall ensure that no Persons other than staff enter the Personal Wellness Establishment except through a principal entrance as identified in the floor plan.
- (9) No part of the **Personal Wellness Establishment** shall:
- (a) be used for human habitation; or
  - (b) contain any furniture commonly used for sleeping purposes.

3. That the following Section 11 be added to By-law 2020-31:

#### **11. Repeal**

- (2) Licensing By-law 2002-151 Schedule 7 Body Rub Parlours is hereby repealed.

Enacted this 21<sup>st</sup> day of June, 2021.

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John Taylor, Mayor

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Lisa Lyons, Town Clerk

# Corporation of the Town of Newmarket

## By-law 2021-35

A By-law to confirm the proceedings of a meeting of Council - Electronic – June 21, 2021

Whereas s. 5(1) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that the powers of a municipal corporation shall be exercised by its Council; and,

Whereas s. 5(3) of the Municipal Act, 2001, S.O. 2001, c. 25 provides that a municipal power, including a municipality's capacity, rights, powers and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and,

Whereas the Council of the Town of Newmarket deems it advisable to pass such a by-law;

Therefore be it enacted by the Council of the Corporation of the Town of Newmarket as follows:

1. That subject to Section 3 of this by-law, every decision of Council, as evidenced by resolution or motion, taken at the meeting at which this by-law is passed, shall have the same force and effect as if each and every one of them had been the subject matter of a separate by-law duly enacted;
2. And that the execution and delivery of all such documents as are required to give effect to the decisions taken at the meeting at which this by-law is passed and the resolutions passed at that meeting are hereby authorized;
3. And that nothing in this by-law has the effect of giving to any decision or resolution the status of a by-law where any legal prerequisite to the enactment of a specific by-law has not been satisfied;
4. And that any member of Council who disclosed a pecuniary interest at the meeting at which this by-law is passed shall be deemed to have disclosed that interest in this confirmatory by-law as it relates to the item in which the pecuniary interest was disclosed.

Enacted this 21<sup>st</sup> day of June, 2021.

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John Taylor, Mayor

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Lisa Lyons, Town Clerk