

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

Additional items to this Agenda are shown under the Addendum header.

## **Declarations of Pecuniary Interest**

## **Presentations & Recognitions**

1. Ms. Michelle Albert, Canadian Public Works Association to present a First Time Entry Award plaque to Mayor Van Bynen and Members of Council in honour of the Town of Newmarket being the 2016 National Public Works Week winning municipality.
2. Ms. Heather Colquhoun, Regional Manager, Municipal and Stakeholder Relations and Ms. Natasha Dawood, Account Manager, Municipal and Stakeholder Relations, Municipal Property Assessment Corporation to address the Committee with a PowerPoint Presentation regarding Service Level Agreement. (Related to Item 4) p. 1

## **Deputations**

3. PowerPoint Presentation by Mr. Bob Forrest, Forrest Group regarding the Main Street Clock Inc. re-development application. (10 minutes) (To be heard at 7:00 p.m.) (Related to Item 26)  
(PowerPoint presentation to be provided at meeting)

## **Consent Items (Items # 4 to 23, 27 to 29)**

4. Corporate Services Report - Financial Services 2016-44 dated November 28, 2016 regarding a Service Level Agreement between MPAC and Ontario Municipalities. p. 11

The Commissioner of Corporate Services and the Director of Financial Services recommend:

a) THAT Corporate Services Report - Financial Services 2016-44 dated November 28, 2016 regarding a Service Level Agreement (SLA) between the Municipal Property Assessment Corporation (MPAC) and Ontario Municipalities be received and the following recommendations be adopted:

i) THAT the presentation from Ms. Heather Colquhoun, Regional Manager, and Ms. Natasha Dawood, Account Manager, both with MPAC's Municipal and Stakeholder Relations department be received;

i) AND THAT the Town of Newmarket continues to participate in the Phase 1 Soft Launch with staff providing feedback to MPAC on a regular basis regarding the SLA;

ii) AND THAT Council is presented with the final Service Level Agreement at the conclusion of the pilot project, along with periodic updates on the achievement of the expected service levels.

5. Corporate Services Report - Financial Services 2016-46 dated November 6, p. 14 2016 regarding 2017 Water and Wastewater Rates.

The Commissioner of Corporate Services and the Director of Financial Services recommend:

a) THAT Corporate Services Report - Financial Services 2016-46 dated November 6, 2016 regarding 2017 Water and Wastewater Rates be received and the following recommendations be adopted:

i) THAT the attached Schedule 'A' being the Town of Newmarket Water and Wastewater Rates be approved and adopted by By-law;

ii) AND THAT the Water and Wastewater Rates adjustments come into full force and effect as of January 1, 2017;

iii) AND THAT full implementation of fixed tiered water and wastewater rates be phased in over four years starting in 2017.

6. Joint CAO, Commissioners and Corporate Services Report - Financial Services p. 19 2016-49 dated November 14, 2016 regarding 2017 Fees and Charges - Overview.

The Chief Administrative Officer, the Commissioners of Development and Infrastructure Services, Community Services and Corporate Services and the Director of Financial Services recommend:

a) THAT Joint CAO, Commissioners and Corporate Services Report - Financial Services 2016-49 dated November 14, 2016 regarding 2017 Fees and Charges - Overview be received for information purposes.



7. Corporate Services Report - Financial Services 2016-50 dated November 14, 2016 regarding 2017 User Fees and Charges - General Fees and Charges. p. 22

The Commissioner of Corporate Services and the Director of Financial Services recommend:

a) THAT Corporate Services Report - Financial Services 2016-50 dated November 14, 2016 regarding 2017 User Fees and Charges - General Fees and Charges be received and the following recommendations be adopted:

i) THAT the attached Schedules 'A', 'B', 'C', 'D', 'E' and 'F' marked as the Town of Newmarket 2017 All Departments, Corporate Services - Finance & Procurement & IT, Legal Services, Public Works Services, Engineering Services and Legislative Services - General Fees and Charges Schedules respectively, be approved and adopted by by-law;

ii) AND THAT the fee adjustments come into full force and effect as of January 1, 2017.

8. Joint Development and Infrastructure Services - Planning and Building Services and Corporate Services Report - Financial Services 2016-51 dated November 14, 2016 regarding 2017 User Fees and Charges - Planning Act Fees. p. 43

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Joint Development and Infrastructure Services - Planning and Building Services and Corporate Services Report - Financial Services 2016-51 dated November 14, 2016 regarding 2017 User Fees and Charges - Planning Act Fees be received and the following recommendations be adopted:

i) THAT the attached Schedule 'A' being the Town of Newmarket 2017 Planning Application Fees Schedule, be approved and adopted by by-law;

ii) AND THAT the fee adjustments come into full force and effect as of January 1, 2017.

9. Joint Central York Fire Services and Corporate Services Report - Financial Services 2016-52 dated November 14, 2016 regarding 2017 User Fees and Charges - Fire Services. p. 52

The Fire Chief, the Commissioner of Corporate Services and the Director of Financial Services recommend:

a) THAT Joint Central York Fire Services and Corporate Services Report - Financial Services 2016-52 dated November 14, 2016 regarding 2017 User Fees and Charges - Fire Services be received and the following recommendations be adopted:

i) THAT the attached Schedule 'A', being the Town of Newmarket 2017 Fire Services Fees Schedule, be approved and adopted by by-law;

ii) AND THAT the fee adjustments come into full force and effect January 1, 2017.

10. Corporate Services Report - Financial Services 2016-53 dated November 17, 2016 regarding 2017 Interim Appropriations. p. 57

The Commissioner of Corporate Services and the Director of Financial Services recommend:

a) THAT Corporate Services Report - Financial Services 2016-53 dated November 17, 2016 regarding 2017 Interim Appropriations be received and the following recommendations be adopted:

i) THAT Council provide pre-budget approval for the capital projects in the attached list (Appendix A);

ii) AND THAT staff be authorized and directed to do all things necessary to give effect to these recommendations.

11. Joint Corporate Services/Development and Infrastructure Services - Financial Services Report 2016-40 dated October 20, 2016 regarding Implementation of a Stormwater Charge. (Deferred from the Special Committee of the Whole meeting held on October 31, 2016) p. 63

The Commissioners of Corporate Services and Development and Infrastructure Services and the Director of Financial Services recommend:

a) THAT Corporate Services Report - Financial Services 2016-40 dated October 25, 2016 regarding implementation of a Stormwater Charge be received and the following recommendations be adopted:

i) THAT Council adopt the Stormwater Management Services Charge By-law;

ii) AND THAT staff recommend the 2017 Stormwater Rates be included with the 2017 User Fees and Charges By-law;

iii) AND THAT Council authorizes staff to execute the communication strategy.

12. Corporate Services Report - Financial Services 2016-55 dated November 16, p. 85 2016 regarding 2017 Stormwater Rates.

The Commissioner of Corporate Services and the Director of Financial Services recommend:

a) THAT Corporate Services Report - Financial Services 2016-55 dated November 16, 2016 regarding 2017 Stormwater Rates be received and the following recommendations be adopted:

i) THAT the attached Schedule 'A' being the Town of Newmarket Stormwater Rates be approved and adopted by By-law;

ii) AND THAT the Stormwater Rates implementation come into full force and effects of January 1, 2017.

13. Corporate Services Report - Legislative Services 2016-21 dated November 7, p. 90 2016 regarding the 2017 Schedule of Meetings.

The Commissioner of Corporate Services and the Director of Legislative Services recommend:

a) THAT Corporate Services Report - Legislative Services 2016-21 dated November 7, 2016 regarding '2017 Schedule of Meetings' be received and the following recommendation be adopted:

i) THAT Council adopt the 2017 Schedule of Meetings attached as Appendix 'A'.

14. Corporate Services Report - Legislative and Legal Services Joint Report 2016-22 dated November 9, 2016 regarding 'Accountability and Transparency Measures'. p. 108

The Commissioner of Corporate Services and the Director of Legislative Services recommend:

a) THAT Corporate Services Report - Legislative and Legal Services Joint Report 2016-22 dated November 9, 2016 regarding 'Accountability and Transparency Measures' be received and the following recommendations be adopted:

i) THAT By-law 2016-07, a by-law to Appoint a Municipal Ombudsman (ADR Chambers Inc.) for the Town of Newmarket and relevant local boards be repealed, effective January 9, 2017 as provided for in the contract;

ii) AND THAT By-law 2007-132, a by-law to appoint a Closed Meeting Investigator (Local Advisory Services Inc.) be repealed effective March 13, 2017 as provided for in the contract;

iii) AND THAT the Regional Clerk, the President of Newmarket-Tay Power Distribution Ltd. and the Provincial Ombudsman be notified of these recommendations once adopted.

15. Corporate Services - Legislative Services Report 2016-23 dated November 14, 2016 regarding the 2016 Status Update - 2013-2017 Multi-year Accessibility Plan. p. 136

The Commissioner of Corporate Services and the Director of Legislative Services recommend:

a) THAT Corporate Services - Legislative Services Report 2016-23 dated November 14, 2016 regarding the 2016 Status Update - 2013-2017 Multi-year Accessibility Plan be received and the following recommendation be adopted:

i) THAT the 2016 Status Update - 2013-2017 Multi-year Accessibility Plan, attached as Appendix 'A' be approved.

16. Development and Infrastructure Services Report - Planning and Building Services 2016-33 dated November 28, 2016 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision - 281 Main Street North. p. 152

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-33 dated November 28, 2016 regarding Application for Zoning By-law Amendment and Draft Plan of Subdivision be received and the following recommendations be adopted:

i) THAT approval be given to Draft Plan of Subdivision 19T-12N04, subject to the schedule of conditions set out in Attachment 4 - Appendix 'A' attached to and forming part of this report;

ii) AND THAT Council amend Zoning By-law 2010-40 for lands located at 281 Main Street North substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to this report and that staff be directed to prepare the necessary Zoning By-law Amendments including a Holding Provision (H) prefix as necessary;

iii) AND THAT Ms. Nicole Sampogna of Evans Planning Inc., 8481 Keele Street, Unit 12, Vaughan, ON L4K 1Z7 be notified of this action.

17. Development and Infrastructure Services - Planning and Building Services Report 2016-45 dated November 28, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment - 400 Park Avenue (King George School), 405/407 Botsford Street. p. 170

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-45 dated November 28, 2016 regarding Application for Official Plan Amendment and Zoning By-law Amendment be received and the following recommendations be adopted:

i) THAT the Application for Official Plan Amendment and Zoning By-law Amendment as submitted by Rose Park Avenue for lands municipally known as 400 Park Avenue, 405 and 407 Botsford Street be referred to a public meeting;

ii) AND THAT following the public meeting, issues identified in this report, together with comments of the public, Committee and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required;

iii) AND THAT Ms. Lucila Sandoval, Groundswell Urban Planning, 30 West Beaver Creek Road, Richmond Hill, ON L4B 3K1 be notified of this action.

18. Development and Infrastructure Services Report - Engineering Services 2016-54 dated November 28, 2016 regarding 'Public Consultation and Support Plan - Transportation Services Update' p. 180  
(Deferred from the November 7, 2016 Committee of the Whole meeting)

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - Engineering Services 2016-54 dated November 28, 2016 regarding 'Public Consultation and Support Plan - Transportation Services Update' be received and the following recommendations be adopted:

i) THAT the Public Consultation and Support Plan as outlined in Appendix A be adopted for use starting January 1, 2017;

ii) AND THAT the Public Consultation and Support Plan be reviewed both internally and by the public throughout 2017 for improvements for 2018, if necessary.

19. Development and Infrastructure Services Report - Engineering Services 2016-50 dated November 11, 2016 regarding 'Alex Doner Drive - Parking Review'. p. 187

The Commissioner of Development and Infrastructure Services and the Director of Engineering Services recommend:

a) THAT Development and Infrastructure Services Report - Engineering Service 2016-50 dated November 11, 2016 regarding 'Alex Doner Drive Parking Review' be received and the following recommendation be adopted:

i) THAT the existing parking restrictions remain as they are.

20. Planning and Building Services Information Report 2016-44 dated November 2, 2016 regarding Ontario Municipal Board Review. p. 190

(Councillor Bisanz requested this item be placed on the agenda)

21. Main Street District Business Improvement Area Board of Management Minutes of October 18, 2016. p. 196

The Main Street District Business Improvement Area Board of Management recommends:

a) THAT the Main Street District Business Improvement Area Board of Management Minutes of October 18, 2016 be received.

22. Newmarket Public Library Board Minutes of October 19, 2016. p. 202

The Newmarket Public Library Board recommends:

a) THAT the Newmarket Public Library Board Minutes of October 19, 2016 be received.

23. Correspondence dated November 16, 2016 from Mr. Mark Koning, p. 206  
Communications and Administration Coordinator, AIDS Committee of York  
Region requesting that December 1, 2016 be proclaimed 'World Aids Day'.  
(Please note that the proclamation will be advertised prior to formal adoption by  
Council due to the timing of the event)

**Recommendations:**

a) THAT the correspondence from Mr. Mark Koning, AIDS Committee of York  
Region be received and the following recommendations be adopted:

i) THAT the Town of Newmarket proclaim December 1, 2016 as 'World Aids  
Day';

ii) AND THAT the proclamation be advertised in the Town Page advertisement  
and on the Town's website [www.newmarket.ca](http://www.newmarket.ca)

## **Action Items**

## **Reports by Regional Representatives**

## **Notices of Motion**

## **Motions**

## **Closed Session (if required)**

The Closed Session Agenda and Reports will be circulated under separate cover  
(Goldenrod).

24. Confidential Corporate Services - Legal Services Information Report 2016-13  
dated November 18, 2016 regarding 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 with respect to Corporate Services Report -  
Legislative and Legal Services Joint Report 2016-22 dated November 9, 2016 -  
'Accountability and Transparency Measures' and Item 14 of Committee of the  
Whole agenda of November 28, 2016.
25. A proposed or pending acquisition and disposition of land by the municipality as  
per Section 239 (2) (c) of the Municipal Act, 2001. (Ward 5) (if required)

## **New Business**

## **7:00 p.m. - Continuation of Committee of the Whole**

26. The Senior Planner - Community Planning to provide a PowerPoint presentation overview of Development and Infrastructure Services - Planning and Building Services Report 2016-25 dated November 28, 2016. (PowerPoint Presentation to be provided at meeting) p. 208

Development and Infrastructure Services - Planning and Building Services Report 2016-25 dated November 28, 2016 regarding Application for Zoning By-law Amendment - 178, 180, 184, 188, 190 and 194 Main Street - Main Street Clock Inc.

The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services - Planning and Building Services Report 2016-25 dated November 28, 2016 regarding Application for Zoning By-law Amendment be received and the following recommendations be adopted:

i) THAT the Application for Zoning By-law Amendment, as re-submitted by Main Street Clock Inc. for lands being located at the southwest corner of Main Street South and Park Avenue, municipally known as 178, 180, 184, 188, 190 and 194 Main Street be approved subject to the following recommendations:

ii) THAT the implementing by-law restrict the height of development fronting on Main Street to 5 storeys including step backs and restrict the height of development on Park Avenue to 7 storeys including step backs;

iii) AND THAT Mr. Chris Bobyk, The Forrest Group, 590 Alden Road, Suite 211, Markham, ON L3R 8M2 be notified of this action.

## **Addendum (Additions and Corrections)**

27. List of Outstanding Matters. p. 242

Recommendation:

a) THAT the list of Outstanding Matters be received.

28. Development and Infrastructure Services Report - Planning and Building Services 2016-47 dated November 28, 2016 regarding Ontario Municipal Board Review - Analysis. (Related to Item 20) p. 246



The Commissioner of Development and Infrastructure Services and the Director of Planning and Building Services recommend:

a) THAT Development and Infrastructure Services Report - Planning and Building Services 2016-47 dated November 28, 2016 regarding Ontario Municipal Board Review - Analysis be received and the following recommendation be adopted:

i) THAT Council direct staff to submit Report 2016-47 and Information Report 2016-44 to the Province of Ontario as the Town of Newmarket's comments on the Ontario Municipal Board Review.

29. ADR Chambers 2016 Annual Report. (Related to Item 14) p. 251

Recommendation:

a) THAT the ADR Chambers 2016 Annual Report be received.

30. Ms. Colleen Forrest to address the Committee regarding Main Street Clock Inc. p. 261  
(Related to Items 3 and 26)
31. Mr. John Heckbert to address the Committee regarding Main Street Clock Inc.  
(Related to Item 26)
32. Ms. Ann Campbell on behalf of Ms. Julie Cochrane to address the Committee p. 262  
regarding Main Street Clock Inc. (Related to Item 26)
33. Mr. Gordon Prentice to address the Committee regarding Main Street Clock Inc. p. 263  
(Related to Item 26)
34. Mr. Glenn Wilson to address the Committee regarding Main Street Clock Inc. p. 264  
(Related to Item 26)
35. Ms. Jone Wright to address the Committee regarding Main Street Clock Inc. p. 265  
(Related to Item 26)
36. Mr. David Hunter to address the Committee regarding Main Street Clock Inc. p. 266  
(Related to Item 26)
37. Ms. Margaret Davis to address the Committee regarding Main Street Clock Inc. p. 267  
(Related to Item 26)
38. Mr. Gerald Fox to address the Committee regarding Main Street Clock Inc. p. 268  
(Related to Item 26)

39. Mr. Chris Howie to address the Committee regarding Main Street Clock Inc. p. 269  
(Related to Item 26)
40. Mr. Siegfried Wall to address the Committee regarding Main Street Clock Inc. p. 270  
(Related to Item 26)
41. Mr. Ted Heald to address the Committee regarding Main Street Clock Inc. p. 271  
(Related to Item 26)
42. Ms. Tracee Chambers, Mr. Ron Eibel and Mr. Darryl Wolk to address the p. 272  
Committee regarding Main Street Clock Inc. (Related to Item 26)
43. Mr. Bill Wolske to address the Committee regarding Main Street Clock Inc. p. 273  
(Related to Item 26)
44. Mr. Dave Peters, Newmarket Chamber of Commerce to address the Committee p. 274  
regarding Main Street Clock Inc. (Related to Item 26)
45. Ms. Elaine Adam to address the Committee regarding Main Street Clock Inc. p. 275  
(Related to Item 26)
46. Ms. Jude Lauzon to address the Committee regarding Main Street Clock Inc. p. 276  
(Related to Item 26)
47. Ms. Anne Martin to address the Committee regarding Main Street Clock Inc. p. 277  
(Related to Item 26)
48. Correspondence dated November 25, 2016 from Mr. Greg King regarding Main p. 278  
Street Clock Inc. (Related to Item 26)
49. Correspondence dated November 24, 2016 from Ms. Patricia Montgomery p. 279  
regarding Main Street Clock Inc. (Related to Item 26)
50. Correspondence dated November 24, 2016 from Mr. Ted Bomers regarding p. 281  
Main Street Clock Inc. (Related to Item 26)
51. Correspondence dated November 27, 2016 from Mr. George Smith regarding p. 282  
Main Street Clock Inc. (Related to Item 26)
52. Correspondence dated November 25, 2016 from Mr. Kenneth Hill, Hill Hunter, p. 284  
Losell, Law Firm regarding Main Street Clock Inc. (Related to Item 26)

## **Adjournment**

# SERVICE LEVEL AGREEMENT

MUNICIPAL  
PROPERTY  
ASSESSMENT  
CORPORATION





# BACKGROUND

- In December 2013, the Ministry of Finance released The Special Purpose Business Property Assessment Review, which included a recommendation for MPAC to work with Ontario municipalities to develop a two-way Service Level Agreement that clearly lays out accountability frameworks, service parameters, support needs and performance indicators.
- A working group was formed with representation from MPAC, municipalities of all sizes across the Province and the Ministry of Finance.
  - The group identified key services and the related timelines and Dependencies associated with each service.
- Feedback received from the municipal working group team members and municipal focus groups was instrumental in developing the terms of the SLA.

# OVERVIEW

- The SLA features:
  - Definitions so that MPAC's performance can be measured against internationally recognized technical industry standards
  - A commitment by MPAC to meet service standards, contingent on the timely performance of municipal Dependencies, such as building permits and vacancy applications
  - A performance dashboard for MPAC and municipalities to track performance and dependencies
  - A formal escalation process for addressing Service Level and Dependency performance issues

# SERVICE LEVELS

## Property Assessment Roll

- Assessment of Residential, Farm, Multi-Residential, and Commercial Properties**
  - ✓ Accuracy – will meet IAAO standards
- Year-End Tax File**
  - ✓ Delivered annually

## Property Assessment In-Year Maintenance

- Building Permits**
    - ✓ Process 90% within 30 days
  - Quarterly and Preliminary New Assessment Forecasts**
    - ✓ Delivered within 30 days of each quarter and calendar year
  - New Assessment Report**
    - ✓ Delivered within 30 days of each calendar year
- Supplementary and Omitted Assessments**
    - ✓ Process 85% within one year
  - Monthly and Yearly Post-Roll Notices**
    - ✓ Deliver within 30 days of each calendar month and year
  - Severance/Consolidation Information Form (SCIF)**
    - ✓ Deliver 90% of SCIFs registered within a calendar year within 150 days of registration

## Appeals

- Proactive Appeals Management**
  - ✓ Work with Municipalities to identify and review priority assessment appeals and provide quarterly updates on progress

## Two-way Relationship Management

- Municipal Inquiries**
  - ✓ Acknowledge and resolve municipal inquiries within specified time periods

# SERVICE LEVELS

- The Service Levels are defined in detail within the SLA in addition a plain language Service Level document has been created by MPAC for Municipalities. The plain language document includes:
  - Service level number
  - Service description
  - Service level objective
  - MPAC commitment
  - Municipal dependency



# SERVICE LEVELS

Service Level #	Service Description	Service Level Objective	MPAC Commitment	Municipal Dependency
5	Building Permits	To ensure all Building Permit notifications are loaded to MPAC's Permit Tracking System data base within a specified time.	Load building permits to MPAC's Permit Tracking System within 30 days.	Deliver complete building permits.
8	Supplementary and Omitted Assessments	Process Supplementary Assessment Change and Omitted Assessment Change in a timely manner.	Process 85% of the total value of supplementary and omitted assessment changes within one year, and process the balance of the value changes in accordance with Sections 33 and 34 of the <i>Assessment Act</i> .	Deliver complete building permits within 30 days of issuance.  Notify MPAC regarding changes to provincial and federally-owned properties.



# IMPLEMENTATION

- As municipal input was integral to the development of the SLA, MPAC has sought out the varied expertise of municipal representatives across the province to support a soft launch of the SLA.
- Municipal team members are being asked to:
  - Provide municipal perspective, insight, and support/participation in outreach and implementation strategy
  - Create opportunities for continued improvements in service delivery
  - Offer regular feedback on the reporting of service levels
- This partnership creates opportunities for greater collaboration with municipalities and allows for any improvements required prior to provincial launch in 2017.

# TIMELINE

Soft Launch  
Commences  
**July 1, 2016**

Soft Launch  
Ends  
**July 1, 2017**

Provincial Launch  
**Q3 2017**

Monthly meetings to review and  
discuss performance metrics

AMO  
**Aug 2017**

# MUNICIPAL REPRESENTATION

Peel Region	City of Ottawa	City of Windsor
Halton Region	City of Mississauga	District of Muskoka
Town of Petrolia	Town of Milton	Township of Lake of Bays
York Region	City of Thunder Bay	Atikokan Township
Oxford County	City of Toronto	City of Barrie
County of Lambton	Municipality of Wawa	City of Sarnia
Town of Newmarket	Township of Zorra	City of Greater Sudbury
Ministry of Finance		



# QUESTIONS?

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MUNICIPAL  
PROPERTY  
ASSESSMENT  
CORPORATION





**CORPORATE SERVICES COMMISSION**  
Financial Services

TOWN OF NEWMARKET  
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P.O. Box 328  
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November 28, 2016

## **CORPORATE SERVICES REPORT – FINANCIAL SERVICES – 2016-44**

**TO:** Mayor Tony Van Bynen and Members of Council

**SUBJECT:** Service Level Agreement between MPAC and Ontario Municipalities

**ORIGIN:** Supervisor, Property Tax & Assessment

### **RECOMMENDATIONS:**

- a) **THAT Corporate Services Report-Financial Services report – 2016-44 dated November 28, 2016 regarding a Service Level Agreement (SLA) between the Municipal Property Assessment Corporation (MPAC) and Ontario Municipalities be received and the following recommendations be adopted:**
- i. **THAT the presentation from Ms. Heather Colquhoun, Regional Manager, and Ms. Natasha Dawood, Account Manager, both with MPAC's Municipal and Stakeholder Relations department, be received, and**
  - ii. **THAT, the Town of Newmarket continues to participate in the Phase 1 Soft Launch with staff providing feedback to MPAC on a regular basis regarding the SLA, and**
  - iii. **THAT Council is presented with the final Service Level Agreement at the conclusion of the pilot project, along with periodic updates on the achievement of the expected service levels.**

### **COMMENTS:**

#### **Purpose**

To provide Council with the background and the future plans to formalize a two-way service level agreement between MPAC and all Ontario municipalities.

#### **Budget Impact**

There is no budgetary impact.

## Background

In December of 2013, the Ministry of Finance released the Special Purpose Business Property Assessment Review Report as part of their mandate to identify opportunities to refine Ontario's property tax system in terms of transparency, improvement, municipal engagement and compliance. The report contained over 26 recommendations and this information relates specifically to recommendation #3 of the Accountability section which stated;

***“The Province should direct MPAC to work with municipalities to develop a standard form, two-way service level agreement (SLA) that makes transparent and accessible the accountability frameworks, service parameters, support needs, KPI's and enforcement mechanisms.”***

MPAC put together a team of individuals that included representatives from MPAC, various municipalities and the Ministry of Finance. As an employee with MPAC at the time, the writer was given the opportunity to lead the team with a mandate of identifying the key services that MPAC provides to municipalities, setting the guidelines and dependencies for those services, and conducting focus groups with municipal stakeholders across the Province. The team continued the work, and as a result of my past participation, the Town of Newmarket and I were invited to continue to participate as a municipal representative which we have done to date.

The result of the ongoing work is a 'pilot ready' SLA that identifies 12 key services, within the four broad categories of Property Assessment In-year Maintenance, Property Assessment Roll, Appeals and Two-way Relationship Management, along with a standard service level for each item. Please see the table below:

Property Assessment In-Year Maintenance		
Building Permits	Supplementary and Omitted Assessments	Condominium Plan Info Form (CPIF)
Process 90% within 30 days	Process 85% within one year	Deliver at least 90% within 150 days of registration
Quarterly and Preliminary New Assessment Forecasts	Monthly and Yearly Post-Roll Notices	Tax Applications
Delivered within 30 days of each quarter and calendar year	Deliver within 30 days of each calendar month and year	Complete and return at least 90% within 90 days of receipt
New Assessment Report	Severance/Consolidation Information Form (SCIF)	Vacant Unit Rebate Applications
Delivered within 30 days of each calendar year	Deliver 90% within a calendar year within 150 days of registration	Complete and return 100% within 60 days
Property Assessment Roll	Appeals	Two-way Relationship Management
Assessment Value of Property	Pro-Active Appeals Mngmt	Municipal Inquiries
Accuracy with meet IAAO standards. Year-end Tax file delivered annually.	Work with municipalities to identify/review priority appeals and provide quarterly updates	Acknowledge and resolve municipal inquiries with specified time periods

## Next Steps

Beginning in July 2016, 21 municipalities, including Newmarket, along with the Ministry of Finance are reviewing the effectiveness and usefulness of the SLA. We are providing the municipal perspective to this review, recommending opportunities for improvements, reviewing the ability for all municipalities to meet their expected dependencies and receiving feedback on the service levels provided by MPAC. This work will be used to enhance the final product for Phase 2.

Phase 2 is anticipated to begin in 2017 with a formal launch of the SLA for all municipalities, along with a measurement tool dashboard. This is scheduled to take place at AMO in August 2017.

## BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report links to Newmarket's key strategic directions by being well-respected by establishing effective working relationships with our partners and by being an influential contributor to regional and provincial affairs.

## HUMAN RESOURCE CONSIDERATIONS

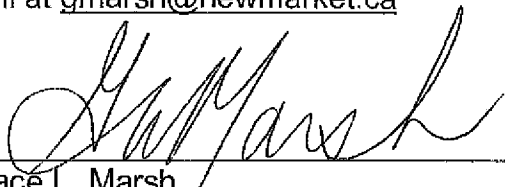
Staffing levels remain the same.

## BUDGET IMPACT

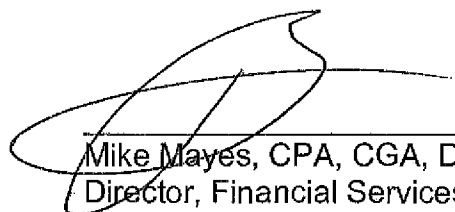
There is no budgetary impact.

## CONTACT

For more information on this report, contact: Grace Marsh at 905-953-5300, ext. 2143 or via e-mail at [gmarsh@newmarket.ca](mailto:gmarsh@newmarket.ca)



Grace L. Marsh  
Supervisor, Property Tax & Assessment



Mike Mayes, CPA, CGA, DPA  
Director, Financial Services/Treasurer



Esther Armchuk, B.A. LL.B.  
Commissioner, Corporate Services

GM/ne



**CORPORATE SERVICES COMMISSION**  
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November 6, 2016

**CORPORATE SERVICES REPORT – FINANCIAL SERVICES – 2016-46**

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: 2017 Water and Wastewater Rates

ORIGIN: Financial Business Analyst

**RECOMMENDATIONS:**

- a) **THAT Corporate Services Report-Financial Services – 2016-46 dated November 6, 2016 regarding 2017 Water and Wastewater Rates be received and the following recommendations be adopted:**
  - i. **THAT the attached Schedule “A”, being the Town of Newmarket Water and Wastewater Rates, be approved and adopted by Bylaw;**
  - ii. **AND THAT the Water and Wastewater Rates adjustments come into full force and effect as of January 1, 2017;**
  - iii. **AND THAT full implementation of fixed tiered water and wastewater rates be phased in over four years starting in July 2017.**

**COMMENTS:**

**Purpose**

The purpose of this report is to propose increases to the Town's water and wastewater rates in 2017.

**Budget Impact**

There is no impact on the tax base. The proposed fee adjustments include increases to both consumption fees and changes to the monthly fixed charge for water and wastewater. For an average resident consuming 200 cubic meters of water per year, the increase will be 5.8% or \$60. For an average business consuming 835 cubic meters of water per year, the increase will be 9% or \$295.

**Summary**

The proposed fee adjustments include an increase in consumption fees of 7.5% for water and 5% for wastewater. It is proposed the fixed fees increase \$1.50 to the basic monthly charge for wastewater and that the utility transition to a tiered fixed rate over 4 years.



## Background

Based on the Service Pricing Policy, water and wastewater rates are categorized as Consumer Goods establishing a cost recovery target level of 100% to recover the full cost of providing the service by the municipality. In addition, the Sustainable Water and Sewage System Act, 2002 (SWSSA) requires that both water and wastewater systems are self-sustaining.

The ability of a municipality to establish Water and Wastewater Rates is prescribed under the Municipal Act. The proposed water and wastewater rate increases are in line with the Town's six year water & wastewater financial plan approved by Council with Corporate Services – Financial Services report 2015-54.

Over the past year, Newmarket Council has received regular information reports from Financial Services regarding the implementation of a tiered fixed rate structure where customers with larger water meters pay a higher monthly rate.

## Analysis and Options

Between 2005 and 2014, residents and businesses in Newmarket have been using 17% less water per year. Despite the reduction in consumption, much of the costs associated with maintaining the water systems – for example water quality testing and water main repairs, remain the same. The Town has two options when there is a loss of revenue: raise the volumetric rate (the amount based on water consumed) or raise the fixed rate.

The Town is moving toward a tiered water rate structure to help ensure fairness when it comes to water rate charges. This tiered water rate structure will go a long way in making water and wastewater more affordable for residences and small businesses in subsequent years.

Customers with large meters should bear a greater portion of the fixed cost because larger meters are more expensive to maintain and replace, and they put greater strain on the water and wastewater infrastructure.

Tiered water rates will be charged based on the following standardized meter equivalency factor set by the American Water Works Association. See Table 1 below:

**Table 1: Recommended Tiered Water Rate Equivalency Factor by the American Water Works Association**

Water Meter Size	Smaller than 2"	2"	3"	4"
Equivalency Factor	1	8	15	25

According to the 2016 BMA Consulting Municipal Study, low-consumption customers in Newmarket pay among the most for water in York Region while high-level water consumers pay among the least. For comparison across the province, Newmarket residents and small businesses

pay 5% more than the provincial average while large water consumers pay 3.5% more than the provincial average.

It is worth noting that although Newmarket water rates are higher than the provincial average, the water and wastewater reserves are among the healthiest in the province. This demonstrates exceptional financial stewardship.

#### *Cost Drivers*

The water and wastewater utilities are subject to a cost driver. The main drivers for the increases are:

- a 9% increase in Regional charges for both the treatment and distribution of water and the collection and treatment of wastewater
- costs related to additional flushing of the water system
- other general cost increases
- conservation measures and weather have resulted in a less constant stream of revenue

#### *Impact of Stormwater Charge*

Some stormwater management services are currently funded through the wastewater utility rates. The implementation of the stormwater charge will remove \$227,000 from the annual wastewater funding requirement. This will enable the volumetric rate increase to decrease from 7% to 5% in 2017 for the wastewater utility.

#### *Implementation Timeline*

Newmarket Hydro currently handles the Town's water and wastewater billing. The province is mandating changes with respect to electric billing by January 1, 2017. Newmarket Hydro staff time is required to deliver on the electric billing changes. Given that the new tiered rate structure will require significant changes to the billing system as well, Newmarket Hydro can start billing the new tiered rates in July, 2017.

## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

The adoption of the Fees and Charges bylaw to implement adjustments to Water and Wastewater Rates is in alignment with the key focus area, *Well-equipped & managed* of the Community Strategic Plan.

## **CONSULTATION**

The Town partnered with the Newmarket Chamber of Commerce to get feedback on the proposed water, wastewater and stormwater changes. The original financial plan phased in the tiered rates over two years. Based on the feedback, staff is recommending phasing in the tiered rates over four years to give businesses more time to adapt.

The Municipal Act stipulates public notice requirements for changes to Water and Wastewater Rates. Advertisement on The Town of Newmarket's web site has been provided for a two-week period in advance of the public meeting. Notice has also been given through advertisement on

the Town Page of the local newspaper in advance of Council's consideration of the fee adjustments. The statutory public meeting is scheduled on November 14, 2016.

## HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

## BUDGET IMPACT

### *Operating Budget*

There is no impact on the tax base. The proposed fee adjustments include increases to both consumption fees and changes to the monthly fixed charge for water and wastewater. For an average resident consuming 200 cubic meters of water per year, the increase will be 5.8% or \$60. For an average business consuming 835 cubic meters of water per year, the increase will be 9% or \$295.

### *Capital Budget*

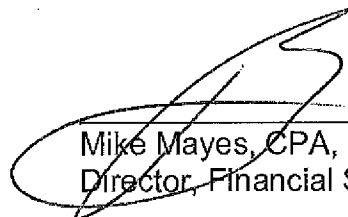
Not Applicable.

## 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)



Kevin Yaraskavitch  
Financial Business Analyst



Mike Mayes, CPA, CGA, DPA  
Director, Financial Services/Treasurer



Esther Armchuk, B.A. LL.B.  
Commissioner, Corporate Services

MM:KY/ne

### Attachments:

- a) Schedule A – Water and Wastewater Rates

**TOWN OF NEWMARKET**  
**2017 USER FEES**  
**Schedule A - Water and Wastewater Rates**  
**Effective Date: January 1, 2017**

	Current 2016 Rates		Rates as of Jan. 01, 2017		Rates as of July 01, 2017		Change
	per 100 cubic feet	per cubic metre	per 100 cubic feet	per cubic metre	per 100 cubic feet	per cubic metre	%
<b>Combined Utility Rates</b>							
<b>Taxable Properties</b>	<b>\$9.823</b>	<b>\$3.468</b>	<b>\$10.420</b>	<b>\$3.679</b>	<b>\$11.055</b>	<b>\$3.679</b>	<b>6.1%</b>
<b>Water</b>							
Taxable properties	\$4.240	\$1.497	\$4.558	\$1.609	\$4.899	\$1.609	7.5%
Non-taxable properties	\$4.699	\$1.659	\$5.051	\$1.783	\$5.429	\$1.783	7.5%
Flat rate - no meter, monthly	\$58.631		\$62.059		\$62.059		5.8%
Basic charge, monthly	\$14.000		\$14.00		\$14.00		0.0%
2" Meter Monthly Charge	\$14.000		\$14.00		\$28.00		100.0%
3" Meter Monthly Charge	\$14.000		\$14.00		\$52.50		275.0%
4" Meter Monthly Charge	\$14.000		\$14.00		\$87.50		525.0%
<b>Wastewater</b>							
Taxable properties	\$5.583	\$1.971	\$5.862	\$2.070	\$6.156	\$2.070	5.0%
Non-taxable properties	\$6.000	\$2.119	\$6.300	\$2.225	\$6.615	\$2.225	5.0%
Flat rate - no meter, monthly	\$57.328		\$60.680		\$60.680		5.8%
Basic meter charge, monthly	\$14.000		\$15.50		\$15.50		10.7%
2" Meter Monthly Charge	\$14.000		\$15.50		\$31.00		121.4%
3" Meter Monthly Charge	\$14.000		\$15.50		\$58.13		315.2%
4" Meter Monthly Charge	\$14.000		\$15.50		\$96.88		592.0%
<b>Average Bill</b>							
Residential annual average charge 200 m3		\$1,029.60				\$1,089.80	5.8%
ICI annual average charge 835 m3		\$3,231.78				\$3,526.41	9.1%



Mike Mayes, Director  
Financial Services/Treasurer

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November 14, 2016

**JOINT CAO, COMMISSIONERS AND CORPORATE SERVICES REPORT - FINANCIAL SERVICES – 2016-49**

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: 2017 Fees and Charges - Overview

ORIGIN: Director, Financial Services/Treasurer

**RECOMMENDATION**

- a) **THAT Joint CAO, Commissioners and Corporate Services Report - Financial Services – 2016-49 dated November 14, 2016 regarding 2017 Fees and Charges - Overview be received for information purposes.**

**COMMENTS**

**Purpose**

The purpose of this report is to provide an overview of the reports on 2017 fees and charges that will be coming to Council for approval.

**Budget Impact**

Adjustments to fees and charges being proposed at this time are being calculated insofar as their impact on the 2017 budget. Further information on this will be available as part of the budget process.

**Summary**

The fees and charges that will be presented to the Committee of the Whole on November 28 include:

- Water and Wastewater Rates (report 2016-46)
- Fire Services (report 2016-52JCYFS)
- Planning Act Fees (report 2016-51JDIS)
- General Fees and Charges (report 2016-50)
- Stormwater Rates (report 2016-55)

These changes will be effective January 1, 2017.

Adjustments to 2017 Recreation fees and Licensing fees were approved by Council on September 12, 2016. No change is proposed to Building Permit Fees for 2017.

## Background

The annual update of fees and charges includes a review of market conditions, participation rates and external factors. The Service Pricing Policy (SPP), established in 2007, balances costs between user groups and taxpayers and allows for long-term financial sustainability. The proposed 2017 fees and charges adhere to the current SPP.

In a regular business planning and budget cycle, fees and charges updates are submitted in two streams: fees for Recreation & Culture, and Licensing for early approval in September; the remaining fees in late November or December. The goal is to have them become effective on January 1 of the new fiscal year.

## BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report links to Newmarket's key strategic directions in being *Well Managed through fiscal responsibility*.

## CONSULTATION

Advertisement on the Town of Newmarket's website has been provided for a three-week period in advance of the public meeting (Council on December 5). In addition, notice has been given through advertisement on the Town Page of the local newspaper in advance of Council's consideration of the fee adjustments. These fees and charges are being presented as part of the Committee of the Whole meeting scheduled for November 28, 2016.

## BUDGET IMPACT

The individual reports will recommend fees and charges that should allow them to achieve their cost recovery targets.


## 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)



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Mike Mayes, CPA, CGA, DPA  
Director, Financial Services/Treasurer



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Esther Armchuk, B.A. LL.B.  
Commissioner, Corporate Services



Ian McDougall  
Commissioner, Community Services



Peter Noehammer  
Commissioner, Development and  
Infrastructure Services



for Bob Shelton  
Chief Administrative Officer

MM:FW/ne



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Financial Services/Treasurer**

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November 14, 2016

## **CORPORATE SERVICES REPORT - FINANCIAL SERVICES 2016-50**

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: 2017 User Fees and Charges – General

ORIGIN: Director, Financial Services/Treasurer

### **RECOMMENDATIONS**

- a) **THAT Corporate Services Report – Financial Services 2016-50 dated November 14, 2016 regarding 2017 User Fees and Charges – General be received and the following recommendations be adopted:**
  - i. **THAT the attached Schedules “A”, “B”, “C”, “D”, “E” and “F” marked as the Town of Newmarket 2017 All Departments, Corporate Services – Finance & Procurement & IT, Legal Services, Public Works Services, Engineering Services and Legislative Services - General Fees and Charges Schedules respectively, be approved and adopted by by-law;**
  - ii. **AND THAT the fee adjustments come into full force and effect as of January 1, 2017.**

### **COMMENTS**

#### **Purpose**

The purpose of this report is to recommend increases to the fees and charges in Corporate Services, Public Works Services and Engineering Services, to become effective January 1, 2017.

#### **Budget Impact**

The impact of the increases to the above fees is estimated to be \$20,000.

#### **Summary**

The proposed user fee changes vary depending upon the services provided. Although a 3% increase has been proposed to all the fees and charges in general, fee increase varies depending on the service provided.



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## Background

All rates and fees are reviewed annually and adjusted in accordance with the Annual Budget Review Process and application of the Service Pricing Policy. Based on the Service Pricing Policy, fees and charges are categorized by user and type of service. Target cost recovery levels are established and user fees and charges are to be adjusted accordingly. The proposed user fee charges vary depending upon the services provided.

**Legal Services:** All the fees and charges are proposed to increase by 3.0% and rounded to the nearest \$5 except for fees on Site Plan Agreements and Amending Site Plan Agreements. Legal Services will be conducting a comprehensive review of all the legal fees and charges next year.

**Legislative Services:** General fees and charges are proposed to increase by 3% in 2017 except for those regulated or established by either Provincial legislation or third party.

**Engineering Services:** All the fees and charges are proposed to increase by 3%. A new fee item is proposed on overhead costs incurred for checking consultant invoicing.

**Public Works:** A 3% increase is proposed to most of the fee items. New fees are proposed for water meter testing and water shut-off (after hours).

**Procurement Services:** No change is proposed to the fee items.

**Information Technology:** No change is proposed to the fee items.

**Financial Services:** No change is proposed to most of the fee items.

The attached schedules represent general fees and charges levied by the municipality that are not linked to specific legislation. Any new fees and fee items outside the range of a 2%-4% increase are highlighted.

## BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The adoption of the 2017 General Fees and Charges is in alignment with the key focus area *Well-equipped & managed*, of the Community Strategic Plan.

## CONSULTATION

Advertisement on the Town of Newmarket's website has been provided for a three-week period in advance of the public meeting (Council on December 5). In addition, notice has been given through advertisement on the Town Page of the local newspaper in advance of Council's consideration of the fee adjustments. These fees and charges are being presented as part of the Committee of the Whole meeting scheduled for November 28, 2016.

## BUDGET IMPACT (Current and Future)

### *Operating Budget*

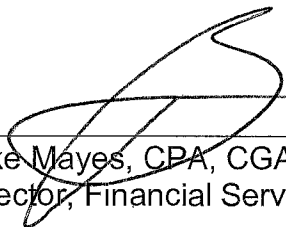
Increases to the fees and charges are limited to cost recovery. The estimated impact of these increases is \$20,000.

### *Capital Budget*

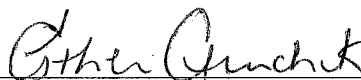
Not applicable.

## CONTACT

For more information on this report, please contact Mike Mayes at 905-953-5300, ext. 2102 or [mmayes@newmarket.ca](mailto:mmayes@newmarket.ca).



Mike Mayes, CPA, CGA, DPA  
Director, Financial Services/Treasurer



Esther Armchuk, B.A. LL.B.  
Commissioner, Corporate Services

MM:FW/ne

### Attachments

- (1) Schedule A - All Departments (1 pg.)
- (2) Schedule B - Corporate Services (2 pgs.)
- (3) Schedule C - Legal Services (4 pgs.)
- (4) Schedule D - Public Works (3 pgs.)
- (5) Schedule E - Engineering Services (2 pgs.)
- (6) Schedule F - Legislative Services-General Fees (5 pgs.)

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE A**

**Department: All Departments**      **Effective Date: January 1, 2017**

SERVICE PROVIDED	UNIT OF MEASURE	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Plan Reproduction:</b>						
24" x 36" sheet – for first sheet	per sheet	\$ 17.70	\$ 17.70	\$ 2.30	\$20.00	0.0%
additional sheets	per sheet	\$ 8.85	\$ 8.85	\$ 1.15	\$10.00	0.0%
36" x 42" sheet – for first sheet	per sheet	\$ 17.70	\$ 17.70	\$ 2.30	\$20.00	0.0%
additional sheets	per sheet	\$ 8.85	\$ 8.85	\$ 1.15	\$10.00	0.0%
<b>Photocopy:</b>	per copy	\$ 0.84	\$ 0.93	\$ 0.12	\$1.05	10.7%

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE B**

**Commission: Corporate Services**

**Effective Date: January 1, 2017**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST
<b>FINANCE</b>					
Accounts Receivable Finance Charges	1.25% monthly on outstanding balance	N	1.25% monthly on outstanding balance	1.25% monthly on outstanding balance	\$0.00
Accounts Receivable Collection Charges	16% of the outstanding balance	N	16% of the outstanding balance	16% of the outstanding balance	\$0.00
Tax Certificate	each	N	\$80.00	\$80.00	\$0.00
Treasurer's Compliance Letter	each	N	\$80.00	\$80.00	\$0.00
Returned Cheque	each	N	\$50.00	\$50.00	\$0.00
Statement of Taxes Paid	each	N	\$35.00	\$35.00	\$0.00
Verification of Local Improvements	each	N	\$80.00	\$80.00	\$0.00
Detailed Analysis of Tax Account	per hour	N	\$45.00	\$45.00	\$0.00
Update Mortgage Company Information	each	N	\$15.00	\$15.00	\$0.00
Financial Services Administrative Fee	15% of invoice	Y	15% of invoice	15% of invoice	
New Ownership Maintenance Fee	per account	N	\$20.00	\$20.00	\$0.00
Detailed Calculations of Tax Adjustments (other than property owner)	per roll	N	\$25.00	\$25.00	\$0.00
Copies of Assessment View	per copy	Y	\$ 0.84	\$ 0.93	\$0.12
Administration of Developments	5% of Security Requirement, to a maximum amount +HST	Y	5% of Security Requirement, maximum \$60,000 +HST	5% of Security Requirement, maximum \$60,000 +HST	

TOTAL FEE	% INCREASE
1.25% monthly on outstanding balance	0%
16% of the outstanding balance	0%
\$80.00	0%
\$80.00	0%
\$50.00	0%
\$35.00	0%
\$80.00	0%
\$45.00	0%
\$15.00	0%
15% of invoice+HST	0%
\$20.00	N/A
\$25.00	N/A
\$1.05	11%
5% of Security Requirement, maximum \$60,000 +HST	0%

**Effective Date:** January 1, 2017

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST
<b><u>PROCUREMENT SERVICES</u></b>					
Quotations, Proposals and Tenders	range from \$10.00 to \$250.00 depending on the complexity or value of the solicitation	Y	range from \$10.00 to \$259 depending on the complexity or value of the solicitation	range from \$10.00 to \$259 depending on the complexity or value of the solicitation	
					0.0%
<b><u>INFORMATION SYSTEMS</u></b>					
Custom Mapping (minimum charge of 1/2 hour)	per hour	Y	\$50.00	\$50.00	\$6.50
	per additional copy (size 8.5x11 to 11x17)	Y	\$1.99	\$1.99	\$0.26
	per additional copy (larger than 11x17)	Y	\$5.00	\$5.00	\$0.65
Ward Polling Location Map	per copy	Y	\$15.27	\$15.27	\$1.99
Individual Ward Map	per copy	Y	\$15.27	\$15.27	\$1.99
Detailed Street Map	per copy	Y	\$25.00	\$25.00	\$3.25
Municipal Address Map Series	full set of 42, D sized sheets	Y	\$125.00	\$125.00	\$16.25
	per sheet (D sized)	Y	\$6.68	\$6.68	\$0.87
	full set of 42, 11x17	Y	\$76.50	\$76.50	\$9.95
	per sheet (11x17)	Y	\$1.99	\$1.99	\$0.26
Large 2007 Ortho Meeting Room Map	per copy	Y	\$50.00	\$50.00	\$6.50
Large 2009 Ortho Meeting Room Map	per copy	Y	\$50.00	\$50.00	\$6.50
Large 2011 Ortho Meeting Room Map	per copy	Y	\$100.00	\$100.00	\$13.00

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE C**

**Department: Legal Services**

**Effective Date: January 1, 2017**

**NOTE:** All fees and charges are subject to H.S.T. and full cost recovery including but not limited to Teraview fees or courier as applicable. An administrative fee of \$10.00 will be added to any courier charges. All fees may be increased based on the complexity and nature of the Agreement, document or service as determined by Municipal Solicitor and based on the hourly rate of **\$288.00** per lawyer and **\$113** per law clerk.

**Some examples of full cost recovery:** Registration Fees, Sub-Search Fees, Conveyancer Fees, Printing Fees, Courier Fees, Corporate Search Fees, etc.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Standard Encroachment Agreement -New	each	Y	min. \$1,190	min. \$1,230	varies	Varies	3.4%
Renewals of Encroachment Agreement re: change of property ownership	each	Y	min. \$600	min. \$620	varies	Varies	3.3%
Model Home Agreement	each	Y	\$ 1,050.00	\$ 1,080.00	\$140.40	\$1,220.40	2.9%
Builder's Agreement	each	Y	\$ 1,050.00	\$ 1,080.00	\$140.40	\$1,220.40	2.9%
Standard Pre-servicing Agreement	each	Y	min. \$1,190	min. \$1,230	varies	Varies	3.4%
Temporary Sales Office Agreement	each	Y	\$ 1,050.00	\$ 1,080.00	\$140.40	\$1,220.40	2.9%
Temporary Structure Agreement	each	Y	\$ 1,050.00	\$ 1,080.00	\$140.40	\$1,220.40	2.9%
Spine Services Development Agreement	each	Y	min. \$9,830	min. \$10,120	varies	Varies	3.0%
Amendments to Spine Services Development Agreement	each	Y	min. \$1,840	min. \$1,890	varies	Varies	2.7%
Miscellaneous Agreements (based on complexity)	each	Y	min. \$430	min. \$440	varies	Varies	2.3%

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE C**

**Department: Legal Services**

**Effective Date: January 1, 2017**

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**Some examples of full cost recovery:** Registration Fees, Sub-Search Fees, Conveyancer Fees, Printing Fees, Courier Fees, Corporate Search Fees, etc.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>RESIDENTIAL, COMMERCIAL OR INDUSTRIAL DEVELOPMENT FEES (Legal Services from Commencement of Application to Final Release of Acceptance of Subdivision) Billed After Plan Registration</b>							
<b>SUBDIVISION/CONDOMINIUM AGREEMENTS</b>							
Subdivision (includes Residential Condominium) Base Fee (includes first 100 lots and/or developable blocks)	each	Y	min. \$9,830	min. \$10,120	varies	Varies	3.0%
Plus Additional Fee for Each Lot - 101 to 250 Lots	per lot	Y	\$ 33.00	\$ 33.99	\$4.42	\$38.41	3.0%
Plus Additional Fee for Each Lot - 251 to 400 Lots	per lot	Y	\$ 21.30	\$ 21.94	\$2.85	\$24.79	3.0%
Plus Additional Fee for Each Lot - 401 and over	per lot	Y	\$ 13.90	\$ 14.32	\$1.86	\$16.18	3.0%
Standard Subdivision Agreement	each	Y	min. \$6,300	min. \$6,490	varies	Varies	3.0%
Amendments to Standard Subdivision Agreement	each	Y	min. \$1,910	min. \$1,970	varies	Varies	3.2%
Commercial/Industrial	base fee	Y	\$ 6,360.00	\$ 6,550.00	\$851.50	\$7,401.50	3.0%
Commercial/Industrial	per acre	Y	\$ 130.00	\$ 135.00	\$17.55	\$152.55	3.8%
Security Release Requests	each	Y	min. \$350	min. \$360	varies	Varies	2.9%
Security Reduction Requests	each	Y	min. \$180	min. \$185	varies	Varies	2.8%

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE C**

**Department:** Legal Services

**Effective Date:** January 1, 2017

**NOTE:** All fees and charges are subject to H.S.T. and full cost recovery including but not limited to Teraview fees or courier as applicable. An administrative fee of \$10.00 will be added to any courier charges. All fees may be increased based on the complexity and nature of the Agreement, document or service as determined by Municipal Solicitor and based on the hourly rate of **\$288.00** per lawyer and **\$113** per law clerk.

**Some examples of full cost recovery:** Registration Fees, Sub-Search Fees, Conveyancer Fees, Printing Fees, Courier Fees, Corporate Search Fees, etc.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>SITE PLAN AGREEMENTS</b>							
Commercial/Industrial Sites including commercial, residential or multi-use condominiums (Head Agreements)	each	Y	min. \$870	min. \$1600	varies	Varies	83.9%
Commercial/Industrial Sites including commercial, residential or multi-use condominiums (Amendments to Head Agreements)	each	Y	min. \$560	min. \$650	varies	Varies	16.1%
Private Schools	each	Y	min. \$560	min. \$650	varies	Varies	16.1%
Regional Schools	each	Y	min. \$560	min. \$650	varies	Varies	16.1%
Region of York	each	Y	min. \$870	min. \$1600	varies	Varies	83.9%
All other Site Plan/Development Agreements	each	Y	min. \$870	min. \$1600	varies	Varies	83.9%
All other Amending Site Plan/Development Agreements	each	Y	min. \$580	min. \$650	varies	Varies	13.0%
Security Release Requests	each	Y	min. \$350	min. \$360	varies	Varies	2.9%
Security Reduction Requests	each	Y	min. \$180	min. \$185	varies	Varies	2.8%



**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE C**

**Department: Legal Services**

**Effective Date: January 1, 2017**

**NOTE:** All fees and charges are subject to H.S.T. and full cost recovery including but not limited to Teraview fees or courier as applicable. An administrative fee of \$10.00 will be added to any courier charges. All fees may be increased based on the complexity and nature of the Agreement, document or service as determined by Municipal Solicitor and based on the hourly rate of **\$288.00** per lawyer and **\$113** per law clerk.

**Some examples of full cost recovery:** Registration Fees, Sub-Search Fees, Conveyancer Fees, Printing Fees, Courier Fees, Corporate Search Fees, etc.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>OTHER</b>							
Compliance Letters (For 48 hour turnaround, add 25%) (Legal issues only)	each	Y	min. \$170	min. \$175	varies	Varies	3.0%
Release of Agreement	each	Y	min. \$280	min. \$290	varies	Varies	3.6%
Discharge Mortgage –Per Discharge	each	Y	min. \$250	min. \$260	varies	Varies	4.0%
Property Standards Order – Compliance Release (preparation of discharge and registration per order)	each	Y	min. \$300	min. \$310	varies	Varies	3.3%
Release Documents, Restrictions, Easements, etc.	each	Y	min. \$250	min. \$260	varies	Varies	4.0%
Bylaws that Require Registration	each	Y	min. \$310	min. \$320	varies	Varies	3.2%
Transfers of land and easements or other conveyances not pursuant to a development agreement	each	Y	min. \$600	min. \$620	varies	Varies	3.3%
Reconveyance of land pursuant to an Agreement	each	Y	min. \$600	min. \$620	varies	Varies	3.3%
Registration of Miscellaneous Documents	each	Y	min. \$300	min. \$310	varies	Varies	3.3%
Miscellaneous letters in response to requests for information	each	Y	min. \$170	min. \$175	varies	Varies	3.0%
Renewal Miscellaneous Agreements	each	Y	min. \$500	min. \$515	varies	Varies	3.0%
Disposal of Town Land (disbursements, surveys, appraisals, etc. would be in addition to this fee)	each	Y	min. \$1000	min. \$1030	varies	Varies	3.0%

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE D**

Department: Public Works

Effective Date: January 1, 2017

SERVICE PROVIDED	UNIT OF MEASURE	2016 Base Fee	2016 Admin Fee	SUBJECT TO HST YES/NO	TOTAL 2016 FEE BEFORE TAX	TOTAL 2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Parks</b>									
Installation of Banners on Main & Water				Y	\$ 650.33	\$ 669.84	\$ 87.08	\$ 756.92	3.0%
Installation of Banners at all other locations	\$50.00/hour for each staff person plus 15% admin fee to a max. \$550.00								
<b>Celebration Programs</b>									
Celebration & Boulevard Trees (Planting Included)	Each			Y	\$ 362.25	\$ 373.12	\$ 48.51	\$ 421.62	3.0%
Veteran's Memorial Walkway Stones (Large)	Each			Y	\$ 310.50	\$ 319.82	\$ 41.58	\$ 361.39	3.0%
Veteran's Memorial Walkway Stones (Small)	Each			Y	\$ 155.25	\$ 159.91	\$ 20.79	\$ 180.70	3.0%
Celebration Bench	Each			Y	\$ 1,035.00	\$ 1,066.05	\$ 138.59	\$ 1,204.64	3.0%
Reflection Bench	Each			Y	\$ 1,552.50	\$ 1,599.08	\$ 207.88	\$ 1,806.95	3.0%
<b>Sewer</b>									
Special Sanitary Sewer Charge - Infilling Lot	per residential unit			N	\$ 439.21	\$ 452.39	\$ -	\$ 452.39	3.0%
Inspection Fee for Res. San. Service Installed by Owner		\$ 146.10	\$ 21.92	Y	\$ 168.02	\$ 173.06	\$ 22.50	\$ 195.56	3.0%
Remove second and subsequent blockages in sanitary sewer (if on private property)	Actual + Administration Fee			Y					
<b>Water</b>									
Water flow test not related to existing site plan agreements		\$ 155.83	\$ 23.37	Y	\$ 179.20	\$ 184.58	\$ 23.99	\$ 208.57	3.0%
Water Construction Charge	Residential			N	\$ 87.36	\$ 89.98	\$ -	\$ 89.98	3.0%
	Commercial/ Industrial/ Institutional			N	\$ 146.27	\$ 150.66	\$ -	\$ 150.66	3.0%
Watermain Tap for Residential Water Service (by Town)		\$ 421.50	\$ 63.22	Y	\$ 484.72	\$ 499.26	\$ 64.90	\$ 564.17	3.0%
Turn Water Off / On for Unpaid Water Bill	During Regular Working Hours	\$ 118.83	\$ 17.82	Y	\$ 136.65	\$ 140.75	\$ 18.30	\$ 159.05	3.0%
	Emergency After Hours Hydrant	\$ 340.90	\$ 51.14	Y	\$ 392.04	\$ 403.80	\$ 52.49	\$ 456.30	3.0%
Repair/Replace Anti-Tampering device		\$ 415.88	\$ 62.38	Y	\$ 478.26	\$ 492.61	\$ 64.04	\$ 556.65	3.0%
Hydrant or valve		\$ 287.17	\$ 43.08	Y	\$ 330.25	\$ 340.16	\$ 44.22	\$ 384.38	3.0%
Inspection Fee for Residential Water Service Installed by Owner		\$ 126.62	\$ 18.99	Y	\$ 145.61	\$ 149.98	\$ 19.50	\$ 169.48	3.0%
Water Valve Operating After Hours - related to developments		\$ 418.79	\$ 62.82	Y	\$ 481.61	\$ 496.06	\$ 64.49	\$ 560.55	3.0%
Water Collection Fee	Per application			Y	\$ 41.74	\$ 42.99	\$ 5.59	\$ 48.58	3.0%
Water - Bulk Rate	Per 1000 gallon			N	\$ 21.54	\$ 23.09	\$ -	\$ 23.09	7.2%
	Per liter			N	\$ 0.004738	\$ 0.005079	\$ -	\$ 0.005079	7.2%
Special Water Charge - Infilling Lot (For new developments)	Per residential unit			N	\$ 527.05	\$ 542.86	\$ -	\$ 542.86	3.0%
Meter Seal - Return Visit		\$ 131.50	\$ 19.73	Y	\$ 151.23	\$ 155.77	\$ 20.25	\$ 176.02	3.0%
Valve Locate or Line Tracing		\$ 112.02	\$ 16.80	Y	\$ 128.82	\$ 132.68	\$ 17.25	\$ 149.93	3.0%

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE D**

Department: **Public Works**

Effective Date: **January 1, 2017**

SERVICE PROVIDED	UNIT OF MEASURE	2016 Base Fee	2016 Admin Fee	SUBJECT TO HST YES/NO	TOTAL 2016 FEE BEFORE TAX	TOTAL 2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Water Meters</b>									
Installed by Builder/Plumber	16x13 (5/8" x 1/2")			Y	\$ 389.07	\$ 400.74	\$ 52.10	\$ 452.84	3.0%
Installed by Builder/Plumber	16x19 (5/8" x 3/4")			Y	\$ 389.07	\$ 400.74	\$ 52.10	\$ 452.84	3.0%
Installed by Builder/Plumber	19 (3/4")			Y	\$ 407.98	\$ 420.22	\$ 54.63	\$ 474.85	3.0%
Installed by Builder/Plumber	25.0 (1")			Y	\$ 425.24	\$ 438.00	\$ 56.94	\$ 494.94	3.0%
Installed by Builder/Plumber	38 (1-1/2")			Y	\$ 806.38	\$ 830.57	\$ 107.97	\$ 938.55	3.0%
Installed by Builder/Plumber	50 (2")			Y	\$ 1,077.84	\$ 1,110.18	\$ 144.32	\$ 1,254.50	3.0%
75 Compound (3") Installed by Dev.	(Including cost of strainers)			Y	\$ 4,354.25	\$ 4,484.88	\$ 583.03	\$ 5,067.91	3.0%
100 Compound (4") Installed by Dev.	(Including cost of strainers)			Y	\$ 6,853.71	\$ 7,059.32	\$ 917.71	\$ 7,977.03	3.0%
<b>Note: No Refunds on Water Meters</b>									
<b>Other Services</b>									
Municipal Consents	Regular Service			N	\$ 472.16	\$ 486.32	\$ -	\$ 486.32	3.0%
Water Saving Kits	Each			Y	\$ 9.44	\$ 9.72	\$ 1.26	\$ 10.99	3.0%
Fire Route/Handi Cap Signs	Each			Y	\$ 38.44	\$ 39.59	\$ 5.15	\$ 44.74	3.0%
Street Name/Stop Signs, Hardware & Post	Each			Y	\$ 469.96	\$ 484.06	\$ 62.93	\$ 546.99	3.0%
Anti-Tampering Devices -Hydrant/Valve	Each			Y	\$ 131.75	\$ 135.70	\$ 17.64	\$ 153.34	3.0%
Anti-Idling Signs	Each			Y	\$ 42.84	\$ 44.13	\$ 5.74	\$ 49.86	3.0%
Road Occupancy Permit	Each			N	\$ 76.86	\$ 79.17	\$ -	\$ 79.17	3.0%
Temporary Encroachment on Roadways	Per m2/week			Y	\$ 2.69	\$ 2.77	\$ 0.36	\$ 3.13	3.0%
Temporary Encroachment on Boulevard/ Sidewalk	Per m2/week			Y	\$ 0.29	\$ 0.30	\$ 0.04	\$ 0.34	3.0%
Aerial Crane Trespass	Per Month			Y	\$ 533.03	\$ 549.02	\$ 71.37	\$ 620.39	3.0%
Construction Access Fee				Y	\$ 106.61	\$ 109.81	\$ 14.28	\$ 124.08	3.0%
Curb Cut - by Town Contractor		\$ 246.35	\$ 36.95	Y	\$ 283.30	\$ 291.80	\$ 37.93	\$ 329.73	3.0%
Curb Cut - by Town Contractor - RUSH		\$ 288.84	\$ 43.33	Y	\$ 332.17	\$ 342.14	\$ 44.48	\$ 386.61	3.0%
Curb Cut - without Approval		\$ 333.72	\$ 50.06	Y	\$ 383.78	\$ 395.29	\$ 51.39	\$ 446.68	3.0%
Graffiti Removal for Utilities	at Cost			Y	at cost				
Road Closure - Special Events				Y	\$ 33.02	\$ 34.01	\$ 4.42	\$ 38.43	3.0%

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE D**

Department: Public Works

Effective Date: January 1, 2017

SERVICE PROVIDED	UNIT OF MEASURE	2016 Base Fee	2016 Admin Fee	SUBJECT TO HST YES/NO	TOTAL 2016 FEE BEFORE TAX	TOTAL 2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Solid Waste and Recycling</b>									
White Goods (freezer, stove, etc.)				Y	\$ 10.62	\$ 10.62	\$ 1.38	\$ 12.00	0.0%
Commercial & Industrial/Apartment Wheel Carts	64 gallon			Y	\$ 150.44	\$ 150.44	\$ 19.56	\$ 170.00	0.0%
Composters	95 gallon			Y	\$ 163.72	\$ 163.72	\$ 21.28	\$ 185.00	0.0%
Large Items	Standard Size			Y	\$ 17.70	\$ 17.70	\$ 2.30	\$ 20.00	0.0%
Recycling Blue Box	(furniture, mattress, etc.) Each			Y	\$ 10.62	\$ 13.27	\$ 1.73	\$ 15.00	25.0%
Garbage Bag Tags (Sold in Package of 5)				Y	\$ 8.85	\$ 8.85	\$ 1.15	\$ 10.00	0.0%
Special Refuse Cleanup				N	\$ 12.00	\$ 15.00	\$ -	\$ 15.00	25.0%
Source Separated Organics (SSO)	Actual + administration cost			N					
	Large Bin			Y	\$ 17.70	\$ 17.70	\$ 2.30	\$ 20.00	0.0%
	Kitchen Bin			Y	\$ 5.31	\$ 5.31	\$ 0.69	\$ 6.00	0.0%
<b>Sewer</b>									
Sanitary Sewer Connection - Residential/ICI - Road Allowance - owner to obtain qualified contractor				Y	\$ -	\$ -			
Sanitary Connection Application	Owner's Cost to Install								
	Per application			Y	\$ 113.10	\$ 113.10	\$ 14.70	\$ 127.81	3.0%
Sanitary Connection - Local Improvement	Per application								
<b>Water</b>									
Water Connection - Residential/ICI - Road Allowance - owner to obtain qualified contractor				Y	\$ -	\$ -			
Water Connection Application	Owner's Cost to Install								
Water Meter Testing	Per application			Y	\$ 109.81	\$ 113.10	\$ 14.70	\$ 127.81	3.0%
Water Shut-off (after hours)	Per Visit			Y	\$ 50.00	\$ 50.00	\$ 6.50	\$ 56.50	New
<b>Other Services</b>									
Road and boulevard inspection fee for security requirement or release related to private residential construction				Y	\$ 109.81	\$ 113.10	\$ 14.70	\$ 127.81	3.0%
Gate Application and Inspection	Per application								
	Each			Y	\$ 109.81	\$ 113.10	\$ 14.70	\$ 127.81	3.0%

**Effective Date: Jan 1, 2017**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT
<b>Development Services</b>					
Subdivision Design Standard Manual	Each	Y	\$ 90.10	\$ 92.80	\$ 12.06
Site Alteration Permit	Owner Occupied Residential	N	\$ 189.23	\$ 250.00	\$ -
	All Other Types of Property	N	\$ 378.40	\$ 500.00	\$ -
<b>Engineering Checking &amp; Inspection</b>					
Site Plans handled fully in house	6% of the value of all site works and services outside of the buildings <b>\$780.92 minimum</b>	Y	\$ 758.18	\$ 780.92	\$ 101.52
Projects in which the Town's Checking Consultant is providing the design review and field monitoring service <b>plus</b> a deposit estimated by the Town for payment of the Town's Checking Consultant is required.	<b>3% Admin Fee - minimum of \$780.92</b> of the value of outside works and services plus deposit for checking consultant	Y	\$ 758.18	\$ 780.92	\$ 101.52
Subdivisions – Admin. Fee + Deposit for Checking Consultant	<b>3% Admin Fee + 2.75%</b> deposit for checking consultant	Y	\$ -		
Overhead incurred for checking Consultant Invoicing	<b>15% Admin Fee</b>	Y	\$ -	New	

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE E**

Department: Engineering Services

Effective Date: Jan 1, 2017

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Other Services</b>							
Emergency Work Performed for Developer or Other	minimum \$1020.83 plus HST or Actual Cost + 15% Admin. Fee + HST	Y	\$ 991.10	\$ 1,020.83	\$ 132.71	\$ 1,153.54	3.0%
Coordination/administration of private works in Town contract or as part of private works Town works in Region contract.	\$201.73 minimum + HST or Actual Cost + 15% Admin. Fee + HST	Y	\$ 195.85	\$ 201.73	\$ 26.22	\$ 227.95	3.0%
Coordination/administration of Regional works within Town contracts.	18% Admin. Fee + HST	Y					
Property Information – Assumed/ Unassumed + Release Cert. If requested & available	Per application	Y	\$ 165.57	\$ 170.54	\$ 22.17	\$ 192.71	3.0%
Property Information	(legal, environmental, compliance)	Y	\$ 165.57	\$ 170.54	\$ 22.17	\$ 192.71	3.0%
Consultant's request for traffic counts (ATR or TMC)	Each	Y	\$ 115.38	\$ 118.84	\$ 15.45	\$ 134.29	3.0%

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE F**

Department: Legislative Services- General Fees

Effective Date: Jan 1, 2017

Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAXES	2017 FEE BEFORE TAXES	HST AMOUNT	TOTAL FEE	% Increase
<b>VITAL STATISTICS</b>							
Death Registration	each	N	\$ 30.00	\$ 30.00	\$0.00	\$30.00	0.0%
<b>GENERAL ADMINISTRATION</b>							
Municipal Information - Liquor Application	each	N	\$ 165.00	\$ 170.00	\$0.00	\$165.00	3.0%
Ontario Municipal Board (OMB) Appeal Fee	each	N	\$ 155.00	\$ 160.00	\$0.00	\$155.00	3.2%
Property Standards Appeal Fee	each	N	\$ 160.00	\$ 165.00	\$0.00	\$165.00	3.1%
Property Standards Reinspection Fee	each	N	\$ 165.00	\$ 170.00	\$0.00	\$170.00	3.0%
Noise Exemption Application /Residential	each	N	\$ 56.00	\$ 58.00	\$0.00	\$58.00	3.6%
Noise Exemption Application/Construction	each	N	\$ 165.00	\$ 170.00	\$0.00	\$170.00	3.0%
Private Parking Administration Fee ( minimum 3 hour)	per year	N	\$ 100.00	\$ 103.00	\$0.00	\$100.00	3.0%
Garbage Administration(large articles)	each	N	\$ 55.00	\$ 55.00	\$0.00	\$55.00	0.0%
<b>POOLS</b>							
Permit Fee - Above Ground Pool	each	N	\$ 160.00	\$ 165.00	\$0.00	\$165.00	3.1%
Permit Fee - Hot Tub	each	N	\$ 160.00	\$ 165.00	\$0.00	\$165.00	3.1%
Permit Fee - Inflatable Pool	each	N	\$ 160.00	\$ 165.00	\$0.00	\$165.00	3.1%
Permit Fee - Ponds	each	N	\$ 160.00	\$ 165.00	\$0.00	\$165.00	3.1%

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE F**

**Department: Legislative Services- General Fees**

**Effective Date: Jan 1, 2017**

**Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAXES	2017 FEE BEFORE TAXES	HST AMOUNT	TOTAL FEE	% Increase
<b>SIGNS</b>							
Sign By-law Exemption Fee	each	N	\$ 165.00	\$ 170.00	\$0.00	\$170.00	3.0%
Ground Sign	each	N	\$ 424.00	\$ 436.00	\$0.00	\$436.00	2.8%
Fascia Sign	each	N	\$ 424.00	\$ 436.00	\$0.00	\$436.00	2.8%
Mural Sign	each	N	\$ 424.00	\$ 436.00	\$0.00	\$436.00	2.8%
Projecting Sign	each	N	\$ 424.00	\$ 436.00	\$0.00	\$436.00	2.8%
Construction Information Sign	each	N	\$ 424.00	\$ 436.00	\$0.00	\$436.00	2.8%
Hoarding Sign	each	N	\$ 424.00	\$ 436.00	\$0.00	\$436.00	2.8%
New Home Development Sign	each	N	\$ 106.00	\$ 109.00	\$0.00	\$109.00	2.8%
Development Sign	each	N	\$ 424.00	\$ 436.00	\$0.00	\$436.00	2.8%
Portable Sign	each	N	\$ 106.00	\$ 109.00	\$0.00	\$109.00	2.8%
Mobile Sign	each	N	\$ 106.00	\$ 109.00	\$0.00	\$109.00	2.8%
Inflatable Sign	each	N	\$ 424.00	\$ 436.00	\$0.00	\$436.00	2.8%
Banner Sign	each	N	\$ 106.00	\$ 109.00	\$0.00	\$109.00	2.8%
Election Sign Deposit	each	N	\$ 250.00	\$ 250.00	\$0.00	\$250.00	0.0%
Election Sign Removal	per sign	N	\$ 25.00	\$ 25.00	\$0.00	\$25.00	0.0%
Billboard Sign	each	N	\$ 1,591.00	\$ 1,638.00	\$0.00	\$1,638.00	3.0%
Billboard Sign Renewal	every 5 years	N	\$ 530.00	\$ 546.00	\$0.00	\$546.00	3.0%
Variance Fee - Staff Review	per review	N	\$ 265.00	\$ 273.00	\$0.00	\$273.00	3.0%
Variance Fee - Committee	per review	N	\$ 530.00	\$ 546.00	\$0.00	\$546.00	3.0%
Sign Removal	each	N	\$ 160.00	\$ 165.00	\$0.00	\$165.00	3.1%
Lens Replacement	each	N	\$ 212.00	\$ 218.00	\$0.00	\$218.00	2.8%



**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE F**

Department: Legislative Services- General Fees

Effective Date: Jan 1, 2017

Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAXES	2017 FEE BEFORE TAXES	HST AMOUNT	TOTAL FEE	% Increase
<b>Sign Fees for Yonge St. until December 31, 2017</b>							
Ground Sign	each	N	\$ 150.00	\$ 150.00	\$0.00	\$150.00	0.0%
Fascia Sign	each	N	\$ 150.00	\$ 150.00	\$0.00	\$150.00	0.0%
Mural Sign	each	N	\$ 400.00	\$ 400.00	\$0.00	\$400.00	0.0%
Projecting Sign	each	N	\$ 150.00	\$ 150.00	\$0.00	\$150.00	0.0%
Construction Information Sign	each	N	\$ 150.00	\$ 150.00	\$0.00	\$150.00	0.0%
Hoarding Sign	each	N	\$ 400.00	\$ 400.00	\$0.00	\$400.00	0.0%
New Home Development Sign	each	N	\$ 80.00	\$ 80.00	\$0.00	\$80.00	0.0%
Portable Sign	each	N	\$ 80.00	\$ 80.00	\$0.00	\$80.00	0.0%
Mobile Sign	each	N	\$ 80.00	\$ 80.00	\$0.00	\$80.00	0.0%
Inflatable Sign	each	N	\$ 150.00	\$ 150.00	\$0.00	\$150.00	0.0%
Banner Sign	each	N	\$ 100.00	\$ 100.00	\$0.00	\$100.00	0.0%
Election Sign Deposit	each	N	\$ 250.00	\$ 250.00	\$0.00	\$250.00	0.0%
Election Sign Removal	per sign	N	\$ 25.00	\$ 25.00	\$0.00	\$25.00	0.0%
Billboard Sign	each	N	\$ 1,500.00	\$ 1,500.00	\$0.00	\$1,500.00	0.0%
Billboard Sign Renewal	every 5 years	N	\$ 500.00	\$ 500.00	\$0.00	\$500.00	0.0%
Variance Fee - Staff Review	per review	N	\$ 250.00	\$ 250.00	\$0.00	\$250.00	0.0%
Variance Fee - Committee	per review	N	\$ 500.00	\$ 500.00	\$0.00	\$500.00	0.0%
Sign Removal	each	N	\$ 150.00	\$ 150.00	\$0.00	\$150.00	0.0%
Commissioning of Documents (except foreign pensions)	\$15 per document	Y	\$ 15.04	\$ 15.04	\$1.96	\$17.00	0.0%
Certification of Document	\$5 per document to a maximum of \$25	Y	\$ 4.35	\$ 4.35	\$0.65	\$5.00	0.0%

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE F**

**Department: Legislative Services- General Fees**

**Effective Date: Jan 1, 2017**

**Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAXES	2017 FEE BEFORE TAXES	HST AMOUNT	TOTAL FEE	% Increase
<b>PARKING ENFORCEMENT</b>							
Parking Enforcement Private Special Events (minimum 3 hours)	per hour	N	\$ 50.00	\$ 50.00	\$0.00	\$50.00	n/a
Parking Enforcement Charities & Non-Profit Organizations (minimum 3 hours)	per hour	N	\$ 35.00	\$ 35.00	\$0.00	\$35.00	n/a
Parking Enforcement Filming (minimum 3 hours)	per hour	N	\$ 60.00	\$ 60.00	\$0.00	\$60.00	n/a
<b>FILMING PERMIT</b>							
Administration Fee		N	\$ -	\$ 125.00	\$0.00	\$125.00	n/a
Film Permit Fee	each	N	\$ 250.00	\$ 425.00	\$0.00	\$425.00	70.0%
Administration Fee - private property		N	\$ 140.00	\$ 145.00	\$0.00	\$145.00	3.6%
Municipal Property Fee	if applicable	N	\$ 257.50	\$ 265.00	\$0.00	\$265.00	2.9%
Contribution to Main Street District BIA if filming within designated BIA		N	\$ 1,000.00	\$ 1,000.00	\$0.00	\$1,000.00	0.0%
Security Deposit - No Special Effects	each	N	\$500 to \$5000	\$ 1,500.00	\$0.00	\$1,500.00	n/a
Security Deposit - Minor Special Effects	each	N		\$ 5,000.00	\$0.00	\$5,000.00	n/a
Security Deposit - No Special Effects	each	N		\$ 20,000.00	\$0.00	\$20,000.00	n/a

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE F**

Department: Legislative Services- General Fees

Effective Date: Jan 1, 2017

Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAXES	2017 FEE BEFORE TAXES	HST AMOUNT	TOTAL FEE	% Increase
<b>REGISTRATION OF ACCESSARY DWELLING UNITS</b>							
Application (Non-refundable)	each	N	\$ 250.00	\$ 250.00	\$0.00	\$250.00	0.0%
Lost identification plate	each	N	\$ 10.00	\$ 10.00	\$0.00	\$10.00	0.0%
Accessory Dwelling Unit Appeal	each	N	\$ 100.00	\$ 100.00	\$0.00	\$100.00	0.0%
<b>FENCE VIEWING</b>							
Administration Fee		N	\$ 250.00	\$ 250.00	\$0.00	\$250.00	0.0%
Fence Viewer's Inspection Fee	per person	N	\$ 50.00	\$ 50.00	\$0.00	\$50.00	0.0%
<b>MARRIAGES</b>							
Marriage Licence	each licence	N	\$ 135.00	\$ 140.00	\$0.00	\$140.00	3.7%
Civil Marriage Solemnization Service Fee	per service	Y	\$ 412.00	\$ 425.00	\$53.56	\$478.56	3.2%
Witness Fee	per person	Y	\$ 52.00	\$ 54.00	\$6.76	\$60.76	3.8%
Rehearsal Fee for offsite	per service	Y	\$ 77.25	\$ 80.00	\$10.04	\$90.04	3.6%
Marriage License/Cermony package	per service	Y	\$ 500.00	\$ 515.00	\$52.00	\$567.00	3.0%
Administration fee to be charged for change of wedding date within 7 days		Y	\$ 26.00	\$ 27.00	\$3.38	\$30.38	3.8%
Administration Fee to be charged for cancellation before consultation		Y	\$ 51.50	\$ 53.00	\$6.70	\$59.70	2.9%
Administration fee to be charged for cancellation after consultation		Y	\$ 154.50	\$ 160.00	\$20.09	\$180.09	3.6%
<b>LOTTERY LICENCES</b>							

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE F**

Department: Legislative Services- General Fees

Effective Date: Jan 1, 2017

Note: Shaded areas indicate fees regulated or established by either Provincial legislation or third party.

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAXES	2017 FEE BEFORE TAXES	HST AMOUNT	TOTAL FEE	% Increase
Bingo	% from OLG	N				% from OLG	
Nevada	3% of the prize value	N				3% of the prize value	
Raffle	3% of the prize value	N				3% of the prize value	
<b>ELECTION CANDIDATE NOMINATIONS</b>							
	Mayor	N	\$ 200.00	\$ 200.00	\$0.00	\$200.00	0.0%
	Regional Councillor	N	\$ 100.00	\$ 100.00	\$0.00	\$100.00	0.0%
	Councillor	N	\$ 100.00	\$ 100.00	\$0.00	\$100.00	0.0%
<b>FREEDOM OF INFORMATION</b>							
Application	each	N	\$ 5.00	\$ 5.00	\$0.00	\$5.00	0.0%
Photo Copies	per page	N	\$ 0.20	\$ 0.20	\$0.00	\$0.20	0.0%
Disks	per disk	N	\$ 10.00	\$ 10.00	\$0.00	\$10.00	0.0%
Manually Searching Records \$7.50 per ¼ hour	per hour	N	\$ 30.00	\$ 30.00	\$0.00	\$30.00	0.0%
Preparation of Record of Disclosure	per hour	N	\$ 30.00	\$ 30.00	\$0.00	\$30.00	0.0%
Developing a Computer Program \$15.00 per ¼ hour	per hour	N	\$ 60.00	\$ 60.00	\$0.00	\$60.00	0.0%



**Mike Mayes, Director  
Financial Services**

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905.895.5193 ext. 2102

November 14, 2016

**JOINT DEVELOPMENT & INFRASTRUCTURE SERVICES – PLANNING & BUILDING  
SERVICES AND CORPORATE SERVICES REPORT – FINANCIAL SERVICES 2016-51**

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: 2017 User Fees and Charges – Planning Act Fees

ORIGIN: Director, Planning & Building Services and Director, Financial Services/Treasurer

**RECOMMENDATIONS:**

- a) **THAT Joint Development & Infrastructure Services – Planning & Building Services and Corporate Services Report – Financial Services 2016-51 dated November 14, 2016 regarding 2017 User Fees and Charges – Planning Act Fees be received and the following recommendations be adopted:**
  - i. **THAT the attached Schedule “A”, being the Town of Newmarket 2017 Planning Application Fees Schedule, be approved and adopted by by-law;**
  - ii. **AND THAT the fee adjustments come into full force and effect as of January 1, 2017.**

**COMMENTS**

**Purpose**

The purpose of this report is to recommend increases of 3% to the Planning Act Fees for 2017, unless fees are regulated or established by other provincial legislation or third party.

**Budget Impact**

The estimated impact of the proposed increases to the Planning Act Fees is \$11,000.

**Summary**

Fees and charges are being targeted to increase by 3%, resulting from general service cost increases including wage and benefit increases.

## Background

All rates and fees are reviewed annually and adjusted in accordance with the Annual Budget Review Process and application of the Service Pricing Policy.

## Analysis & Options

Based on the Service Pricing Policy, Planning fees are categorized as a Community Supported Good, establishing a targeted cost recovery level of 90% for the majority of fees with the exception of Committee of Adjustment application fees. The targeted cost recovery for Committee of Adjustment application fees is 55%.

The attached Schedule "A" has been prepared to recognize Planning Application fee increases of 3% resulting from general service cost increases including wage and benefit increases.

## BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The adoption of the 2017 Fees and Charges by-law, implementing adjustments to the Planning Act regulated fees, is in alignment with the key focus area *Well-equipped & managed* of the Community Strategic Plan.

## CONSULTATION

Advertisement on the Town of Newmarket's website has been provided for a three-week period in advance of the public meeting (Council on December 5). In addition, notice has been given through advertisement on the Town Page of the local newspaper in advance of Council's consideration of the fee adjustments. These fees and charges are being presented as part of the Committee of the Whole meeting scheduled for November 28, 2016.

## BUDGET IMPACT (Current and Future)

The additional revenue anticipated as a result of the increase in Planning Act Fees is \$11,000.

## CONTACT

For more information on this report, please contact Rick Nethery at 905-953-5300, ext. 2451 or [rnethery@newmarket.ca](mailto:rnethery@newmarket.ca) or Mike Mayes at 905-953-5300, ext. 2102 or [mmayes@newmarket.ca](mailto:mmayes@newmarket.ca)





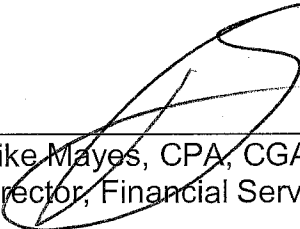
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Rick Nethery  
Director, Planning and Building Services



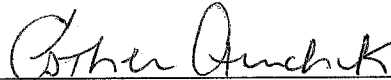
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Peter Noehammer  
Commissioner, DIS Services



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Mike Mayes, CPA, CGA, DPA  
Director, Financial Services/Treasurer



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Esther Armchuk, B.A. LL.B.  
Commissioner, Corporate Services

MM:FW/ne  
Attachment

(1) Planning Department: 2017 User Fees – Schedule A (6 pgs.)

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE A**

Department: Planning

Effective Date: \_\_\_\_\_

January 1, 2017

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Application Processing: Fees Prescribed under Section 69 of the Planning Act, R.S.O. 1990 for applications submitted after Sept. 15/2006.							
Official Plan Amendment	each	Y	\$ 22,797.18	\$ 23,481.10	\$ 3,052.54	\$ 26,533.64	3.0%
Zoning By-law Amendment	each	Y	\$ 19,871.54	\$ 20,467.69	\$ 2,660.80	\$ 23,128.49	3.0%
Subdivision - Residential	Base fee	Y	\$ 72,432.75	\$ 74,605.73	\$ 9,698.74	\$ 84,304.47	3.0%
	Plus per unit	Y	\$ 187.52	\$ 193.15	\$ 25.11	\$ 218.26	3.0%
Subdivision - Commercial	Base fee	Y	\$ 77,715.01	\$ 80,046.46	\$ 10,406.04	\$ 90,452.50	3.0%
	Plus per hectare	Y	\$ 1,437.62	\$ 1,480.75	\$ 192.50	\$ 1,673.25	3.0%
Subdivision - Industrial	Base fee	Y	\$ 79,871.52	\$ 82,267.67	\$ 10,694.80	\$ 92,962.47	3.0%
	Plus per hectare	Y	\$ 359.40	\$ 370.18	\$ 48.12	\$ 418.30	3.0%
Subdivision - Institutional	Base fee	Y	\$ 79,151.67	\$ 81,526.22	\$ 10,598.41	\$ 92,124.63	3.0%
	Plus per hectare	Y	\$ 718.82	\$ 740.38	\$ 96.25	\$ 836.63	3.0%
Revision of Draft Plan Approval Requiring Circulation	each application	Y	\$ 2,795.74	\$ 2,879.61	\$ 374.35	\$ 3,253.96	3.0%

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE A**

**Department: Planning**

**Effective Date:**

**January 1, 2017**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Revision to Conditions of Draft Approval	each application	Y	\$ 2,795.74	\$ 2,879.61	\$ 374.35	\$ 3,253.96	3.0%
Extension of Draft Approval	each application	Y	\$ 1,397.85	\$ 1,439.79	\$ 187.17	\$ 1,626.96	3.0%
Registration of each Phase of a Plan	each	Y	\$ 1,397.85	\$ 1,439.79	\$ 187.17	\$ 1,626.96	3.0%
Site Plan - Residential	each	Y	\$ 37,218.95	\$ 38,335.52	\$ 4,983.62	\$ 43,319.14	3.0%
	Plus per unit	Y	\$ 187.52	\$ 193.15	\$ 25.11	\$ 218.26	3.0%
Site Plan - High Rise Office Commercial	Per 1,800 m <sup>2</sup> of gross floor area	Y	\$ 12,179.05	\$ 12,544.42	\$ 1,630.77	\$ 14,175.19	3.0%
Site Plan - All Other	each	Y	\$ 11,947.42	\$ 12,305.84	\$ 1,599.76	\$ 13,905.60	3.0%
Condominium - Residential	each	Y	\$ 33,359.13	\$ 34,359.90	\$ 4,466.79	\$ 38,826.69	3.0%
	Plus per unit	Y	\$ 187.52	\$ 193.15	\$ 25.11	\$ 218.26	3.0%
Condominium - All Other	each	Y	\$ 8,370.67	\$ 8,621.79	\$ 1,120.83	\$ 9,742.62	3.0%
Removal of Holding (H)	each	Y	\$ 3,703.72	\$ 3,814.83	\$ 495.93	\$ 4,310.76	3.0%
Part Lot Control	each	Y	\$ 1,754.77	\$ 1,807.41	\$ 234.96	\$ 2,042.37	3.0%
Consent - Severance	each	Y	\$ 6,238.07	\$ 6,425.21	\$ 835.28	\$ 7,260.49	3.0%

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE A**

**Department: Planning**

**Effective Date:**

January 1, 2017

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Consent - Other	each	Y	\$ 4,159.21	\$ 4,283.99	\$ 556.92	\$ 4,840.91	3.0%
Minor Variance	each	Y	\$ 1,394.81	\$ 1,436.65	\$ 186.76	\$ 1,623.41	3.0%
Special Committee of Adjustment Meeting for Emergent Issues	each	Y	\$ 957.77	\$ 986.50	\$ 128.25	\$ 1,114.75	3.0%
Sign or fence By-law variance - within the jurisdiction of staff	each	Y	\$ 83.70	\$ 86.21	\$ 11.21	\$ 97.42	3.0%
Sign or fence By-law variance or appeal to the Variance Committee	each	Y	\$ 494.38	\$ 509.21	\$ 66.20	\$ 575.41	3.0%
Telecommunications Tower	each	Y	\$ 11,777.16	\$ 12,130.47	\$ 1,576.96	\$ 13,707.43	3.0%
Application Reactivation Fee	each	Y	\$ 631.78	\$ 650.73	\$ 84.59	\$ 735.32	3.0%
	Plus Annual Increase	Y					
Woodlot Preservation Application (By-Law 2007-71)	per tree	Y	\$ 126.36	\$ 130.15	\$ 16.92	\$ 147.07	3.0%
Tree Preservation, Protection, Replacement and Enhancement Policy Compensation	Based on the "Guide for Plant Appraisal" 9 <sup>th</sup> (or latest) edition established by the International Society of Arboriculture.						
Request for Support Resolution (Feed-In-Tariff Program)	Per Application	N	\$ 150.00	\$ 154.50	\$ -	\$ 154.50	3.0%
Peer Review and/or External Consulting Fees	Actual Cost	Y					
Planning Administrative Fee	5% of consultant's fee	Y					

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE A**

Department: Planning

Effective Date: \_\_\_\_\_

January 1, 2017

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT
Referral of Plan to Ontario Municipal Board	each	N	\$ 125.00	\$ 125.00	\$ -
Ontario Municipal Board Hearing Deposits	Ontario Municipal Board Hearing Deposits are due and payable upon the receipt of an appeal with respect to the application(s). The said deposit shall be paid by the applicant in a manner and amount to be determined by the Council of the Town of Newmarket. Fees incurred by the Municipality above and beyond the amount of the deposit required will be invoiced to and payable by the applicant. Should the fees incurred be less than the amount of the deposit required, the appropriate refund will be issued to the applicant.				
Application Processing: Fees Prescribed under Section 69 of the Planning Act, R.S.O. 1990 for applications submitted prior to Sept. 15/2006.					
Draft Approval and Final Registration Coordination Fee (payable at time of draft approval)					
Industrial Subdivisions		Y	\$ 20,321.96	\$ 20,931.62	\$ 2,721.11
Residential Subdivisions (more than 30 lots)		Y	\$ 20,332.41	\$ 20,942.38	\$ 2,722.51
All other Subdivisions		Y	\$ 15,242.22	\$ 15,699.49	\$ 2,040.93
Coordination Fee for Engineering Drawing Submissions beyond 4 <sup>th</sup> Submission (payable at time of 5 <sup>th</sup> submission)					
Industrial Subdivisions		Y	\$ 4,981.61	\$ 5,131.06	\$ 667.04
Residential Subdivisions (more than 30 lots)		Y	\$ 4,981.61	\$ 5,131.06	\$ 667.04
All other Subdivisions		Y	\$ 2,490.79	\$ 2,565.51	\$ 333.52

TOTAL FEE	% INCREASE
\$ 125.00	0.0%
\$ 23,652.73	3.0%
\$ 23,664.89	3.0%
\$ 17,740.42	3.0%
\$ 5,798.10	3.0%
\$ 5,798.10	3.0%
\$ 2,899.03	3.0%

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE A**

Department: Planning

Effective Date: \_\_\_\_\_

January 1, 2017

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
<b>Miscellaneous Items</b>							
Photocopies	each	Y	\$ 0.90	\$ 0.93	\$ 0.12	\$ 1.05	3.3%
Zoning By-law Amendment (copy)	each	Y	\$ 3.35	\$ 3.45	\$ 0.45	\$ 3.90	2.9%
Street Maps (36" X 42")	each	Y	\$ 15.80	\$ 16.27	\$ 2.12	\$ 18.39	3.0%
Full Size Drawings (Copies)	each	Y	\$ 15.80	\$ 16.27	\$ 2.12	\$ 18.39	3.0%
Zoning Maps	each	Y	\$ 6.60	\$ 6.80	\$ 0.88	\$ 7.68	3.0%
Developments Pending Map	each	Y	\$ 15.80	\$ 16.27	\$ 2.12	\$ 18.39	3.0%
Lot Map	each	Y	\$ 15.80	\$ 16.27	\$ 2.12	\$ 18.39	3.0%
OPA	each	Y	\$ 7.95	\$ 8.19	\$ 1.06	\$ 9.25	3.0%
Yonge Street Study	each	Y	\$ 22.48	\$ 23.15	\$ 3.01	\$ 26.16	3.0%
Newmarket Official Plan 2006-2026 (Approved Version)	each	Y	\$ 54.06	\$ 55.68	\$ 7.24	\$ 62.92	3.0%



**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE A**

**Department: Planning**

**Effective Date:**

**January 1, 2017**

SERVICE PROVIDED	UNIT OF MEASURE	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Bylaw 1979 - 50	each	Y	\$ 55.40	\$ 57.06	\$ 7.42	\$ 64.48	3.0%
Zoning Bylaw 2010-40	each	Y	\$ 68.35	\$ 70.40	\$ 9.15	\$ 79.55	3.0%
Street Number Maps (set)	each	Y	\$ 79.18	\$ 81.56	\$ 10.60	\$ 92.16	3.0%
Zoning Confirmation Letter	each	Y	\$ 85.26	\$ 87.82	\$ 11.42	\$ 99.24	3.0%
Zoning Compliance Letters	each	Y	\$ 144.69	\$ 149.03	\$ 19.37	\$ 168.40	3.0%
Newmarket Historic Downtown Community Improvement Plan (CIP)	each	Y	\$ 13.20	\$ 13.60	\$ 1.77	\$ 15.37	3.0%
CIP Design Guidelines	each	Y	\$ 6.60	\$ 6.80	\$ 0.88	\$ 7.68	3.0%
Oak Ridges Moraine (OPA)	each	Y	\$ 46.18	\$ 47.57	\$ 6.18	\$ 53.75	3.0%
Oak Ridges Moraine (Zoning Bylaw)	each	Y	\$ 6.60	\$ 6.80	\$ 0.88	\$ 7.68	3.0%
Owner Request for Change of Address	each	Y	\$ 159.91	\$ 164.71	\$ 21.41	\$ 186.12	3.0%



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November 14, 2016

## JOINT CENTRAL YORK FIRE SERVICES AND CORPORATE SERVICES REPORT - FINANCIAL SERVICES 2016-52

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: 2017 User Fees and Charges – Fire Services

ORIGIN: Fire Chief and Director, Financial Services/Treasurer

### RECOMMENDATIONS

- a) **THAT Joint Central York Fire Services and Corporate Services Report – Financial Services 2016-52 dated November 14, 2016 regarding 2017 User Fees and Charges – Fire Services be received and the following recommendations be adopted:**
- i. **THAT the attached Schedule “A”, being the Town of Newmarket 2017 Fire Services Fees Schedule, be approved and adopted by by-law;**
  - ii. **AND THAT the fee adjustments come into full force and effect January 1, 2017.**

### COMMENTS

#### **Purpose**

The purpose of this report is to recommend adjustments to the user fees and charges in Fire Services for 2017.

#### **Budget Impact**

The anticipated impact of the adjustment to Fire Services fees is not material.

#### **Summary**

CYFS is proposing to increase its fees and charges by 3% except for those that are regulated or established by Provincial legislation or third party. The increase is to reflect service cost increases including wages and benefits.

## Background

Based on the Service Pricing Policy, fees and charges are categorized by user and type of service. Fire Services Fees are considered to be a Consumer Good. It is preferable, or in the best interest of the user or community, to influence the use of the service for the overall health, safety, security, and sustainability of the whole community.

All rates and fees are reviewed annually and adjusted in accordance with the Annual Budget Review Process and application of the Service Pricing Policy.

## Analysis & Options

The proposed change to 2017 fees and charges for Fire Services is a 3% increase to reflect service cost increases including wages and benefits. Attached is the proposed Fire Services user fee schedule for 2017.

Central York Fire Services has been retained to provide emergency services for the Township of King and the Town of Whitchurch-Stouffville. As per the agreements, CYFS receives an Annual Retainer Fee and Per Call Fee from King and Whitchurch-Stouffville. The annual retainer fee is adjusted annually by an amount equal to the percentage increase or decrease in the approved budget of CYFS. The current agreements expire at the end of 2016.

## BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

The adoption of the 2017 Fees and Charges by-law, implementing adjustments to Fire Services Fees, lies within the key focus area *Well-equipped & managed* of the Community Strategic Plan.

## CONSULTATION

Advertisement on the Town of Newmarket's website has been provided for a three-week period in advance of the public meeting (Council on December 5). In addition, notice has been given through advertisement on the Town Page of the local newspaper in advance of Council's consideration of the fee adjustments. These fees and charges are being presented as part of the Committee of the Whole meeting scheduled for November 28, 2016.

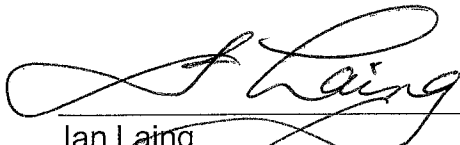
## BUDGET IMPACT (Current and Future)

The anticipated impact of the adjustment to Fire Services fees is not material.

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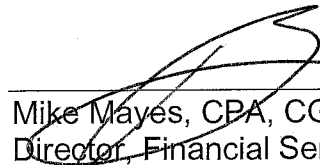
**CONTACT**

For more information on this report, contact Mike Mayes at 905-953-5300, ext. 2102, or via email at [mmayes@newmarket.ca](mailto:mmayes@newmarket.ca) OR Ian Laing, Fire Chief, Central York Fire Services at 905-953-5300, ext. 3001 or [ilaing@newmarket.ca](mailto:ilaing@newmarket.ca).



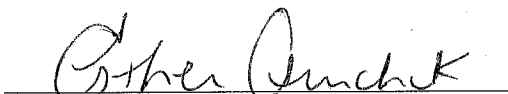
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Ian Laing  
Fire Chief, Central York Fire Services



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Mike Mayes, CPA, CGA, DPA  
Director, Financial Services/Treasurer



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Esther Armchuk, B.A. LL.B.  
Commissioner, Corporate Services

MM/FW:ne  
Attachment

(1) 2017 User Fees Schedule A – Fire Services (2 pgs.)

**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE A**

Department: Fire Services

Effective Date: January 1, 2017

SERVICE PROVIDED	UNIT OF MEASURE	TIMELINES	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Apartment/Office Inspections Base Building	One to five storey premises	6 hours	Y	\$356.46	\$367.15	\$47.73	\$414.88	3.0%
	Six or more storey premises	8 hours	Y	\$475.29	\$489.55	\$63.64	\$553.19	3.0%
	Each additional unit	1.5 hours	Y	\$89.12	\$91.79	\$11.93	\$103.73	3.0%
	Day Care Home	1.5 hours	Y	\$89.12	\$91.79	\$11.93	\$103.73	3.0%
	Inspection	1.5 hours	Y	\$89.12	\$91.79	\$11.93	\$103.73	3.0%
	Day Nursery	1.5 hours	Y	\$89.12	\$91.79	\$11.93	\$103.73	3.0%
	Inspection	1.5 hours	Y	\$89.12	\$91.79	\$11.93	\$103.73	3.0%
	Faxing or Mailing Reports	0.75 hours	Y	\$44.56	\$45.90	\$5.97	\$51.86	3.0%
Request for Report	First hour per fire unit/flat rate		N	\$450.00	\$450.00	\$0.00	\$450.00	0.0%
Hazardous Materials Response (any location)	Each additional 1/2 hour per fire unit		N	\$225.00	\$225.00	\$0.00	\$225.00	0.0%
	Per hour/firefighter plus material used		N	\$45.84	\$47.22	\$0.00	\$47.22	3.0%
	Per hour/officer plus material used		N	\$52.71	\$54.29	\$0.00	\$54.29	3.0%
Industrial & Commercial Inspection	Per single industrial unit	1.5 hours	Y	\$89.12	\$91.79	\$11.93	\$103.73	3.0%
	Each additional unit	1.5 hours	Y	\$89.12	\$91.79	\$11.93	\$103.73	3.0%
	LLBO Inspections	2 hours	Y	\$118.83	\$122.39	\$15.91	\$138.31	3.0%

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**TOWN OF NEWMARKET  
2017 USER FEES  
SCHEDULE A**

Department: Fire Services

Effective Date: January 1, 2017

SERVICE PROVIDED	UNIT OF MEASURE	TIMELINES	SUBJECT TO HST YES/NO	2016 FEE BEFORE TAX	2017 FEE BEFORE TAX	HST AMOUNT	TOTAL FEE	% INCREASE
Provincial Highway Accident Responses	First hour per fire unit/flat rate		N	\$450.00	\$450.00	\$0.00	\$450.00	0.0%
	Each additional ½ hour per fire unit		N	\$225.00	\$225.00	\$0.00	\$225.00	0.0%
Property File Search	File Search and Response	1.5 hours	Y	\$89.12	\$91.79	\$11.93	\$103.72	3.0%
Retrofit Inspections (9.5, 9.6)		6 hours	Y	\$356.46	\$367.15	\$47.73	\$414.88	3.0%
Retrofit Inspections (9.8)		3 hours	Y	\$190.12	\$195.82	\$25.46	\$221.28	3.0%
Paid Duty Truck Stand-by	First hour per fire unit/flat rate		N	\$450.00	\$450.00	\$0.00	\$450.00	0.0%
	Each additional ½ hour per fire unit		N	\$225.00	\$225.00	\$0.00	\$225.00	0.0%
	Per hour/firefighter plus material used		N	\$45.84	\$47.22	\$0.00	\$47.22	3.0%
	Per hour/officer plus material used		N	\$52.71	\$54.29	\$0.00	\$54.29	3.0%
Fireworks Permit Fee			N	\$97.30	\$100.22	\$0.00	\$100.22	3.0%
Extinguisher Training Using Classroom and Burn Pan	Per session up to 20 people with own extinguishers		Y	\$362.25	\$373.12	\$48.51	\$421.62	3.0%
Chronic False Alarm (preventable cause)-after two responses	Per unit/per incident		N	\$450.00	\$450.00	\$0.00	\$450.00	0.0%



**Mike Mayes, Director  
Financial Services/Treasurer**

TOWN OF NEWMARKET  
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November 17, 2016

**JOINT DEVELOPMENT & INFRASTRUCTURE SERVICES, CENTRAL YORK FIRE SERVICES,  
CORPORATE SERVICES REPORT - FINANCIAL SERVICES – 2016-53**

**TO:** Mayor Tony Van Bynen and Members of Council

**SUBJECT:** 2017 Interim Appropriations

**ORIGIN:** Director, Financial Services/Treasurer

**RECOMMENDATIONS**

- a) THAT Corporate Services Report - Financial Services – 2016-53 dated November 17, 2016 regarding 2017 Interim Appropriations be received and the following recommendations be adopted:**
- i. THAT Council provide pre-budget approval for the capital projects in the attached list (Appendix A).**
  - ii. AND THAT staff be authorized and directed to do all things necessary to give effect to these recommendations.**

**COMMENTS**

**Purpose**

Interim appropriations are required to fund operating and capital spending in 2017, as the budget will not be approved until February 2017. Spending authority for operating expenditures is not being sought on this report as it has been previously delegated to staff. This report seeks approval for specific capital expenditures.

**Budget Impact**

Operating budget – expenditures will be limited to items that are included in the base budget. There will be no new expenditures, no enhancements or new spending prior to Council approval of the 2017 operating budget.

Capital budget – the listed projects that need pre-budget approval have a total cost of \$5,569,000, which includes a fire truck replacement request, and facilities & parks improvement projects that have the potential opportunity to get infrastructure grant funding. These projects will be included in the 2017 Capital Budget request.

## Background

For the last three years, operating and capital budgets have been approved in December, prior to the commencement of the new fiscal period.

Authority is required to approve payments for 2017 capital spending prior to Council adoption of the 2017 budget. At this time, it is projected that the budget will not be approved until February 2017.

Council has approved the Operating and Capital Financial Policy (FIN 2-01) which provides for these circumstances and delegates authority for operational spending.

In section C., Operating Budget Financial Controls:

*6. No expenditure will be incurred until the budget for the current fiscal year has been approved by Council unless:*

- a) An appropriation for a similar item existed in the previous year's Operating Budget and the expenditure does not exceed 50% of the amount appropriated in the previous year's Operating Budget;*
- b) Approval was granted by Council through a report outside the budget process;*
- c) An emergency occurred requiring expenditures and the Chief Administrative Officer approved such expenditures. Where such authorization is given, a subsequent report detailing the emergency will be prepared for Council's information by the Chief Administrative Officer.*

*7. All operating expenditures in accordance with 6. above will be included in and be part of the Operating budget.*

Similarly, in section B., Capital Budget Financial Controls:

*5. Until the Capital Budget has been approved by Council, no department will commence any Capital project that was not authorized in prior years unless:*

- a) Approval was granted by Council through a report outside the budget process;*
- b) An emergency occurred requiring capital expenditures and the Chief Administrative Officer approved such expenditures. Where such authorization is given, a subsequent report detailing the emergency and the financing of such will be prepared for Council's information by the Chief Administrative Officer.*

*Procedures for obtaining services/materials for the above will be in accordance with the Town's Purchasing Bylaw.*

*6. All capital projects in accordance with 5 above will be included in and be part of the Capital Budget.*

Pre-budget approval means Council is authorizing the expenditures, but it is not formal budget approval, which requires appropriate public notice.



## ***Analysis & Options***

### **Interim appropriations for operating expenditures**

The 2017 interim appropriations of \$57,479,181 for operations are 50% of the 2016 budgeted operating expenditures.

	Approved 2016 expenditures	2017 appropriation
Town portion (excluding areas listed below)	\$63,474,680	\$31,737,340
Newmarket Downtown Development Business Area (BIA)	\$30,000	\$15,000
Newmarket Public Library	\$3,895,481	\$1,947,741
Central York Fire Services (Newmarket's share)	\$14,595,632	\$7,297,816
Water and Wastewater Rate Groups	\$32,962,568	\$16,481,284
<b>Total operating budget</b>	<b>\$114,958,361</b>	<b>\$57,479,181</b>

In compliance with Operating and Capital Financial Policy (FIN 2-01):

- the interim expenditures will be included in the 2017 Operating budget request;
- expenditures will be limited to items that are included in the base budget;
- there will be no new expenditures, no enhancements or new spending prior to Council approval of the 2017 operating budget, unless specific Council approval is given.

### ***Interim appropriations for capital expenditures***

Appendix A lists the 2017 capital requests that need pre-budget approval. One of the capital projects in the list is to replace the 1999 Freightliner Fire Truck for an estimated amount of \$946,000. Presently, CYFS is planning to place an order for a fire truck that was approved in the 2016 CYFS Capital Budget. If placing these two orders together, it will have potential cost savings and cut down on out of province travel time for Fire Management as there will be half the site visits needed as would be required if done separately. This will also ensure timely delivery of fire apparatus and reduce potential risk of the replacement fire pumpers becoming inoperative. As this capital request is replacement, the funding source is the Asset Replacement Fund (ARF).

All of the others in the list are facilities and parks improvement projects. One of them is for Magna Centre Western Entrance walkway replacement for an amount of \$46,000. This project requires early tender in 2017. The other projects have the potential opportunity to get infrastructure grant funding. These projects have a total cost of \$4,577,000, with potential grant funding of \$2,586,498. The remaining funding sources for these projects are ARF \$1,411,667, reserves \$70,000, and other \$508,835. Pre-budget approval of these projects is required in order to facilitate grant applications.

In compliance with Operating and Capital Financial Policy (FIN 2-01):

- the interim expenditures will be included in the 2017 Capital budget request;
- expenditures will be limited to items that are included on the attached list (Appendix A).

## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report links to Newmarket's key strategic directions in being Well Managed through fiscal responsibility.

## **CONSULTATION**

Capital requests were provided by the Fire Chief and the Commissioner of Development and Infrastructure Services who confirmed the urgency of the need.

## **HUMAN RESOURCE CONSIDERATIONS**

Not applicable to this report.

## **BUDGET IMPACT**

The Town's usual practice is to adopt its budgets prior to the start of the fiscal year. When this has not been possible, the Town, similar to most municipalities, works within an interim appropriation. Council has approved the Operating and Capital Financial Policy (FIN 2-01) which provides for these circumstances.

All expenditures approved as part of the Interim Appropriation will be included in the 2017 operating and capital budget requests.

### *Operating Budget (Current and Future)*

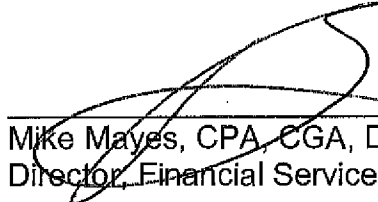
Expenditures will be limited to items that are included in the base budget. There will be no new expenditures, no enhancements or new spending prior to Council approval of the 2017 operating budget.

### *Capital Budget*

The listed projects (Appendix A) that need pre-budget approval have a total cost of \$5,569,000. These projects will be included in the 2017 Capital Budget request.


## CONTACT

For more information on this report, contact Mike Mayes at 905-953-5300, ext. 2102, or via email at [mmayes@newmarket.ca](mailto:mmayes@newmarket.ca)



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Director, Financial Services/Treasurer



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Esther Armchuk, B.A. L.L.B.  
Commissioner, Corporate Services



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Peter Noehammer  
Commissioner, DIS Services



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Ian Laing  
Fire Chief, Central York Fire Services

FW:MM/ne  
Attachment

1. Pre-Budget Approval Request Projects

### Appendix A: Pre-budget Approval Request Projects

Commission	Project Name	Category	Project Cost	ARF	Reserves & Reserve Funds	Other Funding Source	Potential Grant
DIS	Ray Twinney Complex - Facility Improvements	Infra. Grant	2,605,000	1,285,000		17,500	1,302,500
DIS	Youth Centre - Facility Improvements	Infra. Grant	86,500	46,667		11,000	28,833
DIS	Newmarket Theater - Facility Improvements (CIF)	Infra. Grant	140,000		70,000		70,000
DIS	Playground Improvements	Infra. Grant	605,000			302,500	302,500
DIS	Magna Centre - Facility Improvements	Infra. Grant	265,500			77,835	187,665
DIS	Improvement of Old Town Hall	Infra. Grant	200,000			100,000	100,000
DIS	Artificial Turf	Infra. Grant	500,000				500,000
DIS	Seniors - Integrated Audio System	Infra. Grant	15,000				15,000
DIS	Netting for Ball diamonds	Infra. Grant	160,000	80,000			80,000
DIS	Magna Centre -Western Entrance	Replacement	46,000	46,000			
CYFS	1999 Freightliner Fire Truck Replacement	Replacement	946,000	946,000			
<b>TOTAL</b>			<b>\$5,569,000</b>	<b>\$2,403,667</b>	<b>\$70,000</b>	<b>\$508,835</b>	<b>\$2,586,498</b>



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October 25, 2016

**JOINT CORPORATE SERVICES/DEVELOPMENT & INFRASTRUCTURE SERVICES  
REPORT – FINANCIAL SERVICES – 2016-40**

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: Implementation of Stormwater Charge

ORIGIN: Financial Business Analyst

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**RECOMMENDATIONS**

**THAT Corporate Services Report-Financial Services – 2016-40 dated October 25, 2016 regarding Implementation of a Stormwater Charge be received and the following recommendations be adopted:**

- a) THAT Council adopt the Stormwater Management Services Charge by-law;**
- b) AND THAT staff recommend the 2017 Stormwater Rates be included with the 2017 User Fees and Charges By-law;**
- c) AND THAT Council authorizes staff to execute the communication strategy.**

**COMMENTS**

**Purpose**

The purpose of this report is to propose the adoption of the Fees and Charges for the Stormwater Management By-law. This charge will provide a transparent, dedicated, and stable funding source that will help the Town raise the financial capital necessary to maintain current service levels.

**Budget Impact**

\$227,000 will be removed from the rate supported budgets and \$1,418,000 (\$435,000 for operating costs and \$983,000 in capital contributions) will be removed from the tax supported budget. The charge will be revenue neutral in the first year and will be adjusted as necessary with further development of a financial plan as requested in annual budgets.

**Summary**

The implementation of the new fee will result in a 2.6% tax decrease and a 0.7% water and wastewater rate decrease

## **BACKGROUND**

The Town provides a stormwater management service to protect the community and environment from stormwater runoff. Stormwater runoff is water that flows off properties mostly due to rain and snow events. Stormwater management services require a sufficient funding source to serve the community.

**A stormwater charge will provide a funding source that is reliable, predictable, and fair to ensure the stormwater management service can continue to be effectively run in the future.** In Financial Services Report - 2015-42, staff proposed options for different rate structures for the stormwater charge and requested to go out for public consultation. Staff provided an update on the public consultation process with Financial Services Report - 2016-05. Staff provided another update on the development of the charge with Financial Services Report - 2016-38.

## **ANALYSIS AND OPTIONS**

### Cost Drivers

**The purpose of the charge is to fund the three major cost drivers for the service, which are environmental protection, aging infrastructure and flood prevention.**

1. *Environmental Protection:*

As water runs off properties, it can carry contaminants with it. Runoff from urban and rural areas have upset Lake Simcoe's ecosystem. The Town recently completed a comprehensive stormwater management master plan, as per the regulatory requirements outlined in the Lake Simcoe Protection Act, to restore waterways and breeding grounds. The restoration projects will require new funding.

2. *Aging Infrastructure:*

The Town has 53 ponds, 55 kilometres of waterways and 225 kilometres of sewers that are maintained and replaced as they age. An estimated \$17 million is required over the next 10 years to replace assets that are reaching the end of their useful life. The existing funding level is likely to fall short to maintain current service levels.

3. *Flood Prevention:*

In some parts of Canada, severe weather events that used to happen every forty years now occur every six. As a consequence, damage from storm events has recently become the biggest cause for insurance claims in Canada. The funding provided by the rate will help us adapt and protect homes and businesses in Newmarket from severe weather events.

### Public Consultation

The Town engaged the public by; issuing a press release, posting an advertisement on Facebook, sending invitations to key stakeholders, hosting a Public Information Centre (PIC), and having a presence at the Community Open House. Overall, the feedback on the direction of the project was positive. The Newmarket Chamber of Commerce and Newmarket Environmental Advisory Committee were consulted to refine the program.

1) *Social Media:*

The Facebook advertisement for the PIC was viewed over 10,000 times in the Newmarket area. The advertisement was "liked" 44 times, shared 34 times, clicked on 320 times for more information, and users left 18 comments. The comments provided a diversity of opinions on the potential rate. The Facebook advertisement is among the most successful in terms of views and interactions that the Town has issued.

2) *Public Information Centre:*

On October 27, 2015, the public information centre was attended by upward of a dozen residents. The majority of attendees were in favour of implementing a stormwater charge. A dedicated funding source for stormwater management resonated well with the participants. The major concerns raised by residents were; asset replacement, flood prevention, and environmental protection.

Many felt that there should be a credit program in place in order to incentivize low impact development (LID). LID is development that puts minimal strain on the stormwater management service by reducing the quantity and increasing the quality of the stormwater runoff from a property.

3) *Community Open House:*

The stormwater charge materials were presented at the Community Open House on December 3, 2015. The event was well attended, 55 residents signed in at the event and others attended the event but did not sign in. The residents at the open house had similar positive reactions to those expressed at the PIC.

4) *Focus Group in Partnership with The Newmarket Chamber of Commerce:*

On September 26, 2016, the Newmarket Chamber of Commerce hosted a focus group session with local businesses. Town staff selected 30 businesses at random and invited them to participate in a discussion on the potential implementation of the stormwater charge and changes to the water and wastewater rates. The delegates provided advice on how to better communicate the initiative and appreciated having the information presented to them.

5) *Newmarket Environmental Advisory Committee:*

On October 5, 2016, The Newmarket Environmental Advisory Committee (NEAC) was consulted at an informal meeting to comment on the overall stormwater charge program and to obtain their feedback on a residential credit program.

NEAC believes strongly that a residential incentive program is necessary to drive behaviour that reduces runoff from residential properties. They advised that the Town needs to encourage more actions in this area as we face the growing impacts of climate change.

The advisory committee also recognizes that a traditional credit program provides little incentive to reduce runoff while being very costly to administer. They believe there may be better ways than paying residential financial incentives which could eliminate or reduce associated staff time and costs.

### Stormwater Charge as a User Fee

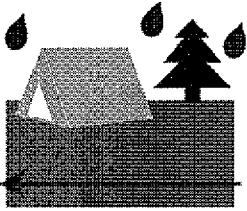

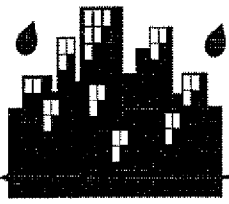
The stormwater charge will be calculated on a user fee basis. Customers will be charged based on what it costs to provide them with stormwater services. A key concept in stormwater management is imperviousness. Impervious surfaces do not absorb water. Such surfaces like roofs, driveways, and parking lots increase the amount of runoff from properties: therefore, properties with more impervious surfaces should pay more because the Town is responsible for managing the runoff.

Determining the amount of impervious area on every property is administratively costly. Therefore, staff recommended and developed a stormwater charge that is based on the average imperviousness, or runoff level, of different property groups. As noted earlier, the public feedback on this approach was positive

**Based on public feedback, the stormwater charge calculation method is seen as fair in that properties are charged what they should be charged, yet it is not overly costly to administer.**

For the purpose of the charge, all Newmarket properties are grouped into three runoff level groups. Natural areas are in the low runoff level group, residential and institutional properties are in medium runoff level group, and industrial and commercial properties are in the high runoff level group. Staff sampled and calculated the percent of impervious surfaces of 100 properties for each group to get an average. See Table 1 for graphics on the types of properties that fall into which runoff level group and each group's average imperviousness.

**Table 1: How Properties Are Sorted into Runoff Groups**

Low Runoff Level Group	Medium Runoff Level Group	High Runoff Level Group
		
Examples: Natural Areas, Vacant Properties, Golf Courses	Examples: Residential and Institutional	Examples: Commercial, Industrial and Mixed Use
9% Impervious	44% Impervious	88% Impervious



### How to Calculate the Stormwater Charge

The stormwater charge is based on the property size and the runoff level group rate. See the equation below for how the stormwater charge is calculated for an individual property.

#### **Equation 1:**

$\text{Stormwater Charge} = \text{Size of Property} \times \text{Runoff Level Group Rate}$
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Based on this calculation, the larger the property the higher the charge. Equally, the higher the group rate a property falls under, the higher the charge.

### Legal Considerations

Under the authority of the *Municipal Act, 2001*, the Town has authority to pass a "Fees and Charges" by-law for the purpose of funding stormwater management. As such, tax exempt property owners would be required to pay the stormwater management fee, just as tax exempt properties pay for water and wastewater services. Tax exempt properties include philanthropic organizations, places of worship, and long-term care homes.

**For the stormwater charge to be considered a user fee, there must be sufficient correlation between the level of runoff from a property and the fee the property owner pays. Based on the public feedback, staff feels that this charge meets this condition.**

Appendix 1 is the Stormwater Management Services Charge by-law supporting the implementation of the stormwater charge.

### Implementation Strategy

To promote full transparency, staff are recommending that the stormwater charge be revenue neutral in the first year of implementation. This means that the total stormwater funding level will remain unaffected by the introduction of the new stormwater charge. It will simply be shifted from property taxes and water rates to the new charge.

In 2017, stormwater costs will be removed from property taxes and water and wastewater charges. The costs that are removed will then be supported by the stormwater charge. Once the charge is implemented, staff will develop a 6-year stormwater financial plan to determine the long-term funding requirements.

### Financial Impact of Stormwater Charge

The Town's current estimate in the 2017 stormwater budget is \$1,646,000. This comprises \$350,000 in operating costs, \$312,000 support costs and \$983,000 in capital costs. The operating and support costs are pulled from the 2016 budget. The capital cost is the average cost over 5 years, from 2011 to 2015.

The implementation of the new fee will result in a 2.6% tax decrease and a 0.7% water and wastewater rate decrease. With these costs, we may estimate the rates.

The final rate for 2017 will be recommended for adoption with the 2017 Fees and Charges By-law in December.

The Town completed its Capital Financing Sustainability Strategy in 2014 and the strategy recommended an annual asset replacement fund contribution of \$1,700,000. With the implementation of the stormwater charge, a new financial plan will be created to reach long term financial sustainability

Table 2 below illustrates the estimated average stormwater charge for each runoff level group in 2017.

**Table 2: Estimated Average Stormwater Charge for 2017**

	Low	Medium	High
Runoff Level Group Rate per square metre	\$ 0.013057	\$ 0.063835	\$ 0.127671
Average Size in square metres	14,200	600	3,720
Average Annual Fee	\$ 185	\$ 38	\$ 475

Because the stormwater charge is a user fee, the stormwater charge impacts different runoff groups differently. To see how properties would be impacted by moving stormwater funding from a taxation based fee calculation to a customer based fee calculation, see Table 3. This table illustrates that stormwater costs will be shifted away from medium runoff level properties to high and low runoff properties.

Please note: 'Total Annual Municipal Costs' includes annual property taxes (Town only) and water/wastewater fees for an average user. As stormwater costs are currently included in both the tax-supported and the rate-supported budgets, this is the appropriate benchmark.

**Table 3: Impact of Implementing a Stormwater Charge**

	Low	Medium	High
Total Annual Average Municipal Costs <i>without</i> Stormwater Charge	\$2,368	\$2,804	\$10,778
- Taxes	\$1,853	\$1,774	\$7,546
- Water and Wastewater	\$515	\$1,030	\$3,232
- Stormwater	N/A	N/A	N/A

Total Annual Average Municipal Costs <i>with</i> Stormwater Charge	\$2,499	\$2,790	\$11,014
- Taxes	\$1,803	\$1,729	\$7,330
- Water and Wastewater	\$511	\$1,022	\$3,209
- Stormwater	\$185	\$38	\$475

Change in Total Annual Average Municipal Costs (\$)	\$131	-\$14	\$236
Change in Total Annual Average Municipal Costs (%)	5.55%	-0.51%	2.19%

### Credit Programs

#### *High Runoff Level Group Program*

To recognize significant runoff reductions, staff is proposing to implement a stormwater charge credit program for high level runoff properties. High runoff properties, largely commercial and industrial properties, may reduce their runoff by implementing low impact development features through the development approval process and it is important to acknowledge their contribution.

**The credit program will clearly outline the benefits businesses can receive by reducing their runoff. This credit program will maximize the use of current engineering reports and site plan agreements, which will minimize the costs businesses need to incur to apply for the credit.**

See Appendix 2 for the Stormwater Credit Program.

### *Residential Program*

Based on public feedback, residents want to keep administration costs of the charge low. The City of Mississauga estimated for every \$1 in credits they would provide to residential customers through a residential credit program, \$4 would have to be spent on administration. The implementation of a credit program would increase the cost of providing the stormwater service and increase the overall stormwater charge.

The implementing features to reduce runoff in order to receive a credit would not be financially beneficial for residents. Assuming a resident installs a rain barrel for \$100 and reduces their runoff by 15%, they would receive an annual credit of \$4.50. There would be a payback period of 22 years. A stormwater credit would be costly for the Town to administer and would provide little incentive to residents to reduce their runoff.

**There are a couple of local organizations that provide incentives for residents to reduce their runoff and the Town can raise awareness of these programs with the stormwater charge webpage.**

Lake Simcoe Regional Conservation authority offers a Landowner Environmental Assistance Program (LEAP) to homeowners. Homeowners in the Lake Simcoe watershed may qualify for grants of 60 per cent of project costs for eligible rain garden projects, to a maximum of \$5,000. This is a much stronger incentive than the Town could provide through a residential stormwater credit program.

The Windfall Centre offers homeowners RAIN Home Visits. During the visit, the RAIN guide addresses specific concerns unique to each property. In consultation with the homeowner, a prioritized plan is created to manage stormwater and reduce the risk of flooding and would be drawn up and presented to the homeowner. Currently they are offering this program for free to residents of Newmarket, Aurora and Barrie.

Ultimately, the Town must balance its priorities and spend money in the most efficient way possible to maximize the public good.

**Because a residential credit program would not provide a strong financial incentive to reduce runoff, staff is consulting with the Newmarket Environmental Advisory Committee to determine creative solutions for rewarding residents for reducing their runoff.**

### Public Communications

As detailed above, staff has gone through an extensive public consultation process with positive feedback. Pending Council approval of the charge, a new stormwater charge page and video will go live on the Town's website explaining why the Town is implementing a stormwater charge and how it works. A postcard will be sent out to households and businesses to deliver the same message. Advertisements will be in local news publications.

## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report links to Newmarket's key strategic directions in being Well Managed through fiscal responsibility.

## **CONSULTATION**

Staff has formed a Task Force represented by Finance, Engineering, Communications, Information Technology and Customer Service to develop and implement the stormwater charge. Updates were regularly provided to the Utility Transition Task Force, which includes the departments above as well as Legal Services, Economic Development and Strategic Initiatives. Various departmental representatives were consulted as components of the project related to them.

## **HUMAN RESOURCE CONSIDERATIONS**

While most of the work required to administer the stormwater charge can be absorbed by current staff, resources will be required to administer the proposed credit program. Namely, the program would require support from a Senior Environmental Coordinator and an LID Maintenance Worker. These items will be supported through fees of the application process and be proposed in the 2017 budget.

## **BUDGET IMPACT**

### *Operating Budget (Current and Future)*

\$227,000 will be removed from the rate supported budgets and \$435,000 will be removed from the tax supported budget. This item will be proposed in the 2017 budget.

### *Capital Budget*

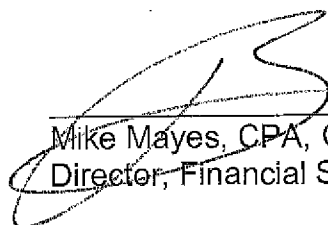
An annual contribution of \$983,000 to the tax supported asset replacement fund will go to the stormwater asset replacement fund. This item will be proposed in the 2017 budget.

## **CONTACT**

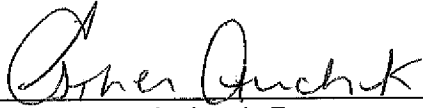
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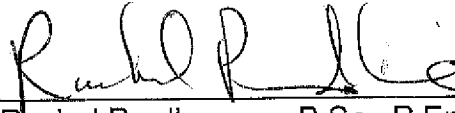
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Director, Public Works Services



Peter Noehammer. P.Eng.  
Commissioner, Development & Infrastructure services

KY/ne

Appendices

1. Stormwater Management Services Charge by-law (8 pages)
2. Stormwater Credit Program (4 pages)



**CORPORATION OF THE  
TOWN OF NEWMARKET  
BY-LAW NUMBER 2016-XX**

A BY-LAW TO ADOPT A STORMWATER MANAGEMENT SERVICES CHARGE BY THE TOWN OF NEWMARKET.

WHEREAS the *Municipal Act, 2001*, S.O. 2001 (the "Act"), authorizes a municipality to pass by-laws imposing fees and charges pertaining to a stormwater system pursuant to sections 9, 10, 11 and 391 of the Act;

AND WHEREAS Council deems it necessary and desirable to create a separate stormwater fee and charge to fund the operation, maintenance and capital projects pertaining to stormwater management;

AND WHEREAS the creation of a separate stormwater charge to fund stormwater management (the "Stormwater Charge") will bring greater transparency to the cost of providing and maintaining the stormwater management service with the Town;

AND WHEREAS it is deemed just that the cost of operating, maintaining and upgrading the stormwater management service is paid for by those who benefit from this service;

AND WHEREAS the Council desires to implement a credit program as an incentive for certain property owners to provide on-site stormwater management measures and to recognize existing properties with stormwater management measures already in place;

THEREFORE BE IT ENACTED by the Municipal Council of the Corporation of the Town of Newmarket as follows:

1. THAT the Stormwater Charge be imposed as set out under this bylaw and established through the annual Fees and Charges By-law.
2. AND THAT should any section of this by-law be declared invalid by a court of competent jurisdiction, such section shall be severed from this bylaw and the remainder of the by-law shall continue in full force and effect;
3. AND THAT this by-law shall come into full force and effect on January 1, 2017.

## **1. DEFINITIONS**

1.1 In this by-law,

"Act" mean the *Municipal Act, 2001*, S.O. 2001

"Appeal" means a process by which a person challenges information that has been associated with the Stormwater Charge account.

"Applicant" means a property owner that submits a Stormwater Management Credit application on the Town approved form.

"Average Impervious Area Percentage" means the observed average Impervious Area Percentage within a Runoff Level Group.

"Billing Error" means an error in the preparation of the Stormwater Charge Account, resulting in an undercharge or overcharge caused by a gross or

manifest error in the preparation of the Stormwater Charge account that is clerical or factual in error, including transposition of figures, a typographical error or similar errors.

**"By-law"** means this Stormwater Management Fees and Charges By-law

**"Council"** means the Council for the Corporation of the Town of Newmarket

**"Credit Program"** means the Town's credit program which reduces the Stormwater Charges as an incentive to certain property owners that provide on-site stormwater management measures and as recognition of property owners that have existing properties with stormwater management measures already in place.

**"Engineering Services"** means the Town's Engineering Services Department of the Development and Infrastructure Services Commission.

**"Impervious Area Percentage"** means the percent of a property's area that is covered by impervious features. Rooftops and paved surfaces are impervious features.

**"Material Change"** means any change in the property's runoff characteristics since the Applicant's in the original Stormwater Management Credit application, any fact that was not expressly disclosed by the Applicant in the Stormwater Management Credit application process, or that the Applicant was not aware of at the time of the Stormwater Management Credit application, and which results in the subject property no longer being in substantial compliance with the objectives of the Credit Program, or no longer eligible for the current level of the Stormwater Management Credit approved by the Town.

**"Person"** includes an individual, sole proprietorship, partnership, corporation, municipal corporation, unincorporated association or organization, trust and a natural person in his or her capacity as a trustee, executor, administrator, or other legal representative.

**"Runoff Level Group"** means the grouping of properties that have a similar Impervious Area Percentages.

**"Stormwater Funding Requirement"** means the annual amount of funding required to for the Town to provide the Stormwater Management Service.

**"Stormwater Management Service"** means the work performed and the infrastructure used, controlled, maintained or operated by the Town to manage stormwater flow and drainage and all appurtenances thereto owned, and includes, but is not limited to, storm sewers, catch basins, storm service connections, drains, pipes, overland conveyance systems including road corridors, culverts, channels, ditches, rivers, streams, creeks, ravines and watercourses, stormwater management facilities including landscaping features, storage ponds or tanks, and oil and grease interceptors that control quantity or quality of stormwater runoff, pumping stations, outfalls, swales and all equipment laid within any highway or road allowance, Town right-of-way or easement or Town property used for the collection, transmission, detention and treatment of stormwater or uncontaminated water.

**"Town"** means the Corporation of the Town of Newmarket in the Regional Municipality of York or where the context requires the geographical jurisdiction of the Corporation of the Town of Newmarket in the Regional Municipality of York.

**"Treasurer"** means the Town Treasurer or his/her designate.



## 2. SCOPE

2.1 A stormwater charge (the "Stormwater Charge") is to be imposed upon all real property in the Town with the exception of real property owned by the Town and real properties that are legally exempt from municipal user fees and charges.

See Appendix C for the list real properties that are exempt from municipal user fees and charges.

## 3. DETERMINING STORMWATER CHARGE

3.1 The following equation shall be used to determine the Stormwater Charge:

$$\text{Stormwater Charge} = \frac{\text{Property Size} \times \text{Runoff Level Group Rate}}{\text{Rate}}$$

Property Size for non-condominium properties is determined by the Municipal Property Assessment Corporation and is the area identified on the tax roll for the subject property.

Property Size for condominium properties is the size of the condominium corporation's parcel divided by the number of condominium properties on the parcel.

Runoff Level Group rate is determined by the Runoff Level Group's Average Impervious Percentage and the Stormwater Funding Requirement. See Appendix B for the Average Impervious Percentages of the Runoff Level Groups.

3.2 The Runoff Level Group Rate shall be set out by Council in the Fees and Charges By-law.

## 4 STORMWATER CHARGE ADJUSTMENT

4.1 The Stormwater Charge may be revised in either of the following instances :

- a) An adjustment may arise whereby the Municipal Property Assessment Corporation updates the subject property's assessment resulting from an Appeal.
- b) An internal adjustment may arise whereby the Town revises, modifies, or amends the Stormwater Charge due to various factors, including:
  - i. updates to the Municipal Property Assessment Corporation's assessment data for the subject property;
  - ii. updates to the Town's open space zoning by-law;
  - iii. updates to Runoff Level Groups' Average Impervious Percentage;
  - iv. updates to the procedure determining a properties' Runoff Level Group;
  - v. change in Stormwater Funding Requirement as approved by Council.

## 5 INVOICING

5.1 The Stormwater Charge shall be invoiced (the "Stormwater Charge Invoice") under the property's property tax bill and identified separately thereunder as a special charge.

5.2 The Stormwater Charge shall be payable upon receipt of the invoice included in the property's tax bill, and every owner in receipt of such invoice shall ensure payment thereof before the due date thereon.

5.3 The Treasurer shall have delegated authority and is authorized to adjust the Stormwater Charge with respect to any property, to the extent that it is deemed appropriate due a Billing Error. In this instance, the Stormwater Charge Invoice may be retroactively recalculated for a period not exceeding one (1) year from the date of detection of the Billing Error with resulting credits or charges to the property owner's stormwater account, and the decision of the Treasurer shall be final and binding.

## 6 STORMWATER CHARGE ADDED TO TAX ROLL

6.1 Pursuant to subsection 398(2) of the Act and in accordance with the Town's Fee and Charges By-law, the Stormwater Charge may be added to the tax roll of the property to which the Stormwater Charge applies and shall then be collected in the same manner as municipal taxes.

## 7 CREDIT PROGRAM

7.1 Property owners may be eligible to qualify for a Stormwater Charge credit (the "Stormwater Management Credit") where such users can clearly demonstrate to the Town that owner's stormwater facilities or best management practices provide the Town with cost savings that the Town would otherwise incur as part of its effort to manage stormwater.

7.2 Engineering Services shall be responsible for the administration of the Credit Program, and may prescribe all forms necessary to implement the Credit Program, and may amend such forms from time to time as it deems necessary with the approval of the Treasurer.

### Credit Program Application

7.3 Participation in the Credit Program is by application only. Property owners must submit a Stormwater Management Credit application in a form approved by the Town and associated fees, if applicable, for consideration and qualification of the Stormwater Management Credit. The Stormwater Credit application will be reviewed and determined by Engineering Services.

7.4 Reductions to the Stormwater Charge made as a result of the approval of a Stormwater Management Credit application shall take effect in accordance with the following schedule:

- a) Stormwater Management Credit applications received within the first year of the applicable Stormwater Charge: Reductions that result from applications that are received on or before December 31, 2017 will be retroactive up to the later of (i) the date of the first billing of the Stormwater Charge, and (ii) the date on which the qualified stormwater management practices or measures were implemented into service, as determined by Engineering Services.
- b) Stormwater Management Credit applications received after the first year of the applicable Stormwater Charge: Reductions that result from applications that were received on or after January 1, 2018 will be

retroactive up to the later of (i) the date of receipt of the application by Engineering Services, and (ii) the date on which the qualified stormwater management practices or measures were implemented into service, as determined by Engineering Services.

#### **Credit Program Expiration and Renewal**

7.5 Stormwater Management Credits shall be in effect for a period of up to five (5) years from the date of approval by the Town, or as otherwise specified at the time of the said credit approval. Credits will expire if not renewed prior to the expiration date of the said credit approval.

7.6A Credit Program application must be resubmitted to the Town no later than three (3) months after any Material Change to the originally submitted Credit Program application which did not contain the Material Change information. Any late resubmission of the application may result in the discontinuance of the Credit Program amount. The Town may adjust (increase or decrease) the current credit amount.

7.7A Stormwater Management Credit may be renewed by a renewal application which must be submitted to the Town no later than three (3) months prior to the expiration date of the credit approval. Any late submission of the application may result in the discontinuance of the Stormwater Management Credit. The Town may adjust (increase or decrease) the current Stormwater Management Credit

#### **Credit Program Inspections**

7.8 The Town reserves the right to conduct site inspections, and may, at any reasonable time, enter and inspect any property benefitting from a Stormwater Management Credit to review eligibility and the Town may suspend, reduce or cancel the Stormwater Management Credit as a result of such site inspections.

#### **Credit Program Suspensions, Reductions and Cancellations**

7.9 A Stormwater Management Credit may be suspended, reduced or cancelled by the Town under the following circumstances:

- a. failure of an Applicant to meet the terms and conditions of the Stormwater Management Credit approval;
- b. failure of the applicant to maintain a stormwater management practice or measure as required by the terms and conditions of the Stormwater Management Credit approval;
- c. submission of inaccurate or false information by the Applicant;
- d. failure to submit a complete Stormwater Management Credit renewal application.

7.10 A reduction or cancellation of a Stormwater Management Credit may be appealed by the Applicant in writing to the Treasurer. The decision by the Treasurer shall be final and binding.

7.11 Where the Town has granted a Stormwater Management Credit and subsequently determines that a stormwater management practice or measure does not function as approved, the Applicant shall reimburse the Town the entire amount of the Stormwater Management Credit received in respect of the subject property from the later of (i) the date that the Credit Program application was approved, updated or renewed, and (ii) from the date of the last inspection of the subject property by the Town.

7.12 If the Stormwater Management Credit is cancelled by the Town, the Applicant may not re-apply for such a credit for a period of twelve (12) months.

## 8. APPEALS

8.1 A person who requests an Appeal will not be required to pay a service fee for any of the appeals outlined in Appendix A which outlines the Appeal processes

8.2 The filing of an Appeal does not negate the requirement for the appellant (the "Appellant") to pay the Stormwater Charge.

8.3 Adjustments made as a result of an Appeal shall take effect in accordance with the following schedule:

- a. Appeals received by the Town within the first year of the Stormwater Charge: adjustments that result from Appeals which were received before December 31, 2017 will be retroactive up to the date of the receipt of the Appeal by the Treasurer; and
- b. Appeals received by the Town after the first year of the Stormwater Charge: adjustments that result from Appeals which were received on or after January 1, 2018 will be retroactive up to the date of the receipt of the Appeal by the Treasurer.

ENACTED THIS XXTH DAY OF XXXX, 2016.

\_\_\_\_\_  
Tony Van Bynen, Mayor

\_\_\_\_\_  
Andrew Brouwer, Town Clerk

- Appendix A: Appeal process for the Stormwater Charge
- Appendix B: Average Impervious Percentages of Runoff Level Groups
- Appendix C: List of Properties Exempt from Municipal User Fees and Charges

### Appendix A: Appeal process for the Stormwater Charge

Category	Explanation	Appeal Mechanism	Appeal Decision Made by
Legal Exemption	The entity occupying the subject property area is or is not legally subject to municipal fees and charges.	An Appellant must file a Stormwater Charge Appeal Application Form	Director of Financial Services or her/his delegate
Incorrect property size used to calculate charge	Property size used for calculation is or is not correct.	An Appellant must file a Stormwater Charge Appeal Application Form	Director of Financial Services or her/his delegate
Amount of Credit	The amount of credit approved for an applicant's property is or is not appropriate.	An Appellant must file a Stormwater Charge Appeal Application Form	Director of Engineering Services her/his delegate

### Appendix B: Average Impervious Percentages of Runoff Level Groups

Runoff Level Group	Typical Property Type Examples	Average Impervious Percentage
Low level	Open Space, Vacant Land, Excess Land	9%
Medium level	Residential, Multi-Residential, Institutional	44%
High level	Commercial, Industrial, Parking Lot	88%

### Appendix C: List of Properties Exempt from Municipal User Fees and Charges

#### 1. *District School Boards and School Authorities*

Pursuant of section 53 of the *Education Act*, R.S.O. 1990, a by-law imposing fees and charges does not apply to a district school board or a

## Stormwater Credit Summary

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### **What is a Stormwater Credit?**

Stormwater Credits are available to eligible property owners who have implemented stormwater and/or pollution prevention Best Management Practices (BMP's) to reduce impacts to the Town's Stormwater Infrastructure by controlling the quantity and quality of stormwater leaving their property.

The credit program is designed to acknowledge and reward High Level Runoff property owners who take initiatives that result in significantly less runoff than similar properties, resulting in a cost saving that the Town would otherwise incur as part of its effort to manage stormwater.

Participation in the credit program is by application only. Property owners must submit a stormwater credit application in a form approved by the Town for qualification and consideration of the credit. Credit applications will be determined by Engineering Services staff.

### **Eligibility**

Properties which are classified as High, such as industrial and commercial properties, are eligible to receive a credit toward their stormwater management charge. Additional information is provided in the subsequent sections.

### **Credit Type**

Applicants can apply for one of three credit types: New Credit, Credit Update or Credit Renewal.

1. *New Credit*

A stormwater management credit for a newly installed BMP or existing BMP for which a credit does not currently exist.

2. *Credit Update*

A stormwater management credit for an existing BMP where changes have been made or where additional BMP's have been added since the previously approved credit.

3. *Credit Renewal*

A stormwater management credit to renew the existing approved credit as part of the 5 year renewal requirement.

### **Stormwater Credit Categories**

Stormwater Credits are provided by applying a new rate to the property. This is achieved if the applicant demonstrates that all or a portion of the site drains to an eligible BMP that meets the specific evaluation criteria (outlined below). Depending on the evaluation criteria met, the portion of the Site draining to an eligible BMP will be charged either the Low or Medium Class Rate.

An additional credit is available if applicants demonstrate existing Stormwater Management Facilities (SWMF) are being properly maintained and if the property demonstrates that there is significant Green Space on site.

### Credit Evaluation Criteria

Credit Category	Evaluation Criteria	Credit Applied
Low Runoff Level Group Rate	The Low Class Rate is applied to the area of the property treated and/or directed to a BMP which will: <ol style="list-style-type: none"> <li>1. Reduce existing Peak Flow Rate by a minimum of 60% up to and including the 1:100 year storm and;</li> <li>2. Capture and infiltrate the first 20mm of each Storm Event.</li> </ol>	Low Runoff Level Group Rate applied to area treated
Medium Runoff Level Group Rate	The Medium Class Rate is applied to the area of the property treated and/or directed to a BMP which will: <ol style="list-style-type: none"> <li>1. Reduce existing Peak Flow Rate by 30% for up to and including the 1:100 year storm and;</li> <li>2. Capture and infiltrate the first 10mm of each Storm Event.</li> </ol>	Medium Runoff Level Group Rate applied to area treated
Pollution Prevention	Documentation which outlines onsite SWMF's and/or BMP's prevents pollutants from leaving the Site. This can occur in one of three ways: <ol style="list-style-type: none"> <li>1. Existing onsite private SWMF's are being maintained to ensure that they are performing as per the original facility designs. If no onsite SWMF exist then;</li> <li>2. The implementation of an onsite Smart About Salt Program, including hiring Certified Smart About Salt contractors, or;</li> <li>3. Other onsite BMP's are being implemented which provide; the long-term removal of 80% Total Suspended Solids defined as Enhanced Protection by the MOECC and prevent Phosphorus and other contaminants from leaving the Site.</li> </ol>	5% reduction
Significant Green Space	More than 25% of the site area is Green Space.	Low Runoff Level Group Rate applied to Green Space area.



**Eligible and Non-Eligible BMP's**

The intent of the Credit is to encourage the use of lot level stormwater controls through the use of Low Impact Development (LID) practices such as: permeable paving, soak-away pits, infiltration trenches, rain gardens, rain water harvesting, etc. By applying for the credit, the applicant shall demonstrate that implementing such practices will not have a negative impact on the natural environment or the Town's Stormwater Management Infrastructure.

Green space, grassed or landscaped areas, on the site will not qualify for a credit unless:

1. These areas are treating stormwater from non-green space areas AND meets the Evaluation Criteria for one of the Credit Categories or;
2. The Green Space area is more than 25% of the site's total parcel size and the space either contains trees, which contribute to the Town's urban canopy, or other significant natural heritage features. If the landowner has green space which contains mostly sod, but agrees to plant trees in that area in order to contribute to the Town's urban canopy, this would also qualify for the Green Space Credit.

**Credit Example: New Credit Calculation**

<b>Existing parcel size</b>	25,000 square metres
<b>Current Land Classification</b>	High Level Runoff
<b>Current Rate based on Land Classification</b>	\$0.24 per square metre*
<b>Current Annual Stormwater Utility Fee</b>	\$6,000/year (25,000 square metres x \$0.24)
<b>Credit applying for</b>	Low
<b>Low Rate Credit</b>	\$0.02 per square metre*
<b>Area treated meeting the Low Credit Category Evaluation Criteria</b>	5,000 square metres
<b>Credit Calculation</b>	20,000sq/m @ \$0.24/sq.m = \$4,800.00 5,000sq/m @ \$0.02/sq.m = \$100.00
<b>New Annual Stormwater Utility Fee</b>	\$4,900.00 per year (\$4,800.00 + \$100.00)
<b>Total Annual Credit</b>	\$1,100 per year

\*Note: Class Rates used in the example are for demonstration purposes only. Rates are subject to change.

**Review**

There is a \$50.00 application fee and only complete applications will be considered for review. Once a Credit Application is reviewed, the applicant will be provided with written notice to the address provided indicating if the application was approved or denied. If denied, the letter will state what Evaluation Criteria was not met. If approved, the letter will indicate the expected credit.

It is anticipated that Credit applications will be submitted at the same time as a Site Plan application. If landowners are requesting to make changes to the Town through the Site Plan process, this would be the ideal time to encourage applicants to implement practices that would result in a stormwater Credit.

Credits or new Rates will not be applied until after confirmation is made by the Town through an onsite inspection that the BMP has been installed and is operational. Please refer to the Town's Stormwater Management Charge By-law.

**Material Changes**

If credit approved BMP's are added, expanded, reduced, removed or in any way modified, such that their level of performance relative to their approved credit amount has changed; applicants must follow the Credit Update Application Process.

**Credit Term and Expiry**

Stormwater Credits will be limited to a maximum term as indicated in the Stormwater Management Fees and Charges Bylaw. Credits will expire if not renewed prior to the expiration of the Credit approval.

**Maintenance and Inspections**

The renewal application is focused on demonstrating that the installed BMP's are properly maintained and in a state of good repair. In order to receive the Credit on an ongoing basis, approved applicants must follow the Credit Renewal Application Process and BMP's will be subject to inspection by Town staff to ensure compliance.



**CORPORATE SERVICES COMMISSION**  
Financial Services

TOWN OF NEWMARKET  
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905.895.5193 ext 2102

November 16, 2016

**CORPORATE SERVICES REPORT – FINANCIAL SERVICES – 2016-55**

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: 2017 Stormwater Rates

ORIGIN: Financial Business Analyst

**RECOMMENDATION(S):**

- a) **THAT Corporate Services Report-Financial Services – 2016-55 dated November 16 regarding 2017 Stormwater Rates be received and the following recommendation(s) be adopted:**
  - i. **THAT the attached Schedule “A”, being the Town of Newmarket Stormwater Rates, be approved and adopted by Bylaw;**
  - ii. **AND THAT the Stormwater Rates implementation come into full force and effect as of January 1, 2017;**

**COMMENTS:**

**Purpose**

The purpose of this report is to adopt the 2017 stormwater fees and charges.

**Budget Impact**

In 2017, the median low runoff property will see a new stormwater charge of \$6, the median medium runoff property will see a new charge of \$30 and the median high runoff property will see a new charge of \$73. The charge will be revenue neutral in 2017. Property taxes and wastewater rates will be reduced to account for the new revenue source.

**Summary**

The proposed fee will be \$0.013300 per square metre for the low level run level group, \$0.065045 per square metre for the medium runoff level group, and \$0.130091 per square metre for the high runoff level group.

## Background

The Municipal Act, 2001, S.O. 2001 (the "Act"), authorizes a municipality to pass by-laws imposing fees and charges pertaining to a stormwater system pursuant to sections 9, 10, 11 and 391 of the Act. The proposed Stormwater Management Services Charge Bylaw will enable the Town to impose a stormwater fee.

## Analysis and Options

A stormwater charge will provide a fair, transparent and dedicated funding source to help protect homes and businesses from floods.

The stormwater management rate will help protect the environment, fund the replacement of aging infrastructure and protect homes and businesses from rain events that are becoming more frequent and severe.

To understand how properties will be impacted by this charge, table 1 shows the size of the average property of each runoff level group. It compares the taxes and wastewater rates each group currently pays to fund stormwater management and what it will pay if the stormwater charge is adopted.

**Table 1: Average Annual Impact on Stormwater Customers by Runoff Level Group**

	Size (square meters)	Taxes	Water	Stormwater	Impact
Low Runoff Level	14,200	-\$50	-\$4	\$189	\$135
Medium Runoff Level	600	-\$45	-\$8	\$39	-\$14
High Runoff Level	3,720	-\$216	-\$23	\$484	\$245

Sometimes, a few outliers can significantly skew averages. Therefore averages may not give a great idea of how the 'typical' property is impacted. The median was used for further analysis. Table 5 shows the size of the median property of each runoff level group. It compares the taxes and water rates it currently pays to the stormwater charge it would pay.

**Table 2: Median Annual Impact on Stormwater Customers by Runoff Level Group**

	Size (square meters)	Taxes	Water	Stormwater	Impact
Low Runoff Level	478	-\$40	-\$8	\$6	-\$42
Medium Runoff Level	465	-\$43	-\$8	\$30	-\$21
High Runoff Level	561	-\$36	-\$8	\$72	\$28

## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report links to Newmarket's key strategic directions in being Well Managed through fiscal responsibility.

## **CONSULTATION**

Staff executed the communications plan approved by Council with report 2015-42. The Town engaged the public by issuing a press release, posting an advertisement on Facebook, sending invitations to key stakeholders, hosting a Public Information Centre (PIC), and having a presence at the Community Open House. Overall, the feedback on the direction of the project was positive. The Newmarket Chamber of Commerce and Newmarket Environmental Advisory Committee were consulted to refine the program.

Staff has formed a task force represented by Finance, Engineering, Communications, Information Technology and Customer Service to develop and implement the stormwater charge. Updates were regularly provided to the Utility Transition Task Force, which includes the departments above as well as Legal Services, Economic Development and Strategic Initiatives. Various departmental representatives were consulted as components of the project related to them.

## **HUMAN RESOURCE CONSIDERATIONS**

Not applicable to this report

## **BUDGET IMPACT**

This charge will be a new revenue tool to fund the stormwater management service.

In 2017, the median low runoff property will see a new stormwater charge of \$6, the median medium runoff property will see a new charge of \$30 and the median high runoff property will see a new charge of \$73. The charge will be revenue neutral in 2017. Property taxes and wastewater rates will be reduced to account for the new revenue source.

### **Operating Budget (Current and Future)**

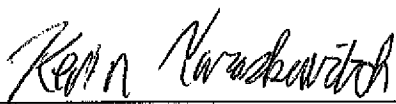
\$227,000 will be removed from the rate supported budgets and \$1,418,000 (\$435,000 for operating costs and \$983,000 in capital contributions) will be removed from the tax supported budget. This item will be proposed in the 2017 budget.

## Capital Budget

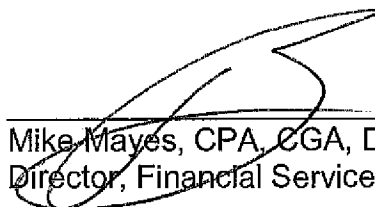
An annual contribution of \$983,000 to the tax supported asset replacement fund will go to the stormwater asset replacement fund. This item will be proposed in the 2017 budget.

## 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)



Kevin Yaraskavitch  
Financial Business Analyst



Mike Mayes, CPA, CGA, DPA  
Director, Financial Services/Treasurer



Esther Armchuk, LL.B.  
Commissioner, Corporate Services

MM/ne  
Attachment:

- a) 2017 Stormwater Rates

Effective Date: January 1, 2017

Rates		Per Square Metre	Per Square Foot	Per Acre
Low Runoff Level Group		\$0.013300	\$0.001236	\$53.82
Medium Runoff Level Group		\$0.065045	\$0.006043	\$263.23
High Runoff Level Group		\$0.130091	\$0.012086	\$526.46
<b>Regulatory Fees</b>				
Stormwater Credit Application Fee			\$50.00	
Median Charge		Area in Square Meters		Charge
Low Runoff Level Group		478		\$ 6.36
Medium Runoff Level Group		465		\$ 30.25
High Runoff Level Group		561		\$ 72.98



November 7, 2016

## **CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES – 2016-21**

TO: Mayor Van Bynen and Members of Council

SUBJECT: 2017 Schedule of Meetings

ORIGIN: Legislative Services

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### **RECOMMENDATIONS**

a) THAT Corporate Services Report – Legislative Services – 2016-21 dated November 7, 2016 regarding “2017 Schedule of Meetings” be received and the following recommendation be adopted:

i) THAT Council adopt the 2017 Schedule of Meetings attached as Appendix ‘A’.

### **COMMENTS**

#### **2017 Schedule of Meetings**

The schedule of regular meetings for Committee of the Whole, Committee of the Whole (Public Hearing) and Council has been prepared for Council's consideration and is attached as Appendix 'A'. Special Committee of the Whole and Council Workshop meetings will be included on the schedule for budget and other matters as the dates become available. There may be occasions when additional special meetings are required and the Procedure By-law does provide that special meetings may be called by the Mayor or upon receipt of a petition signed by a majority of the Members of Council.

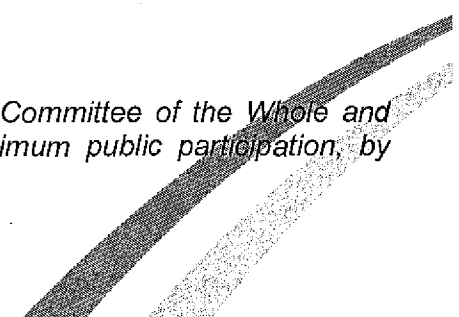
Variations of the regular schedule include:

- There is an extra week between the April 10 Committee of the Whole meeting and the April 24 Council meeting due to the Easter break.
- There is a Council meeting scheduled on Tuesday, June 6 in order to provide for travel time from the Federation of Canadian Municipalities (FCM) Conference.
- There is an extra week between the August 28 Committee of the Whole meeting and the September 11 Council meeting due to Labour Day

#### **Public Input Opportunities**

At its June 27, 2016 Council meeting the following resolution was adopted:

*“THAT staff be directed to explore various alternative methods of conducting Committee of the Whole and Council meetings in order to respond to community needs and ensure maximum public participation, by*





*providing greater access to Council's deliberations, and that a report be provided to Council by the end of Q4 (2016)".*

Staff can advise on the following initiatives which support the direction to enhance public participation with regard to Council matters:

- Scheduling Special Committee of the Whole and Council meetings in the evening or on days which best accommodate the majority of residents who take interest in a matter.
- Public Planning Sessions are scheduled in the evening in order to accommodate residents. Typically, meetings are concluded by 9:00 p.m. which allows residents to attend to personal and family commitments.
- Availability of addressing Council at its Open Forum, and through a deputation at either Committee of the Whole or Council, which is scheduled by the Clerk within 60 days of receipt of the request. Typically, deputations are scheduled at the convenience of the individual making the request.
- Public participation around Council matters is not limited to Council and Committee of the Whole meetings and often, public prefer interactive and informal forms of input. Public engagement opportunities include Public Information Centres (PICs), Council Member Ward meetings and interactive consultations (e.g., Community Open Houses, a Facebook Live session to inform about land use planning, a Youth Congress and a citizen jury engagement on the Recreation Playbook). Staff are planning community congresses for the balance of the term of Council on specific matters (e.g. Economic Development, traffic and active transportation).
- Town committees regular hold meetings and undertake work plans and objectives aligned with Council's Strategic Priorities.
- Often, residents wish to stay informed about Council decisions and a variety of communication channels are available to do so including further notice provided on specific matters of interest to residents, Council Highlights distributed through Newmarket Now, an electronic newsletter with a wide distribution, social media and Town Page notices in the local newspaper.
- Staff continue to evolve new technology enhancements improving public access to Council meeting deliberations and documents. In 2017, the meeting management suite will be replaced and it is expected that the quality of web streamed images will be greatly improved and number of available browsers which can access web streaming will be expanded.

With regard to scheduling regular Committee of the Whole meetings in the evening, the following impacts have been identified. For a summary of other York Region and comparable GTA municipalities meeting schedule, please refer to Appendix 'B'.

- Potential conflicts with existing commitments for Members of Council, which may include family, work and Town business.
- Administrative impacts would be experienced, including additional accumulation of overtime, in particular from non-management staff in Legislative Services and Information Technology. The 2017 draft budget has not identified additional overtime budget. Additionally, there may be service levels impacts during the day as a result of overtime (i.e., staff taking lieu time and flex hours).

- Regular Committee of the Whole meetings are typically a minimum of 3 hours in length and often 4 hours should the agenda be particularly lengthy or include closed session items. Staff are concerned about scheduling substantive items late into the evening when Council, staff and the public have worked a full day. Committee of the Whole is where items are initially discussed by Council, so additional discussion and attention to detail is required.
- Meaningful public participation is questionable after 9 p.m., where individuals likely have personal or family commitments or where they may be too tired to be properly engaged.
- Currently, Public Planning Sessions (usually up to 3 applications) are scheduled in the evening. Should regular Committee of the Whole be scheduled in the evening, an additional meeting date would likely be required to accommodate all Council business. This would have additional administrative and scheduling impacts.
- With a few exceptions, other municipalities with evening Committee of the Whole meetings typically resolve into Council and ratify decisions the same evening. While this provides an evening forum which may be more accessible to the public, it would remove a further opportunity for public input and Council Member consideration of matters.

### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report relates to the Well-equipped and Managed link of the Town's Community vision – implementing policy and processes that reflect sound and accountable governance.

### **CONSULTATION**

The Schedule of Meetings calendar, once adopted by Council, will be placed on the Town's website and is regularly updated throughout the year. Also, a notice will be placed on the Town Page advising the public that the full calendar is available for review on the Town's website (weekly editions of the Town Page will provide for a notice of upcoming meetings). A similar procedure will follow should Council amend their schedule in the future.

### **HUMAN RESOURCE CONSIDERATIONS**

Human Resource considerations are noted above should Council consider scheduling all Council and Committee of the Whole meetings in the evening.

### **BUDGET IMPACT**

Budget impacts are noted above should Council consider scheduling all Council and Committee of the Whole meetings in the evening.

## CONTACT

For more information on this report, contact Andrew Brouwer, Director of Legislative Services/Town Clerk at 905 953-5300, extension 2211 or by email at [abrouwer@newmarket.ca](mailto:abrouwer@newmarket.ca)

  
Chrisanne Finnerty  
Council/Committee Coordinator

  
Andrew Brouwer  
Director of Legislative Services/Town Clerk

  
Esther Armchuk  
Commissioner of Corporate Services

### Attachments:

Appendix 'A' 2017 Schedule of Meetings  
Appendix 'B' Summary of Meeting Schedules

**JANUARY 2017**

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
1 New Year's Day	2 Town Offices Closed (New Year's Day observance)	3	4	5	6	7
8	9	10	11	12	13	14
15	16 10:00 – Sp.CoW (Budget) 1:30 p.m. – CoW (CC) +/- 3 p.m. – CoW (Closed, if req'd) 7:00 p.m. – CoW – Public Planning Session (CC)	17	18	19	20	21
22	23 2 p.m. – Site Plan Review (CC) 7 p.m. – CL (CC)	24	25	26	27	28
29	30 9:00 to 12:00 p.m. – Sp. CoW (Election Matters) 1:30 p.m. – Sp. CoW (Budget)	31				

**FEBRUARY 2017**

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
			1	2	3	4
5	6 1:30 p.m. – CoW (CC) +/- 3 p.m. – CoW (Closed, if req'd) 7:00 p.m. – CoW – Public Planning Session (CC)	7	8	9	10	11
12	13 2 p.m. – Site Plan Review (CC, if required)	14	15	16	17	18
19	20 Family Day Town Offices Closed	21	22	23	24	25
26	27 1:30 p.m. – CoW (CC) +/- 3 p.m. – CoW (Closed, if req'd) 7:00 p.m. – CoW – Public Planning Session (CC)	28				

**MARCH 2017**

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
			1	2	3	4
5	6 2 p.m. – Site Plan Review (CC, if required) 7 p.m. – CL (CC)	7	8	9	10	11
12	13 March Break	14	15	16	17	18
19	20 1:30 p.m. – CoW (CC) +/- 3 p.m. – CoW (Closed, if req'd) 7:00 p.m. – CoW – Public Planning Session (CC)	21	22	23	24	25
26	27 2 p.m. – Site Plan Review (CC, if required) 7 p.m. – CL (CC)	28	29	30	31	

CL – Council

CoW – Committee of the Whole  
(CC) – Council Chambers

CW – Council Workshop

# APRIL 2017

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
						1
2	3	4	5	6	7	8
9	10 1:30 p.m. – CoW (CC) +/- 3 p.m. – CoW (Closed, if req'd) 7:00 p.m. – CoW – Public Planning Session (CC)	11	12	13	14 Good Friday Town Offices Closed	15
16	17 Easter Monday Town Offices Closed	18	19	20	21	22
23	24 2 p.m. – Site Plan Review (CC, if required) 7 p.m. – CL (CC)	25	26	27	28	29
30						

**MAY 2017**

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
	1	2	3	4	5	6
7	8 1:30 p.m. – CoW (CC) +/- 3 p.m. – CoW (Closed, if req'd) 7:00 p.m. – CoW – Public Planning Session (CC)		10	11	12	13
14	15 2 p.m. – Site Plan Review (CC) 7 p.m. – CL (CC)	16	17	18	19	20
21	22 Victoria Day Town Offices Closed	23	24	25	26	27
28	29 1:30 p.m. – CoW (CC) +/- 3 p.m. – CoW (Closed, if req'd) 7:00 p.m. – CoW – Public Planning Session (CC)	30	31			



# **JUNE 2017**

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
				1	2	3
4 FCM Conference	5	6 2 p.m. – Site Plan Review (CC) 7 p.m. – CL (CC)	7	8 FCM Conference (Ottawa)	9 FCM Conference	10 FCM Conference
11	12	13	14	15	16	17
18	19 1:30 p.m. – CoW (CC) +/- 3 p.m. – CoW (Closed, if req'd) 7:00 p.m. – Public Planning Session	20	21	22	23	24
25	26 2 p.m. – Site Plan Review (CC) 7 p.m. – CL (CC)	27	28	29	30	

**JULY 2017**

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
						1 Canada Day
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

# **AUGUST 2017**

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
		1	2	3	4	5
6	7 Civic Holiday Town Offices Closed	8	9	10	11	12
13	14	15	16	17	18	19
AMO Conference (Ottawa)	AMO Conference	AMO Conference	AMO Conference			
20	21	22	23	24	25	26
27	28 1:30 p.m. – CoW (CC) +/- 3 p.m. – CoW (Closed, if req'd) 7:00 p.m. – CoW – Public Planning Session (CC)	29	30	31		

# SEPTEMBER 2017

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
					1	2
3	4 Labour Day Town Offices Closed	5	6	7	8	9
10	11 2 p.m. – Site Plan Review (CC) 7 p.m. – CL (CC)	12	13	14	15	16
17	18	19	20	21	22	23
24	25 1:30 p.m. – CoW (CC) +/- 3 p.m. – CoW (Closed, if req'd) 7:00 p.m. – CoW – Public Planning Session (CC)	26	27	28	29	30

# **OCTOBER 2017**

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
1	2 2 p.m. – Site Plan Review (CC) 7 p.m. – CL (CC)	3	4	5	6	7
8	9 Thanksgiving Day Town Offices Closed	10	11	12	13	14
15	16 1:30 p.m. – CoW (CC) +/- 3 p.m. – CoW (Closed, if req'd) 7:00 p.m. – CoW – Public Planning Session (CC)	17	18	19	20	21
22	23 2:00 pm – Site Plan Review – if required (CC) 7:00 p.m. – CL (CC)	24	25	26	27	28
29	30	31				

# NOVEMBER 2017

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
			1	2	3	4
5	6 1:30 p.m. – CoW (CC) +/- 3 p.m. – CoW (Closed, if req'd) 7:00 p.m. – CoW – Public Planning Session (CC)	7	8	9	10	11 Remembrance Day
12	13 2:00 pm – Site Plan Review – if required (CC)	14	15	16	17	18
19	20 7:00 p.m. – CL (CC)	21	22	23	24	25
26	27 1:30 p.m. – CoW (CC) +/- 3 p.m. – CoW (Closed, if req'd) 7:00 p.m. – CoW – Public Planning Session (CC)	28	29	30		

**DECEMBER 2017**

Sun	Monday	Tuesday	Wednesday	Thursday	Friday	Sat
					1	2
3	4 2:00 pm – Site Plan Review – if required (CC) 7:00 p.m. – CL (CC)	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25 Christmas Day Town Offices Closed	26 Boxing Day Town Offices Closed	27 Town Offices – Soft Close	28 Town Offices – Soft Close	29 Town Offices – Soft Close	30
31						

## Appendix 'B' to Corporate Services – Legislative Services Report 2016-21

MUNICIPALITY	STANDING COMMITTEE DAY AND TIME	COUNCIL DAY AND TIME
Ajax	<b>Community Affairs &amp; Planning</b> Monday, 7:00 p.m. (first Monday of the month)  <b>General Government Committee</b> Monday, 1:30 p.m. (second Monday of the month)	Monday, 7:00 p.m. (third Monday of the month)
Aurora	<b>General Committee</b> Tuesday, 7:00 p.m.	Tuesday, 7:00 p.m.
Barrie	<b>General Committee</b> Monday, 7:00 p.m.	Monday, 7:00 p.m.
Caledon	<b>Committee of the Whole – Planning &amp; Development</b> Tuesday, 1:00 p.m. or 7:00 p.m. (7:00 p.m. for statutory public meetings)  <b>Committee of the Whole – General</b> Tuesday, 1:00 p.m.	Tuesday, 7:00 p.m.
East Gwillimbury	<b>Committee of the Whole</b> Tuesday, 10:00 a.m. or 1:00 p.m. (first Tuesday of the month at 10:00 a.m. and third Tuesday at 1:00 p.m.)	Tuesday, 3:00 p.m. or 7:00 p.m. (first Tuesday of the month at 3:00 p.m., third Tuesday of the month at 7:00 p.m.)
Georgina		Wednesday, 9:00 a.m. or 7:00 p.m.
Guelph	<b>Committee of the Whole</b> Monday, 2:00 p.m. (first Monday of each month)	Monday, 6:30 p.m. (second Monday of the month for planning matters, fourth Monday of the month for Committee of the Whole ratification)
King	<b>Committee of the Whole</b> Monday, 5:00 p.m. or to follow the Council meeting	Monday, 6:00 p.m.



## Appendix 'B' to Corporate Services – Legislative Services Report 2016-21

MUNICIPALITY	STANDING COMMITTEE DAY AND TIME	COUNCIL DAY AND TIME
Oakville	<b>Planning and Development Council</b> Monday, 7:00 p.m.  <b>Administrative Services</b> Monday, 7:00 p.m.  <b>Community Services</b> Monday, 7:00 p.m.  <b>Budget Committee</b> As required	Monday, 7:00 p.m. (fourth Monday of the month)
Orangeville		Monday, 7:00 p.m.
Pickering	<b>Executive Committee</b> Monday, 2:00 p.m. (second Monday of the month)  <b>Planning &amp; Development Committee</b> Monday, 7:00 p.m. (second Monday of the month)	Monday, 7:00 p.m. (third Monday of the month)
Richmond Hill	<b>Committee of the Whole</b> Monday, 4:30 p.m.	Monday, 7:30 p.m.
Whitchurch-Stouffville		Tuesday, 3:00 p.m. or 7:00 p.m. (first Tuesday of the month at 7:00 p.m., third Tuesday of the month at 3:00 p.m.)



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November 16, 2016

## **CORPORATE SERVICES – JOINT LEGISLATIVE SERVICES AND LEGAL SERVICES REPORT 2016-22**

TO: Committee of the Whole

SUBJECT: Accountability and Transparency Measures

ORIGIN: Legislative and Legal Services

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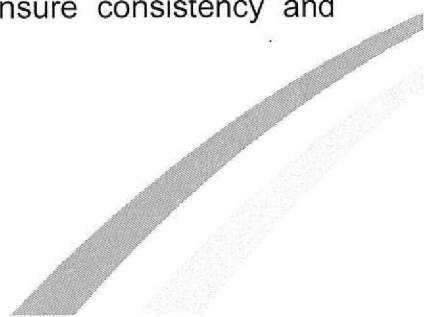
### **RECOMMENDATIONS**

**THAT Corporate Services Report – Legislative and Legal Services Joint Report 2016-22 dated November 16, 2016 regarding “Accountability and Transparency Measures” be received and the following recommendation(s) be adopted:**

- a) **THAT By-law 2016-07, a by-law to Appoint a Municipal Ombudsman (ADR Chambers, Inc.) for the Town of Newmarket and relevant local boards be repealed, effective January 9, 2017 as provided for in the contract;**
- b) **AND THAT By-law 2007-132, a by-law to appoint a Closed Meeting Investigator (Local Advisory Services, Inc.) be repealed, effective March 13, 2017 as provided for in the contract;**
- c) **AND THAT the Regional Clerk, the President of Newmarket-Tay Power Distribution Ltd. and the Provincial Ombudsman be notified of these recommendations once adopted.**

### **COMMENTS**

Currently at the municipal level, the infrastructure for accountability and transparency includes a range of oversight and reporting requirements. Section 223.1 through 223.24 of the *Municipal Act, 2001* sets out several accountability and transparency measures municipalities are required to follow. Combined with other legislation such as the *Municipal Freedom of Information and Protection of Privacy Act*, these measures provide a framework to ensure consistency and openness in municipal processes.



The Town of Newmarket has several different accountability and transparency offices and/or measures currently in place. The Municipal Ombudsman, Integrity Commissioner and Closed Meeting Investigator are appointed by Council as independent officers who review complaints of services provided by the municipality, Council conduct and compliance with open meeting requirements, respectively. The Freedom of Information process under the *Municipal Freedom of Information and Protection of Privacy Act* allows members of the public to request copies of Town records, thereby increasing transparency. This report will provide an update and overview of these offices and processes for 2016.

Attached (as Appendix "A") is a recently-completed review of the response by municipalities to the accountability and transparency regime established by the *Public Sector and MPP Accountability and Transparency Act, 2014* (Bill 8) completed by the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO). The review may be helpful to provide broader context for municipal responses to Bill 8 across the province.

### **Municipal Ombudsman**

Under Section 223.13 of the *Municipal Act, 2001* municipalities may appoint a municipal ombudsman. The Town of Newmarket appointed ADR Chambers, Inc. as its Municipal Ombudsman for a contract term of March 1, 2016 through December 31, 2020, through a joint RFP process with the Region of York. The Municipal Ombudsman is an "office of last resort" with responsibility for reviewing complaints related to services provided by the municipality where an individual has exhausted other complaint review channels, in accordance with a terms of reference. Where a municipality has not appointed its own Municipal Ombudsman, the Provincial Ombudsman fulfills this responsibility, a provision which came into effect January, 2016. The Provincial Ombudsman may review a complaint brought to a Municipal Ombudsman, but only after the Municipal Ombudsman has completed their review. The Provincial Ombudsman encourages municipalities to appoint their own Municipal Ombudsman to provide for a locally-responsive office of last resort for municipal complaints.

Both a Municipal Ombudsman and the Provincial Ombudsman only have authority to provide recommendations to municipalities. Depending on the nature of the complaint, their advice can be helpful to improve the quality of services. Many complaints received by the Municipal or the Provincial Ombudsman do not result in any recommendations or require further review on the basis that the Town's response to the complaint was deemed sufficient.

As a proactive measure and to minimize the involvement of the Municipal Ombudsman, Council adopted a Customer Complaint Policy which provides for a structured complaint escalation and resolution framework. This new policy has provided an effective mechanism to handle the vast majority of complaints to the Town. However, it will not completely address those who are intent to take their complaint to the Ombudsman.

Both the Provincial Ombudsman and the Municipal Ombudsman are empowered to declare a complaint frivolous, vexatious or made without good faith. In practice, this power will generally only be invoked in relation to the nature of the complaint rather than focusing on the source of the complaint. As a result, the general approach taken by either Ombudsman is to assess the merit of each complaint, without focus on its source.



Prior to Council's appointment of a Municipal Ombudsman in March, 2016, one complaint was dealt with by the Provincial Ombudsman and deemed closed. Since the appointment of the Municipal Ombudsman in March, 2016 there have been 6 complaints. The Municipal Ombudsman has prepared a separate independent report summarizing their activities to date (to be made the November 28<sup>th</sup> meeting).

To date, costs associated with Municipal Ombudsman services have been accommodated within the \$12,000 annual retainer currently paid by York Region. The contract provides that more involved complaint investigations are paid by partnering lower tier municipalities, so the Town is still required to carry some budget should this occur.

In terms of average total staff time involved in responding to a single complaint, to date this has been in the range of 3 hours. Most of the complaints have involved senior staff (director or manager level) and involved communication between the Municipal Ombudsman over the telephone and by email and preparing and submitting documents for review.

Council requested that the contract with ADR Chambers, Inc. for Municipal Ombudsman services be reviewed within six months. From a service delivery perspective ADR Chambers, Inc. has provided high quality and responsive services. As noted, the complaints dealt with to date have been closed and have not resulted in recommendations intended to improve municipal services.

As a result of the nature of the complaints and as a means to reduce costs associated with this function, it is recommended that the contract with ADR Chambers, Inc. be terminated following the minimum thirty day period of notice set out in the contract. Any outstanding complaints would be dealt with by the Municipal Ombudsman and on or after January 9, 2017 by the Provincial Ombudsman. Any Provincial Ombudsman investigations will be funded by the Provincial Government, rather than paid for directly by the Town.

### **Integrity Commissioner**

The office of Integrity Commissioner is authorized under Section 223.3 of the *Municipal Act, 2001*. The Integrity Commissioner serves as an objective, independent officer who may conduct a review of the behavior or actions of a member of Council that is alleged to be in violation of the Council Code of Conduct (the Code).

On October 5, 2015 Mr. Robert Swayze was appointed as the Town of Newmarket's Integrity Commissioner for a five year term ending in September 2019. The responsibilities of the Integrity Commissioner are outlined in the newly amended Council Code of Conduct which was adopted in February, 2016.

Complaints about the conduct of Council Members are sent by a complainant directly to the Integrity Commissioner. An alleged violation of the Code must have taken place within 60 days of filing a complaint. The Integrity Commissioner reviews the complaint to determine if it is within his jurisdiction to investigate or if it is better dealt with in a different manner. The Integrity Commissioner has the authority to dismiss any complaint that is frivolous or vexatious or if he finds that there are insufficient grounds to investigate. If the Integrity Commissioner dismisses a



complaint, he will communicate this to the complainant and Member of Council or Council as applicable in writing.

As with the Ombudsman, the focus of the Integrity Commissioner will be on the merit of the complaint itself, rather than on the source of the complaint.

If the Integrity Commissioner determines an investigation is necessary, he will provide a copy of the complaint and any supporting evidence to the Member of Council whose conduct is in question. The Integrity Commissioner will request a response from the Member to be provided within ten days. The response may then be provided to the complainant, who may submit any response within ten days. The Integrity Commissioner will review the responses, and conduct any further inquiries with anyone involved before writing a report or otherwise dealing with the complaint. Before the report is provided to Council which recommends sanctions against a member, the Integrity Commissioner will provide the Member with his findings, and provide the member one last opportunity to comment. A public report is then provided to Council with his findings and recommendations. Even if there are no recommendations associated with his investigation, the Integrity Commissioner has the discretion to determine if it is in the public interest to make the report public. This supports the role of the Integrity Commissioner in providing education to Members of Council on ethical conduct and making recommendations related to policies and practices to enhance governance, in addition to adjudicating Code complaints.

At the Committee of the Whole meeting on June 20, 2016 the Integrity Commissioner presented a report which addressed 12 complaints received, all of which were dismissed. At the time of this report, it was noted that there were four outstanding complaints which staff have confirmed with the Integrity Commissioner were subsequently disposed of summarily without a report to Council.

Questions were raised through recent investigations regarding the identification of complainants and third party individuals in complaints and reports. A public report prepared by the Integrity Commissioner will name the Councillor in question, but should not name the complainant unless consent of the complainant was given to the Integrity Commissioner. If a complainant has publicly made available information that could link the complaint to the complainant, that is not an issue of concern of the Town or the Integrity Commissioner. The Integrity Commissioner must provide sufficient information in his report to provide context to the complaint. The issue of appropriate public disclosure of personal information by a municipal Integrity Commissioner is addressed in Information and Privacy Commissioner Privacy Complaint No. MC09-56 (available on request from Legislative Services). In summary, the Privacy Commissioner found that an Integrity Commissioner must take steps to disclose as little information about identifiable individuals as possible. In the circumstances of that Code of Conduct complaint, it was not possible to report properly on the complaint without mentioning the underlying history of the complaint, which combined with information already in the public arena, had the effect of the possible identification of individuals. There was thus no breach of the privacy of the complainant.

There is no official standard in Ontario in how an Integrity Commissioner conducts an investigation or reports back to Council. Staff understand that municipal Integrity Commissioners themselves have developed some basic standards and expectations; however this is still evolving.



The potential of requiring a complainant to pay a fee to initiate an Integrity Commissioner investigation was previously considered by Council and rejected. However, it is worthy to note that the Township of Wainfleet has imposed a fee structure which requires an infrequent complainant (1 or 2 in a calendar year) to pay a \$100.00 fee per complaint and a frequent complainant (3 or more in a calendar year) to pay \$500 per complaint. For ease of collection, the fee should be payable to the Integrity Commissioner and would be refundable unless the Integrity Commissioner determines that the complaint is frivolous, vexatious or not made in good faith. Although this could impose a financial impediment to legitimate complaints being made, the alternative position is that complaint fee would impede the flow of complaints from a frequent complainant where there is a consistent lack merit or substance to the complaints.

From January 1 to September 30, 2016 the Integrity Commissioner's fees and disbursements have totaled \$38,069.48 plus HST.

The Integrity Commissioner investigated 12 complaints in one public report. In terms of total staff time involved with the 12 complaints, an estimated 100 hours of senior staff time (director or manager level) were spent communicating between the Integrity Commissioner and complainant(s) over the telephone, by email and in person and preparing and submitting documents for review.

### **Closed Meeting Investigations**

Meetings of Council may be closed to the public for certain specific reasons as outlined in section 239(2) of the *Municipal Act, 2001*, and section 9 of the Procedure By-law. Municipalities are required to provide Closed Session investigation processes under Section 239.1 of the *Municipal Act, 2001*. Members of the public may file a complaint regarding a closed meeting if they believe it was not closed appropriately.

There have been three Closed Meeting investigation reports for the current term of Council (regarding four meetings). They were investigated by the Town's closed meeting investigator, Local Advisory Services, Inc. (LAS), who delegates this function to the firm Amberley Gavel, Ltd. In all four instances it was found that there was no breach of 239(2) of the *Municipal Act, 2001*.

Attached (as Appendix "B") is a chart identifying the closed meetings which were investigated for this term of Council. The Town has consistently shown to be in compliance with the *Municipal Act, 2001* and its Procedure By-law with respect to open and closed meeting requirements. In keeping with the recommendation to end its contract for Municipal Ombudsman services as a cost reduction measure, it is recommended that the contract with LAS be terminated effective on the adoption of this report at the December 5, 2016 Council Meeting, and following the required minimum ninety day period of the notice set out in the contract. In place of LAS, the *Municipal Act, 2001* provides that closed meeting investigations be undertaken by the Provincial Ombudsman. Any outstanding closed meeting investigations would be dealt with by LAS and on or after March 13, 2017 by the Provincial Ombudsman.

Under the current legislation municipalities have limited circumstances under which a meeting may be closed to the public. Precedents from the Information and Privacy Commissioner and the Ombudsman have established that the current exemptions to the open meeting requirement must



refer to tangible property, and cannot be used to discuss financial or business opportunities unless it involves solicitor-client advice. Because of this, municipalities often struggle with how to provide Council enough information around proposed business negotiations.

Until amendments are made to the *Municipal Act, 2001*, staff will continue to make recommendations based on current precedent and recommended best practice.

The annual retainer paid to LAS is \$330 with current hourly investigation fees of \$225. The average investigation (per meeting) involves 5 hours, or \$1,125 plus taxes. As noted in Appendix A, there have been four meetings investigated for a total of approximately \$4,500 in payments to LAS.

In terms of average total staff time involved in responding to a single investigation, to date this has been in the range of two and a half hours. An investigation involves senior staff (director level) communicating between the Closed Meeting Investigator over the telephone and by email and administrative staff preparing and submitting documents for review.

### **Freedom of Information Requests (FOI's)**

The FOI process is governed by the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA). The purpose of MFIPPA is to provide a right of access to information under the control of institutions in accordance with the principles that information should be available to the public and that individuals have a right to privacy.

Upon payment of a \$5 application fee as established by MFIPPA anyone can request records from the Town on any subject. Some records are regularly provided and the Town has a Routine Disclosure policy which identifies these. Other records require the requester to file a formal FOI Request.

Appendix "C" provides statistics on FOI Requests filed with the Town from January 2016 to August 2016.

In an effort to improve transparency regarding the process in 2015 the Town began disclosing a summary of all FOI requests received by the Town and where appropriate, copies of the records we also provided. To date in 2016 the FOI webpages have received 416 unique page views.

The Town, via the Legislative Services Department, has the authority under MFIPPA to declare a request for access to information as being frivolous or vexatious. However, there must be reasonable grounds to form an opinion that either (a) there is a pattern of conduct on the part of the requestor that amounts to an abuse of the right of access or would interfere with the operations of the Town or (b) the request is made in bad faith or for a purpose other than to obtain access. Past Information and Privacy Commissioner (IPC) decisions have found that repeated requests for the same or virtually identical information justify a determination by a municipality that the FOI request is frivolous or vexatious. However, as with the Ombudsman and the Integrity Commissioner, the fact that a request for information originates with a repeat inquirer does not automatically deem a request as frivolous or vexatious. Each request must be reviewed on its merits.

The Town's decision to release (or not to release) records in response to an FOI Request can be appealed to the IPC. The IPC's office will assign a mediator to the file as a preliminary effort to resolve the issue. Mediation is an informal process in which the Town and appellant and the mediator engage in a conversation regarding the records. Most appeals end during the mediation stage, however if they are not satisfied with the result the requester / appellant has the right to request that the file move to adjudication. Once the file is assigned to an adjudicator the Town is required to make formal written representations to the adjudicator regarding their position on releasing or not releasing the records. The combination of mediation and adjudication processes can take several years to complete. It would be reasonable to expect that any decision of the Town to reject a request for information on the basis that the request is frivolous or vexatious would result in an immediate appeal to the IPC. As a result, the determination as to the frivolous or vexatious nature of a request is not one that can be made lightly by Town staff.

Currently the Town has five FOI requests under appeal at the IPC, all of which have proceeded to the adjudication phase. See Appendix C attached for a description of these requests.

The average staff time involved in responding to a single FOI Request will vary by volume and complexity. The Records and Projects Coordinator typically spends up to 45% of her time on FOI Requests and related processes as the key point of contact on behalf of the Clerk. The average staff time spent by department staff preparing records and liaising with the Records and Projects Coordinator is 2-3 hours. Depending on complexity, the average Legal staff time involved in preparing representations for FOI appeals adjudicated by the IPC is between 7 and 14 hours.

## **Conclusion**

Staff will continue to review and advise Council on the evolution of accountability and transparency measures. Housekeeping amendments to the Elected Officials Expense Policy, the Harassment and Discrimination Free Workplace Policy and Violence Free Workplace Policy have been approved by Council, reflecting recommendations made through the Code review process.

Staff will also bring forward revisions to the Use of Corporate Resources – Election Campaign Activities Policy prior to the 2018 Municipal Election.

## **Appendices**

Appendix "A" – AMCTO Policy and Management Brief – Municipal Accountability and Transparency in the Wake of Bill 8

Appendix "B" – Closed Meeting Investigation summary

Appendix "C" – FOI Request Statistics

## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

The Town's various Accountability and Transparency offices relates to the Well-equipped and managed link of the Town's Community vision – implementing policy and processes that reflect sound and accountable governance.



**BUDGET IMPACT**

Should Council adopt the recommendations of this report, staff will proceed with the following budget allocations for the draft 2017 budget:

<b>Budget Item</b>	<b>Draft 2017 Budget</b>	<b>Explanation</b>
Integrity Commissioner	\$5,000.00	Accommodates routine enquiries by Members of Council and/or a nominal allocation for an investigation.  Funding for a Code complaint resulting in an investigation would be taken from a reserve should it exceed \$5,000.00.
Closed Meeting Investigator	\$500.00	Contract may be terminated in March, 2017. Nominal allocation for any investigation received between January and March, 2017.
Municipal Ombudsman	\$0.00	Contract may be terminated January, 2017 and revert to the Provincial Ombudsman. Provincial Ombudsman funded through Provincial budget.

**CONTACT**

For more information on this report, contact: Andrew Brouwer, Director of Legislative Services/ Town Clerk (ext. 2211) or [abrouwer@newmarket.ca](mailto:abrouwer@newmarket.ca).



Sarah Niezen, Records & Projects  
Coordinator



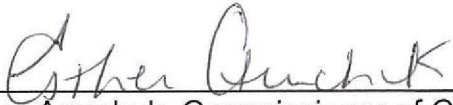
Paul Voorn, Associate Solicitor



Andrew Brouwer, Director of Legislative Services /  
Town Clerk



Karen Reynar, Director of Legal Services

A handwritten signature in cursive script, reading "Esther Armchuk", written over a horizontal line.

Esther Armchuk, Commissioner of Corporate Services

ERIC MULLER  
 POLICY ADVISOR, AMCTO  
 emuller@amcto.com

# Policy and Management Briefs

Issue 04 / May 17, 2016

## Municipal Accountability and Transparency In The Wake Of Bill 8

Over the past decade the discourse around accountability and transparency has come to dominate many discussions about politics and public policy in Canada. For Ontario's municipal sector this discourse crystallized in 2014 into a piece of legislation now commonly referred to as 'Bill 8.' Passed into law in December of 2014, Bill 8 (the *Public Sector and MPP Accountability and Transparency Act*) is a wide-ranging piece of legislation impacting hundreds of organizations in the broader public sector.

Bill 8 expanded the jurisdiction of the Ontario Ombudsman to include municipalities, universities, school boards, and hospitals (commonly referred to as the MUSH sector).<sup>1</sup> As it was gradually implemented in late 2015 and early 2016, more than 500 public sector organizations came under the jurisdiction of the Ombudsman's Office for the first time, significantly altering the makeup of public sector oversight. Prior to its enactment, the Ombudsman's oversight (as delineated in the *Ombudsman Act*, 1975) was limited to provincial ministries, agencies, boards, corporations, commissioners and tribunals (Gilmour et al., 2016, 4).

For municipalities Bill 8 created broad provincial oversight over matters that previously were strictly within the realm of municipal affairs (Mascarin and Dean, 2015, 8). It is the latest in a growing accountability and transparency regime that already includes provincial oversight, reporting, and statutory requirements covering everything from financial management to conflict of interest, and local elections (Cote and Fenn, 2014, 5). Local governments in Ontario greeted the bill with a mix of interest and suspicion. While some municipal politicians and public servants were keen to build upon the strong reputation for accountability and transparency that already existed in many local communities, others were concerned the bill was not appropriately



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This policy brief explores how policymakers and public servants in Ontario's municipal sector are reacting to Bill 8, relying on data from a survey of municipal CAOs and City Managers.

designed to meet its objectives.

The full bill contains 11 schedules, though only numbers 6 and 9 apply to municipalities. Schedule 6 act amended MFIPPA to increase the level of responsibility that heads of municipal organizations bear for ensuring the retention of records. Crucially, schedule 9 gave the Ontario Ombudsman the authority to investigate complaints about Ontario's municipalities, including municipal councils, local boards, and municipally-controlled corporations (with some limited exceptions). The Ombudsman became the default ombudsman in municipalities without their own, and gained final oversight authority over all complaints, even those made in communities with a local ombudsman. The Ombudsman's office also gained the authority to conduct "systemic" investigations, similar to those that already happen at the provincial level.

This policy brief explores how policymakers and public servants in Ontario's municipal sector are reacting to Bill 8, relying on data from a survey of municipal CAOs and City Managers.<sup>2</sup> It offers a brief glimpse of the measures local governments are taking several months into the implementation of this new regime for accountability and transparency, and outlines some of their concerns.

The first section will briefly outline the context in which Bill 8 was proposed, passed, and proclaimed. It will argue that while Bill 8 significantly expanded provincial oversight of the municipal sector, it was not the first time the province imposed new requirements for municipal accountability in response to a high-profile scandal. Prior to Bill 8, the province amended the *Municipal Act* to require municipalities to introduce a variety of mandatory and voluntary policies and procedures designed to increase accountability and transparency. Similarly, these measures were largely the result of perceptions of abuse, rather than an evidence-based assessment of the state of municipal accountability.

The second section will explore the operational and policy decisions municipalities have made since the proclamation of Bill 8. Several months into its implementation the data indicates that the municipal response to Bill 8 is both fragmented and evolving. While some municipalities implemented new policies or procedures, a majority are still determining the best approach for their community.

When Bill 130 was passed there was a general feeling that some of the mandatory provisions were redundant, and that the bill itself was an overreaction to high-profile wrongdoing that only implicated a few “bad apples.”

### Limitations

The survey results used for this analysis include responses from a broad representation of Ontario municipalities, including small, medium and large municipalities, single, upper and lower tier, and those located in all regions of the province. However, the results should be handled with caution and care as responses were received from only 143 municipalities. While the findings in this policy brief speak to the situation in many of the province’s municipalities, the survey results may not reflect the experiences of every local government in Ontario.

### Municipal Accountability And Transparency Before Bill 8

Bill 8 was not the first time that the province of Ontario used its broad legislative authority to impose new requirements for municipal accountability and transparency. In 2006, the government introduced Bill 130, which amended the *Municipal Act*, requiring municipalities to pass accountability and transparency regimes with a mix of mandatory and voluntary elements. Bill 130 was motivated by several high-profile scandals in the early 2000s and a perception that local governments in Ontario were unaccountable (Alcantara et al., 2012, 113 & 118). Under Bill 130, Ontario municipalities were required to create or update formal policies to ensure that they met provincial standards, and to create a process for investigating closed (in-camera) sessions of council. Municipalities were also given the option to introduce new accountability and transparency measures and officers, including codes of conduct and integrity commissioners, auditors-general, or lobbyist registrars (Alcantara et al., 2012, 113).

While it is not possible to gain a complete or comprehensive understanding of compliance with Bill 130, Alcantara et al. conducted a study in 2012 of how 12 municipal governments in Ontario responded to both the mandatory and voluntary legislative requirements outlined in the act. When Bill 130 was passed there was a general feeling that some of the mandatory provisions were redundant, and that the bill itself was an overreaction to high-profile wrongdoing that only implicated a few “bad apples” (Alcantara et al., 2012, 126-7). The study found that most, but not all municipalities chose to meet the minimum requirements outlined in the legislation, while the optional measures were adopted unevenly (Alcantara et al., 2012, 114). Some municipalities introduced new codes of conduct, while others hired integrity commissioners (Alcantara et al., 2012, 125-6).



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Municipalities are responsible for a substantial range of public services, but will never become responsive, modern, fiscally sustainable agents of good governance if they are motivated solely by compliance and rote functionality.

Most of the municipalities included in Alcantara's et al.'s study appointed a closed meeting investigator, using two dominant strategies. A large group chose to use the Ontario Ombudsman as their closed-meeting investigator, because they saw his office as having the resources and expertise to do the job well. Closed-meeting investigations by the Ombudsman were also free, and made sense for municipalities who rarely or never needed a meetings investigator, and were reluctant to pay for the service (Alcantara et al., 2012, 124).

The majority of municipalities that didn't use the Ontario Ombudsman chose to use AMO's Local Authority Services (LAS). LAS subcontracted the law firm Amberley Gavel Ltd. to serve as its closed-meeting investigator. These municipalities paid LAS a retainer of approximately \$300/year and an hourly fee of \$156.25 plus reasonable expenses in the case of an investigation. Municipalities chose LAS because it was popular within the sector, and viewed as competent, transparent, and relatively cost-effective. Many councils also liked LAS because of its connection to AMO and willingness to provide education and training for councilors and staff (Alcantara et al., 2012, 124-5).

Alcantara et al.'s study suggests that municipal governments tend to respond to mandatory policy change from the province by adopting the minimum requirements. In terms of Bill 130, while a number of municipal officials were interested in pursuing the optional voluntary measures, most felt that there wasn't sufficient public interest, or adequate resources to do so (Alcantara et al., 2012, 133).

This study also highlights a broader tension within the provincial-municipal relationship, inherent to every discussion of municipal accountability. The provincial view, articulated first in Bill 130 and then again in Bill 8, that municipalities are not sufficiently accountable has always been constructed within the context of the province's rigid regulatory framework. Yet there is a growing body of literature asserting the importance of autonomous local governments for creating prosperous, healthy, and vibrant communities. Despite this growing consensus, the political reaction in Ontario has always been to treat local governments as wards of the province. However, the province's prescriptive approach to local government policy disincentivizes local autonomy and creates an unnecessary and unhealthy dependence. Municipalities are responsible for a substantial range of public services, but will never become responsive, modern, fiscally sustainable agents of good governance if they are motivated solely by compliance and rote functionality. In order to become stronger, more accountable and autonomous actors within the federation, local governments need to be given greater leeway to make decisions, and a more flexible regulatory environment to operate in (Alcantara et al., 2012, 133).



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Despite portrayals in the media, a reasonable case can be made that local governments are the most transparent and open level of government in Canada.

### From Bill 130 to Bill 8

As with its predecessor, Bill 8 was precipitated by a perception that municipalities across the province are unaccountable and lacking transparency. However, as with Bill 130, this perception was the result of several high-profile scandals rather than any evidence demonstrating a systemic problem. Former Ontario Ombudsman, André Marin, was in many ways responsible for fomenting the perception of local governments as bastions of corruption, using prominent scandals to tar the entire sector as rotten. For instance, in 2014 a *Globe and Mail* article quoted Marin as saying “To me, some municipalities are like gangrenous limbs,” and that municipal mayors and councilors “make provincial politicians look like choirboys” (Bascaramurty, 2014). He also referenced “a putrefactive decay in democracy at the municipal government level,” where “hanky-panky continues to take place in the backrooms, and councils are continuing to cling to cloak-and-dagger old-school boardroom politics” (Brennan, 2013). The Ombudsman’s insistence on systemic municipal corruption (frequently presented without substantiating evidence), as well as the incendiary language he frequently used to express it—especially on social media—created discernable tension between his office and the municipal sector, and likely exacerbated municipal consternation around Bill 8.

Yet, despite portrayals in the media, a reasonable case can be made that local governments are the most transparent and open level of government in Canada. The *Municipal Act* requires municipal council meetings to be open to the public and only permits meetings held behind closed doors in limited circumstances. Unlike municipalities, parliament and provincial legislatures maintain their right to meet in secret and do so frequently (Sancton, 2015, 428). Most decisions made by provinces and the federal government happen in cabinet or caucus meetings, which are not open to the public. A municipality attempting to hold similar meetings could be found in contempt of the *Municipal Act*. This is not to suggest that unethical behavior does not take place in some municipalities. However, far too often provincial decisions about municipal governance are made in response to headlines instead of empirical evidence.

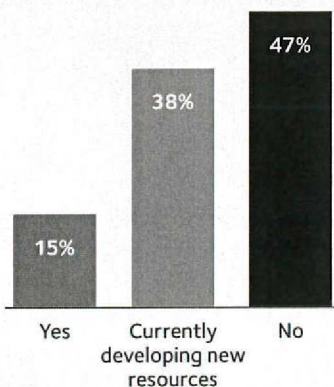
In many ways, the current thrust for strong accountability and transparency reflects a recent resurgence of populist politics and declining trust and confidence in government. In Canada, trust in government has fallen from approximately 60 percent in the early 1970s to 24 percent in 2013; according to research done by Canadian polling firm EKOS (Graves, 2014).<sup>4</sup> Similar work done by the Organization for Economic Cooperation and Development

**FIGURE 1:**

**Do you and your staff and council feel adequately prepared for your new Bill 8 requirements, or do you feel like you need further training?**

**FIGURE 2:**

**Have you, or are you planning to create any new resources for citizens about Bill 8's accountability requirements?**



Source: AMCTO/AMO Bill 8 Survey, January 2016, n = 143

(OECD) found that between 2006-08 and 2011-12, confidence in government fell by at least six percentage points in 18 of 34 OECD member states (Silver, 2013). By 2012, an average of only four of every 10 people in OECD member countries expressed confidence in their government (OECD, 2012, 20). Populist politicians, in Canada and abroad, have capitalized on declining confidence in government to carve out new constituencies and build support, often relying on accusations of government corruption or ineptitude. If the role of watchdogs and accountability officers is to restore confidence in our institutions of governance, one can reasonably question how successful they have been. Certainly, the bombastic and scattershot rhetoric of the former Ontario Ombudsman has done more harm than good.

### Municipal Accountability And Transparency After Bill 8

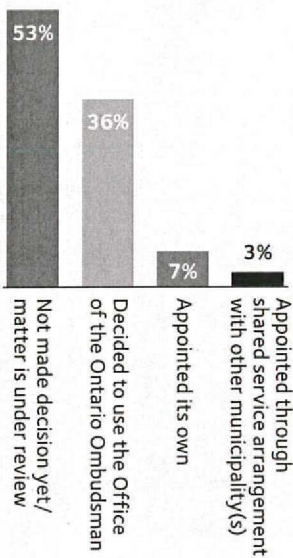
Data collected by AMCTO and AMO indicates that the municipal response to Bill 8 is both highly fragmented and in a state of transition. Following the passage of the bill, some municipalities implemented new policies or procedures. A majority, however, are still determining the best approach for their community. This section will explore the operation and policy decisions municipalities have made several months into the implementation of this legislation.

#### The Transition Period

From the outset, Bill 8 was the source of apprehension for municipal officials. Though the Ombudsman's office recently acknowledged that it needs to be more proactive in reaching out to stakeholders, the transition period will likely continue to be defined by uncertainty (Gilmour et al., 2016, 7).

Bill 8 gives the Ombudsman broad authority and oversight over municipal governments. Prior to its implementation, some municipalities worried that the Ombudsman's office would not have the ability or expertise to investigate the municipal sector. Bill 8 represented a significant expansion in the powers, responsibility and scope for the Ombudsman. His office gained responsibility for overseeing 547 new organizations that work on complicated issues, including education, social services, transit, public works, and housing (Gilmour et al., 2016, 7). To accommodate its new responsibility the Ombudsman's Office added approximately 50 full-time equivalent (FTE) positions, received \$7.2 million in additional budget (QP Briefing, 2015), and indicated that it plans to invest significantly in new training. It is intentionally



**FIGURE 3:****Use of Municipal Ombudsman vs. Use of Ontario Ombudsman**

Source: AMCTO/AMO Bill 8 Survey, January 2016, n = 143

recruiting staff with expertise in its new areas of oversight, and engaging trainers with similar expertise (Gilmour et al., 2016, 7). However, some municipalities are still concerned that the office will struggle to overcome a lack of familiarity with the municipal operating environment, and especially the difference between parliamentary oversight and council governance, which is often misunderstood by senior orders of government.

The municipal sector itself, is not prepared to comply with this new legislation. As seen in Figure 1, more than 50 percent of municipal public servants do not feel prepared for Bill 8, while 20 percent are unsure and only 28 percent feel that they are prepared. When asked whether their members of council feel prepared, respondents indicated even less confidence, suggesting that only 19 percent of their councils feel prepared, while 53 percent feel unprepared. Only 15 percent of municipalities have created new resources for their citizens (figure 2) to help educate them about how Bill 8 will change their municipality, though 38 percent say that they are planning to create some. Approximately 47 percent of municipalities have no plans to develop new resources.

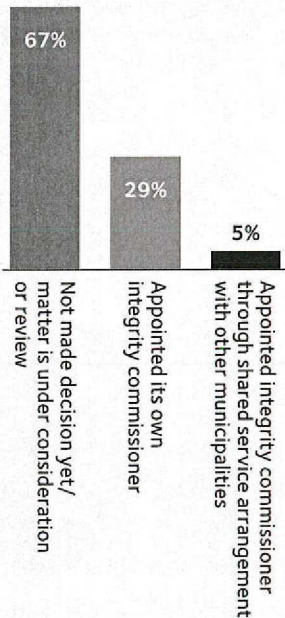
### Double Oversight

Double oversight is a frequently cited concern with Bill 8. In 2006 Bill 130 amended the *Municipal Act* to allow municipalities to appoint their own accountability officers, including ombudsmen, whose powers largely mirror those of the Ontario Ombudsman. As a result, the provisions of Bill 8 that set out the Ombudsman's authority are perceived by some as redundant. Some municipal officials are concerned that Bill 8 will diminish the importance or effectiveness of their local accountability officers (Gilmour et al., 2016, 7). AMO, for instance, argued during the debate on Bill 8 that the act could confuse the public, or lead to inefficiency, fragmentation, added costs, and even poor outcomes (AMO, 2014, 4).

As seen in Figures 3 and 4, 36 percent of municipalities plan to use the Ontario Ombudsman, while only seven percent have appointed their own, and three percent have appointed a municipal ombudsman through a shared service arrangement. Similarly, 29 percent of municipalities appointed their own integrity commissioner and 5 percent have appointed an integrity commissioner through a shared service arrangement with another municipality. However, as 53 percent of municipalities have not yet made a decision about an Ombudsman, and 67 percent have not made a decision about an Integrity Commissioner, it is still too early to determine whether or not double oversight will be a problem. Rather, the potential for duplication,



**FIGURE 4:**  
**Use of Integrity Commissioners**



Source: AMCTO/AMO Bill 8 Survey, January 2016, n = 143

confusion, and inefficiency will be tested in the coming months as more and more municipalities start appointing their own accountability officers and the Ontario Ombudsman's office begins discharging its new Bill 8 authority.

The Ombudsman's office says that its approach to Bill 8 will ensure that they are adding value and not simply replicating the work already done by municipalities. Specifically, they say that their investigations will be guided by the following four principles: (1) they will act as a last resort, referring people to local complaint and accountability mechanisms, where they exist; (2) they will work to resolve complaints about municipalities wherever possible; (3) their services will be efficient, confidential and free of charge, and; (4) they will track trends in complaints and conduct investigations into systemic issues across the sector (Ontario Ombudsman, 2015, 7).

Municipalities that appoint local accountability officers do so because they believe that they are better able to focus on and address issues within a local community. The process, from direction to council approval, can take months, with few precedents for officials to draw on for determining the necessary skill sets, performance standards, and operating procedures. It is difficult to determine how much to budget, how to educate staff and council, and communities that appoint joint accountability officers face the additional challenge of coordination. Nevertheless, municipal officials argue that local accountability officers are able to develop a better understanding of the local operating environment, and the context in which municipalities govern.

While the Ombudsman's office has been clear about its intended approach to working with municipalities, a successful and harmonious relationship will require proactive engagement with the municipal sector to ensure coordination and determine an appropriate division of labour. In particular, the Ombudsman will need to work closely with those municipalities who have or are appointing their own accountability officers to ensure that Bill 8 is leading to positive outcomes.

However, there is also broader concern about double oversight and duplication. The more that the lines of accountability become blurred, fragmented, or confused, the more difficult it will become to ensure that accountability officers themselves remain accountable. The role of an auditor general, integrity commissioner, or ombudsman is to serve as a check on the exercise of power, not to become an unaccountable centre of power in his or her own right. The lack of scrutiny that accountability officers face in the media, and the push for greater power and resources for these offices risks skewing this balance.



FIGURE 5:

**Do you have a citizen complaint tracking process that permits the CAO (or City Manager) to monitor and help document staff actions to try to resolve a complaint?**

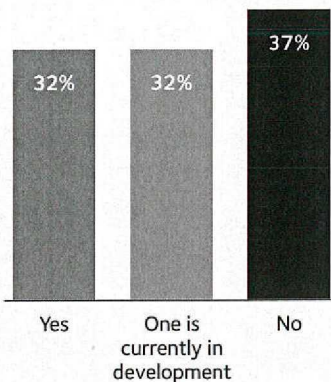
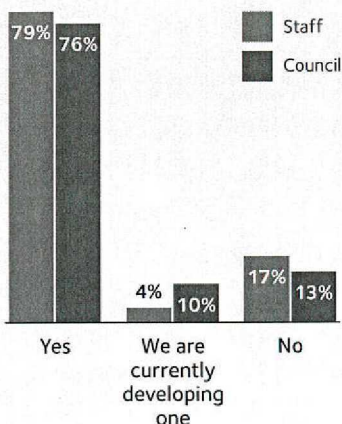


FIGURE 6:

**Does your municipality have a Code of Conduct?**



Source: AMCTO/AMO Bill 8 Survey, January 2016, n = 143

### Vexatious Complaints

Many municipal stakeholders are also concerned that Bill 8 will give greater weight and credibility to frivolous or vexatious complaints. Typically, when a municipality receives a citizen complaint, that municipality reviews the grievance and determines if it was made with merit. If it was, the municipality is responsible for resolving the underlying issue, and making necessary changes to its processes and procedures to prevent a similar issue in the future. If it was not, the complaint is dismissed.

The concern around Bill 8 is that in this situation where a complaint is reviewed and deemed to be frivolous or vexatious, the complaint could then be taken to the Ontario Ombudsman and given new life. Dealing with such complaints can be a drain on time and resources. Politicians and public servants working in the municipal sector also worry that complaints with no foundation could be elevated beyond their merit, causing serious reputational harm to either the municipality or the individual.

One way for municipalities to demonstrate that they are dealing with citizen complaints is to set-up a formal tracking process. Such processes are considered a best practice and recommended by the Ombudsman. According to AMCTO/AMO survey data, however, only 32 percent of municipalities use a formal system for tracking citizen complaints, while 37 percent do not. Some 32 percent of municipalities are currently in the process of developing one.

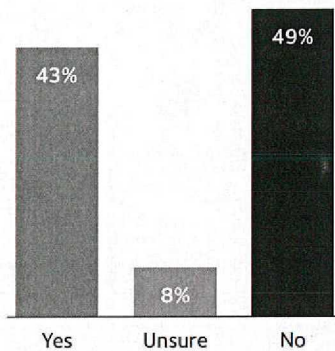
The Ombudsman's office has attempted to dispel concerns about vexatious complaints. Since Bill 8 entered into force, the Ombudsman's office has emphasized that their focus will be on common or systemic complaints, and that the *Ombudsman Act* gives them the discretion not to investigate complaints in certain circumstances (Gilmour et al., 2016, 7). Since his appointment the new Ombudsman Paul Dubé has been relatively transparent about how his office exercises its Bill 8 authority. Representatives from the Ombudsman's office, as well as the Ombudsman himself, have travelled to local communities and municipal conferences, and every Friday the Ombudsman tweets information about the complaints he has received.

### Codes of Conduct

An additional way of protecting municipal councilors and public servants from vexatious complaints is by implementing a code of conduct for councilors and staff. Codes of Conduct have been a central feature of municipal accountability for years. Codes address a broad range of issues, including how to handle gifts and benefits, proper use of municipal resources, proper conduct at council



**FIGURE 7:**  
**Are you planning to review your existing codes of conduct in 2016?**



Source: AMCTO/AMO Bill 8 Survey, January 2016, n = 143

meetings and how to behave when acting on behalf of the municipality. Across the province, municipal codes range from general principles to prescriptive lists of rules and generally, each municipality develops a code(s) based on the unique needs of their community.

AMCTO's submission on the *Municipal Act* included a recommendation that codes of conduct become mandatory for all municipalities. Most municipalities already have codes in place, including 79 percent for staff and 76 percent for council, as seen in Figure 6. Just 17 percent of municipalities do not have a code for staff and 13 percent do not have a code of conduct for council. As seen in Figure 7, 43 percent of all municipalities who have codes of conduct are planning to review them in 2016. 49 percent of municipalities are not planning to review their existing codes in 2016, with many indicating that their code was recently updated or introduced within the past two years.

### Open Meetings and Municipal Autonomy

Perhaps the biggest area of concern with Bill 8 is its potential impact on the autonomy of democratically elected municipal councils, and their ability to make decisions on behalf of their constituents. Proposals to bring open meeting legislation to Ontario began to appear in the early 2000s, when Ontario's Information and Privacy Commissioner released a paper entitled "Making Municipal Government More Accountable: The Need for an Open Meetings Law in Ontario" (Sancton, 2015, 435). All provinces have some provisions for open meetings, though practices vary across the country. Aside from Ontario, only New Brunswick, Nova Scotia, Manitoba and British Columbia have given their ombudsman oversight over municipalities, and only in BC does the ombudsman have jurisdiction over municipal meetings (Sancton, 2015, 427).

Closed meeting investigations have become a lightning rod in discussions of municipal transparency and accountability. At the heart of the issue is the ambiguity that surrounds the current open meeting provisions in the *Municipal Act*, and especially the definition of a meeting. Calls for a clearer definition of what constitutes a 'meeting' in the municipal context have grown within the past five years (For example, see Sancton, 2015). The Ontario Ombudsman's office, in particular, has taken an expansive view of what constitutes a meeting. In fact, much of the apprehension in the municipal sector is a result of the fact that most municipalities have had limited exposure to the Ombudsman's office, and their understanding was based largely on media accounts of high-profile investigations, which gave many a sense that these investigations would be adversarial in nature

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The broader issue with closed-meeting investigations, however, is how they relate to municipal autonomy and the ability of a municipal council, which is duly elected to represent the view and values of its constituents, to govern.

(Gilmour et al., 2016, 7).

The broader issue with closed-meeting investigations, however, is how they relate to municipal autonomy and the ability of a municipal council, which is duly elected to represent the views and values of its constituents, to govern. When the *Municipal Act* passed in 2001, it was championed as a victory for the independence and autonomy of Ontario's municipalities. However, in the same way some interpreted Bill 8 as a "pronounced step backward" (Mascarin, 2015). Some viewed the provisions in Bill 8, especially the amendments to section 14 of the *Ombudsman's Act*, as potentially giving the Ombudsman (an appointed officer of the legislature) the power to "usurp" the role of a municipal appointed local accountability officer, who has been appointed by a democratically elected local council. During the legislature's review of the bill, AMO warned that the act might be interpreted as permitting the Ontario Ombudsman to investigate the legislative deliberations of a municipal council (AMO, 2014, 2).



## Conclusion

In February of 2016 the Government of Ontario appointed a new Ombudsman. Despite the frenzied conversation about his office, the Ombudsman is still a virtual unknown in the municipal world. As the survey results also demonstrate, there remains a great deal of uncertainty and anxiety about Bill 8, and the role the Ombudsman will play in municipal government. As the new Ombudsman takes up his office there is an opportunity for him to reset the relationship between his office and the municipal sector. His predecessor's public-profile undermined and alienated municipalities, and fostered skepticism of his office. Moving forward the key to reinventing the relationship between the municipal sector and the Ontario Ombudsman will be to cultivate a constructive dialogue, and spirit of partnership. The first few months of his tenure have shown promising signs, and it appears that the Ombudsman's office has set a new tone with the departure of Mr. Marin. Nevertheless, repairing the Ombudsman's relationship with municipalities will be an uphill battle.

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**NOTES**

1. Though a new Patient Ombudsman will retain authority for investigating hospitals, the Ombudsman is empowered to investigate and resolve complaints about municipalities, universities and school boards. The office of the Provincial Advocate for Children and Youth was given expanded powers to investigate children's aid societies, and oversight of police services was not altered.
2. The survey, which AMCTO and the Association of Municipalities Ontario (AMO) jointly conducted in January of 2016, was sent to CAOs/City Managers in every Ontario municipality. Full survey results are available on the AMCTO website.
3. There are 444 municipalities in Ontario.
4. Ekos' most recent assessment of public trust in the federal government, conducting in April 2016, showed a spike in support. In the Ekos poll 44 percent of respondents said that they "almost always" or "most of the time" trust the new Trudeau government in Ottawa to do what is right, a marked increase from the 30 percent of respondents who felt that same way before the election (Connolly, 2016). However, this spike comes within the context of a consistent downward trend in support since the 1990s, so care should be taken in generalizing the findings. Until more time passes and more research is done to demonstrate a noticeable trend, this result can reasonably be interpreted as the result of an election that was fought along the lines of "change" and a new regime that has begun its tenure governing in a manner that appears dramatically different from its predecessor.



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**About AMCTO Policy and Management Briefs**

AMCTO's Policy and Management Briefs are designed to fill a gap in the discussion of local government in Ontario, by fostering dialoguing and promoting rigorous analysis of important topics facing municipalities across the province.

**About AMCTO**

With approximately 2,200 members working in municipalities across Ontario, AMCTO is Canada's largest voluntary association of local government professionals, and the leading professional development organization for municipal administrative staff. Our mission is to provide management and leadership service to municipal professionals through continuous learning opportunities, member support, and legislative advocacy.

Appendix B – Legislative and Legal Services Joint Report 2016-22  
 Closed Meeting Investigations for the 2014 – 2018 Term of Council (to date)

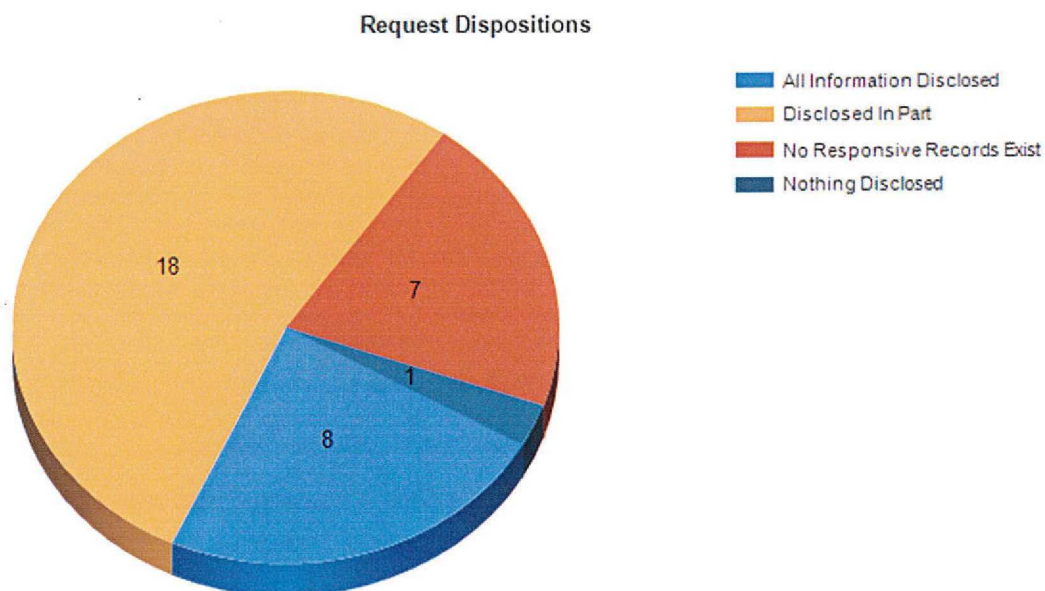
Meeting	Summary of Complaint	Report date	Findings
<b>December 10, 2014 Council Workshop (bus tour)</b>	This meeting should not have been closed.	April 2, 2015	No breach of the Municipal Act.
<b>January 26, 2015 Special Committee of the Whole</b>	This meeting should not have been closed.	April 2, 2015	No breach of the Municipal Act.
<b>April 22, 2015 Special Committee of the Whole</b>	The summary of the meeting provided at the subsequent Council meeting did not include information on any votes taken by Committee of the Whole while in closed session.	November 2015	No breach of the Municipal Act.
<b>February 22, 2016 Council Workshop</b>	The meeting was characterized as a “workshop” rather than a meeting and therefore could not be closed.	July 2016	No breach of the Municipal Act

Appendix C –Legal and Legislative Services Joint Report 2016-22  
Freedom of Information Request Statistics and Information and Privacy Commissioner Appeals

Number of FOI Requests per year

Month	2014	2015	2016
January	5	2	6
February	4	4	0
March	6	5	5
April	3	4	6
May	2	5	9
June	3	8	2
July	5	3	2
August	16	1	2
September	12	1	4
October	3	1	n/a
November	5	5	n/a
December	4	1	n/a
	68	40	32

Dispositions of requests from January 1, 2016 to: August 30, 2016

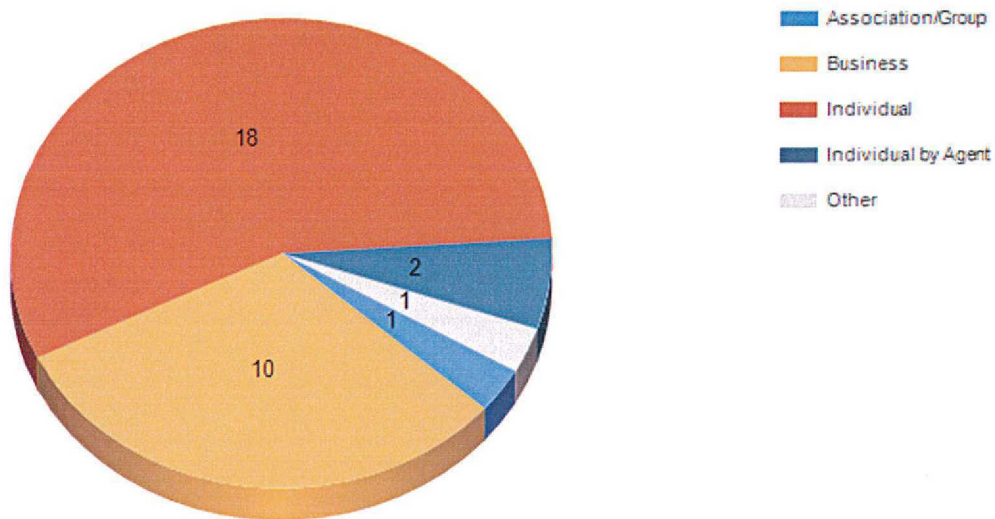




Appendix C –Legal and Legislative Services Joint Report 2016-22  
Freedom of Information Request Statistics and Information and Privacy Commissioner Appeals

Source of FOI Requests from January 1, 2016 to: August 30, 2016

Requests Received by Source



Appendix C –Legal and Legislative Services Joint Report 2016-22  
Freedom of Information Request Statistics and Information and Privacy Commissioner Appeals

Open Appeals to the Information and Privacy Commissioner

Request #	Decision	Appealed	Appeal #	Request Summary	Current status
2014/0065	12/24/2014	1/16/2015	MA15-17	<p>Copies of all documents relating to the loan given to the Newmarket Soccer Club (NSC) by the Town of Newmarket from June 2013 to the present.</p> <p>Records disclosed in part. Financial information supplied by the Newmarket Soccer Club withheld.</p>	Waiting for decision from adjudicator.
2015/0031	10/2/2015	2/3/2016	MA16-56	<p>Information regarding any Town staff or elected officials living in Town owned buildings or on Town owned property, and information regarding any Town staff or elected officials who have purchased or leased town property.</p> <p>Records disclosed in part. Minutes of Settlement and related information from 2009 property matter withheld.</p>	Waiting for decision from adjudicator.
2016/0001	2/10/2016	3/18/2016	MA16-151	<p>Copies of any contracts / agreements relating to any option to purchase land connected to the Town's bid for a York University Campus, and any details regarding related costs.</p> <p>Records disclosed in part. Draft option to purchase agreement withheld.</p>	Waiting for decision from adjudicator.
2016/0004	2/10/2016	3/18/2016	MA16-152	<p>The amount of fines collected by the Town for enforcement of the sign by-law during the 2014 municipal election. Including how much remains outstanding, the plan to collect the outstanding amounts and the estimated time it will take to collect these amounts. The amounts that were waived, reduced or forgiven, who made the decision to waive, reduce or forgive and what was the justification?</p> <p>Records disclosed in part. Personal information of candidates and copies of invoices withheld.</p>	Waiting for decision from adjudicator.
2016/0009	4/27/2016	5/31/2016	MA16-294	<p>Request for a copy of an Engineering Report for a named property.</p> <p>Property owner has appealed the decision of the Town to release the record.</p>	Waiting for decision from adjudicator.



**CORPORATE SERVICES – LEGISLATIVE SERVICES**  
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 905.895.5193

November 14, 2016

## **CORPORATE SERVICES REPORT – LEGISLATIVE SERVICES 2016-23**

TO: Committee of the Whole

SUBJECT: 2016 Status Update – 2013-2017 Multi-year Accessibility Plan

ORIGIN: Legislative Services

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### **RECOMMENDATION**

- a) **THAT Corporate Services – Legislative Services Report 2016-23 dated November 14, 2016 regarding the 2016 Status Update – 2013-2017 Multi-year Accessibility Plan be received and the following recommendation be adopted:**
- i) **THAT the 2016 Status Update – 2013-2017 Multi-year Accessibility Plan, attached as Appendix 'A' be approved.**

### **PURPOSE**

The purpose of this report is to present the 2016 Status Update - 2013-2017 Multi-year Accessibility Plan (attached as Appendix 'A') for Council's approval.

### **BACKGROUND**

#### **Ontario Legislation Requires Accessibility Planning**

The Integrated Accessibility Standards Regulation (IASR) requires the municipality to establish, maintain and document a Multi-year Accessibility Plan and provide annual reporting on the plan's progress. Council approved the Multi-year Accessibility Plan on December 16, 2013. The Status Update attached as Appendix 'A' is the third annual report on achievements since the approval of the Multi-year Accessibility Plan.

### **COMMENTS**

The development of the status update included input from staff across the organization. 'Accessibility Champions' were appointed from each department to ensure all staff has access to accessibility related information/tools and that achievements and barriers are captured in each status update.

#### **Next Steps:**

- Post the Council approved 2016 Status Update on the Town's website;
- Implement requirements of Multi-year Accessibility Plan identified for 2017;
- Continue to review the Multi-year Accessibility Plan and provide an annual progress report in 2017; and

- Submit Compliance Report to Accessibility Directorate of Ontario before December 31, 2017;

## **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This report aligns with the Town's Strategic Plan directions through the enrichment of lives, increased accessibility, service excellence, improved inter-connectivity, and well respected in achieving balanced living.

## **CONSULTATION**

Consultation has taken place with staff and the Newmarket Accessibility Advisory Committee in the development of the 2016 Status Update. Additionally, staff maintains membership in the Ontario Network of Accessibility Professionals (ONAP), which provides the opportunity to share accessibility planning resources and initiatives province-wide.

## **HUMAN RESOURCE CONSIDERATIONS**

There are no Human Resources considerations related to this report.

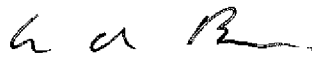
## **BUDGET IMPACT**

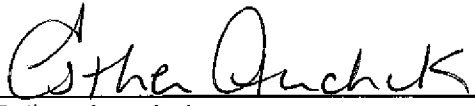
Costs to implement requirements of the Multi-year Accessibility Plan will continue to be addressed by the various responsible departments.

## **CONTACT**

For more information on this report, contact Chrisanne Finnerty, Council/Committee Coordinator at 905 953-5300 extension 2207 or via email at [cfinnerty@newmarket.ca](mailto:cfinnerty@newmarket.ca)

  
Chrisanne Finnerty  
Council/Committee Coordinator

  
Andrew Brouwer  
Director of Legislative Services/Town Clerk

  
Esther Armchuk  
Commissioner of Corporate Services

# 2016 Status Update Town of Newmarket Multi-year Accessibility Plan



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Equal Opportunity | Integration | Independence | Dignity



## A Message from Newmarket Council

Council is pleased to present the 2016 Status Report to the Town's Multi-year Accessibility Plan. The Town continues its efforts to improve its services, facilities and programs in order to encourage accessibility for everyone that lives in and visits Newmarket.

We remain committed to working with Newmarket's Accessibility Advisory Committee, staff, and business partners to enhance and foster a community that meets the needs of people with disabilities and supports the vision of the Town of Newmarket being a community 'Well Beyond the Ordinary'.

## A Message from the Newmarket Accessibility Advisory Committee

The Town of Newmarket's Accessibility Advisory Committee's mandate is to encourage and facilitate accessibility for all persons with disabilities in Newmarket by providing advice, recommendations and assistance to Council and staff to develop and facilitate strategies for the identification and elimination of barriers for citizens with disabilities. We are pleased to act on the community's behalf by advising Council on a number of key initiatives that support achieving an accessible Newmarket. The 2016 Status Report to the Town's 2013-2017 Multi-year Accessibility Plan demonstrates the work that has been done to identify and remove barriers in accordance with the *Accessibility for Ontarians with Disabilities Act*. We encourage residents to review this Status Report to learn more about how Newmarket is working to create an accessible community.

### Accessibility Advisory Committee Members

Members	Staff
Steve Foglia <i>Chair</i>	Pat McIntosh <i>Recreation Programmer</i>
Sharron Cooke	
Gloria Couves	Chrisanne Finnerty <i>Council/Committee</i>
Linda Jones	<i>Coordinator</i>
Stephen Mckenzie	
Jeremy Slessor	
Richard Wilson	
Councillor Christina Bisanz	

## Accessibility Advisory Committee Update

The Newmarket Accessibility Advisory Committee continues to provide valuable advice and feedback to Council and staff, in addition to participating in various accessibility-related activities. Since the implementation of the Multi-year Accessibility Plan, the Newmarket Accessibility Advisory Committee has:

- **Organized National Access Awareness Week Celebrations**  
The Committee continues to host annual National Access Awareness Week events. The 2016 event celebrating accessibility and abilities was held on Saturday, June 4 at the Farmer's Market. National Access Awareness Week continues to grow each year, with plans underway for the 2017 events.
- Reviewed plans and provided recommendations for the initiatives and projects which include the following:
  - a proposed sidewalk installation on Millard Avenue;
  - proposed reconstruction of Park Avenue
  - Main Street outdoor patio pilot project
- Recommended that the Town enter into an agreement with the City of Vaughan for the provision of accessible taxicabs in Newmarket.
- 
- Inspected sidewalks to ensure that new and replacement sidewalk slabs are constructed in accordance with the Town's sidewalk standard (by removing troweling around expansion joints), which was implemented as a result of an Accessibility Advisory Committee recommendation.
- Reviewed Site Plan applications and provided recommendations on accessibility related conditions to staff.
- Provided advice on the Town of Newmarket's Accessibility Plan update.
- Provided ongoing public awareness of accessibility.

## Update on 2013- 2017 Initiatives

Outlined in the following pages are the projects associated with the prevention and removal of barriers specifically to persons with disabilities that live, work and visit Newmarket. By removing barriers for persons with disabilities, we are removing barriers for everyone.

This Status Report outlines which accessibility initiatives have been addressed in 2016 and which initiatives are being targeted for 2016 and beyond. Similar to the Multi-year Accessibility Plan, this Status Report lists projects that are associated with each of the accessibility standards under the AODA.



Photo from 2014 National Access Awareness Week

## Update on 2013 – 2017 Initiatives

General Initiatives			
Project Title	Description	Status	Notes
Accessibility Plans (s.4)	An outline of Newmarket's strategy to remove and prevent barriers and meet the requirements and obligations of the AODA.	Complete	Newmarket's 2013 – 2017 Multi-year Accessibility Plan was presented to Council and approved on December 16, 2013.
	An annual status report on the progress of the initiatives identified in Newmarket's 2013 – 2017 Multi-year Accessibility Plan must be completed	Ongoing	This is Newmarket's third annual status report for the 2013 – 2017 Multi-year Accessibility Plan. The Plan is reviewed annually by the Accessibility Advisory Committee
	Accessibility plans must be posted on the website and provided in an alternate format upon request.	Ongoing	All accessibility plans have been posted on the Town's website in an accessible format and are available in an alternate format upon request.
	Review and update the accessibility plan at least once every five years	Ongoing	A Compliance Report must be submitted to the Accessibility Directorate of Ontario by December 31, 2017.
Training (s.7)	<p>Develop, deliver and coordinate mandatory accessibility training for all employees, volunteers and third party vendors.</p> <p>Staff is responsible for delivering standards and in-depth training appropriate to the duties of the employees, volunteers and other persons.</p>	Complete	An in house video was produced to train staff accessibility standards referred to in this Regulation and on the Human Rights Code as it pertains to persons with disabilities. Staff completed a short quiz at the end of the video. All staff was trained before January 1, 2014 and the training is included in mandatory new employee orientation. The video is also available on the Town's website.

## Update on 2013 – 2017 Initiatives

Information and Communications Standards			
Project Title	Description	Status	Notes
Feedback (s.11)	Accessible formats and communication supports shall be provided, upon request, to those with disabilities.	Complete	Communications has been placing the statement "If you require this information in an alternate format, please contact 905-895-5193" in previous years on all print materials and added the statement to all media releases. Media releases are distributed electronically and posted on the Town's website.
Accessible formats and communication supports (s.12)	Upon request, provide or arrange for accessible formats and communication supports for persons with disabilities in a timely fashion with no additional costs.	Ongoing	Communications has been placing the statement "If you require this information in an alternate format, please contact 905-895-5193" in previous years on all print materials and added the statement to all media releases. Media releases are distributed electronically and posted on the Town's website.
	Responsible for consulting the person making a request for alternate formats to determine the suitable accessible format or communication support.	Ongoing	Town of Newmarket staff will consult with persons with disabilities to determine the suitability of accessible formats and communication supports on an on-going basis when such formats or supports are requested.
Accessible websites and web content (s.14)	In accordance with legislation, ensure that the Town's website is accessible and include further enhancements and improvements as outlined by the IASR.	Complete, with additional web based content and documents to be added once converted to an accessible format.	All PDF documents on the website from 2014 to present have been made fully accessible. Efforts will be made to make all PDF's accessible (2013 and earlier), where possible. In the event that some documents are not accessible, for example, documents created by third party vendors, the Communications department will take measures to make the document accessible, upon request, in a timely fashion.

## Update on 2013 – 2017 Initiatives

Employment Standards			
Project Title	Description	Status	Notes
Performance Management (s.30)  Career development and advancement (s.31)  Redeploying (s.32)	Performance management, career development and redeployment take into consideration the accessibility/accommodation needs of employees with disabilities.	Complete	Human Resources have drafted and implemented policies and procedures related to performance management, career development and redeployment/return to work. Review of any individual accommodation plans is required prior to completion of performance reviews and supervisory training is required to assist Supervisors in identifying the difference between performance and disability related issues.

Design of Public Spaces Standards (Accessibility Standards for the Built Environment)			
Project Title	Description	Status	Notes
Application (s.80.2)	Applies to any newly constructed or redeveloped public spaces on or after the legislated dates.	Ongoing	The Design of Public Spaces Standards is under review with a strategy being developed for each requirement.



## Barrier Identification Update

Initiatives have taken place in the Town of Newmarket to identify, remove and prevent barriers to persons with disabilities. Since 2003, there have been over 100 actions completed through the accessibility planning process. These actions are identified in past Accessibility Plans which are available on the Town of Newmarket website, [www.newmarket.ca](http://www.newmarket.ca)

### Actions completed or pending in 2016:

Town Facilities	
Magna Centre	<p>Magna Fitness Centre:</p> <ul style="list-style-type: none"> <li>• Ramp lengthened to meet anticipated 2020 accessibility standards</li> <li>• Door into kitchen area from sports theatre to be widened to meet accessible standards</li> <li>• Proposed new door into assessment room to be accessible</li> </ul> <p>Tim Hortons Gym</p> <ul style="list-style-type: none"> <li>• Double sliding, sensored doors installed at south entrance</li> </ul>
Old Town Hall	The recently reopened facility was completely renovated to meet AODA requirements.

Town Departments and Programming		
Department	Item	Notes
Corporate Communications	Print Notices	<p>Templated media releases, advisories and Public Service Announcements (PSAs) have been created so that when converted to PDF, they are already accessible.</p> <p>Staff has reviewed the design of all print materials that come through the Communications department with accessibility standards in mind. In addition, items that are visually hard to see are now provided in an accessible version (i.e.: Town Page)</p> <p>Newmarket Now has been made accessible by providing links and images in alternate text. The Newmarket Now newsletter is in HTML format and can be read by screen readers.</p> <p>Communications has created accessible media release, advisories, PSA and Community Event Listing templates in Microsoft Word so that the documents maintain their accessible integrity when converted to PDF.</p>

Town Departments and Programming		
Department	Item	Notes
Corporate Communications		A statement is included on all external print materials and media releases to advise that alternate formats are available upon request.
	Web Content	<p>The Town launched a new website in August, 2015, that includes an accessibility section that details the Town's accessibility plans and commitment to accessibility.</p> <p>Communications staff attempt to make Social Media accessible in HTML format so that screen readers can detect posts.</p>
Customer Services	Customer Service	Customer Services continues to be committed to adhering to all applicable legislation and corporate accessibility related policies. In addition, Customer Services areas throughout the Town offer accessible counters. If an accessible counter is not available, accommodations are easily made. Customer Service also reports any issues that may impact visitors to Town facilities in order to ensure that public areas are well-maintained and that any issues are reported and resolved in a timely manner, as necessary.
Engineering Services	Sidewalks	Sidewalk standards have been redesigned by removing the trawl lines between each bays expansion joint in order to soften the ride and enhance safety for those using wheelchairs.
Human Resources	Recruitment and Hiring	<p>All HR processes incorporate statements about the Town's recruitment and HR processes that advise employees and applicants of the commitment to accommodate persons with disabilities.</p> <p>In a recent employment contract and in accordance with all employment offers - the following statement is included:          "Accessibility -- The Town of Newmarket have policies and processes in place to provide accommodation for employees with disabilities. If you require a specific accommodation because of a disability, please contact the HR department to discuss how appropriate accommodations can be made before you begin your employment with the Town."</p>
	Recruitment	<p>All candidates are advised that the Town of Newmarket is committed to a fair and equitable recruitment process and will accommodate persons with disabilities in accordance with Human Rights legislation.</p> <p>When using HRSmart to set up interviews, the statement below is included in the on-line invitation.</p>

Town Departments and Programming		
Department	Item	Notes
Human Resources		<p>“As the Town of Newmarket supports a diverse workforce with a fair and equitable recruitment process, please let us know if you require accommodation for a disability.”</p> <ul style="list-style-type: none"> <li>• When calling candidates, the Hiring Manager must advise them over the phone of accommodation.</li> <li>• Should a candidate require accommodation call your HR Consultant for immediate assistance in coordinating the request.”</li> </ul> <p>While interviews are scheduled as quickly as possible, flexibility is required to schedule candidates who may require more notice due to their schedules, work commitment, accessibility requirements or vacation.</p>
Information Technology	Training Initiatives	<p>IT Staff procured accessibility training for Microsoft Word and Acrobat users who manage content on the Town’s website to ensure that each document posted online is accessible.</p> <p>Two additional software licences have been purchased and software that is used to create accessible documents has been installed on loaner laptops in order for staff to make documents accessible.</p>
	Website	<p>The Town launched a new website in August, 2015. Web design and content meet Level A and Level AA WCAG 2.0 requirements as they related to the AODA. The Town utilizes a service to monitor and evaluate the website’s accessibility ratings.</p>
Legal Services	Customer Service	<p>Magnifying sheets are available at the Legal Services public counter in order to assist those with visual disabilities.</p>

Town Departments and Programming		
Department	Item	Notes
Legislative Services	Ward 5 By-election – Accessibility Plan	<p>Legislative Services implemented the following measures to remove barriers to persons with disabilities during the Ward 5 By-election:</p> <ul style="list-style-type: none"> <li>• accessibility audits conducted at each advance and voting day location in order to identify any barriers to accessibility;</li> <li>• Vote Anywhere voting opportunities, which permitted residents to vote at the location of their choice;</li> <li>• assistive voting device and supports at each advance and voting day poll which provided for an independent voting experience;</li> <li>• Roving Polls at long-term care facilities on voting day.</li> </ul> <p>Legislative Services is currently reviewing internet voting with Council which has the benefit of supporting an independent voting experience for persons with disabilities.</p>
Library	Facility Related Upgrades	Outside ramp and stairs repainted with an anti-slip coating. In addition, yellow contrast paint was reapplied to the nose of each step for improved visibility and safety.
	Website and administrative initiatives	All PDF documents on the website have been converted to an accessible format or to HTML. Notice has been provided that documents are available in an accessible format, upon request.
Procurement Services	Bid Opportunities	<p>Staff is required to state whether there will be any barriers to accessibility in the pre-authorization form prior to the development of any bid documents.</p> <p>Bid documents contain sections which relate to accessibility.</p> <p>Examples of AODA compliant equipment procured include Sit and Stand desks, accessible playground equipment, accessible portable washrooms and transit wheelchairs.</p>
	Website	The Bid Opportunities website has been updated to comply with the AODA.
Public Works Services	Parks	<p>A request was included in the 2016 budget to secure funds to make one park washroom per year accessible.</p> <p>Installation of lights along the pathway in Willowick Park between Willowick Drive and Walpole Crescent to improve pedestrian safety during nighttime hours.</p>

Town Departments and Programming		
Department	Item	Notes
Public Works Services		Replacement of the wooden stairs in Rogers Park with concrete stairs and handrails at the Cherrywood Drive walkway.
		Repaved the existing walkway at Rogers Park from Harrison Drive into the park to address accessibility concerns.
		Repaved the trails in Bonshaw Park and constructed a new walkway to the parking lot. In addition, constructed a hardscaped playing area.
		Installation of lighting on the Hillgate Drive walkway. In addition, replaced asphalt walkway to eliminate trip hazards and improve accessibility.
Recreation and Culture	Facilities	Additional water wheelchairs and portable Hoyer lifts for the two pools have been obtained.
	Programming	Transit wheelchairs have been provided at all buildings.
		Expanded recreation programs being offered year round, including The Base program, Children and Adult programs and fitness programs.
Strategic Initiatives	Grants	Provided Corporate support to the preparation of grant applications serving to improve the accessibility of Town facilities through both the physical environment and program experiences of participants. The intent of the applications is to assist to accelerate capital projects that remove barriers to accessibility.

## **Other Ways Newmarket Continues to Remove Barriers and Improve Access**

In addition to working through the requirements of Ontario's accessibility legislation, we are committed to improving our programs and services through other means.

The Town continues to ensure compliance in the following areas:

- Policies and procedures on providing goods or services to persons with disabilities
- Communication with persons with disabilities in a manner that takes into consideration their disability
- Policies related to persons with disabilities using assistive devices, service animals and support persons to access services
- Training for all staff and each person that interacts with members of the public or other third parties on behalf of the Town
- Customer feedback regarding the provision of customer service to persons with disabilities
- Notice of service disruptions when facilities or services that are accessed by the public are temporarily disrupted
- Town documents are available in an alternate format upon request

**As outlined in this Status Report, many initiatives are underway with more anticipated to be completed in 2017. The Town of Newmarket will continue to identify and remove barriers in order to create accessible spaces and services that everyone can use. Newmarket is committed to moving forward and ensuring that the town continues with its commitment to being a community 'Well Beyond the Ordinary'.**



The Town of Newmarket is committed to meeting the needs of persons with disabilities in a timely manner through the implementation of policies and to ensure that persons with disabilities shall have equitable access to all Town programs, goods, services and facilities allowing them to benefit from the same services, in the same place and in a similar way as other customers, respecting the four core principles of:

- Independence
- Dignity
- Integration
- Equal Opportunity

The Town of Newmarket's policies related to Accessibility align with the Town's Strategic Plan directions through:

- the enrichment of lives
- increased accessibility
- service excellence
- improved inter-connectivity
- being well respected in achieving balanced living

The Town of Newmarket welcomes your comments regarding this report.

Feedback on this report and accessibility related matters can be provided to:  
[info@newmarket.ca](mailto:info@newmarket.ca)  
[www.newmarket.ca](http://www.newmarket.ca)



PLANNING AND BUILDING SERVICES  
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 F: 905.953.5140

November 28, 2016

## **Development and Infrastructure Services**

### **Planning and Building Services - Planning Report 2016-33**

To: Committee of the Whole

Subject: Application for Zoning Bylaw Amendment and  
 Draft Plan of Subdivision  
 281 Main Street North  
 East side of Main Street North, north of Davis Drive  
 Dora Homes Inc.  
 D12 NP12 20 and D14 NP12 20

Origin: Planning and Building Services

## **Recommendations**

**THAT Development and Infrastructure Services/Planning and Building Services Report 2016-33 dated November 28, 2016 regarding Application for Zoning By-law amendment and Draft Plan of Subdivision be received and the following recommendation(s) be adopted:**

- 1. THAT approval be given to Draft Plan of Subdivision 19T-12N04, subject to the schedule of conditions set out in Attachment 4 - Appendix "A" attached to and forming part of this Report;**
- 2. THAT Council amend Zoning By-law 2010-40 for lands located at 281 Main Street North substantially in accordance with the draft Zoning By-law Amendment attached as Attachment 5 to this report, and that Staff be directed to prepare the necessary Zoning By-law Amendments including a Holding Provision (H) prefix as necessary; and**
- 3. THAT Nicole Sampogna of Evans Planning Inc., 8481 Keele Street, Unit 12, Vaughan, Ontario, L4K 1Z7 be notified of this action.**

## **Comments**

### **Location**

The subject land is located on the east side of Main Street North, south of Old Main Street being Part of Lot 98, Concession 1, EYS, Part 2, 65R-3687 (see location map attached). There is currently a single detached dwelling on the property.

The subject lands have an approximate area of 5421.3 square metres, a lot frontage of approximately 65 metres on Main Street North and 85 metres on Old Main Street (formerly Deviation Road). The lands contain an existing one story residential dwelling, with two accessory buildings.

The surrounding land uses are:

North: across Old Main Street, existing townhouse residential dwellings on Jim Barber Court  
South: Town-owned property zoned Open Space  
East: GO Transit railway  
West: existing low density residential dwellings (across Main Street North)

## **Proposal**

Applications have been submitted for a Zoning By-law Amendment and Draft Plan Approval. The applicant is proposing to rezone the subject lands from the existing Residential Detached Dwelling 30m (R1-B) Zone to the Residential Townhouse Dwelling 3 (R4-R) and Open Space Environment Protect OS-EP Zones to permit the construction of 9 townhouse units on a proposed private road and 2 semi-detached units fronting onto Old Main Street, for a total of 11 units. Site-specific policies are proposed to be included to allow both townhouses and semi-detached dwellings and implement the development standards as proposed.

The applicant has applied for a Draft Plan of Subdivision to create one lot which will ultimately allow the applicant to create a condominium road and individual lots through the Draft Plan of Condominium and Part Lot Control Exemption processes. The developer is intending on providing Parcels of Tied Land (POTL) to the home purchasers; this is a type of condominium where the new home owner purchases the POTL which includes the townhouse along with the front and rear yard but the parcels front onto a condominium road. Ultimately, the lot lines are established through Part Lot Control Exemption which occurs once the building foundation is constructed to ensure the dividing line falls exactly on the common wall between townhomes. Should the rezoning and Draft Plan be approved, the applicant will then need to apply for Site Plan Approval, Part Lot Control Exemption, and Draft Plan of Condominium.

## **Analysis of Public Submissions**

Council held the required statutory Public meeting on December 10, 2012 and comments focused on the following:

### **Tree preservation**

Members of the public and members of Council expressed concern with the removal of trees on the site and expressed a desire to preserve as many trees as possible to preserve privacy. Arborist reports have been submitted and reviewed as per the requirements of the Town's Tree Preservation, Protection, Replacement and Enhancement Policy. 95 trees are proposed for removal, for a total aggregate width of 1,639 cm. 34 trees are proposed to be retained. The Town will require 273 suitable replacement trees of 60mm caliper size or an equivalent number of larger caliper trees to replace the same aggregate width of the removed trees. Any trees not replaced on the site will be required to be paid in cash value to the Town.

### **Parking**

One resident expressed concern that parking from the proposed development would "spill over" onto Jim Barber Court. The proposed development provides for resident and visitor parking according to the zoning by-law. As with any area of town, on-street parking is regulated and is enforced on a complaint basis.

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

The Provincial Policy Statement (PPS) 2014 provides policy direction on matters of provincial interest related to land use planning and development. These policies support the goal of enhancing the quality of life for all Ontarians. Key policy objectives include providing an appropriate range and mix of housing types and densities, facilitating residential intensification, directing development to areas with appropriate infrastructure, and facilitating a compact development form that promotes transit and active transportation. The PPS also requires planning for land use in the vicinity of rail facilities to be appropriately designed and buffered from noise and to ensure the long-term viability of the rail facilities. This application supports and is consistent with the PPS. Council's planning decisions are required by the Planning Act to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation. The Growth Plan directs new growth to built-up areas through intensification, supports compact mixed-use developments, and promotes transit-supportive developments. Council's planning decisions are required by the Planning Act to conform with the Growth Plan for the Greater Golden Horseshoe and staff have reviewed the proposed development for conformity with the Growth Plan for the Greater Golden Horseshoe.

## **Official Plan Considerations**

The subject property is designated Emerging Residential on in the 2006 Official Plan. The Emerging Residential permitted uses include single and semi-detached dwellings, and include rowhouses and townhouses subject to a review of the proposed densities as a part of the application process.

Section 3.9 of the Official Plan regarding intensification in emerging residential areas indicates that townhouses are an appropriate form of development subject to submission of a planning justification report. Staff concur with the findings of the justification report that the development of townhouses in this area is an appropriate form of development and intensification in a serviced area that will more efficiently use the municipal streets and services.

The proposed development is generally compatible with the surrounding uses being townhome dwellings to the immediate north; the rail corridor to the east, open space to the south, and single detached residential homes extending to the southwest.

With regard to the physical suitability of the site to accommodate the proposed development, the lands are gently sloped to the south and contain a ridge which runs through the area, which causes a portion of the property to slope and drain to the northeast. The soil conditions were found to be acceptable for the proposed structures.

The availability of hard services to accommodate the development is discussed further in this report under "Servicing Review" below.

Road access is also discussed further below under Roads and Traffic.

The proposed rezoning and draft plan of subdivision application appears to conform with the purpose and intent of the Official Plan.



## Zoning Bylaw Consideration

The Subject Property is currently zoned Residential Detached Dwelling 30m zone (R1-B) by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to the Residential Townhouse Dwelling 3 (R4-R) zone to implement the plan. Site-specific policies are proposed to be included to allow both townhouses and semi-detached dwellings and implement the development standards as proposed.

Staff have considered Section 16.1.1, policy 3 in the Town's Official Plan with regards to the Zoning By-Law Amendment:

3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:
- a. the proposed change is in conformity with this Plan;

The applicant has applied for a Zoning By-law amendment that would permit townhouses on these lands. As a result of the review and analysis of the submitted studies and reports in light of the policies of the Official Plan, staff are of the opinion that the proposed amendment is in conformity with the Official Plan. All relevant policies of the Official Plan have been addressed.

- b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;

The proposed development is generally compatible with the surrounding uses being townhome dwellings to the immediate north; the rail corridor to the east, open space to the south, and single detached residential homes extending to the southwest. Appropriate buffering from the adjacent railway corridor is required, and will be ensured both through the proposed setback and through physical barriers.

- c. potential nuisance effects upon adjacent uses are mitigated;

Nuisance effects typically refer to impact of noise and airborne particles on occupiers of neighbouring properties. It is not anticipated that this development will cause any nuisance effects with the exception of construction activities which will be addressed in a construction management plan at the detailed design stage.

- d. adequate municipal services are available;

Servicing is discussed below under "Servicing Review".

- e. the size of the lot is appropriate for the proposed use;

The proposed townhome development can be appropriately accommodated on these lands at a suitable density that is in keeping with the surrounding area.

- f. the site has adequate road access and the boundary roads can accommodate the traffic generated;

This proposal has access from Old Main Street, and there are no concerns with the ability of the streets to accommodate the traffic.

- g. the on-site parking, loading and circulation facilities are adequate; and,

The private road is adequately sized to meet town standards, will be privately owned, and is sufficient for emergency services. Each townhouse includes an attached garage and a driveway that can accommodate at least one vehicle. The visitor parking is being provided in accordance with the Town's Zoning By-law requirements.

- h. public notice has been given in accordance with the Planning Act.

Public Notice was provided in accordance with the Planning Act by providing direct mail out to the surrounding community and Notice signs being erected on the property. The Statutory public meeting was held on December 10, 2012.

The Holding Provision under the Planning Act is recommended with the requirements for removal to include allocation of servicing by Council and that the necessary agreements have been entered into.

### **Roads and Traffic**

Old Main Street is a road under the jurisdiction of the Town. Engineering Services has reviewed the traffic reports and have provided no objection to the applications. Engineering agrees that no road improvements are required to accommodate this project. The private road cannot accommodate municipal snow plows and garbage collection trucks, and these services will be provided privately by the condominium.

The Main Street North By-Pass was recently urbanized along the frontage of this property and an asphalt path constructed on the east side of the road. The developer will be required to construct a 1.8m wide sidewalk along the frontage of this property. The south side of Old Main Street is to be widened, urbanized, and a 1.8m sidewalk constructed along the frontage of this property.

### **Servicing Review**

Engineering Services have reviewed the Functional Servicing Report and have provided the following comment on the proposal.

**Sanitary Servicing:** A privately maintained sanitary sewer will be constructed to service the new units within the condominium. The sewer will outlet to the existing sewer on Jim Barber Court. Adequate capacity exists for the flows that will be generated by this development.

**Storm Drainage:** Stormwater from the proposed development will be controlled on-site and will discharge at or below predevelopment rates for all storms up to the 100-year event. Quantity and quality control will be provided with an oil/grit separator, infiltration gallery, and an underground storage tank. Foundation drainage will be provided with sump pumps which will discharge to the ground surface, with the pumps to be maintained by the condominium corporation.

**Water Distribution:** Water supply for this development will be provided by constructing a watermain on the new private road. A bulk water meter will be provided at the street line to meter water for all units in the condominium. A detailed watermain analysis has not been carried out in the Functional Servicing Report. This will be required at the detailed design stage. The final design must demonstrate that adequate flows and pressures can be provided and must demonstrate that the water in the dead end watermain be proposed will remain potable at all times.

### **Servicing Allocation**

Servicing has not been allocated to this development. Allocation will be reviewed through the annual servicing allocation review in the spring of 2017.



## Draft Plan Conditions

As a result of the circulation of the particulars of this proposal, the Planning Department has received comments from various agencies. In those instances where appropriate conditions have been recommended, they have been included in Appendix "A", along with the normal and usual Town of Newmarket and agency Conditions of Draft Plan approval. Should the rezoning and Draft Plan be approved, the applicant will then need to apply for Site Plan Approval, Part Lot Control Exemption, and Draft Plan of Condominium.

Engineering Services Conditions unique to this proposed development relating ensuring appropriate servicing are as follows:

- (1) The Owner shall agree to create a Condominium Corporation which will be responsible for the maintenance of all works external to the buildings. The works shall include but not be limited to roads (including snow plowing and garbage collection), storm and sanitary sewers, Stormwater management facilities, watermains, sump pumps, landscaping including grass cutting, and noise and safety berms and fences.
- (2) The Owner shall agree in the Development Agreement to design and construct at its sole cost a 1.8 metre wide concrete sidewalk along the entire Main Street North By-Pass and Old Main Street frontages of this property.
- (3) That the owner be required to convey to the Town free of all charges and encumbrances, the areas of Block 1 for road widening and Block 2 for a daylighting triangle as shown on draft plan of subdivision prepared by Evans Planning dated Group dated February 13, 2015;

Lake Simcoe Region Conservation Authority Conditions unique to this proposed development relating ensuring appropriate servicing are as follows:

- (1) That prior to final approval, a detailed floodplain delineation be prepared to the satisfaction of the LSRCA.

GO Transit Conditions unique to this proposed development relating ensuring appropriate servicing are as follows:

- (1) The Owner shall agree in the Development Agreement to design and construct at its sole cost a 5.5 metre high barrier, consisting of a 3.0 metre berm and a 2.5 metre wall on top, along the southeast property line, which reflects the reduced setback and meets the requirements of GO Transit.

## Budget impact (current and future)

Application fees have been received, and the Town will receive revenue from assessment fees, development charges and permit fees from any land use decisions made on the subject properties.

## Business plan and strategic plan linkages

This application for Draft Plan of Subdivision supports the Community Strategic Plan by being *Well*-planned & connected through the implementation of the Official Plan; being *Well*-equipped & managed by

providing for varied housing types and densities within the area; and, being *Well* Balanced by encouraging a sense of community through an appropriate mix of land uses and amenities.

### Contact

For more information on this report, contact: Ted Horton - Planner, at 905-953-5321, ext 2458; [thorton@newmarket.ca](mailto:thorton@newmarket.ca)

### Attachments

- 1 – Location Map
- 2 – Draft Plan of Subdivision
- 3 – Proposed Site Plan
- 4 – Appendix "A" (Conditions of Draft Approval)



Commissioner Development and Infrastructure  
Services



Director of Planning and Building Services



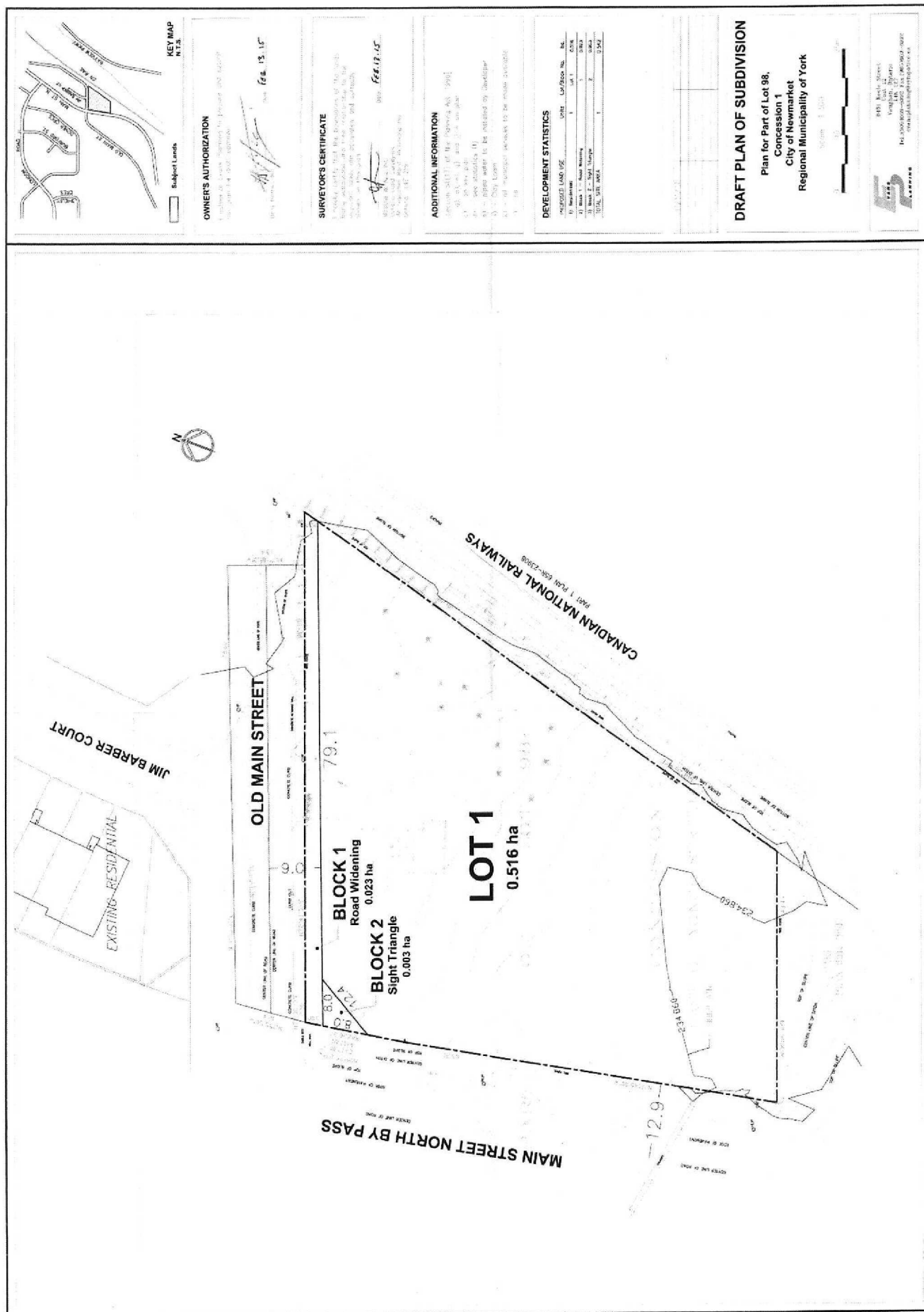
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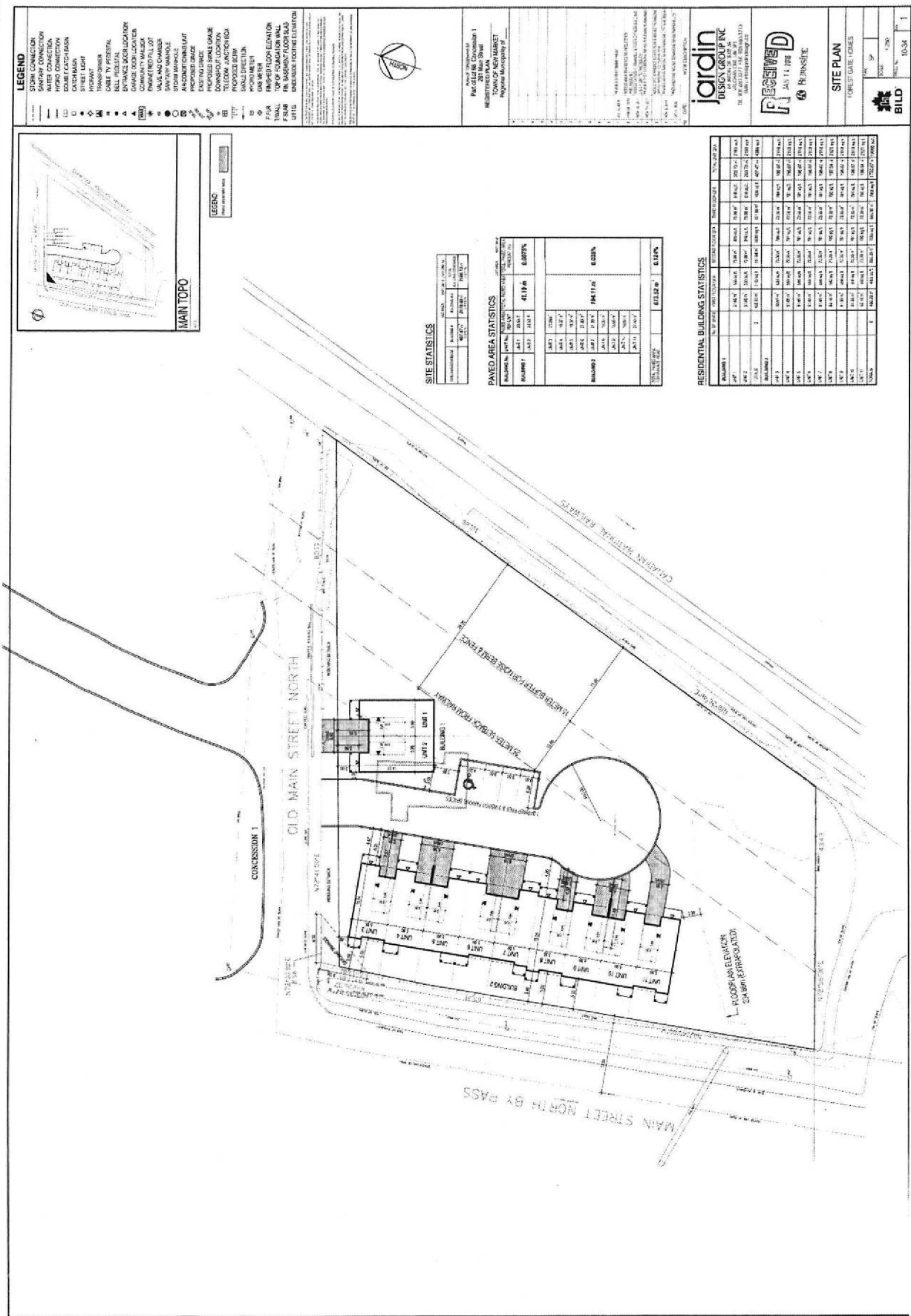


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## Attachment 2 – Draft Plan of Subdivision





## Attachment 4 - APPENDIX A

**THE CONDITIONS OF THE COUNCIL OF THE TOWN OF NEWMARKET TO BE SATISFIED PRIOR TO RELEASE FOR REGISTRATION OF PLAN OF SUBDIVISION 19T-12N04 ARE AS FOLLOWS:****Town Conditions**

- (1) The Owner shall agree to create a Condominium Corporation which will be responsible for the maintenance of all works external to the buildings. The works shall include but not be limited to roads (including snow plowing and garbage collection), storm and sanitary sewers, Stormwater management facilities, watermains, sump pumps, landscaping including grass cutting, and noise and safety berms and fences.
- (2) The Owner shall agree in the Development Agreement to design and construct at its sole cost a 1.8 metre wide concrete sidewalk along the entire Main Street North By-Pass and Old Main Street frontages of this property.
- (3) That draft approval shall relate to the draft plan of subdivision prepared by Evans Planning dated February 13, 2015 showing Block 1 for road widening, Block 2 for a daylighting triangle, and Lot 1 for the proposed development.
- (4) That the owner be required to convey to the Town free of all charges and encumbrances, the areas of Block 1 for road widening and Block 2 for a daylighting triangle as shown on draft plan of subdivision prepared by Evans Planning dated February 13, 2015;
- (5) All road allowances shall be named to the satisfaction of the Town of Newmarket and the Regional Municipality of York.
- (6) The Owner shall enter into a Subdivision and/or Site Plan Agreement with the Town of Newmarket, agreeing to satisfy all conditions, financial and otherwise, of the Town of Newmarket; prior to final approval, the agreement will be registered by the Town of Newmarket against the lands to which it applies as provided for in the Planning Act.
- (7) The Owner shall agree in the Subdivision and/or Site Plan Agreement to make payment to the Town for all applicable Development Charges, in accordance with the Town's Development Charges By-law which is in effect at the time.
- (8) Prior to final approval, arrangements shall be made to secure permanent access to a public highway to this draft plan of subdivision by way of a dedicated, constructed and paved roadway, to the satisfaction of the Director of Engineering Services, the Municipal Solicitor and, if applicable, the Regional Municipality of York.
- (9) Such easements as may be required for public utility, servicing or drainage purposes shall be granted to the appropriate authority, without monetary consideration and free of all encumbrances.
- (10) The Owner shall agree in the Subdivision and/or Site Plan Agreement to have a qualified consultant prepare, to the satisfaction of the Town of Newmarket, a Noise Impact and Attenuation Study. Further, the Owner shall agree in the Subdivision and/or Site Plan Agreement that any noise attenuation measures including warning clauses and any noise control features, including landscaping, berming and/or screening for aesthetic purposes,



which are recommended by the said approved study and as accepted by the Town, shall be implemented at the Owner's expense.

- (11) The Owner shall agree in the Subdivision and/or Site Plan Agreement that roads, services, and other works installed by the Owner shall be in accordance with the standards and specifications of the Town of Newmarket, and shall include watermains, sanitary sewage works, storm sewage works, adequate pavement width for roadways, curbs, gutters, street lighting, regulatory signs, street signs, transit facilities, community mail boxes, intersection design including daylighting or sight triangles and 0.3 metre reserves, temporary turning circles, and any other services or facilities as required.
- (12) The Owner shall agree in the Subdivision and/or Site Plan Agreement to grant access, on reasonable terms and conditions, to any telecommunications service provider indicating an interest to locate within a municipal right-of-way.
- (13) The Owner shall agree in the Subdivision and/or Site Plan Agreement to make available to all perspective purchasers of residential units within the subdivision, and to display in a prominent location within the sales office, the following:
  - (a) the latest version of the approved draft plan;
  - (b) the proposed location of any and all sidewalks, street furniture, community mail boxes, parks (including all recreational facilities to be provided), schools, open space areas, environmental protection areas, stormwater management facilities, landscaping, entranceway features, special features such as tiered retaining walls or similar structures, special lot grading, noise attenuation measures (both internal and external to the dwelling unit), erosion control facilities, buffer areas, watercourses, accurate representations of proposed and existing surrounding land uses within 150 metres of the boundaries of the draft plan, and any proposed warning clauses or restrictive covenants to be registered on title;
  - (c) a copy of the approved zoning by-law for the lands, together with the Subdivision and/or Site Plan Agreement (when approved by the Town of Newmarket); and
  - (d) any other requirements as may be set out in the Subdivision and/or Site Plan Agreement

Further, the Owner shall agree to keep all of the above material up-to-date, and reflect the most current approvals, and/or submissions regarding the plan, and/or engineering design drawings. Prior to final approval, the owner shall provide a copy of all sales material and promotional literature currently used at the sales office, along with a letter from the Owner/Developer confirming that the sales and promotional literature complies with all Agency and Departmental approvals obtained to date to the Director of Planning and Building Services.

- (14) The Owner Shall Agree in the Subdivision and/or Site Plan Agreement to abide by any servicing allocation policy as approved by the Town and amended from time to time.
- (15) The Owner shall agree in the Subdivision and/or Site Plan Agreement to prepare, to the satisfaction of the Town, a Homeowner's Manual which shall be distributed to all purchasers which outlines:
  - (a) the Town's waste diversion and recycling programs and proper usage of the bins;
  - (b) the Transportation Demand Management options of the Town and York Region, including but not limited to the available services of York Region Transit, VIVA, GO

- Transit, the Town's trail and active transportation network, Smart Commute, and park-and-ride facilities; and
- (c) the environmental sensitivity of the open space areas and trail systems and provides educational material regarding disturbances from residential development and the role that individual homeowners can have such as yard waste composting, reduced fertilizer and pesticide use, natural area re-vegetation, impacts of noise and lighting, domestic pet impacts and controls, invasive plant spreading and discharge of swimming pool water.
- (16) The Owner shall agree in the Subdivision and/or Site Plan Agreement to pay the Town the cost for the recycling containers (three recycling containers, one Blue box, one Green Bin and one Kitchen collector for each unit) required for the development and provide said containers to each purchaser at the time of occupancy.
- (17) Where required by the Town, the Owner shall agree in the Subdivision and/or Site Plan Agreement, where applicable, to cause warning clauses, in wording satisfactory to the Town, to be included in all offers of purchase and sale, and to be registered on title, for all lots or blocks within the Plan affected by the following matters such as but not limited to:
- (a) Mail from a Community Mailbox;
  - (b) Street trees;
  - (c) Traffic Calming Measures;
  - (d) Lots fronting on a collector road;
  - (e) Transit Routes;
  - (f) Temporary Cul-de-sacs and Turning Circles;
  - (g) Proximity to Active Farms and Agricultural Uses;
  - (h) Stormwater Management Facilities;
  - (i) Subdivision Design Features and Landscaping Features and/or Special Features;
  - (j) Noise;
  - (k) Illumination of Athletic Fields;
  - (l) Lands abutting a trail system;
  - (m) Open Space Lands to remain in their natural state;
  - (n) Extended Footings and Engineered Fill;
  - (o) Lot Grading and Preservation of Existing Vegetation;
  - (p) Basement Walk-outs and Access to Rear Yard;
  - (q) Rear Lot Catch basins;
  - (r) Private Gates to Open Space Areas and Stormwater Management ponds; and
  - (s) Carbon Monoxide Detectors.

### **Regional Municipality of York Conditions**

- (18) Prior to or concurrent with draft plan approval for any residential units, the Owner shall enter into an agreement with the Town of Newmarket, which agreement shall be registered on title, committing the owner to:
- A. Not enter into any agreements of purchase and sale with end users (\*) for the subject lands until such time as:
    - a. The Town approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;
- Or

- b. i. The Council of the Town of Newmarket has allocated, within the limit of the Regional capacity assignment, adequate available water and wastewater servicing capacities to the subject development; and,
- ii. York Region has advised in writing that it is no earlier than twelve (12) months prior to the expected completion of all water and wastewater infrastructure required to support the Region's capacity assignment pertaining to the Town allocation used for the subject development;

Or

- c. The Regional Commissioner of Environmental Services and the Town of Newmarket confirm servicing capacity for this development by a suitable alternative method and the Town allocates the capacity to this development.

AND

- B. Not enter into any agreements of purchase and sale with non end users for the subject lands unless the agreement of purchase and sale contains a condition that requires the purchaser and any subsequent purchasers to enter into a separate agreement with the Town. This agreement shall be registered on title, committing the owner to the same terms as set out in item A above.

- (19) Prior to draft plan approval for any residential units, the Owner shall enter into an indemnity agreement with York Region, which agreement shall be registered on title, agreeing to save harmless York Region from any claim or action as a result of York Region releasing conditions and pre-conditions of draft approval as part of the draft approval of Plan of Subdivision 19T-12N04, or any phase thereof, including, but not limited to claims or actions resulting from, water or sanitary sewer service not being available when anticipated. The agreement shall include a provision that requires all subsequent purchasers of the subject lands, to enter into a separate agreement with York Region as a condition of the agreement of purchase and sale, agreeing to indemnify York Region on the same terms and conditions as the owner.  
(\* the term 'end users' for the purpose of the above-noted pre-conditions is defined as the eventual homeowner who is purchasing an individual lot containing a dwelling for the purpose of occupancy.
- (20) The road allowance included within the draft plan of subdivision shall be named to the satisfaction of the area municipality and York Region.
- (21) Prior to final approval, York Region shall confirm that adequate water supply and sewage servicing capacity are available and have been allocated by the Town of Newmarket for the development proposed within this draft plan of subdivision or any phase thereof. Registration of the plan of subdivision shall occur in phases based on the availability of water supply and sewage servicing allocation.
- (22) Prior to final approval, the engineering drawing showing the layout of the watermains, sewers and connections to existing systems shall be submitted to Capital Planning and Delivery Branch for review.
- (23) The Owner shall agree in the Subdivision and/or Site Plan Agreement that the Owner shall save harmless the Town of Newmarket and York Region from any claim or action as a result of water or sanitary sewer service not being available when anticipated.
- (24) For all lands, the Holding (H) provisions of Section 36 of the Ontario Planning Act shall be used in conjunction with all residential zone categories in order to ensure that final plan approval and development of these lands does not occur until such time as the Holding (H) symbol is removed in accordance with the provisions of the Ontario Planning Act. The

Zoning By-law shall specify the terms under which Council may consider the removal of the Holding (H) symbol. Said terms shall include a minimum of the following:

- The Town of Newmarket approves a transfer of servicing allocation to this development that is not dependent upon the construction of infrastructure;
  - York Region has advised in writing that the required infrastructure to support the capacity assignment associated with this development will be completed within a time period acceptable to the Region (usually 6 to 36 months depending on the complexity of the development) to permit the plan registration; or,
  - The Regional Commissioner of Environmental Services and the Town of Newmarket confirm servicing capacity for this development by a suitable alternative method and the Town allocates the capacity to this development.
- (25) Prior to final approval, the Owner shall provide a copy of the Subdivision and/or Site Plan Agreement to the Transportation and Community Planning Department, outlining all requirements of the Transportation and Community Planning Department.
- (26) The Owner shall enter into an agreement with York Region, agreeing to satisfy all conditions, financial and otherwise, of the Regional Corporation; Regional Development Charges are payable prior to final approval in accordance with By-law #2012-36 or its successors.
- (27) The Regional Transportation and Community Planning Department shall advise that its conditions have been satisfied.

#### **Lake Simcoe Region Conservation Authority**

- (28) Prior to final Plan approval and any major site alteration, the following shall be prepared to the satisfaction of the Lake Simcoe Region Conservation Authority:
- A. A detailed Stormwater Management Report in conformity with the designated stormwater management policies of the Lake Simcoe Protection Plan (LSPP) (DP-4.8 – 4.11) and LSRCA Technical Guidelines for Stormwater Management submissions;
  - B. A detailed Erosion/Sedimentation Control Plan;
  - C. A detailed Grading and Drainage Plan;
  - D. A Water Balance as per Designated Policy 4.8 of the LSPP; and,
  - E. A Phosphorous Budget in accordance with Designated Policy 4.8 of the LSPP.
- (29) That prior to final approval, a detailed floodplain delineation be prepared to the satisfaction of the LSRCA.
- (30) Should any minor filling within the floodplain be required, prior to final approval an incremental cut/fill balance be prepared to the satisfaction of the LSRCA confirming the maintenance of floodplain storage.
- (31) That prior to final approval, a Landscape Restoration Plan be prepared to the satisfaction of the Town and the LSRCA.

- (32) That the Owner shall agree in the Subdivision Agreement to carry out or cause to be carried out the recommendations and requirements contained within the plans, reports, and studies as approved by the LSRCA.
- (33) That the Owner shall agree in the Subdivision Agreement to retain a qualified professional to certify in writing that the works were constructed in accordance with the plans, reports, and studies as approved by the LSRCA.
- (34) That the Owner shall agree in the Subdivision Agreement that prior to any major site alteration or grading, proper erosion and sediment control measures must be put in place in accordance with the approved Erosion and Sedimentation Control Plan and Grading Plan.
- (35) That the Owner shall agree in the Subdivision Agreement to ensure the following measures are implemented in accordance with 4.20-DP of the Lake Simcoe Protection Plan:
  - A. Keep the removal of vegetation, grading and soil compaction to the minimum necessary to carry out development activity;
  - B. Removal of vegetation shall not occur more than 30 days prior to grading and construction;
  - C. Put in place structures to control and convey run-off;
  - D. Minimize sediment that is eroded offsite during construction;
  - E. Seed exposed soils once construction is complete and seasonal conditions permit; and,
  - F. Ensure erosion and sediment controls are implemented effectively.
- (36) That the Owner shall agree in the Subdivision Agreement to monitor, inspect and maintain the stormwater management works on a periodic basis in accordance with 4.10 & 4.11 – DP of the LSPP.
- (37) That the Owner shall agree in the Subdivision Agreement to grant any easements required for stormwater management purposes to the Town.
- (38) That prior to final plan approval, the Owner shall successfully apply and amend the Zoning By-law to re-zone lands from the Open Space – 2 (OS-2) Zone to Open Space – Environmental Protection (OS-EP) Zone.
- (39) That prior to final plan approval and any site alteration works commencing; the Owner shall obtain a permit from the LSRCA for any works within an area subject to Ontario Regulation 179/06 under the Conservation Authorities Act.
- (40) That prior to final plan approval, the Owner shall pay all the required development fees to the Conservation Authority in accordance with the LSRCA's Fees Policy under the Conservation Authorities Act.

#### **Newmarket Hydro**

- (41) The Owner shall agree in the Subdivision and/or Site Plan Agreement to make such arrangements as are satisfactory to Newmarket Hydro for the provision of hydro-electric servicing, both overhead and underground and to convey such lands and/or easements as may be required, at no cost and free from encumbrances.



**Bell**

- (42) The Owner agrees to provide one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunications facilities are located to the street line.

**Canada Post**

- (43) The Owner shall agree in the Subdivision and/or Site Plan Agreement to consult with Canada Post Corporation to determine suitable locations for the placement of Community Mailboxes and to indicate these locations on appropriate servicing plans.
- (44) The Owner shall agree in the Subdivision and/or Site Plan Agreement to include in all offers of purchase and sale a statement advising prospective purchasers that mail delivery will be from a designated Community Mailbox and to include the exact locations (list of lot numbers) of each of these Community Mailbox locations.
- (45) The Owner shall agree in the Subdivision and/or Site Plan Agreement to provide the following for each Community Mailbox site and to include these requirements on appropriate servicing plans:
- (a) an appropriately sized sidewalk section (concrete pad), as per Canada Post specifications to place the Community Mailbox;
  - (b) any required walkway across the boulevard, as per Town of Newmarket standards; and
  - (c) any required curb depressions for wheelchair access.
- (46) The Owner agrees in the Subdivision and/or Site Plan Agreement to determine and provide a suitable temporary Community Mailbox location(s) to be "fit up" prior to first occupancy, which may be utilized by Canada Post until the criteria identified in Condition No. 73 is completed at the permanent Community Mailbox site location(s).

**GO Transit**

- (47) The Owner shall agree in the Subdivision and/or Site Plan Agreement to design and construct at its sole cost a 5.5 metre high barrier, consisting of a 3.0 metre berm and a 2.5 metre wall on top, along the southeast property line, which reflects the reduced setback and meets the requirements of GO Transit.
- (48) The Owner shall implement the recommendations set out in the subject Noise Control Feasibility Study and ensure that appropriate noise mitigation measures are incorporated into the development.
- (49) The Owner shall enter into a development agreement, stipulating how GO Transit issues will be addressed, and will pay Metrolinx's reasonable costs in preparing and negotiating the agreement. The agreement will include an environmental easement, to be registered on title of all residential units and in favour of Metrolinx.

**Other**

- (50) The Town of Newmarket shall advise that Conditions 1 to 17 inclusive have been satisfied.



- (51) The Region of York shall advise that Conditions 18 to 27 inclusive have been satisfied.
- (52) The Lake Simcoe Region Conservation Authority shall advise that Conditions 28 to 40 inclusive have been satisfied.
- (53) Newmarket Hydro shall advise that Condition 41 has been satisfied.
- (54) Bell Canada shall advise that Condition 42 has been satisfied.
- (55) Canada Post shall advise that Conditions 43 to 46 inclusive have been satisfied.
- (56) GO Transit shall advise that Conditions 47 to 49 inclusive have been satisfied.

ISSUED at Newmarket this            day of            ,            .

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Richard Nethery, B.E.S., M.C.I.P., R.P.P.

Director of Planning and Building Services

NOTE: WHERE FINAL APPROVAL FOR REGISTRATION HAS NOT BEEN GIVEN WITHIN THREE YEARS AFTER THE DATE UPON WHICH APPROVAL TO THE PROPOSED PLAN OF SUBDIVISION WAS GIVEN, THE TOWN OF NEWMARKET MAY, AT ITS DISCRETION, AND PURSUANT TO THE PLANNING ACT, R.S.O. 1990, WITHDRAW ITS APPROVAL TO THIS PROPOSED PLAN OF SUBDIVISION, UNLESS APPROVAL HAS BEEN SOONER WITHDRAWN, BUT THE TOWN OF NEWMARKET MAY FROM TIME TO TIME EXTEND THE DURATION OF THE APPROVAL.

**PLANNING AND BUILDING SERVICES****Town of Newmarket**

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November 28, 2016

## **DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2016-45**

TO: Committee of the Whole

SUBJECT: **Application for Official Plan and Zoning Bylaw Amendment  
400 Park Avenue (King George School), 405/407 Botsford Street  
Submitted by: Rose Park Avenue  
D9-NP1616 (Official Plan Amendment), D14-NP1616 (Zoning By-law Amendment)**

ORIGIN: Planning and Building Services

**RECOMMENDATIONS**

**THAT Development and Infrastructure Services/Planning and Building Services Report 2016-45 dated November 28, 2016 regarding Application for Official Plan Amendment and Zoning By-law amendment be received and the following recommendation(s) be adopted:**

- a) **THAT the Application for Official Plan Amendment and Zoning By-law amendment as submitted by Rose Park Avenue for lands Municipally known as 400 Park Avenue, 405 and 407 Botsford Street be referred to a public meeting.**
- b) **AND THAT following the public meeting, issues identified in this Report, together with comments of the public, Committee, and those received through the agency and departmental circulation of the application, be addressed by staff in a comprehensive report to the Committee of the Whole, if required.**
- c) **AND THAT Lucila Sandoval, Groundswell Planning, 30 West Beaver Creek, Richmond Hill, ON L4B 3K1 be notified of this action.**

**COMMENTS****Location and Surrounding Land Uses**

The Subject Lands are bounded by Park Avenue to the north, Victoria St. to the west, Church Street to the east and Botsford Street to the south (See Location Map attached). The property has an area of approximately 0.52 hectares and includes the entire block bounded by the above noted streets with the exception of 182 Church St and 417 Botsford Street at the southeast corner of the block. The properties are municipally known as 400 Park Avenue, 405 and 407 Botsford Street.

The subject properties currently contain the former King George School and 2 semi detached dwelling units. The adjacent land uses are generally low density residential dwellings with the exception of a daycare on the east side of Church Street zoned Institutional. Main Street is located a block to the east.



## **Proposal**

Official Plan and Zoning By-law amendment applications have been submitted to permit a proposed development consisting of 11 apartment units within the former King George School building and 14 Townhomes of which 8 are proposed to front Church Street and 6 to front Botsford Street. The applicant is proposing to amend the existing Stable Residential designation to allow for the proposed townhouse dwelling type and apartment units within the former school building. The application also proposes to rezone the subject lands from the Minor Institutional (I-B) and Residential Semi Detached Dwelling (R2-K) zone to the Residential Townhouse Dwelling (R4-R) zone and the Residential Apartment (R5-T) zone to accommodate the uses.

Parking for the apartment units and the rear yard garages for the townhomes are proposed to be accessed by way of a condominium road with ingress/egress points on both Victoria Avenue and Park Avenue.

The former school building, designated under the Ontario Heritage Act, is intended to be preserved and restored and internally renovated to accommodate the 11 condominium apartment units. The proposed two storey townhome units are intended to front onto the public streets with a rear lane garage accommodating 2 vehicles per unit.

A site plan, landscape plan and elevations have been submitted in support of the applications and are appended to this report.

## **Preliminary Review**

### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The Provincial Policy Statement is intended to be read in its entirety and the relevant policies are to be applied to each situation.

The first section of the PPS (Policy 1.0) relates to building strong communities. The preamble to this policy provides "Ontario's long-term prosperity, environmental and social well-being depend on wisely managing change and promoting efficient land use and development patterns".

Policy 1.1.1 sets out how "healthy, liveable and safe communities are to be sustained". This includes "promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term" and "accommodating an appropriate range and mix of residential...employment...recreation, park and open space and other uses to meet long term goals".

Policy 1.1.2 provides "sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years." And that this land shall be made available "through intensification and redevelopment, and, if necessary, designated growth areas".



Policy 1.1.3.1 provides “settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted”. “Settlement areas” are defined as “urban areas...within municipalities... that are (a) built up areas where development is concentrated and which have a mix of land uses; and b) land which have been designated in an official plan for development over the long term planning horizon...”.

The proposed development is consistent with the PPS by providing a mix of housing types within the settlement area of the Town of Newmarket that has been identified in the Official Plan for residential development.

Policy 2.6 – titled “Cultural Heritage and Archaeology” relate to the conservation of cultural heritage and in particular the following policies relate to built heritage.

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

While the proposal continues to be reviewed, it appears to be consistent with this section of the PPS by conserving, restoring and adaptively reusing the designated school building.

#### Official Plan Considerations

The subject property is designated Stable Residential on Schedule “A” Land Use Plan in the 2006 Official Plan. The Stable Residential permitted uses include single and semi detached dwellings, but would preclude townhouses and apartment units. The applicant is applying to amend the existing designation on the subject lands to permit the proposed residential land uses.

Section 3.9 of the Official Plan regarding intensification in stable residential areas indicates that the creation of new lots for the purposes of infilling shall be permitted subject to compatibility with the scale of the surrounding neighbourhood, the physical suitability of the site to accommodate the proposed infill housing, availability of hard services and road access requirements.

The proposed development appears to be generally compatible with the surrounding uses being, for the most part, low density residential dwellings including single detached, semi detached and multiple family dwellings typically in the form of converted houses. This proposal also makes use of a structure that has existed in the community for many years. There is some concern with the internal side yard setbacks for the proposed townhouse dwellings where they abut the existing residential lots on this block. The proposed setbacks range from 1.0 to 1.2 metres which provide little space for accommodating an appropriate landscaped buffer. The overall compatibility of the proposal will be further reviewed through the process.

With regard to the physical suitability of the site to accommodate the proposed development, the lands are relatively flat with little grading challenges. A retaining wall is proposed where the site abuts the existing residential dwelling lots ranging from 1 – 1.5 metres.

The availability of hard services to accommodate the development and road access are not anticipated to cause any issues however they will continue to be reviewed by Engineering Services and reported on in a comprehensive report after the statutory public meeting is held.



### Zoning Bylaw Consideration

The Subject Property is currently zoned Minor Institutional (I-B) and Residential Semi Detached Dwelling (R2-K) zone by Bylaw Number 2010-40, as amended. The Applicant wishes to rezone the Subject Property to a site specific Residential Townhouse Dwelling (R4-R) zone and Residential Apartment (R5-T) to implement the proposed plan. The applicant has requested additional relief from the performance standards that will continue to be reviewed as the application is processed.

Staff will utilise Section 16.1.1, policy 3 in the Town's Official Plan with regards to the Zoning By-Law Amendment:

- "3. In considering an amendment to the Zoning By-Law, Council shall be satisfied that:
- a. the proposed change is in conformity with this Plan;
  - b. the proposed use is compatible with adjacent uses, and where necessary, buffering is provided to ensure visual separation and compatibility between uses;
  - c. potential nuisance effects upon adjacent uses are mitigated;
  - d. adequate municipal services are available;
  - e. the size of the lot is appropriate for the proposed use;
  - f. the site has adequate road access and the boundary roads can accommodate the traffic generated;
  - g. the on-site parking, loading and circulation facilities are adequate; and,
  - h. public notice has been given in accordance with the *Planning Act*."

As this development proposal does not have servicing allocation, the Holding (H) provisions of the Planning Act may be required in the event the property is rezoned and allocation is not made available at that time.

### Heritage

The former King George School located at 400 Park Avenue is designated under the Ontario Heritage Act by By-law 1986-149. The by-law describes the reasons for the heritage designation as follows:

*The property known as King George Public School at 400 Park Avenue is worthy of designation for architectural and historical reasons. King George School, as the Town's oldest functioning public school building, is a well preserved example of early twentieth century public school architecture. It was constructed in 1912 to 1913 by Mr. McIntosh, contractor, to the plans and specifications of O.E. Trench, architect. This red brick, two storey school, which rests on a limestone block foundation, was built on the site of an earlier school, both of which were designed to serve the primary grades. Projecting two storey entrances, with exterior stairways, sided in limestone block to match the foundation, are on each of the Victoria and Park facades. The entrance bays have concrete quoins and ornamental projections above the flat roof of the building. The top of the walls of this square building incorporate decorative moulding and brick banding. The corners of the building have quoins simulated brick. Large windows, surmounted by concrete lintels, illuminate the six classrooms in this school.*

The applicant has indicated that the proposal is an adaptive reuse of the existing school and in keeping with heritage conservation principles. The general character of the building is being maintained and a restoration of the exterior fabric is intended.

The applicant has presented the proposal to the Heritage Newmarket Advisory Committee on October 11, 2016. The committee provided comments relating to the replacement of windows, opportunities for adaptive reuse of interior features and concerns with the interface between the proposed townhouses and the existing homes within the block. The committee indicated they will work with the applicant sourcing historic photographs and providing suggestions for the restoration of the former school building.



Both a stage one and stage two archaeological assessments have been carried out for the subject lands. The report recommends that, based on the findings, no further archaeological assessment for the property is required.

#### Tree Inventory and Replacement Plan

The submitted tree inventory has identified 35 trees on and within 6 metres of the subject property. Of this, 12 trees are proposed to be removed to accommodate the proposed development. There is one tree proposed to be removed on adjacent private property. The removal of this Black Walnut tree will require the homeowners consent. The report indicates protection measures in the event this tree is to be preserved.

The arborist report has been peer reviewed by the town which has identified some deficiencies with the report that will be addressed through the process. The peer review has also indicated that the above noted Black Walnut tree on private property should be preserved.

#### Traffic and Parking

The submitted traffic study has indicated that the proposed development will have no impact on the intersection operations, capacity and delay during both weekday AM and PM peak hours of the surrounding road network.

The townhouses are proposed to accommodate parking for two vehicles per unit in a laneway garage separated from the dwelling unit by a private outdoor amenity space. The proposed apartment units are supplied with 11 surface parking spaces for a total parking ratio of 1.3 spaces per unit.

The traffic operations and parking analysis is currently under review by Engineering Services.

#### Parkland

No parkland dedication is proposed for this development however a private parkette is proposed at the southwest corner of Park Avenue and Victoria Street. Lions Park is approximately 200 metres to the south and River Walk Commons is approximately 320 metres to the east. The Town will require cash in lieu of parkland in accordance with By-Law 2016-42.

#### Departmental and Agency Comments

Comments from various agencies and departments will be reviewed throughout the process and summarized in the comprehensive report to come forward after the statutory public meeting.

#### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This application has linkages to the Community Strategic Plan as follows:

Well-equipped and Managed: by providing opportunities for varied housing types, affordability and densities

#### **COMMUNITY CONSULTATION POLICY**

The recommendations of this report refer the applications to the statutory public meeting as required by the Planning Act.

#### **BUDGET IMPACT Operating Budget (Current and Future)**

The appropriate planning application fees have been received for Official Plan amendment and zoning bylaw amendment. The Town will also receive revenue from development charges and assessment revenue with the development of this proposal in the event the applications are approved.



#### Capital Budget

There is no direct capital budget impact as a result of this report.

#### CONTACT

For more information on this report, contact: Dave Ruggle, Senior Planner – Community Planning, at 905-953-5321, ext 2454; [druggle@newmarket.ca](mailto:druggle@newmarket.ca)

#### Attachments

- 1 - Location Map
- 2 - Proposed Site Plan
- 3- Proposed Landscape Plan
- 4- Proposed Elevations (typical)



Commissioner Development and Infrastructure  
Services

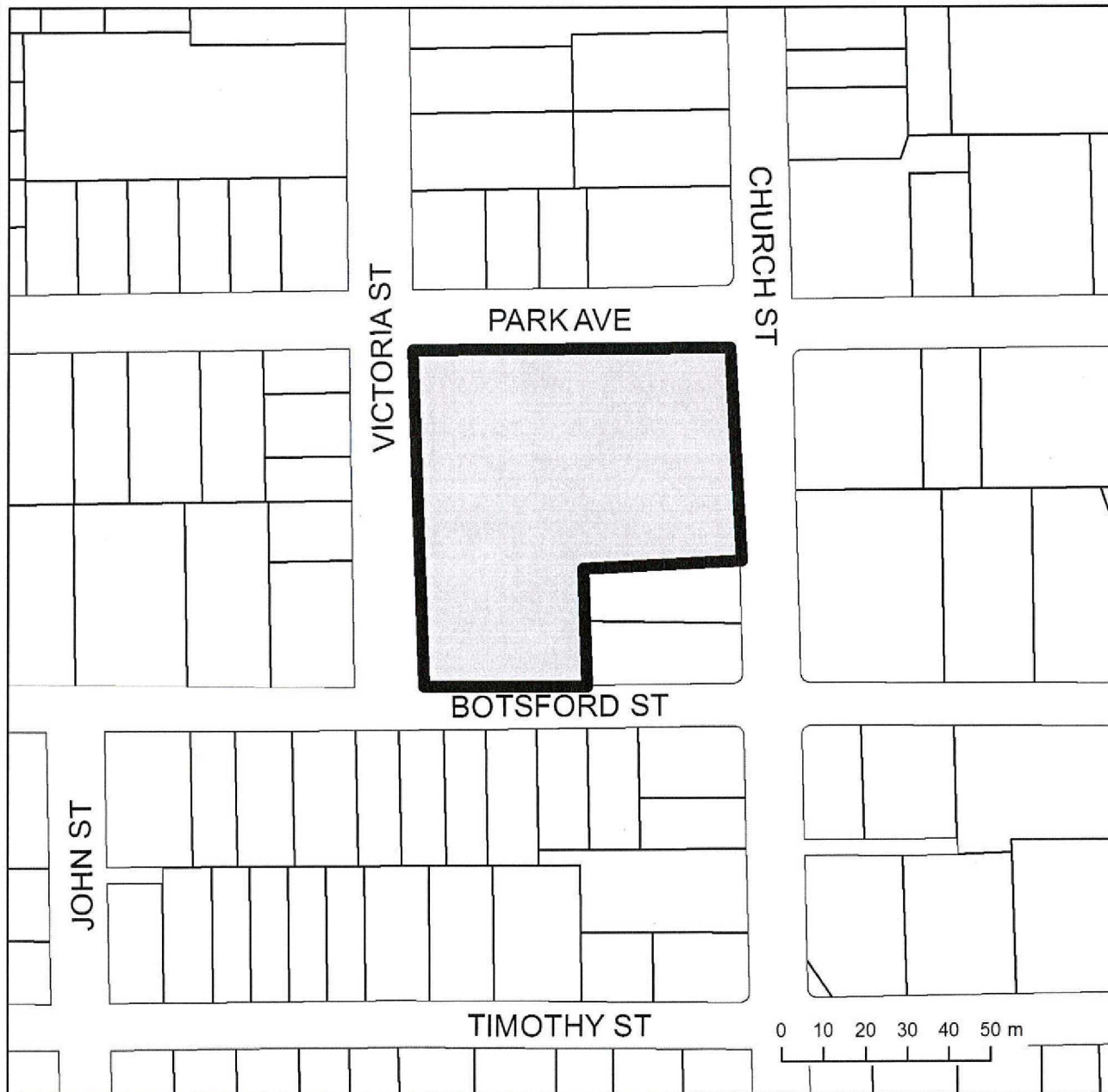


Director of Planning and Building Services



Senior Planner – Community Planning

# **LOCATION MAP** **400 park Avenue** **405 and 407 Botsford Street**



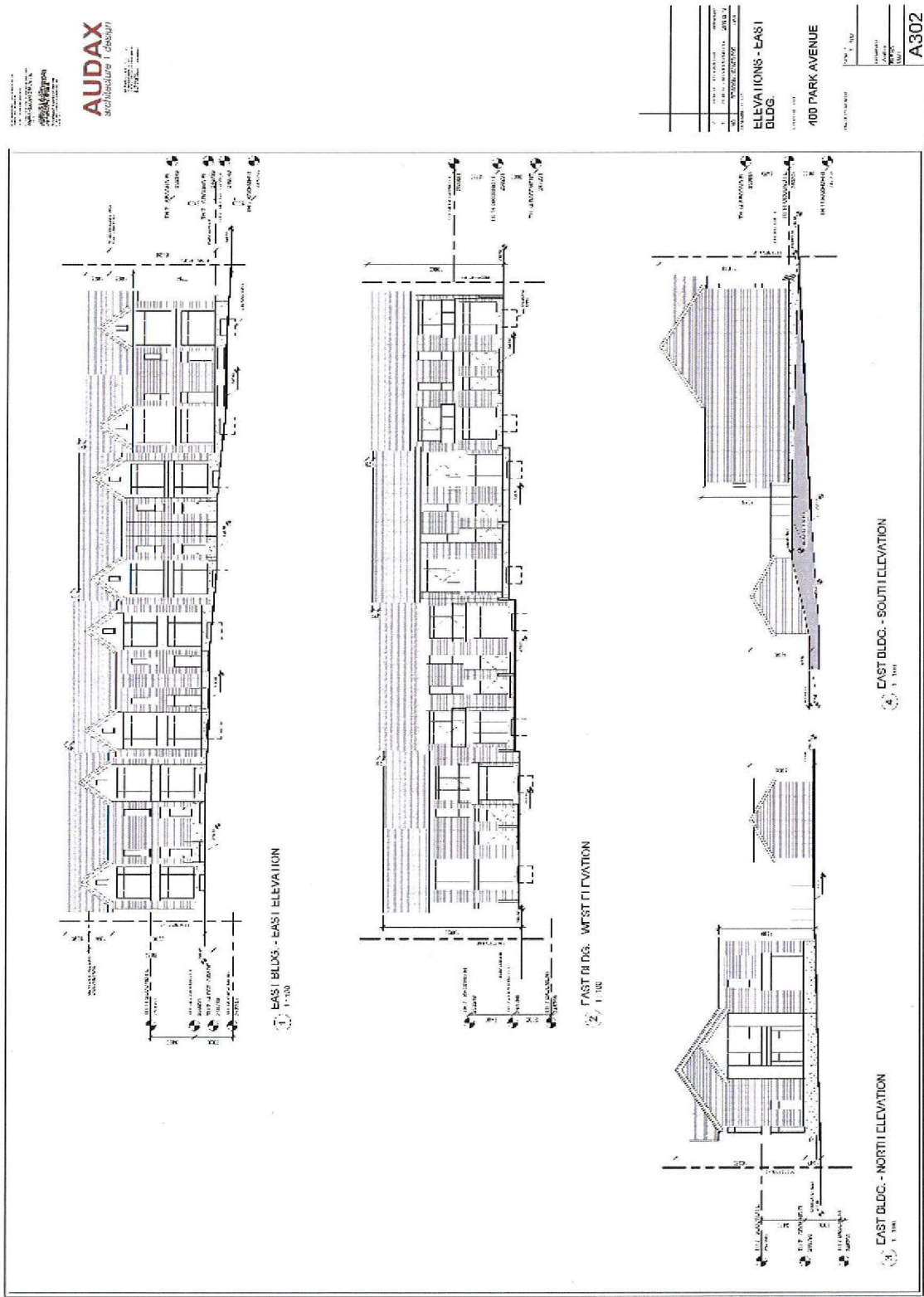
**Subject Lands**

**TOWN OF NEWMARKET PLANNING DEPARTMENT**











November 28, 2016

**DEVELOPMENT AND INFRASTRUCTURE SERVICES REPORT  
ENGINEERING SERVICES 2016-54**

TO: Committee of the Whole

SUBJECT: Public Consultation and Support Plan – Transportation Services Update

ORIGIN: Director, Engineering Services

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**RECOMMENDATIONS**

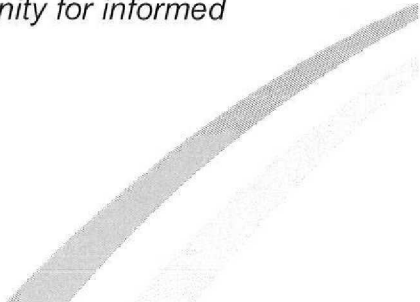
**THAT Development and Infrastructure Services Report – Engineering Services 2016-54 dated November 28, 2016, entitled “Public Consultation and Support Plan – Transportation Services Update” be received and the following recommendations be adopted:**

- 1. THAT the Public Consultation and Support Plan as outlined in Appendix A be adopted for use starting January 1, 2017;**
- 2. AND THAT the Public Consultation and Support Plan be reviewed both internally and by the public throughout 2017 for improvements for 2018, if necessary.**

**BACKGROUND**

At its regular meeting of June 7, 2016, Town Council adopted the following recommendation as part of Development and Infrastructure Services Report – Engineering Services 2016-26, entitled “Woodspring Avenue – Bonshaw Avenue to Town Limit Bicycle Lanes and On-Street Parking – Report #2”, dated May 11, 2016, stating:

*“ii) AND THAT an improved approach to community consultation and decision making for traffic, parking and bicycle lane issues be developed that ensures greater opportunity for informed discussion of any associated uses.”*





At its regular meeting of Monday November 14, 2016, Town Council adopted the following recommendation:

- a) That Development and Infrastructure Report - Engineering Services 2016-45, dated October 20, 2016, entitled "Public Consultation and Support Plan – Transportation Services" be received and the matter be referred to staff for a revised report to be brought back to the next Committee of the Whole meeting incorporating the deliberated suggested language changes and process flow improvements".

### **COMMENTS**

The attached Appendix A reflects the changes as directed by the Committee of the Whole.

### **RECOMMENDATION**

As a result of the findings presented in this report, it is recommended that the Public Consultation and Support Plan in Appendix A, which is being presented as an efficiency measure and which is based on considerable research conducted by Town staff, be considered and adopted for use starting in January 2017.

### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

This Consultation and Acceptance Plan address three Council Strategic Priorities: Community Engagement, Efficiency/Financial Management, and Traffic Safety & Mitigation.

### **CONSULTATION**

This report is a culmination of the Town's years of experience with public consultation on traffic and transportation matters, and on research regarding what is being done in other municipalities.

Modifications are being proposed to serve the public and Town Council more effectively and with a more efficient use of the Town's resources. There was no direct consultation in the production of this report. However, Appendix A will be posted on the Town's website and staff will receive feedback from the public throughout 2017, as the process is adjusted for final consideration in 2018.

### **HUMAN RESOURCE CONSIDERATIONS**

There would be no human resource impacts, other than a more efficient use of resources so that more staff time can be devoted to developing and implementing traffic mitigation strategies.

**BUDGET IMPACT**Operating Budget

The Operating Budget may see a small increase in mailing costs, but it would be difficult to determine the extent as it would depend on the number and complexity of issues being reviewed in a given year.

Capital Budget

The Capital Budget would not be impacted.

**CONTACT**

For more information regarding this report, please contact: Mark Kryzanowski, Manager Transportation Services, at ext: 2508 or via email at [mkryzanowski@newmarket.ca](mailto:mkryzanowski@newmarket.ca)



Mark Kryzanowski, MCIP, OPPI  
Manager, Transportation Services



Rachel Prudhomme, M.Sc., P.Eng.  
Director, Engineering Services



Peter Noehammer, P. Eng.  
Commissioner,  
Development and Infrastructure Services

## Appendix A

### Public Consultation and Support Plan – Transportation Services

*Note: Underlined areas indicate changes that were made to the original "Appendix A" that was presented at the Committee of the Whole meeting of November 7, 2016 (Report ES 2016-45, dated October 20<sup>th</sup>, 2016)*

#### 1. POINT OR SINGLE LOCATION ISSUES:

##### 1.1 All-way stop controls:

<b>Initiation Requirement:</b>	Ward Councillor, <u>or Regional Councillor or Mayor</u> through a Committee of the Whole meeting
<b>Staff <u>Recommendation</u>:</b>	Based on the Policy Warrants; <u>however, the findings of a safety review or sound engineering judgment may override other factors in arriving at a staff recommendation.</u>
<b>Reporting/<u>Decision</u>:</b>	<u>Council decision based on a staff report and recommendations to the Committee of the Whole</u>
<b>Notification/Consultation:</b>	Households directly impacted (3 households on either side of the requested stop sign location)
<b>Moratorium:</b>	This issue shall not be reconsidered for a minimum period of 2 years after the decision has been approved by Council

##### 1.2 Signage:

<b>Initiation Requirement:</b>	<u>Member of Council</u> to Director of Engineering
<b>Staff Decision:</b>	Based on Policy Warrants or OTM Book Requirements; <u>however, the findings of a safety review or sound engineering judgment may override other factors in arriving at a staff recommendation.</u>
<b>Reporting:</b>	Staff reporting directly back to Councillor/households
<b>Notification/Consultation:</b>	Households directly impacted (3 households on either side of the sign location) if warranted
<b>Moratorium:</b>	This issue shall not be reconsidered for a minimum period of 2 years after the decision has been made by staff

**1.3 School Crossing Locations:**

<b>Initiation Requirement:</b>	School Board/School Council request to Ward Councillor <u>or Regional Councillor or Mayor</u> through a Committee of the Whole meeting
<b>Staff <u>Recommendation</u>:</b>	Based on the Policy Warrants or OTM Book Requirements; <u>however, the findings of a safety review or sound engineering judgment may override other factors in arriving at a staff recommendation.</u>
<b>Reporting/<u>Decision</u>:</b>	<u>Council decision based on a staff report and recommendations to the Committee of the Whole</u>
<b>Notification/Consultation:</b>	Households directly impacted (3 households on either side of the crossing location)
<b>Moratorium:</b>	This issue shall not be reconsidered for a minimum period of 2 years after the decision has been accepted by Council

**2. LINEAR OR STREET SPECIFIC LOCATION ISSUES****2.1 Parking Restrictions:**

<b>Initiation Requirement:</b>	25% of all households between 2 intersections, or 25% of households on an entire street, depending on the nature of the request; to be presented by residents as a petition request to the Ward Councillor <u>or Regional Councillor or Mayor</u> through a Committee of the Whole meeting
<b>Staff <u>Recommendation</u>:</b>	A minimum 50% return on a survey <u>to be administered by Town staff</u> is required to continue the process (if a 50% return is not achieved, the matter will not be considered further); furthermore, 60% of all returns received from within the study area must support the change to proceed to a safety review if necessary; the findings of the safety review <u>or sound engineering judgment may override other factors in arriving at a staff recommendation.</u>
<b>Reporting/<u>Decision</u>:</b>	<u>Council decision based on a staff report and recommendations to the Committee of the Whole</u>
<b>Notification/Consultation:</b>	All households fronting or flanking the street/study area.
<b>Moratorium:</b>	This issue shall not be reconsidered for a minimum period of 2 years after the decision has been accepted by Council.

## 2.2 Traffic Calming measures/speed mitigation (street specific):

<b>Initiation Requirement:</b>	25% of households on a street, <u>or 25% of the affected area as deemed by staff to be "affected" by any change*</u> , with a minimum of 10 households in favour of exploring change; to be presented by residents as a petition request to the Ward Councillor <u>or Regional Councillor or Mayor</u> through a Committee of the Whole meeting.
<b>Staff <u>Recommendation</u>:</b>	A minimum 50% return on the survey is required to continue the process (if a 50% return is not achieved, the matter will not be considered further); of the returns received, 60% of all returns received from within the study area must support the change to proceed to a safety review if necessary; the findings of the safety review <u>or sound engineering judgment may override other factors in arriving at a staff recommendation.</u>
<b><u>Reporting/Decision</u>:</b>	<u>Council decision based on a staff report and recommendations to the Committee of the Whole</u>
<b>Notification/Consultation:</b>	All households fronting or flanking the street/study area
<b>Moratorium:</b>	This issue shall not be reconsidered for a minimum period of 2 years after the decision has been approved by Council.

\*Note: Street length typically means the entire length of the street. However, in cases of longer streets or specific issues, the affected area could be considered based on intersection to intersection or a block of the street. A study may include several blocks of one street. In any case, the Ward Councillor, Regional Councillor and/or Mayor may contact Engineering Services to assist in determining the appropriate study area, if necessary.

## 3. COMMUNITY-WIDE ISSUES

### 3.1 Active Transportation Routes:

<b>Initiation Requirement:</b>	Staff notification of commencement to Town Council
<b>Staff Decision:</b>	OP as Approved (OPA#11)
<b>Reporting:</b>	Staff reporting to Committee of the Whole
<b>Notification/Consultation:</b>	All households fronting or flanking the street/study area along with notification (Town page, Town web site) of public information session
<b>Moratorium:</b>	Not applicable.



#### 4. ISSUES NOT LISTED – GENERAL REQUIREMENTS

<b>Initiation Requirement:</b>	Important that a level of support of the issue come through the Ward Councillor or <u>Regional Councillor or Mayor</u> through a Committee of the Whole meeting
<b>Staff <u>Recommendation</u>:</b>	It will depend on whether it is an operational/safety issue or not. Community decision issues must meet a 50% return on surveys conducted by Town staff and 60% of the responses must be in favour; a safety review may be conducted before recommending any change; <u>the findings of the safety review or sound engineering judgment may override other factors in arriving at a staff recommendation.</u>
<b><u>Reporting/Decision</u>:</b>	<u>Council decision based on a staff report and recommendations to the Committee of the Whole</u>
<b>Notification/Consultation:</b>	All households that are directly impacted <u>as deemed by staff to be “affected” by any change</u> , with consideration to expand Town-wide if it is a community-wide issue.
<b>Moratorium:</b>	An issue shall not be reconsidered for a minimum period of 2 years after the decision has been approved by Council.

November 11, 2016

**DEVELOPMENT & INFRASTRUCTURE SERVICES REPORT  
ENGINEERING SERVICES 2016-50**

**TO:** Committee of the Whole

**SUBJECT:** Alex Doner Drive – Parking Review  
File No.: T08 T.30 Alex Doner Drive

**ORIGIN:** Director, Engineering Services

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**RECOMMENDATIONS**

**THAT Development and Infrastructure Services Report – ES2016-50 dated November 11, 2016 entitled “Alex Doner Drive – Parking Review”, be received and the following recommendation be adopted:**

- 1. THAT the existing parking restrictions remain as they are.**

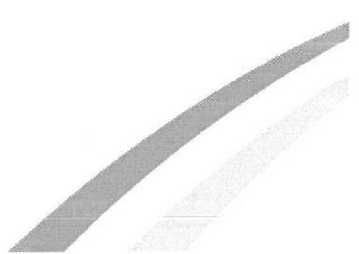
**COMMENTS**

The Town received a request from one resident to increase parking restrictions on Alex Doner Drive, north of Sykes Road, along the curved section (see map on page 3). In accordance with the Town's Parking Policy, staff reviewed the current parking situation and offered a proposal to amend the conditions.

A survey was conducted in the affected community. Results indicated that the vast majority was not in support of the proposal to change the existing parking restrictions. Therefore, it is recommended that the existing parking restrictions remain as they currently are.

**PUBLIC CONSULTATION**

On October 3, 2016, Engineering Services contacted the community on Alex Doner Drive north of Sykes Road, along the curved section. Nineteen (19) households that directly front on, or flank, the proposed area of study were targeted by the mail-out. The Town received twelve (12) responses (63% return) from within the study area, and ten (10) additional responses from outside of the study area. Of the households within the study area (who would be directly affected by the change), eleven (11) were not supportive of the proposed change, and one (1) was supportive of the change.



A copy of this report will be forwarded to the affected residents prior to the Committee of the Whole Meeting so that they may attend the meeting or present a deputation if they so wish.

### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

- Well-planned and connected...strategically planning for the future to improve information access and enhance travel to, from and within Newmarket.

### **HUMAN RESOURCE CONSIDERATIONS**

No impact on current staffing levels.

### **IMPACT ON BUDGET**

#### Operating Budget (Current and Future)

No impact to the Operating Budget.

#### Capital Budget

No impact to the Capital Budget.


### **CONTACT**

For more information on this report, please contact Mark Kryzanowski at 905-895-5193 extension 2508, or via e-mail at: [mkryzanowski@newmarket.ca](mailto:mkryzanowski@newmarket.ca).

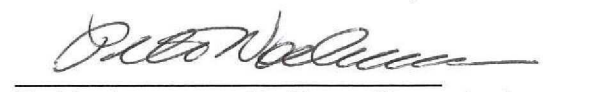
Prepared by:



M. Kryzanowski, M.C.I.P., R.P.P.  
Manager, Transportation Services

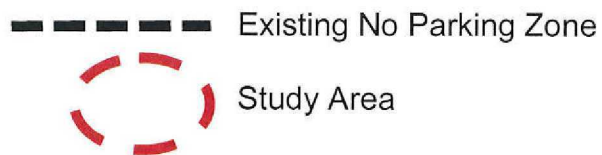


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Director, Engineering Services



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





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November 2, 2016

**REPORT - INFORMATION REPORT # 2016-44**

TO: Mayor and Members of Council  
SLT/OLT

SUBJECT: Ontario Municipal Board Review  
NP-16-44

ORIGIN: Planning and Building Services

In accordance with the Procedure By-law, any Member of Council may request through the Clerk's office that this Information Report be placed on an upcoming Committee of the Whole agenda for discussion.

**PURPOSE OF THIS REPORT**

The purpose of this Report is to provide information to Council regarding the Ontario Municipal Board (OMB) review that is currently being undertaken by the Province as well as provide a summary of the recommendations being proposed by the Regional Planning Commissioners of Ontario (RPCO).

**BACKGROUND**

In June 2015, the Province's Attorney General announced that a review of the OMB would be undertaken. The review came largely in response to the input received during extensive public and stakeholder consultations on the Smart Growth of Our Communities Act (Bill 73), the update to the Long-term Affordable Housing Strategy and the Coordinated Land Use Planning Review, in which many suggestions were made regarding potential improvements to the OMB.

In October 2016, the Province released a Public Consultation Document that outlines the scope of the review. This paper set the scope of the review, setting out to address many of the OMB-related comments received through the Coordinated Land Use Planning Review and Bill 73 consultations.

Also in October 2016, a series of Town Hall Meetings were released by the Province as part of the public consultation process, designed to provide the opportunity for the public to learn about the OMB's current role, provide perspectives, and review and comment on changes that the government is considering. One of these meetings was held in Newmarket during the evening of October 18, which was well attended by the public, staff and various Members of Council.

The deadline for providing feedback to the Province is December 19, 2016.

## **COMMENTS**

### **OMB Overview and Statistics**

The OMB is an independent appeal tribunal which hears appeals on planning decisions. In 2014-2015, the OMB received 1,535 files from across the Province related to the Planning Act. The majority (approximately 37%) of these files are for minor variance applications, followed by zoning by-law amendment applications (approximately 23%), and consent applications (approximately 16%). Applications for Official Plan Amendments and Plans of Subdivision complete the remaining 24% of applications dealt with by the OMB.

Most OMB hearings (53%), last one day or less. 13% of hearings require 1-3 days. 7% of hearings require 4-5 days. However, 27% of all hearings require between 6 and 20+ days.

### **OMB Compared to Other Jurisdictions**

Having an appeal body for planning matters is not unique to Ontario. All Canadian provinces, except Newfoundland and British Columbia, have provincial boards that hear appeals of land use decisions made (or not made) by municipal councils, local or regional planning authorities, committees or boards. Newfoundland has regional appeal boards. Appeal boards in British Columbia are locally established.

However, what is unique to the OMB are the relatively extensive powers afforded to the OMB by the Province. By comparison to other jurisdictions, the OMB hears the broadest scope of issues. That's because in Ontario, more land use matters are subject to appeal, from minor variance applications to major planning issues such as expansion of urban settlements.

Another area where the OMB exercises greater jurisdiction than its counterparts in other provinces is in the interpretation of local and provincial planning policy. The OMB frequently rules on whether applications and plans are "good planning" and has the authority to rewrite municipal policies.

Finally, unique to the Ontario context, the OMB has the authority to overturn decisions made by municipal council or to make a decision when council has not done so. In most jurisdictions the scope of appeal is limited so as not to undermine local democratic accountability.

### **OMB Review Initiated by the Province**

The Province recognizes that an opportunity exists to modify the OMB to increase its efficiency, bring it more in-line with appeal bodies in other jurisdictions in terms of its powers, and address other issues including citizen participation and modernizing its procedures.

To date, largely through the Coordinated Land Use Planning Review and Bill 73 consultations, the Province has heard a range of viewpoints regarding the OMB, its role in Ontario's land use planning system, and its processes. These views include:



- citizens feel they don't have a meaningful voice in the process
- more weight should be given to municipal decisions
- OMB decisions are unpredictable
- hearings cost too much and take too long
- there are too many hearings; more mediation should be used

In response, the Province has identified the following five themes that are to be examined as part of the review and is considering changes to address each:

- the OMB's jurisdiction and powers
- citizen participation and local perspective
- clear and predictable decision-making
- modern procedures and faster decisions
- alternative dispute resolution and fewer hearings

#### **Regional Planning Commissioners of Ontario (RPCO) Report**

The Province has received submissions from numerous individuals, groups, and organizations. Among these submissions is the "Reforming the Ontario Municipal Board: Five Actions for Change" Report, prepared by the Regional Planning Commissioners of Ontario (RPCO). This Report is available in full upon request, or through the RPCO's website:

[http://www.rpco.ca/files/RPCO\\_OMB\\_REFORM\\_Final\\_Report\\_2016\\_09\\_1.pdf](http://www.rpco.ca/files/RPCO_OMB_REFORM_Final_Report_2016_09_1.pdf)

This RPCO Report contains many valuable recommendations that the Province should consider. Of note, it identifies that the OMB has uniquely extensive powers when compared to other jurisdictions, and states that although this may have been beneficial when the OMB was first established, it is no longer needed in the modern context where most municipalities exhibit increased planning maturity and elected officials are supported by professionally sophisticated planning staff. The conclusion being that municipalities are more capable than ever before, and therefore able to assume additional appeal responsibilities.

More specifically, the RPCO Report identified five inter-connected issues of concern: (i) large, complex hearings take too long and tie up resources; (ii) resolving disputes at the OMB is expensive; (iii) the OMB has insufficient regard for the decisions of municipal staff and Councils; (iv) the process is too litigious; and (v) *de novo* hearings (i.e. the OMB's ability to hear appeals anew; with limited regard to municipal decisions and related information).

Some of the more significant recommendations that the RPCA Report makes in order to address these issues of concern are:

1. Extend the appeal limitations set out in Bill 73 so that all municipally-initiated comprehensive and area-wide official plans and official plan amendments be exempt from appeal.
2. Remove minor variance and consent appeals from the OMB. Further promote the establishment of Local Appeal Bodies (LABs) where these appeals can be dealt with at the local municipal level.  
 (Note: LABs are currently permitted however only one exists in the Province, in the City of Toronto.)
3. For municipalities where LABs are not established, minor variance and consent appeals should proceed through an "OMB-lite process" without the formality, delay and expense of full hearings.
4. Empower municipalities to reject an appeal where oral or written submissions were not previously made.
5. More frequently use the existing right that the OMB has regarding the dismissal of appeals that lack sufficient land use planning grounds.
6. Increase the standards for submitting an appeal, including the requirement of planning rationale, the identification of specific changes being requested, and a potential appeal fee increase.
7. Provide two Board Members for any hearing scheduled for 10 days or more, allowing one to cover for the other as needed.
8. Expand the use of technologies such as electronic filing, video-conferencing, etc.
9. Create a Mandatory Review and Mediation (MRMP) process to reduce the number of issues in dispute. All appeals (not only those requesting mediation) would be subject to the MRMP and be triaged to the most effective route to resolution, recommending either: (i) dismissal; (ii) a more aggressive Alternative Dispute Resolution (ADR) process than what currently exists; or (iii) proceed to a scoped hearing.
10. Phase hearings logically in instances where the decision of one matter may negate the need for latter hearings.
11. Set page limits for submitted documents.
12. Require site visits by Board Members, in order to remove the need for detailed testimony on site context.
13. Limit examination-in-chief to filed affidavit evidence, with page number limits.
14. Limit cross-examination to issues relevant to the witness, as listed on the affidavit.
15. Evolve the OMB's staff responsibility from basic case management to providing Board Members with evaluations of the merits and scope of cases.
16. Provide more competitive compensation for Board Members, on par with senior civil servant salaries in order to attract more qualified, senior professional planners.
17. Establish qualification standards for Board Members.
18. Adjust Board Member appointment terms from the two, three and five year protocol that currently exists to a six year staggered term with one right to renewal.
19. Offer Board Members and staff continuing education opportunities, training in dispute resolution and exposure to best practices in other jurisdictions.
20. Require regular performance reviews for Board Members.
21. Dedicate adequate resources to relieve the backlog of files awaiting resolution.

22. The Province should provide binding interpretations of "shall have regard to" relative to having regard to decisions of Council.
23. The Ministry of Municipal Affairs must clearly and quickly issue conformity and approval statements for municipal Official Plans and Official Plan Amendments.
24. The Province should issue letters of clarification or provide appropriate staff to provide evidence on provincial policy at issue.
25. Regarding built form as a new matter of provincial interest, the Province should offer clear direction on how the OMB ought to consider municipal guidelines that shape built form / treat municipal design guidelines consistently.
26. Municipal planning staff should provide clear, direct professional opinions throughout the process so that applications that do not conform with policy are not encouraged to proceed.
27. Municipalities should make every effort to bring zoning by-laws in line with official plan policy to allow more development as of right, thereby limiting appeals to the OMB.
28. Municipalities should implement zoning that truly reflects the heights and densities that are desired in high-growth areas.
29. The initial implementation of Community Planning Permits Systems be removed from appeals, so that municipalities can rely on them to guide development, particularly in areas of rapid change.

### **COMMUNITY CONSULTATION**

As part of the public consultation process for the OMB Review, the Province has organized numerous Town Hall Meeting throughout the Province between October 18 and November 24, 2016. One of these meetings was held in Newmarket during the evening of October 18, which was well attended.

In addition, the Province has set up a website for the OMB Review, providing in-depth project information and the consultation paper for public review and comment: <http://www.mah.gov.on.ca/Page14965.aspx>.

### **HUMAN RESOURCE CONSIDERATIONS**

There are no human resource considerations resulting from this Report.

### **BUDGET IMPACT**

There are no budget impacts resulting from this Report.

### **BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

*Well-respected:*

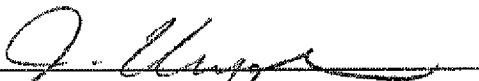
- Being an influential contributor to regional and provincial affairs.

## CONTACT

For more information on this report, contact: Adrian Cammaert, Senior Planner, Policy, at 905-953-5321, ext. 2459; [acammaert@newmarket.ca](mailto:acammaert@newmarket.ca)



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



Jason Unger, MCIP, RPP  
Assistant Director of Planning



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



Peter Noehammer, P. Eng.  
Commissioner Development and Infrastructure  
Services

Tuesday, October 18, 2016 at 7:30 PM  
Community Centre Hall # 2  
200 Doug Duncan Drive

The meeting of the Main Street District Business Improvement Area Board of Management was held on Tuesday, October 18, 2016 in Hall # 2, Community Centre - 200 Doug Duncan Drive, Newmarket.

Members Present: Glenn Wilson, Chair  
Elizabeth Buslovich  
Anne Martin  
Peter Mertens  
Olga Paiva  
Carmina Pereira  
Jackie Playter  
Rory Rodrigo  
Siegfried Wall (7:42 to 9:22 p.m.)

Staff Present: C. Kallio, Economic Development Officer  
S. Niezen, Records and Projects Coordinator

Guests : Lisa Heckbert  
John Heckbert

The meeting was called to order at 7:31 p.m.

G. Wilson in the Chair.

### **Additions and Corrections to the Agenda**

None.

### **Declarations of Pecuniary Interest**

None.

### **Presentations**

None.



## Deputations

1. Mr. John Heckbert addressed the Board of Management and expressed his concern regarding the lack of BIA representation attending the re-opening of the Old Town Hall. Discussion ensued regarding invitation protocols related to the grand re-opening celebration. The Chair expressed concerns that the official ribbon cutting event was not open to all Town residents. Further discussion ensued related to communication efforts to new business owners.

Moved by: Olga Paiva  
Seconded by: Siegfried Wall

THAT the deputation by Mr. John Heckbert regarding BIA representation attendance at the re-opening of the Old Town Hall be received.

**Carried**

## Approval of Minutes

1. Main Street District Business Improvement Area Board of Management Minutes of September 20, 2016.

Moved by: Jackie Playter  
Seconded by: Elizabeth Buslovich

THAT the Main Street District Business Improvement Area Board of Management Minutes of September 20, 2016 be approved.

**Carried**

2. Marketing Sub-committee Report.

Carmina Pereira advised of details related to the Monster Bash scheduled for Saturday, October 29, 2016 with Main Street closed from Timothy Street to Water Street. She advised that \$2,500 has been earmarked for various children's activities and advertisements have been placed on social media, electronic boards and the Era newspaper. She queried the Chair regarding website advertising for the event.

Carmina Pereira advised of details associated with the Candle Light Parade scheduled for Friday, November 18, 2016 and requested funds of \$2,000 be allotted for the event. She advised that candy canes will be distributed, and hot chocolate vouchers will be given out by some of the area restaurants.

Discussion ensued regarding providing some form of lighting in an effort to enhance reading of the song sheets.

Moved by: Olga Paiva  
Seconded by: Elizabeth Buslovich

THAT the verbal update regarding the Monster Bash and the Candle Light Parade events be received.

**Carried**

Moved by: Olga Paiva  
Seconded by: Siegfried Wall

THAT an amount of \$2,000 be allotted for the Candle Light Parade event scheduled for Friday, November 18, 2016.

**Carried**

Moved by: Olga Paiva  
Seconded by: Anne Martin

THAT \$4,000 from the vendor fees collected on Canada Day be allocated for a Christmas party for the BIA Members as a onetime event to welcome the merchants to the Old Town Hall, for a total of \$5,000 to be expended (which includes the \$1000 allocated to Christmas Party event at the 2015 Annual General Meeting)

**Carried**

Discussion ensued regarding the motion, expenses, advertising costs for various events and benefits associated with different types of advertising.

**Items**

3. Financial Verbal Update/Account Balance.

The Economic Development Officer distributed copies of the current balance sheet as at September 30, 2016 and provided a verbal financial update. Discussion ensued regarding budgeting practices for 2017.

Moved by: Olga Paiva  
 Seconded by: Carmina Pereira

THAT the financial balance sheet as distributed by the Economic Development Officer and the verbal financial update be received.

### **Carried**

#### **4. Newmarket Downtown Development Sub-committee Update.**

The Economic Development Officer advised that since there have not been recent meetings; there was nothing to report at this time.

#### **5. Street Events Update.**

See Item 2.

#### **6. Photograph Licensing Fees Discussion. (Deferred from the September 20, 2016 meeting)**

The Chair advised that this matter would be deferred to the November 15, 2016 Main Street District Business Improvement Area Board of Management meeting.

### **Closed Session**

There was no requirement for a Closed Session.

### **New Business**

a) Siegfried Wall queried if the newly elected Ward 5 Councillor would continue to provide updates to the Main Street District Business Improvement Area Board of Management.

b) Queries were made to the Economic Development Officer related to Community Centre lands options, status of the Downtown Parking Committee and parking options now available since the grand re-opening of the Old Town Hall. The Economic Development Officer provided a verbal status update and advised that a firm has been retained to examine the issues associated with parking, signage and wayfinding.

c) Queries were made to the Economic Development Officer regarding the status of the Clock Tower development application and when further information would be made available to the public.

d) Queries were made regarding requesting information from Public Works staff for placement of multi-use containers for refuse and recycling material as well as cigarette disposal containers.

e) Rory Rodrigo provided a verbal update regarding the Newmarket Arts Council and advised that for various reasons, the Arts Council has gone through a change and has shifted their focus, he used the axiom 'would like to be the conductor, not the orchestra' and he further advised that the Arts Council is moving forward with plans and Mr. Chris Emanuel is the new Chair.

f) The Economic Development Officer advised that the Mayor of Whitby has visited Main Street, Newmarket and provided feedback that he is very impressed with the redevelopment efforts.

g) The Chair advised that he had received a request from Mr. Athol Hart to be the official Town Crier for the Business Improvement Area. Discussion ensued regarding utilizing the Town's selected Crier for events or asking Mr. Hart to participate in BIA events as a Crier. Queries arose regarding cost recovery for services rendered.

Moved by: Rory Rodrigo

Seconded by: Olga Paiva

THAT the matter of using Mr. Athol Hart's services as a Town Crier be deferred until more information can be obtained from the Town regarding their selection of a Crier.

**Carried**

h) The Economic Development Officer advised of upcoming ghost tours on Main Street and at the Old Town Hall.

i) Discussion ensued regarding the recent election of Mr. Bob Kwapis as the Ward 5 Councillor.

Moved by: Siegfried Wall

Seconded by: Anne Martin

THAT the Main Street District Business Improvement Area Board of Management, on behalf of the entire BIA membership, welcomes Mr. Bob Kwapis as Ward 5 Councillor and looks forward to representation, heritage preservation efforts and a good working relationship.

**Carried**

**Adjournment**

Moved by: Olga Paiva  
Seconded by: Carmina Pereira

THAT the meeting adjourn.

**Carried**

There being no further business, the meeting adjourned at 9:22 p.m.

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Date

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G. Wilson, Chair



**Newmarket Public Library Board  
Regular Board Meeting  
Wednesday, October 19, 2016  
Newmarket Public Library Board Room**

**Present:** Joan Stonehocker, Chair  
Tara Brown, Vice Chair  
Kelly Broome (arrived at 5:40 pm)  
Darcy McNeill  
Jane Twinney

**Regrets:** Tom Vegh  
Venkatesh Rajaraman

**Staff Present:** Todd Kyle, CEO  
Linda Peppiatt, Deputy CEO  
Lianne Bond, Administrative Coordinator

**The Library Board Chair called the meeting to order at 5:00 pm**

**Adoption of Agenda Items**

1. Adoption of Regular Agenda
2. Adoption of the Closed Session Agenda
3. Adoption of Consent Agenda items

The Chair asked if there were any additions to the agenda. One item was added under New Business.

**Motion 16.10.150**

**Moved by Darcy McNeill**

**Seconded by Jane Twinney**

**That Agendas 1) to 3) be adopted as amended.**

**Carried**

**Declarations**

None were declared.

**Consent Agenda Items:**

4. Adoption of the Regular Board Meeting Minutes for Wednesday, September 7, 2016
5. Adoption of the Closed Session Minutes for Wednesday, September 7, 2016
6. Strategic Operations Report for September, 2016
7. Library Statistical Data for September
8. Monthly Bank Transfer



**Motion 16.10.151****Moved by Tara Brown****Seconded by Darcy McNeill**

**That** Consent Agenda item 4) be received and approved as amended and items 5) to 8) be received and approved as presented.

**Carried**

**Closed Session****9. Motion to Convene into a Closed Session**

There were no Closed Session items.

**Policies****10. Customer Complaints Policy**

The Library Board reviewed the changes to the draft Customer Complaints Policy and made a slight revision to the draft.

**Motion 16.10.152****Moved by Kelly Broome****Seconded by Jane Twinney**

**That** the Customer Complaints Policy be approved as amended.

**Carried.**

**11. Unattended and Missing Child Policy**

The Library Board reviewed the changes to the draft Unattended and Missing Child Policy.

**Motion 16.10.153****Moved by Kelly Broome****Seconded by Jane Twinney**

**That** the Unattended and Missing Child Policy be approved as presented.

**Carried**

**Reports****12. Third Quarter Financial**

The Library continues to be on target for the third quarter of 2016 in both expenditures and revenue.

**Motion 16.10.154**

**Moved by Kelly Broome**  
**Seconded by Darcy McNeill**

That the Library Board received the Third Quarter Financial Statements as presented.

**Carried**

**Business Arising****13. Impact Survey**

Results of the survey conducted in June-July and September-October were reported. The one year subscription will be renewed with all N6 Libraries participating.

**Motion 16.10.155**

**Moved by Jane Twinney**  
**Seconded by Tara Brown**

**That** the Library Board receive the report on the Impact Survey.

**Carried**

**14. Library Board Action List**

The Library Board reviewed the Action List. A report on options for renewing the Strategic Plan will be brought to the Library Board at the regularly scheduled meeting in December.

**Motion 16.10.156**

**Moved by Kelly Broome**  
**Seconded by Tara Brown**

**That** the Library Board received the Library Board Action List as presented.

**Carried.**

**New Business****15. Seniors and Fines**

Currently seniors are exempted from paying fines with the exception of InterLibrary Loan fines. Technology devices will now be available for loaning and the Library Board discussed not exempting seniors from fines related to the loaning of technology devices.

**Motion 16.10.157**

**Moved by Tara Brown**

**Seconded by Darcy McNeill**

**That** the Library Board continue to exempt seniors from fines with the exception of fines for Inter Library Loans and technology devices.

**Carried**

**Date(s) of Future Meetings**

**16.** The next regular Library Board meeting to be reschedule to November 16, 2016 at 5:30 in the Library Board room.

Date of December Regular Library Board meeting to be considered at the November meeting.

**Adjournment**

**Motion 16.10.158**

**Moved by Kelly Broome**

**Seconded by Jane Twinney**

**That** there being no further business meeting adjourned at 6:30 pm.

**Carried**

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Joan Stonehocker  
Chair

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Todd Kyle, CEO  
Secretary/Treasurer

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**From:** Noble, Pat on behalf of Mayor Van Bynen  
**Sent:** November-16-16 2:41 PM  
**To:** Brouwer, Andrew  
**Cc:** Moor, Linda  
**Subject:** FW: World AIDS Day  
**Attachments:** WADInvitationLINK.pdf

Please place on an upcoming agenda – thanks

Pat

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**From:** Mark Koning  
**Sent:** November-16-16 2:37 PM  
**Subject:** World AIDS Day

Hello,

This is a follow up to a formal letter that was sent out in the mail a couple of weeks ago and I wanted to make sure that the notice was received. In summary, our letter requested that you:

- Issue a proclamation declaring December 1 as World AIDS Day.
- Share a photo of you wearing a red ribbon for our social media campaign Red for Change: Wear It, Hold It, Show It. We will widely share this photo on our Facebook page and Twitter feeds during World AIDS Awareness Week (November 23-30) and on World AIDS Day. This will showcase your solidarity with people living with this chronic illness in your constituency. (A ribbon and request letter have been mailed to your office)
- Participate in our World AIDS Day vigil on Thursday, December 1 (please see invitation attached). We would greatly welcome your presence if available.

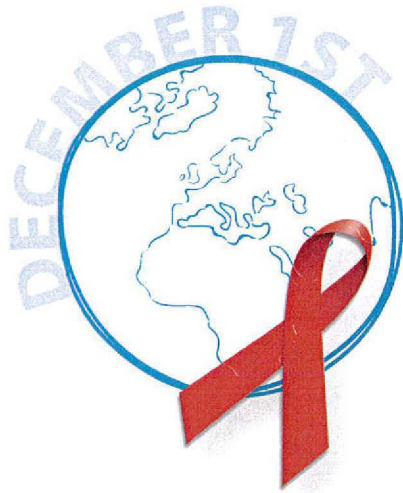
Please do not hesitate to contact me with any questions.

Thank you,

Mark

**Mark Koning**  
*Communications & Administration Coordinator*  
**AIDS Committee of York Region**  
[mkoning@acyr.org](mailto:mkoning@acyr.org) | 416-553-5650 (Cell) | 905-884-0613 x203 (Work)

10909 Yonge St. #203, Richmond Hill, ON L4C 3E3  
**Toll Free** 1-800-243-7717 **Fax** 905-884-7215  
[www.acyr.org](http://www.acyr.org)



## **WORLD AIDS DAY 2016**

### **PLEDGE TO BUILD A COMMUNITY OF SUPPORT & CARE IN YORK REGION**

**THURSDAY, DECEMBER 1, 2016, 6 – 8 PM**

MARKHAM VILLAGE COMMUNITY CENTRE & LIBRARY  
6031 HIGHWAY 7, MARKHAM ONTARIO L3P 3A7

2016 marks the 20th year since the transformative antiretroviral therapy to treat HIV was introduced. Treatment advances over the years have changed the course of HIV/AIDS care. People impacted by the virus can now lead long and healthy lives. But they need access to timely and regular HIV treatment. And they need access to dignified care and support.

2016 also marks the 20th year since the AIDS Committee of York Region (ACYR) became formally incorporated as the only registered charitable organization dedicated to the delivery of dignified support and care to those living with and affected by HIV/AIDS in this region. We have made great strides in challenging HIV stigma and discrimination and opened many doors. But much remains to be done to make our communities, agencies, and networks of care become truly inclusive and stigma-free.

This World AIDS Day, we ask our community members, partners, supporters, and friends to pledge to build a community of support and care for those impacted by HIV/AIDS in York Region. **Join us on December 1 to sign The Ontario Accord, a commitment to GIPA/MIPA (Greater & Meaningful Involvement of People Living with HIV/AIDS) in our communities of practice.** Together, we can build an inclusive, safe, and healthy community in York Region.

- **Speakers from Toronto People With AIDS Foundation & Ontario AIDS Network**
  - Poetry reading & musical performance
  - Art display by ACYR service users
  - Signing of The Ontario Accord
  - Candlelight vigil
- **Light snacks & refreshments will be served**

**Please RSVP by Monday, November 21, 2016**  
**mkoning@acyr.org or 416-553-5650**



MARKHAM PUBLIC LIBRARY

*We thank the Markham Village Public Library for their generous sponsorship of this event.*





## Planning and Building Services

TOWN OF NEWMARKET

395 Mulock Drive

P.O. Box 328

Newmarket, ON L3Y 4X7

www.newmarket.ca

planning@newmarket.ca

905.953.5321

November 28, 2016

## DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2016-25

TO: Committee of the Whole

SUBJECT: **Application for Zoning By-Law Amendment,  
178, 180, 184, 188, 190 and 194 Main Street  
Main Street Clock Inc.  
Files: D14 NP 13-19**

ORIGIN: Application Submitted to the Planning Department

### RECOMMENDATIONS

THAT Development and Infrastructure Services – Planning and Building Services Report 2016-25 dated November 28, 2016 regarding application for Zoning By-law amendment be received and the following recommendation(s) be adopted:

1. THAT the application for Zoning By-law amendment, as re-submitted by Main Street Clock Inc. for lands being located at the southwest corner of Main Street South and Park Avenue, municipally known as 178, 180, 184, 188, 190 and 194 Main Street be approved subject to the following recommendation;
2. AND THAT the implementing by-law restrict the height of development fronting on Main Street to 5 storeys including step backs and restrict the height of development on Park Avenue to 7 storeys including step backs.
3. AND THAT Chris Bobyk, The Forrest Group 590 Alden Road, Suite 211, Markham, ON L3R 8N2 be notified of this action.

### Executive Summary

Staff have reviewed the development proposal for the subject lands against the relevant Provincial, Regional and local policy documents and have concluded that the proposal is in general conformity with the policy framework as it relates to providing desirable residential dwellings in the downtown core, creating complete communities, revitalizing commercial storefronts, preservation and restoration of the designated Post Office building and conservation of the historic facades on Main Street in accordance with accepted heritage conservation practices.

It is the position of staff that this proposal does not fully meet the intent of the Provincial, Regional and local policy framework as it relates to the protection of heritage resources identified in the Lower Main Street South Heritage Conservation District (HCD) Plan and individually designated under the Ontario Heritage Act. In particular, it is the massing and height of the proposed development that would be in conflict with the heritage attributes of the Heritage Conservation



**District and individually designated structures.** The building, as proposed, would appear to dominate the streetscape, in particular from distant views identified in the HCD Plan.

As discussed in the body of this report, it is staff's opinion that 4 storeys on the Main Street frontage and 6 storeys on the Park Avenue frontage (including step backs) could be appropriately accommodated on the subject lands and would meet the intent of the HCD plan by generally keeping the height on Main Street consistent with the roof of the Post Office and providing the majority of the massing on Park Avenue distanced away from Main Street and the Post Office clock tower.

However, recognizing competing interests, the positive attributes of the proposal and comments from the professional heritage planners, staff support greater development at a scale that would not negatively impact the heritage attributes of the district. It is staff's opinion that an additional fully glazed storey above the 4<sup>th</sup> storey on Main Street and an additional fully glazed storey above the 6<sup>th</sup> storey on Park Avenue can be accommodated while not negatively impacting the heritage attributes of the HCD. Therefore, staff recommend Council pass a by-law that imposes a height maximum of 5 storeys on Main Street and 7 storeys on Park Avenue including the discussed step backs and design materials.

## **COMMENTS**

### **Introduction**

Application for zoning bylaw amendment had been submitted for lands municipally known as 178, 180, 184, 188, 190 and 194 Main Street South in September 2013. A number of reports have been submitted to Council outlining the proposal and referring the application to public sessions. As with most applications to change or modify a land use, there are a number of competing interests that need to be identified and considered to ensure any recommendations made are in the public interest. This comprehensive report intends to address all outstanding comments and issues and reviews the application against all relevant local, Regional and Provincial policy. Some sections of this report are reiterated from earlier reports to ensure Council have one comprehensive report containing all relevant information.

### **Location**

The subject lands are located on the southwest corner of Main Street South and Park Avenue, municipally known as 178, 180, 184, 188, 190 and 194 Main Street (See Location Map attached).

### **Proposal**

In April 2016, Main Street Clock Inc. re-submitted materials in support of the zoning by-law amendment to amend the existing Historic Downtown Urban Centre (UC-D1) zone to permit a mixed use development on the subject lands. This is the second formal revision to the original plan submitted. The original submission contemplated a 6 storey mixed use building consisting of 150 Residential units above 10 units of ground floor commercial and two levels of underground parking (173 spaces) while retaining the historic Post Office/Clock Tower building. Prior to the statutory public meeting being held, in part to address the concerns of heights in excess of three storeys on Main Street, a revised plan was submitted that proposed



three storeys on Main Street and increased the proposed height along Park Avenue to 9 storeys. The number of units and proposed parking remained the same.

This most recent resubmission in April 2016 proposes to develop the property for a 7 storey mixed use building with a total of 165 apartment units and 5 retail units along Main Street. Underground parking continues to be proposed extending under the existing library parking and a portion of the Market Square parking lot and provides for 199 parking spaces (1.2 spaces per unit). The plan has also increased step-backs on upper levels to assist in mitigating the massing. The proposed design is discussed further below in this report.

In all cases, the three buildings south of the Clock Tower (184, 188, 190 and 194 Main Street South) are proposed to be demolished and redeveloped however opportunities to preserve the façades in situ as well as dismantling and rebuilding have also been considered though the Heritage Impact Assessment. The proposal also contemplates the conveyance of a parcel of Town owned land in the northeast corner of Market Square. This parcel is currently grassed and used for utility boxes. The proposal also contemplates the conveyance of private lands within the Market Square Parking lot to the Town to be continued as public parking.

Documents included in the resubmission include a revised drawing set (including site plans, floor plans elevations and perspective drawings), updated Heritage Impact Assessment, updated Planning Justification Report, shadow studies, traffic and parking update as well as a response to a number of comments that have been proffered.

The Town held a further public meeting on May 9, 2016. The public comments are discussed below under Community Consultation.

### **Places to Grow**

The Growth Plan for the Greater Golden Horseshoe 2006 (“Growth Plan”) provides a framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in the region. It demonstrates the ways in which our cities, suburbs, towns and villages will grow over the long term. The Growth Plan guides decisions on a wide range of issues, including transportation, infrastructure planning, land-use planning, urban form, housing, natural heritage and resource protection.

Directions for where and how to grow, the provision of infrastructure to support growth and protect natural systems as well as cultivate a culture of conservation are matters of provincial importance and are identified in this plan. Regional and municipal plans are required to conform with the Growth Plan.

The Growth Plan conceptually locates an Urban Growth Centre in Newmarket Centre, the boundaries of which are delineated in the local Official Plan. The Growth Plan sets a target of 200 residents and jobs per hectare for the Newmarket Centre Urban Growth Centre.

**Intensification areas, such as urban growth centres, intensification corridors and major transit station areas will become the focus of cumulative growth for both population and employment as identified in the Newmarket Urban Centres Secondary Plan. While this proposed development is not required for the Town to meet the intensification targets set, the proposal conforms to the Provincial Growth Plan.**



### **Provincial Policy Statement (2014)**

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the PPS sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for the citizens of Ontario.

Planning decisions shall be consistent with the Provincial Policy Statement. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system. The PPS is meant to be read in its entirety and no one section of the PPS overrides others.

The first section of the PPS (Policy 1.0) relates to building strong communities. The preamble to this policy provides "Ontario's long-term prosperity, environmental and social well-being depend on wisely managing change and promoting efficient land use and development patterns".

Policy 1.1.1 sets out how "healthy, liveable and safe communities are to be sustained". This includes "promoting efficient development and land use patterns which sustain financial well-being of the Province and municipalities over the long term" and "accommodating an appropriate range and mix of residential...employment...recreation, park and open space and other uses to meet long term goals".

Policy 1.1.2 provides "sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years." And that this land shall be made available "through intensification and redevelopment, and, if necessary, designated growth areas".

Policy 1.1.3.1 provides "settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted". "Settlement areas" are defined as "urban areas...within municipalities... that are (a) built up areas where development is concentrated and which have a mix of land uses; and b) land which have been designated in an official plan for development over the long term planning horizon...".

Policy 1.1.3.2 provides land use patterns within settlement areas shall be based on (a) densities and a mix of land uses which efficiently use land and resources (b) are appropriate for and efficiently use the infrastructure which are planned and available (c) minimize negative impacts to air quality and climate change, and promote energy efficiency (d) support active transportation (e) are transit-supportive where transit is planned, exists or may be developed.

Policy 1.7.1 provides that long term economic prosperity should be supported by ...maintaining, and where possible, enhancing the vitality of viability of downtowns and mainstreets; encourage a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character including built heritage and cultural heritage landscapes;

The application for redevelopment of the subject land is consistent with the Building Strong Communities Section of the Provincial policy Statement. While the redevelopment of the subject lands are not required for the Town to meet growth targets, the proposal would contribute to providing a range of housing options in the downtown area and could efficiently utilize existing services and is transit supportive. The proposal



could enhance the vitality and viability of downtown by providing residential units in close proximity to the amenities offered as well as enhanced retail space. The proposal intends to conserve the heritage defining attributes of the designated Clock Tower building and the facades of the 19<sup>th</sup> century commercial buildings. Some concerns remain on the impact of the proposal on the Cultural Heritage Landscape which is further discussed under “Heritage Impact”.

Policy 2.6 – titled “Cultural Heritage and Archaeology” relate to the conservation of cultural heritage and in particular the following policies relate to built heritage.

2.6.1 *Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

2.6.3 Planning authorities shall not permit *development and site alteration on adjacent lands to protected heritage property* except where the proposed *development and site alteration* has been evaluated and it has been demonstrated that the *heritage attributes* of the *protected heritage property* will be conserved.

To understand the above policies better, the related definitions are provide below.

“Built heritage resource” means a building, structure, monument, installation or any manufactured remnant that contributes to a property’s cultural heritage value or interest as identified by a community, including an Aboriginal community. Built heritage resources are generally located on property that has been designated under Parts IV or V of the *Ontario Heritage Act*, or included on local, provincial and/or federal registers.

“Conserved” means the identification, protection, management and use of *built heritage resources, cultural heritage landscapes* and *archaeological resources* in a manner that ensures their cultural heritage value or interest is retained under the *Ontario Heritage Act*. This may be achieved by the implementation of recommendations set out in a conservation plan, archaeological assessment, and/or heritage impact assessment. Mitigative measures and/or alternative development approaches can be included in these plans and assessments.

“Cultural heritage landscape” means a defined geographical area that may have been modified by human activity and is identified as having cultural heritage value or interest by a community, including an Aboriginal community. The area may involve features such as structures, spaces, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Examples may include, but are not limited to, heritage conservation districts designated under the *Ontario Heritage Act*; villages, parks, gardens, battlefields, mainstreets and neighbourhoods, cemeteries, trailways, viewsheds, natural areas and industrial complexes of heritage significance; and areas recognized by federal or international designation authorities (e.g. a National Historic Site or District designation, or a UNESCO World Heritage Site).

“Heritage attributes” means the principal features or elements that contribute to a *protected heritage property’s* cultural heritage value or interest, and may include the property’s built or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (including significant views or vistas to or from a *protected heritage property*).

“Protected heritage property” means property designated under Parts IV, V or VI of the *Ontario Heritage Act*; property subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*; property identified by the Province and prescribed public bodies as provincial heritage property under the



Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

“Significant” means, in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest for the important contribution they make to our understanding of the history of a place, an event, or a people.

The PPS would consider the Lower Main Street South Heritage Conservation District a Significant Cultural Heritage Landscape that must be conserved. By definition, conservation includes the identification, protection, management of the cultural resource in a manner that ensures their cultural heritage value or interest is retained. To ensure consistency with the PPS Council must consider the impacts the proposed development will have on the protected heritage properties within the District as well as the individually designated Clock Tower building at 178 and 180 Main St South. It is staffs opinion that the development as proposed would have negative impacts on the significant Cultural Heritage Landscape being the Lower Main Street South Heritage Conservation District. This is discussed below under the heading “Heritage Impact”.

**In reviewing the PPS there are a number of overall goals with no one policy taking precedence over another and that the PPS is to be reviewed in its entirety. What this report and Council must consider is: Can the provincial goal of intensification be achieved while meeting the provincial goal of heritage conservation? It is staff's position that both can be suitably achieved however modifications to the heights and massing of the proposed development need to be implemented to ensure appropriate conservation of the district heritage attributes.**

### **York Region Official Plan**

York Region Council adopted the current York Region Official Plan (YROP-2010) in 2009; the Minister of Municipal Affairs and Housing approved the Plan in 2010. The Official Plan has been appealed to the Ontario Municipal Board, and is partially in effect. While appeals are still outstanding, the relevant policies for the Subject Lands are in effect, and therefore this plan is applicable to the Subject Lands.

The lands subject to this application are designated Urban Area on Map number 1 of the YROP.

Section 3 of the YROP discusses Healthy Communities indicating that Healthy Communities are places where people can live, work, play and learn in an accessible and safe environment.

This section encourages a community design that reduces the amount of automobile dependency to combat obesity and promote active lifestyles. The Plan encourages a high quality urban design and pedestrian friendly communities that provides safety, comfort and mobility so that residents can walk to meet their daily needs.

Section 3.4 of the YROP titled Cultural Heritage promotes cultural heritage activities and the conservation of cultural heritage resources. The Region encourages local municipalities to adopt official plan policies to conserve significant cultural heritage resources and ensure that development and site alteration on adjacent lands to protected heritage properties will conserve the heritage attributes of the protected heritage property.



Section 3.5 discusses the housing market and the need and demand for a broader variety of housing types, sizes and tenures to meet the diverse range of needs of the Region's residents and workers. This section also encourages the construction of new rental units with a full mix and range of unit sizes, including family sized and smaller units.

Section 4 of the YROP titled Economic Vitality has the goal of creating a competitive and flexible economic environment that encourages investment and a diversity of employment opportunities. One aspect of this Section discusses retail trade identifying it as an essential component of a healthy economy.

Policy 4.4.1 requires that retail be designed to be walkable, transit-supportive, and integrated into communities and pedestrian and cycling networks, with high-quality urban design.

Policy 4.4.2 requires the Region to work with local municipalities to improve urban design in new retail developments and to identify opportunities for the intensification and revitalization of existing retail.

Policy 4.4.3 requires the Region to work with local municipalities to identify and protect the historical main streets in the Region.

Section 5.0 titled An Urbanizing Region: Building Cities and Complete Communities has the goal of enhancing the Region's urban structure through city building, intensification, and compact and complete communities. In particular, Section 5.3 titled Intensification, has the objective to create vibrant and sustainable urban areas. This can be achieved in part by having transit oriented development and that intensification projects be planned and designed to achieve an appropriate transition of built form to adjacent areas. This section also indicates that retail structures shall include, where appropriate as determined by the local municipality, mixed-use, multi story buildings, and public meeting spaces in order to support the planned urban structure and density targets of the Regional plan.

The York Region Official Plan offers Regional policy direction while providing guidance to local municipalities in their decisions from economic, environmental and community building perspective. The policies of the YROP must be considered together to determine conformity. The Plan is intended to be read in its entirety and the relevant policies are to be applied to each situation.

**The proposal for redevelopment on the subject lands generally conforms to the YROP policies as they relate to creating a complete community through the development of transit oriented apartment units and revitalization of existing retail development. Some conformity concerns relate to the conservation of significant cultural heritage resources and the impact this proposal could have on the heritage attributes of the Lower Main Street South Heritage Conservation District. Impacts to the Heritage Recourses are reviewed in detail further in this report.**

### **Official Plan Considerations**

One of the goals and strategic directions of the Plan is the protection and enhancement of the natural and cultural heritage of the Town. Section 1.3.2 indicates that the protection of the Town's cultural heritage will be a priority for the Town and that the preservation, restoration and utilization of the Town's heritage resources is vital for the retention of the Town's cultural identity.



Section 1.3.6 under the strategic directions entitled *Revitalization of the Historic Downtown* indicates that the Historic Downtown is the traditional Central Business District of Newmarket and that there is significant opportunity for growth and change that would facilitate the achievement of the Plan's strategic directions. Additional development in this area would achieve the sustainability goal by providing an opportunity to live close to services without the need to burden the road system. The Official Plan goes on to indicate that with additional development, the rich history of the area will be protected for the enjoyment of residents as the Plan builds on the Newmarket Historic Downtown Community Improvement Plan. The mix and design of retail and service, office, institutional, entertainment, recreational and residential uses located along Main Street will continue to foster a sense of vibrancy and community in the Historic Downtown at an Urban Scale in harmony with the rich heritage of the surrounding residential neighbourhoods.

The Subject Property is designated Historic Downtown Centre on Schedule A - Land Use Plan to the Town's Official Plan.

The Historic Downtown Centre designation permits a number of uses including residential uses up to 80 units per net hectare. The Official Plan allows for greater densities provided background studies demonstrate that the proposed development will not create an unacceptable level of traffic, and will be compatible with the existing surrounding development. To demonstrate this, the Official Plan requires a number of studies to be submitted including a Shadow Impact Study, Traffic Impact Study, Heritage Impact Assessment, Environmental Site Assessment, Functional Servicing Report and Planning Justification Report discussed further in this report.

Section 11 of the OP discusses Cultural Heritage Resources indicating that the Downtown Centre is the focal point of the Town's Cultural Heritage and that the plans policies anticipate additional development that will enhance the rich history of the Historic Downtown Centre. The objectives of this section read:

It is the objective of the cultural heritage resources policies to:

- a. conserve significant built heritage resources and significant cultural heritage landscapes;
- b. ensure that all new development has regard for cultural heritage resources and appropriately accommodates such resources in development and redevelopment proposals;
- c. ensure that cultural heritage resources are appropriately recognized through designation pursuant to the Ontario Heritage Act; and,
- d. ensure that the cultural heritage of the Historic Downtown Centre is protected for the enjoyment and edification of existing and future Town residents and visitors.

The Official Plan policies under this section indicate that where an area is designated as a Heritage Conservation District, partial demolition, alterations, renovations, repairs, or additions may be allowed provided that the proposed changes are compatible and consistent with the building and its heritage attributes. Infill buildings must also be compatible with the surrounding buildings and streetscape. In both cases, compatibility may include building materials, colour, height, scale and design.

Development and site alteration on adjacent lands to a protected heritage property designated under Parts IV, V and VI of the *Ontario Heritage Act* may require, at the discretion of Council, or as provided for in an



approved Heritage District Plan, a Cultural Heritage Impact Assessment to evaluate and demonstrate, to the satisfaction of the Town, in consultation with Heritage Newmarket, that the heritage attributes of the designated heritage property will be conserved.

Development and site alteration adjacent to a protected heritage property shall be designed to conserve, be compatible with, and minimize the impact on the identified heritage attributes of the designated heritage property.

One of the Official Plan's primary goals is to revitalize the Historic Downtown. Policies related to this portion of Main Street encourage improvements in the form of infill development and rehabilitation that is at a scale that retains the historic character of the area and conserves heritage attributes of the protected properties. The plan encourages retail uses at grade along Main Street with residential units on the upper floors and encourages pedestrian activity by providing adequate links to Main Street and landscaped sidewalks.

**The Official Plan encourages appropriate residential and commercial redevelopment in scale with the historic character of Main Street South. The appropriateness of the scale of the proposal is further discussed under Heritage Impact below.**

#### **Zoning Bylaw Considerations**

The subject property is currently zoned Historic Downtown Urban Centre Zone (UC-D1) by comprehensive zoning By-Law 2010-40. The UC-D1 zone includes an apartment building as a permitted use. The performance standards for this zone have a minimum height of 2 storeys and a maximum height of 3 storeys, a minimum floor space index of 0.5 and a maximum floor space index of 1.0. There are no yard setbacks in this zone category as many of the existing buildings are built to the lot lines.

The applicant is proposing to amend the existing zoning on the property to allow for a 7 storey building stepped back from Main Street with a floor space index of 2.9. The Proposal seeks to lessen its height impact on Main Street South and the surrounding community through a series of step-backs. The Proposal includes a 4.0 m step-back of the building façade above the second-storey, and an additional 0.95 m and 2.66 m step-back above the fourth and sixth-storeys respectively along Main Street South. The Proposal also includes a 1.53 m and 2.81 m step-back above the third-storey and sixth-storey respectively along Park Street.

The step-backs as described above are detailed in the elevations and cross sections in the appendix of this report. Significant separation distance has been included around the clock tower itself lessening the impacts on this heritage designated building. The proposed step-backs on Main Street do give some distinction to a Main Street façade of 2 storeys however floors above the second will remain visible and could have impact on the heritage character of the area.

Relief from the parking requirements is also being requested. The current zoning By-law would require 1.75 parking spaces per unit which equals 289 spaces for the proposed 165 apartment units. The applicant is proposing 199 spaces which amounts 1.2 spaces per unit. The parking analysis is provided further in this report.



The proposed commercial units that are replacing existing units will not have parking requirements associated with them, as permitted by the zoning by-law.

If Council were to approve a zoning By-law amendment for this site, it is recommended that the Holding Provision be included in the zoning By-law to be removed once certain conditions are satisfied. Before the Holding provision is removed, the applicant will be required to demonstrate that a site plan agreement has been entered into; a Record of Site Condition has been filed, adequate downstream sanitary sewage capacity is available, servicing allocation has been granted by Council, any necessary land transfers have occurred and any other requirements of the town and agencies have been addressed.

### **Heritage Impact**

#### *Heritage Conservation District*

Council passed By-law 2013-51 in October 2013 to implement the Heritage Conservation District Plan for Lower Main Street South. The applicant for this proposal appealed the designation by-law as it relates to the properties under application for development. The Ontario Municipal Board appeal is further discussed below. While the Lower Main Street South Heritage Conservation District Plan (District Plan) is currently not in place for these specific lands, development on these lands impact the district as a whole and necessarily need to be considered when evaluating the proposed development. It should be noted that the former Post Office building is individually designated under the Heritage Act.

#### *Purpose*

The purpose of the Heritage District Plan is to establish a framework for assessing and guiding proposals by private property owners and the municipality's proposals for public works to ensure that change contributes to the district character. The Plan also lists the types of proposals requiring heritage review, offers guidance on building conservation, gives guidance on adapting existing buildings and identifies where new compatible construction would be appropriate.

#### *Types of Buildings*

The District Plan identifies three types of buildings and provides guidelines for each building type in the proposed district. The building hierarchy are those that are Historic, those that are complementary to the district and other buildings that are neither historic nor complementary. The Clock Tower building at the southwest corner of Main Street South and Park Avenue is identified as a Historic Landmark Building. The remainder of the buildings under this application are designated Historic Commercial buildings with the exception of a small infill building at 190 Main Street filling in what used to be an alley space between 188 and 194 Main Street which is designated as neither historic nor complementary.

#### *Goal of the Plan*

The overarching goal of the District Plan is to revitalize the Lower Main Street South District while preserving its historic character. The Plan has a number of objectives and policies to achieve this goal. The policies of the District Plan, specifically as they relate to buildings identified as historic (Historic Landmark buildings and Historic Commercial buildings), supports the retention of historic buildings in the district. If a property owner proposes to demolish a building, a heritage impact assessment may be required to ascertain whether there are alternatives to demolition. The Town is not obligated to issue a demolition permit.



### *Plan Policies*

The District Plan also contains policies in relation to new construction. This section of the Plan indicates that the Town will favour proposals for new construction where:

- building height is not less than two storeys and not more than three storeys and is complementary to adjacent historic buildings and the streetscape;
- there is zero front yard setback and zero side yards;
- the facade shows a vertical orientation (or vertical directional emphasis) by segmenting the mass of the building into units of two or three bays across and by placing windows that are taller than they are wide in the upper floor;
- the ground floor of the facade is mostly taken up by plate glass display windows, the upper floor (or floors) shows a rhythm of windows spaced across the wall, and clay brick of light buff or red colour clads ground-floor piers and the upper-floor wall;
- floors align, or align approximately, with floors of adjacent historic buildings, allowance being made for changes in grade on the Main Street South hill;
- the facade is surmounted by a flat roofline, either a decorative brick cornice or a decorative brick parapet;
- signage is integrated into the ground floor design; and,
- at corner locations, the design addresses the corner and presents two street facades.

The appropriateness of any new design would be demonstrated through a heritage impact assessment in which the impact of the new design on adjacent historic buildings, the streetscape and the district is assessed. A heritage impact assessment has been submitted for this application and discussed further in this report.

### *Views*

The HDC Plan discusses the importance of the protection of views to, from and within the district. Specifically, the Plan indicates the Town will review applications for their potential impact on existing views including views of the district's four landmark buildings, one of which being the Clock Tower.

### *Guidelines*

The HDC Plan also contains a number of Guidelines identifying minor improvements to the Post Office building such as filling in holes in the brick work where flag poles and window shields were once mounted. The Guidelines also provide a four step process for approaching improvements or restoration of Historic Commercial Buildings. Section 5.6 of the Plan identifies guidelines for New Construction which are based on the policies for new construction identified above.

The HDC Plan provides a number of suggestions for buildings within the district which are provided below for the properties that form this application. The applicant has indicated that they will integrate heritage facades as part of the redevelopment where feasible. It is noted that the submitted Heritage Impact Assessment also recommends that some form of integration of the existing heritage structures/facades into the development be considered.

184 Main Street South – The Plan recommends that after the siding is removed from the storefront and upper floor and the roughcast plaster beneath is exposed, restoration based on historic photographs and the fire insurance plans should occur. This is one of the district's few buildings where a plaster finish – authentic roughcast and not synthetic EIFS – is recommended. The restored plaster finish should be left in

its natural state and not tinted with colour, as was typical, unless there is evidence in the underlying roughcast plaster of a colour tint.

188 Main Street South – The Plan recommends that the siding on the ground floor and upper floor should be removed. If the underlying brick veneer is not irretrievably damaged, restoration based on historic photographs should occur.

194-196 Main Street South – Historic photographs show that No. 194 is an identical building to No. 196. The siding covering No. 194 should be removed, and restoration of the upper floor and storefront should proceed if the underlying brick is not irretrievably damaged.

As noted above, the current proposal by the developer for the conservation of the heritage attributes of the buildings under application includes retaining the facades in situ if possible, or removing/dismantling the facades in accordance with heritage conservation practices and rebuilding the facades from the retained material. If this application is approved, a heritage conservation plan will be required which will detail the proposed methods of ensuring the heritage attributes are conserved.

**The proposal by the applicant for redevelopment of these buildings on Main Street South would assist in the revitalization of Downtown Newmarket by providing a number of residential units in the core and retention of commercial space on Main Street South as encouraged by the Plan. However, the proposal does not meet policies of the Heritage Conservation District Plan by exceeding the 3 storey height recommendation for new construction within the district. To assist in the on-going review of the application against the HCD Plan, a Heritage Impact Assessment has been submitted and peer reviewed.**

#### Heritage Impact Assessment

A heritage impact assessment is a report prepared by a qualified heritage specialist to assess the impacts demolition, removal, significant alteration or new construction may have on the character of the building, property, its surrounding context and/or a historic area. This recent resubmission includes an updated Heritage Impact Assessment for 180-194 Main Street South prepared by Goldsmith Borgal & Company Architects.

The HIA provides a historical and contextual background and an architectural review for Main Street and specifically the structures under this application. The report provides a review of the Town's Official Plan and the Lower Main Street South Heritage Conservation District Plan and the relevant policies.

The report provides background on the firm's involvement in the process and the two previous iterations of the Impact Assessment to illustrate the ways in which the design has adapted to the comments and concerns. The conclusion of the report indicates that the proposed development, while not meeting the HCD Plan in terms of height restrictions could be mitigated in order to allow the Town to meet a number of other planning goals in the Historic Downtown Core. This HIA includes examples of how architectural design can further enhance the compatibility of new construction in Heritage Conservation Districts. The HIA indicates that the conservation and rehabilitation of four heritage buildings as part of the development is in keeping with the intent of the Lower Main Street South Heritage Conservation District Plan.



The report summarises the current proposal as follows:

- The proposal is a multi-storey, multi-unit residential building with below-grade parking, with commercial units along Main Street South.
- To mitigate the height of the new structure within the two-to-three storey context of the Lower Main Street South Heritage Conservation District, the height has been confined to correspond with the height of the existing Clocktower and remains consistent with the height of the adjacent steeple of Trinity United Church, just north of the site.
- The historic Clocktower remains prominent due to the design that maintains the hipped-roof of the former Post-Office building, setting the new construction well-back of the tower on both sides.
- Also stepped-back are the upper levels of the new building along the Main Street South elevation - the set-back ranges from 4 metres (from the parapets/roof-lines of the existing heritage structures at 184, 188 and 194 Main Street South) to 7 metres (at the top floor of the new building).
- The Clocktower will remain as a landmark in the Heritage Conservation District as it will remain visible/prominent by means of the set-backs of the new building along Main Street South - views from both the north and south will not be affected, nor is the view from the east/from Riverwalk Commons. Approaching from the west along Park Street, the Clocktower will be somewhat blocked from view by the new construction.
- The historic commercial uses along Main Street South will be enhanced by rehabilitating the two-storey structures at 184, 188 and 194. Small-scale commercial spaces will encourage and enable independent commercial ventures as opposed to “big-box” retail, allowing for the type of niche retail envisioned in the Newmarket Historic Downtown Community Improvement Plan.

The report acknowledges that the proposal does not meet the goals of the HCD Plan with regards to providing heights of two to three storeys on Main Street; however, it also notes that there are numerous competing interests that ultimately must be considered by Council. It rightly indicates that it is the Town’s policy to revitalize Lower Main Street South while preserving its historic character. The HIA suggests that this current proposal seeks to balance the complementary interests of increasing density, while preserving heritage character as best as possible.

The Heritage Impact Assessment continues by providing specific details on the proposed development against the policies of the Heritage Conservation District Plan. The report indicates how these policies can be achieved, and where there is conflict, recommendations are made on how to mitigate the impact increased density would have on the heritage aspects of the District.

The Heritage Impact Assessment has been peer reviewed by ERA Architects.

#### Heritage Impact Assessment Peer Review

ERA Architects have provided a peer review of the proposal that was presented to Council at the first statutory public meeting in February 2014 as well as a peer review of the most recent proposal detailing seven storeys on both Main Street South and Park Avenue.

ERA has provided recommendations on the most recent iteration of the proposal as follows:

1. Decrease the height of the proposed new construction on Main Street South by a minimum one storey so that the overall height does not compete with the height of the former Post Office clock tower. The proposed stepback at the upper level should remain to maintain appropriate views of the clock tower from the south.
2. Clarify the conservation strategy by describing the intended approach to each building being conserved.
3. Consider revising the interface between the proposed new construction and the roof of the former Post Office building to mitigate the negative impact of the proposed new construction on the Landmark Heritage Building.
4. Include dimensions on architectural drawings appended to the GBCA HIA to demonstrate stepback/setbacks from heritage fabric, including the former Post Office clock tower and Main Street South facades.
5. Include a rendered pedestrian-level perspective looking north towards the proposal along Main Street South to match drawing R10.

Staff have asked for some clarification of the recommendations relating to the potential heritage attributes of the rear facades of the existing buildings, clarification of the third recommendation to provide more detail on the interface between the proposed new construction and the Post Office building, and to clarify the first recommendation relating to the step backs and ultimate height of the proposal on Main Street representing compatible development.

ERA Architects has provided the below response:

- The rear elevations of the buildings at 184, 188 and 194 Main Street South are secondary elevations that appear to have been modified over time. It is our opinion that these elevations do not have cultural heritage value; in addition, their removal does not have a significant impact on the heritage value of the Main Street façades.
- As shown on Drawing A9 - East Elevation prepared by Forrest Group, the proposed new building extends north into the east slope of the former Post Office roof and creates a condition that requires the alteration/removal of a portion of the roof. It is recommended that the intersection of new construction with the east slope of the former Post Office roof be revised such that the east slope of the roof is maintained intact up to the roof peak.
- It is our opinion that the height of the proposed new construction on Main Street South be reduced to four storeys so that the overall height is more compatible with existing building heights on Main Street South. A stepback at the upper level (similar to that proposed at the seventh floor/penthouse level on drawing A6a prepared by Forrest Group) should be incorporated to maintain appropriate views of the clock tower from the south.



Significant discussions have occurred between the developer's heritage consultant (GBCA) and the Town's peer review consultant (ERA) and staff to determine if there are options for other forms of the development that could be achieved without negatively impacting the heritage attributes described in the HCD Plan. A number of variations of the development plan were produced by the developer to assist in the review. This included options that contemplate a height reduction on the Main Street frontage to six storeys, moving the massing to Park Avenue for an 8 storey elevation along that frontage.

The ultimate conclusions from the discussions are that ERA can support a six storey structure fronting on Main Street acknowledging the elevation is taller than the four storey height previously recommended as the massing has been mitigated by including a step back for the 3<sup>rd</sup> and 4<sup>th</sup> storeys, a further stepback for the 5<sup>th</sup> and 6<sup>th</sup> storeys along with a building material change from masonry to a glazed façade at the 5<sup>th</sup> floor to assist in mitigating the view and reducing the dominance of the building within its context when viewed from Main Street South. They have indicated that this height and massing would not, in their opinion, negatively impact the heritage attributes of the HCD.

With regard to the Park Avenue frontage, ERA have suggested that they are satisfied that a 7 storey structure can be accommodated appropriately and that eight storeys could be considered acceptable if the massing was appropriately stepped back and/or sculpted to mitigate visual impacts along Park Avenue and Main Street South.

ERA continue to identify the views as a concern, noting the views of the four Landmark Buildings are not obstructed by the proposal, however, the proposal alters the current skyline, which is a described heritage attribute in Section 2.3.8 of the HCD Plan reading:

Panoramic views of the district from outside the district boundaries area valuable to the entire Historic Downtown Centre and include...the view from the southwest corner of Water and Prospect streets, looking northwest and featuring the four historic landmark buildings.

ERA's final recommendation is that additional refinements be considered by the applicant team to mitigate the impact on the panoramic view from the southwest corner of Water and Prospect Streets, either through the incorporation of step backs/articulation on the Park Avenue massing and/or a reduction in height. A perspective view from Water and Prospect Streets is included in the appendix of this report.

**While staff agree that additional height can be appropriately achieved, it is our opinion that the height on Main Street should be limited to 5 storeys mitigated by glazing and step backs.**

**It is staff's opinion that an 8 storey massing on Park Avenue is excessive and not appropriate for the Park Avenue frontage. Eight storeys would bring the ultimate height higher than the steeples of the adjacent Trinity United Church and create a massing that could dominate the streetscape and diminish the prominence of the four Heritage Landmark buildings. It is our opinion that the height on Park Avenue should be limited to 7 storeys mitigated by glazing and step backs.**

**The district's heritage attributes and the conservation of such is further described in the section below including staffs rationalization for the maximum heights recommended by this report.**



### Heritage Impact Discussion (Built Form)

Excerpt from the statement of **cultural value** in the Lower Main Street South Heritage Conservation District Plan:

*Within the diversity of architectural types and styles, patterns among the street's buildings are evident. All buildings are built to the lot line (to the sidewalk) except for a few at, or north of, Park Avenue. The usual height of buildings is two storeys, but there are a few at two-and-a-half storeys and three storeys; (one-storey buildings are anomalous). Four landmarks exceed the norm and dominate the street. The five-storey spire of Christian Baptist Church, the four-storey clock tower on the Old Post Office and the twin steeples of Trinity United Church take full advantage of their prominent location approaching, or at the top of, the hill while the cupola atop Old Town Hall pokes above Main Street stores from its location on Botsford Street. Most buildings have narrow street fronts and deep side walls and are built beside, or close to, one another. Together they form a street wall enclosure only interrupted by east-west streets, a lane or a staircase. Only Timothy Street crosses Lower Main Street South; so the sense of enclosure as one walks north from Water Street is pronounced. The unconventionally narrow roadway (two lanes with parking bays on the east side mostly) heightens the feeling of intimacy.*

The Ontario Heritage Act defines "heritage attributes" as, in relation to real property, and to the buildings and structures on the real property, the attributes of the property, buildings and structures that contribute to their cultural heritage value or interest. The heritage attributes contributing to the district's cultural heritage value are described in Section 2.3 of the Plan. The four historic landmark buildings are district landmarks, purposely erected to be prominent in the townscape. These buildings include the Christian Baptist Church, Trinity United Church, the Old Post Office and the Old Town Hall. Historic Commercial Buildings which contribute to the districts historic commercial character are identified and briefly described for both sides of the street. Historic Houses, publicly accessible open spaces and prominent views that contribute the district's cultural heritage value are also identified. Street panoramics along with historic photographs are provided in the plan.

Together, the landmark buildings, the historic commercial buildings and houses and the public spaces, their setting and the identified views of them make up the heritage attributes of the district which contribute to its cultural heritage value. There is generally a consistent height and massing on the street frontage creating an attractive street wall with pedestrian connections and views created by mid-block lane ways. With few exceptions, there is also a consistent pattern of ground floor retail storefronts which, along with the narrow road width create an intimate scale and sense of enclosure.

The greatest impact of the proposed development on the heritage attributes of the district area is the proposed height of the redevelopment, in particular on the Main Street frontage. The existing mainly 2 to 3 storey heights, accentuated by the historic landmark buildings, contribute greatly to the cultural value of the street and the quality of the pedestrian realm through the intimate scale of the streetscape and amenities provided.

The HCD Plan recommends that new construction on Main Street should not exceed three storeys. The intent of this policy is that the 3 storey height limit enhances the sense of a long walled space where Main Street South is enclosed by the buildings that face it.



It is staffs position that a height of four storeys on the Main Street frontage and a height of six storeys on the Park Avenue frontage, including step backs on both frontages could be appropriately accommodated on the subject lands and meet the intent of the Lower Main Street South Heritage Conservation District as it relates to heritage conservation and appropriate development that respects the historic character of the street.

While the Plan recommends new construction be limited to 3 storeys in height on Main Street, four storeys on the Main Street frontage limit the height to generally the height of the existing roof of the old Post Office leaving the views of the clock tower uninterrupted. Four storeys would have little or no shadow impact on Main Street and would have no negative visual impact on the Main Street views. Having the height maximized at 4 storeys on Main Street could also allow views of the clock tower itself to continue to be partially visible from Old Town Hall and the Market Square. It should be acknowledged that this is not an identified protected view in the HCD plan.

The Park Avenue frontage has a different relationship to the conservation district. Additional heights can be achieved without compromising the Heritage Attributes of the district as the district identified views would not be negatively impacted. As the massing is off of Main Street and stepped back from the clock tower, the pedestrian scaled street wall is not interrupted. Properties adjacent to the subject lands are zoned to allow for a six storey building as of right. Staff are satisfied that six storeys on Park Avenue can be accommodated while meeting the intent of the policies of the Lower Main Street South Heritage Conservation District.

Recognizing competing interests, the positive attributes of the proposal along with comments from the professional heritage planners, staff support development greater than that identified in the HCD plan which would not negatively impact the heritage attributes of the district. It is staffs opinion that an additional fully glazed storey above the 4<sup>th</sup> storey on Main Street and an additional fully glazed storey above the 6<sup>th</sup> storey on Park Avenue can be accommodated with little impact to the heritage attributes of the HCD. Maximizing the height on Park Avenue at 7 storeys keeps the height below that of the adjacent steeples of the Trinity United Church.

To that end, staff are recommending that Council pass a by-law that limits the height of development on Main Street to five storeys and limits the height of development on Park Avenue to seven storeys including appropriate design materials and step backs on both facades.

It is staff's opinion that these heights will allow the continuation of the prevalence of the four landmark buildings within the identified views of the district. The additional step back of the top floor on each frontage will mitigate views from Main Street and Park Avenue minimizing its visibility. The glazing on upper floor on each frontage could continue to the top of the elevation which would lighten the top of the building and allow a soft transition to the sky. The differing materials for the top floor create a distinctive transition between the incorporated heritage fabric and new construction above.



Perspective of the proposal as re-submitted



Perspective of the proposal as recommended



Conservation Strategy

The way in which the historic 19<sup>th</sup> century façades are treated impact the heritage attributes of the buildings themselves, but also the district in general. The Heritage Impact Assessment prepared by Goldsmith Borgal and Company provides details on how the existing heritage facades of the existing buildings can be integrated into the proposal.

*Portions of the buildings at 184, 188, and 194 Main Street South will be incorporated into the development thereby maintaining heritage resources within the Heritage Conservation District. 178-180 Main Street South will be partially demolished (that is the non-character defining portion of the 1956 addition) and the retained portion (the original 1914-1915 Post Office and Customs building) will be rehabilitated and adaptively reused.*



*This development proposal will integrate the existing heritage facades at 184, 188 and 194 into the new construction. The final details of the integration will be determined following further structural investigations and a Conservation Plan will be required to determine the appropriate conservation strategy for each of the three buildings (whether retention in situ, or salvage/reuse) – for example, the frame building at 184 will require different strategies than the brick buildings at 188 and 194. A preliminary on-site investigation was undertaken by GBCA during the preparation of this HIA and the original fabric under the modern facade materials was revealed and appears to be in repairable condition.*

*In conserving the individual heritage properties on Main Street South, the diversity of the streetscape will also be maintained - indeed the assortment of building forms, types and materials is one of the heritage character defining features of the HCD.*

*The proposed commercial/rental space along Main Street South will maintain the historic Main Street use of small-scale shops, as opposed to a continuous building base that would disrupt that heritage character defining feature of the HCD.*

**Staff agree that if this proposal is approved by Council, appropriate mitigative strategies for the heritage attributes of the 19<sup>th</sup> century historic commercial storefronts can be developed in a conservation strategy plan. This plan will provide clear direction for each individual building subject to the application and will be peer reviewed to ensure appropriateness.**

#### Heritage Newmarket Advisory Committee

Under the Ontario Heritage Act, any applications for removal or demolition of a structure designated under the Heritage Act are to be determined by Council. The Heritage Act also requires Council to consult with the Municipal Heritage Committee prior to making any decisions. While the lands subject to this application are currently not within the Heritage Conservation District due to the outstanding Ontario Municipal Board appeal (further discussed below in this report), the Clock Tower building is individually designated under the Ontario Heritage Act and the remaining buildings under the application (with the exception of the infill at 190 Main Street) are listed on the Municipal Register of Properties of Heritage Interest. The applications for zoning bylaw amendment were circulated to the Newmarket Heritage Advisory Committee for review and comment.

At the April 5, 2016 Heritage Newmarket Advisory Committee meeting, the following recommendation to Council was made.

“WHEREAS the proposed building does not comply with the Town of Newmarket’s Official Plan for Main Street which limits building heights to three stories;

AND WHEREAS the proposed building does not comply with the Development Plan for the Heritage Conservation District;

AND WHEREAS the proposed underground parking consists of three levels and there is an underground watercourse beneath or adjacent to the proposed development and surrounding buildings resulting in the need for the installation of waterproofing and structural pylons and

therefore the construction of the proposed development may cause a change in the natural underground watercourse and may cause damage to other buildings in the Heritage Conservation District;

AND WHEREAS many of the buildings in the surrounding area are built on rubble stone foundations, extensive excavation and construction may result in ancillary damage to other parts of those buildings;

AND WHEREAS currently Park Avenue is a narrow street which is frequently blocked by vehicular traffic, and the proposed main entrance and exit for the underground parking garage, together with the loading dock will add to an already stressed situation on Park Avenue considering that the Trinity United Church which is across the street also has handicapped parking/access onto Park Avenue opposite or in close vicinity to the underground garage entrance/exit and the loading dock and therefore, concerns arise regarding adequate turning radius and potential risks for moving vans and delivery trucks;

AND WHEREAS the proposed construction requires a land swap between the owner and the Town of Newmarket in order that it has the required number of parking spaces;

AND WHEREAS according to the building proposal submission, the facades of the buildings at 184, 188, 190 and 194 Main Street south of the former Post Office have not been preserved in accordance with the Ontario Heritage Act;

AND WHEREAS the streetscape and shadow study provided do not realistically show the potential impact on surrounding buildings such as the Trinity United Church, where the stained glass windows are worthy of protection, and businesses on the east side of Main Street where front windows may also be impacted;

AND WHEREAS the construction of this development may have a long term effect on public parking which may negatively impact the local merchants' ability to carry on business for an extended period of time;

AND WHEREAS the likelihood of precedent setting examples exist with this proposed rezoning application;

THEREFORE we, the members of the Heritage Newmarket Advisory Committee adamantly recommend that the Council of the Town of Newmarket reject this proposal."

**Council must take into consideration the recommendations of the Heritage Newmarket Advisory Committee prior to making a decision on the proposal.**

*Outstanding Ontario Municipal Board Appeal of the Heritage Conservation District Plan*

The Town of Newmarket Council passed By-law 2013-51 on October 21, 2013 under Section 41 of the Ontario Heritage Act to designate Lower Main Street South as a Heritage Conservation District. Main Street Clock Inc., the applicant, appealed the designation by-law. The appeal letter indicated that the passing of the bylaw and the inclusion of these lands within the district would create an additional burden



(procedural or substantive) to the redevelopment of the land. The appeal letter also indicated that the applicant's position is that the redevelopment proposal should be judged against the policy regime in place at the time of the applications and that the development proposal should not be subject to Part V of the Ontario Heritage Act. The town was successful in having the appellant agree to limit the appeal to the subject lands and have the Ontario Municipal Board deem the plan in effect, excluding the subject lands until such time as the appeal is dealt with.

**While the appeal has not been heard by the OMB, the Clock Tower building at 178-180 Main St South is individually designated under the Heritage Act. In addition, the Lower Main Street South Heritage Conservation District Plan requires that any development proposal adjacent to the district demonstrates that the heritage attributes of the District are conserved.**

### **Economic Development**

The Town's Economic Development Officer has provided the following comment in relation to economic activities in the downtown core.

Lower Main Street Newmarket has made impressive visual and economic progress over the past decade, assisted by strategic municipal investments in public infrastructure like Riverwalk Commons and the Old Town Hall, as well as the ongoing financial support for property improvements through the downtown Financial Incentive Program managed by the economic development office. For every dollar invested through the Financial Incentive Program, the private sector is contributing approximately \$3.50, which has resulted in Main Street commercial assessment growing at a rate that is more than double the overall Town assessment growth rate.

Nine new restaurants have opened in the past 5 years, leading to the development of a popular restaurant district for the entire community. Yet, there remains a lack of foot traffic at certain periods during the year to support the growth of retail businesses and shopping experiences to become a true destination for residents and visitors alike. Increasing residential growth in the downtown area can be the catalyst to drive new retail investment while contributing to the economic sustainability of existing businesses.

Statistics Canada 2014 household expenditure information shows that each Ontario household spends on average approximately \$62,000 annually. This includes items such as clothing (\$3,884), food purchased from stores (\$5,779), restaurants (\$2,324), personal care products and services (\$1,317), as well as numerous other common consumer products/services. Businesses offering these products/services provide a convenient intervening opportunity for downtown residents, leading to enhanced overall local consumer spending power to potentially spur new retail business formation, especially as multi-residential developments come onto the market. This, in turn, adds to the economic viability and vibrancy of the Main Street district.

### **Land Exchange**

On April 25, 2016 Council directed that the Town prohibit the sale or transfer of land in relation to the Clock Tower site unless in relation to a Council approved and endorsed development (the "Development") and only after the project has significantly advanced. Staff submits that this process may be effected through the inclusion of several terms and conditions in any proposed sale agreement between the Town and the Developer.



These terms and conditions may include the following collectively:

- Any zoning bylaw amendment for the Lands is approved by Council
- A site plan application for the redevelopment of the Lands is submitted and approved by Council
- A site plan agreement for the redevelopment of the Lands is executed and related securities are deposited
- The demolition of applicable buildings on the Lands, in accordance with accepted heritage conservation practices, to facilitate the site plan
- A record of site condition for the Lands, as described below, is completed and filed in accordance with provincial environmental protection regulation and the Town's official plan

An environmental record of site condition summarizes the environmental condition of a property and is based on the completion of environmental site assessments. The work required to effect such a record will ensure that the site has been made suitable for the Development.

Staff submits that the above-noted measures would evidence the advancement of the redevelopment of the Lands and would require significant investment of funds by the Developer prior to any transfer of Town lands.

In the event that Council approves this application for zoning by-law amendment, Council may want to provide that the construction of any underground structure under Town lands be designed such that it would not prevent the Town from providing additional public amenities on the above ground space or adjacent underground lands including above or below ground parking structures.

### **Shadow Study**

A shadow study has been prepared for the proposal that details impacts of shadowing on the surrounding neighbourhood at the spring and fall equinoxes and summer solstice. The shadow impacts are shown at 9am, 12pm, 2pm and 4pm. Shadow Studies illustrate the impact of development in terms of sun and daylight access to the surrounding context including surrounding buildings, the public realm, public and private open space.

An existing condition shadow study has also been provided to assess the impact. The shadow studies submitted show little impact on the low density developments to the west of Main Street. The greatest impact of shadowing from this proposal would be the east side of Main Street in the fall evenings and the Trinity United Church on Park Avenue in the spring and fall mornings. The façade on the south side of the Trinity United Church includes a number of stained glass windows of various sizes.

A more detailed shadow study has been submitted that details potential shadow impacts on the Church Park Avenue façade from the proposed redevelopment. Based on the information submitted, the westerly wing of the church would have shadows impacting the windows in the morning at the spring and fall equinox with no impacts during the summer solstice. The remainder of the church would not be impacted beyond the shadows caused by the existing building. An additional shadow study has been provided that details the shadow impact on the church at 10:30 am during the spring and fall equinox. This information shows that the upper stained glass windows (main floor of the church) are not within shadow during this time.



**It is staff's opinion that the shadow impacts do not significantly impact the surrounding uses and public realm.**

### **Traffic and Parking**

The Traffic Impact Study has been reviewed by Engineering Services and has concluded that there appears to be significant reserve capacity to accommodate traffic generated by this proposal on the surrounding public road network.

The applicant has submitted a revised report intended to address the parking related comments from Engineering Services.

The current development proposal is for 165 Residential apartment units and 5 Commercial units. A total parking supply of 199 parking spaces (1.21 spaces per unit) is being proposed within a three level underground parking garage, including 174 spaces for residents (approximately 1.05 spaces per unit) and 25 spaces for visitors (approximately 0.15 spaces per unit). The proposed underground parking area is intended to be accessed by Park Avenue.

The current zoning by-law standard for this proposal would be 1.5 per unit (248 spaces) plus an additional 0.25 for visitor parking (42 spaces) leaving the total required by the by-law at 290 spaces.

The parking justification report breaks down the units as follows:

1-Bedroom/1-Bedroom + Den units	115
2-Bedroom/2-Bedroom + Den units	49
3-Bedroom unit	1

No parking is being proposed for the at-grade retail which is consistent with the zoning by-law requirements.

The parking justification report has undergone a peer review by WSP Canada Inc. who indicated the proposed 1.05 space per residential dwelling unit and 0.15 space for visitor parking is appropriate.

**Based on the above, staff are satisfied that traffic can be accommodated and the proposed parking ratio of 1.2 spaces per unit is appropriate.**

### **Servicing**

Sanitary Sewage: Engineering Services have indicated that the applicant intends to pursue a downstream sanitary sewer analysis in the Fall of 2016 to determine if the existing sanitary system could accommodate the proposed development. They are willing to support the zone change in this regard provided the Holding (H) provision is included in the Zoning By-law that would not be lifted until such time as it is demonstrated that adequate downstream sanitary sewage capacity is available or acceptable arrangements have been made with the Town to carry out any downstream improvements deemed necessary to accommodate flows from this development.

Servicing allocation has not been granted to this proposal.

Water Supply: Engineering Services have indicated that the existing water system will adequately service the proposed development.

### **Environmental Site Assessment**

Engineering Services have reviewed the Phase One and Phase Two Environmental Site Assessments (ESA) and have provided the following: Sufficient environmental work has been carried [out] to demonstrate that it should not be an undue hardship to remediate the site. Confirmation should be obtained from the Ministry of Environment and Climate Change (MOECC) on whether or not a Record of Site Condition (RSC) will be required. With respect to this issue, staff are of the opinion that the zone change could be permitted to take place with a Holding provision. The Holding provision could be lifted once the site is remediated and the RSC is filed with the MOECC (if it is determined that an RSC is required) or once the revised Phase One and Two ESA's are submitted (if it is determined that a RSC is not required).

**If Council pass a by-law for these lands, the Holding provision should be included to require a Record of Site Condition if deemed necessary by the Ministry of the Environment and Climate Change.**

### **COMMUNITY CONSULTATION POLICY**

The 2<sup>nd</sup> statutory public meeting for this zoning By-law amendment application was held on May 9, 2016. A number of members of the public spoke at the public meeting and provided written comments.

Many of the comments received focused on issues that have been discussed in the body of the report. These issues include: Traffic, Parking, Heritage Impact (Built Form), Heritage Impact (building removal), Shadow Impacts and Economic development.

Additional comments were received related to potential precedent, potential damage to adjacent buildings, water table issues and the ability of the developer to apply for a rezoning of lands owned by the town.

With regards to the idea that if this proposal is approved, it will set a precedent for development of other properties on Main Street, any application for a land use amendment is judged on its own merits. Future applicants would be required to make a complete application and provide the necessary justification for any proposal.

The issue of potential damage to adjacent building was raised. If development is approved, the applicant will be required to submit a heritage conservation plan or strategy will be required that will detail demolition techniques and address adjacent structures. Where there is a common wall between two properties, an engineer's report is required detailing how the structural integrity of the remaining structure will be maintained during demolition.

Concerns regarding the water table – A ground water condition analysis has been completed that indicates that dewatering will be minimal and the ground water table and its levels will generally remain unaffected. The proposed underground structure will not block the flow of ground water to the Holland River. It



concludes that the proposed development is expected to have no long term effects on the local ground water table.

A concern was raised regarding the ability of the developer to apply for a rezoning on lands that are owned by the Town. In this regard, the zoning amendment application process allows for an applicant to apply for a rezoning of lands on behalf of the owner with the owner's authorization. In this instance, staff is satisfied that the Town's authorization to proceed with a rezoning of its lands is understood to be granted in order to implement the staff recommendations, as amended, in Closed Session Report 2013-05, which were adopted by Council on June 24, 2013, and as further amended by Council's direction on April 25, 2016 to prohibit a sale or transfer of Town land in relation to the Clock Tower site unless in relation to a Council approved and endorsed development of the lands.

Additional comments not discussed above focused on the impacts of construction activities and the ability of service vehicles to appropriately service the site, in particular garbage and recycling pick-up.

While these issues have not been fully addressed at this point, if Council approve development on these lands, site plan approval will be required. Through the site plan approval process, a construction management plan will be developed to the Town's satisfaction detailing the way in which vehicles will attend and leave the site, where material hoarding and worker parking will be accommodated among other items. The way in which garbage and recycling facilities will function will also be reviewed through the site plan process if approved. A design and program that would significantly limit service vehicles from parking and stopping on the public roadway should be implemented through this process and secured through a site plan agreement.

Petitions – As Council are aware, a petition was submitted to council requesting Council deny the application which has approximately 1200 signatures. A further petition in support of the proposed development has approximately 220 signatures.

#### **BUDGET IMPACT (CURRENT AND FUTURE)**

Application fees have been received, and the Town will receive revenue from assessment fees from any land use decisions made on the subject properties.

#### **HUMAN RESOURCE CONSIDERATION**

Not applicable to this report as staffing levels remain the same.

Attachments: Location Map  
Site Plan  
Elevations  
Trinity Church Height Comparison  
Perspective Plan  
View from Water and Prospect

  
Senior Planner – Community Planning

  
Director of Planning and Building Services

  
Commissioner of Development and  
Infrastructure Services



# LOCATION MAP

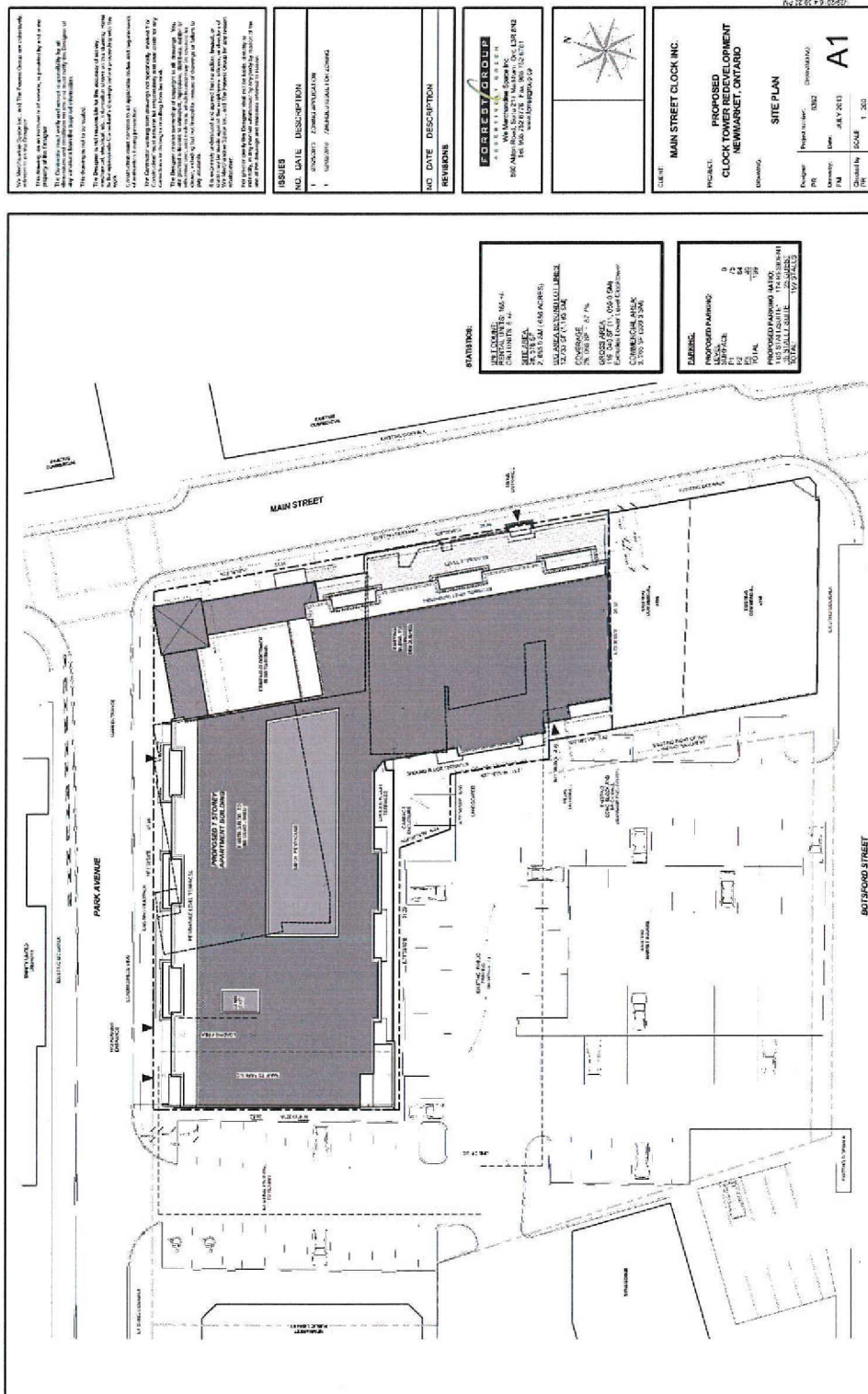
## 178, 180, 184, 188, 190 and 194 MAIN STREET (CLOCK TOWER)

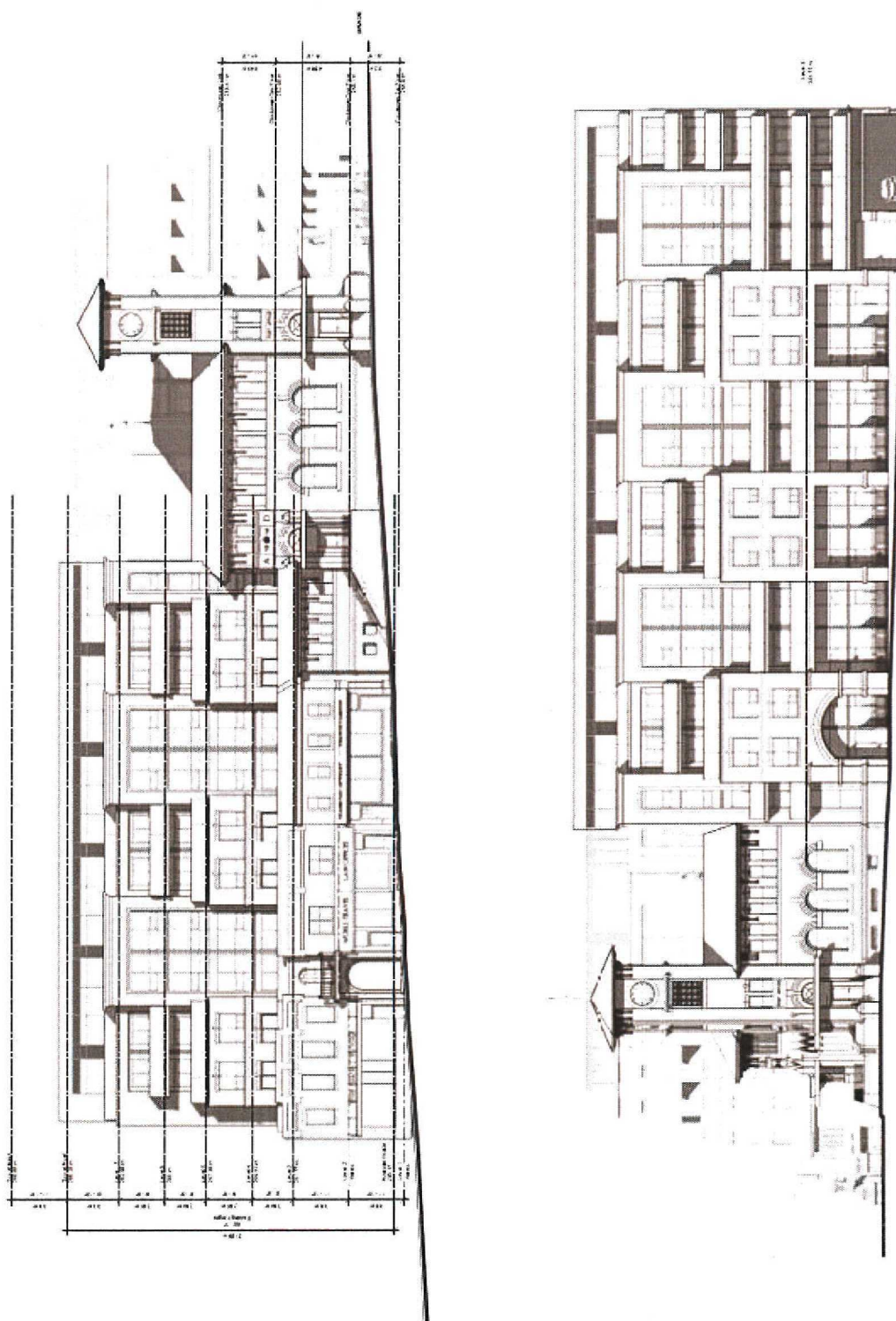


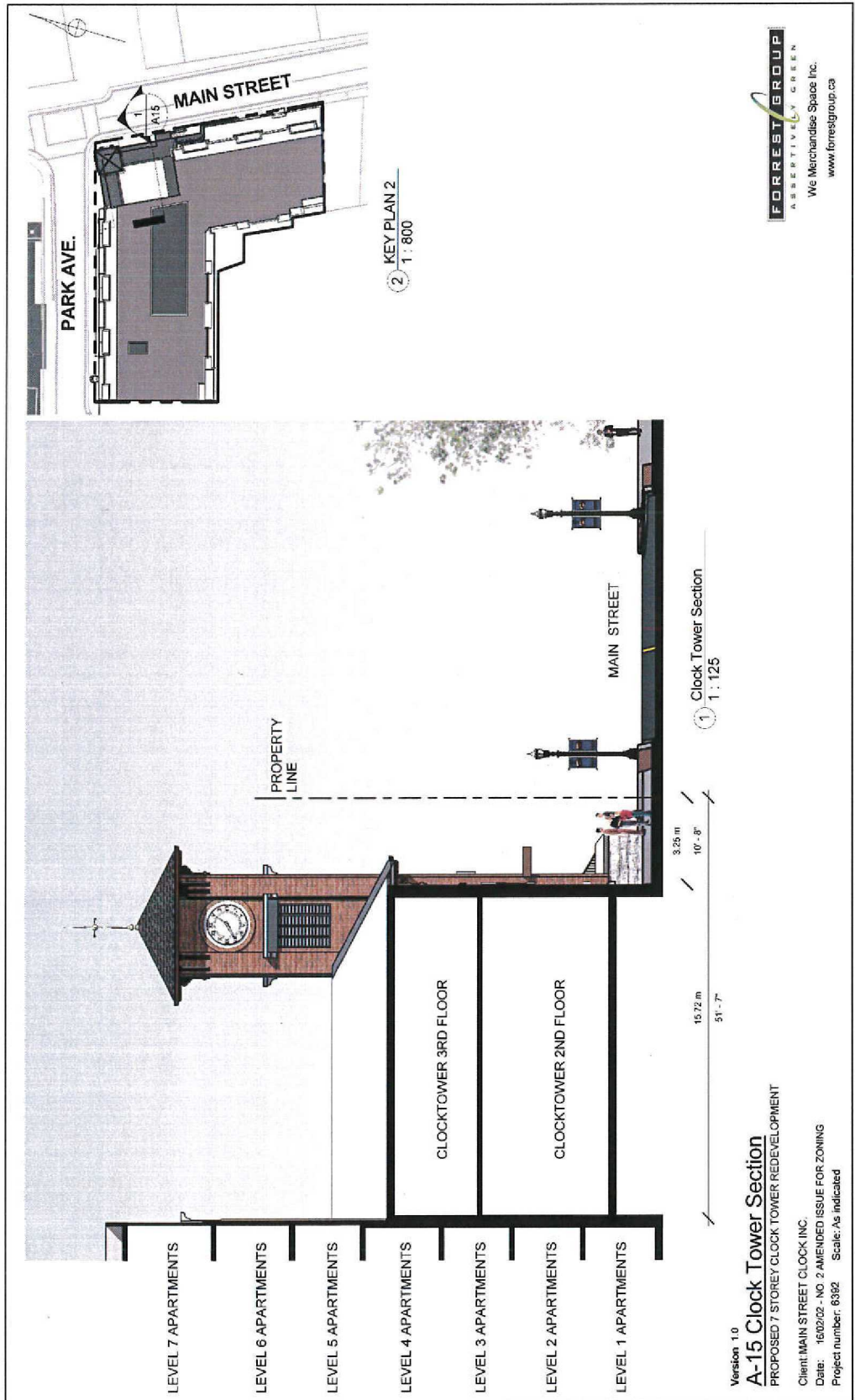
TOWN OF NEWMARKET PLANNING DEPARTMENT

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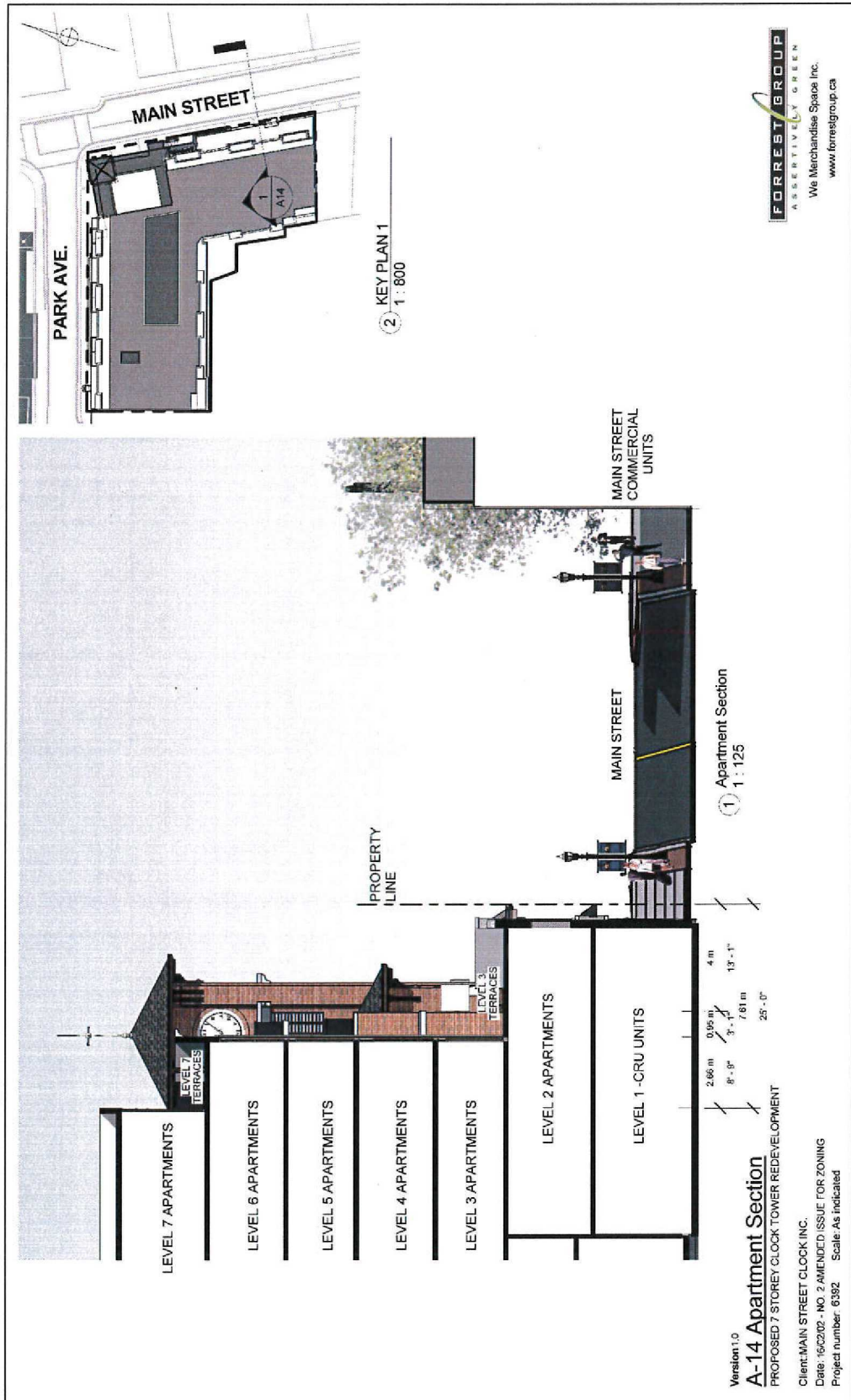






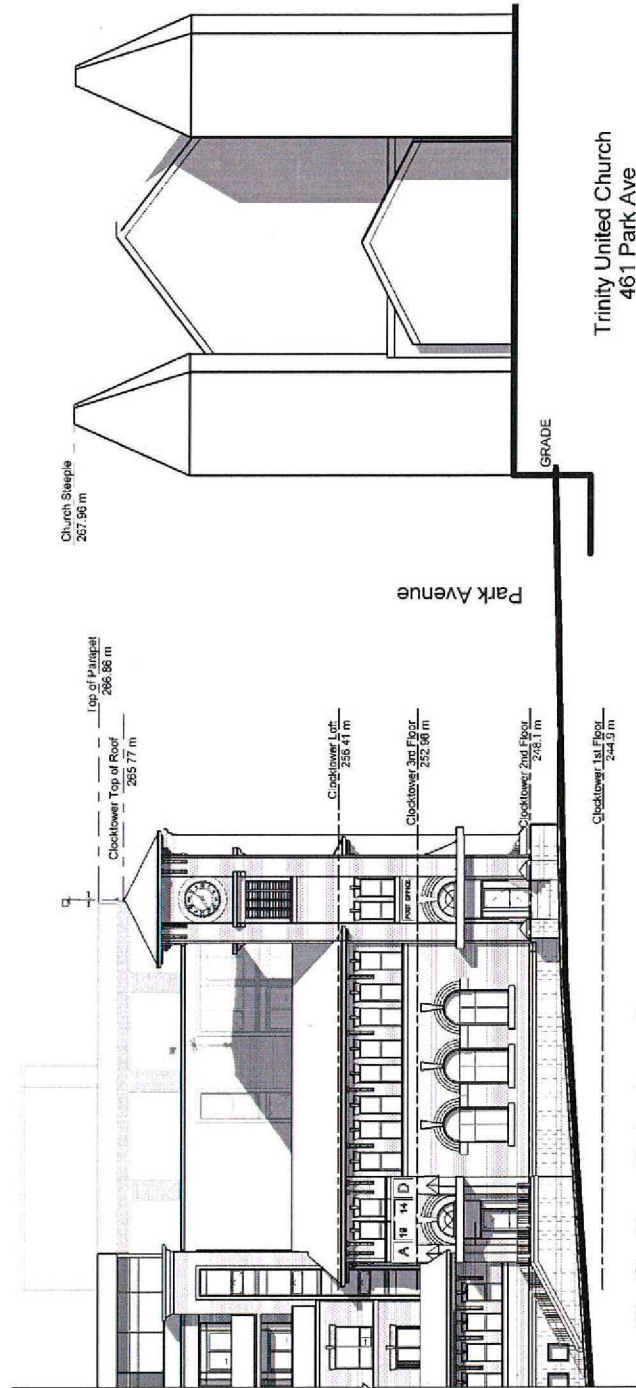
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TOP OF PARAPET FOR THE PROPOSED DEVELOPMENT IS 1M BELOW  
 THE NEIGHBOURING CHURCH STEEPLE.



Version 1.0

## A-16 HEIGHT STUDY

PROPOSED NEWMARKET, ONTARIO

Client: MAIN STREET CLOCK INC.

Date: 16/02/02 - NO. 2 AMENDED ISSUE FOR ZONING

Project number: 6392 Scale: 1:175

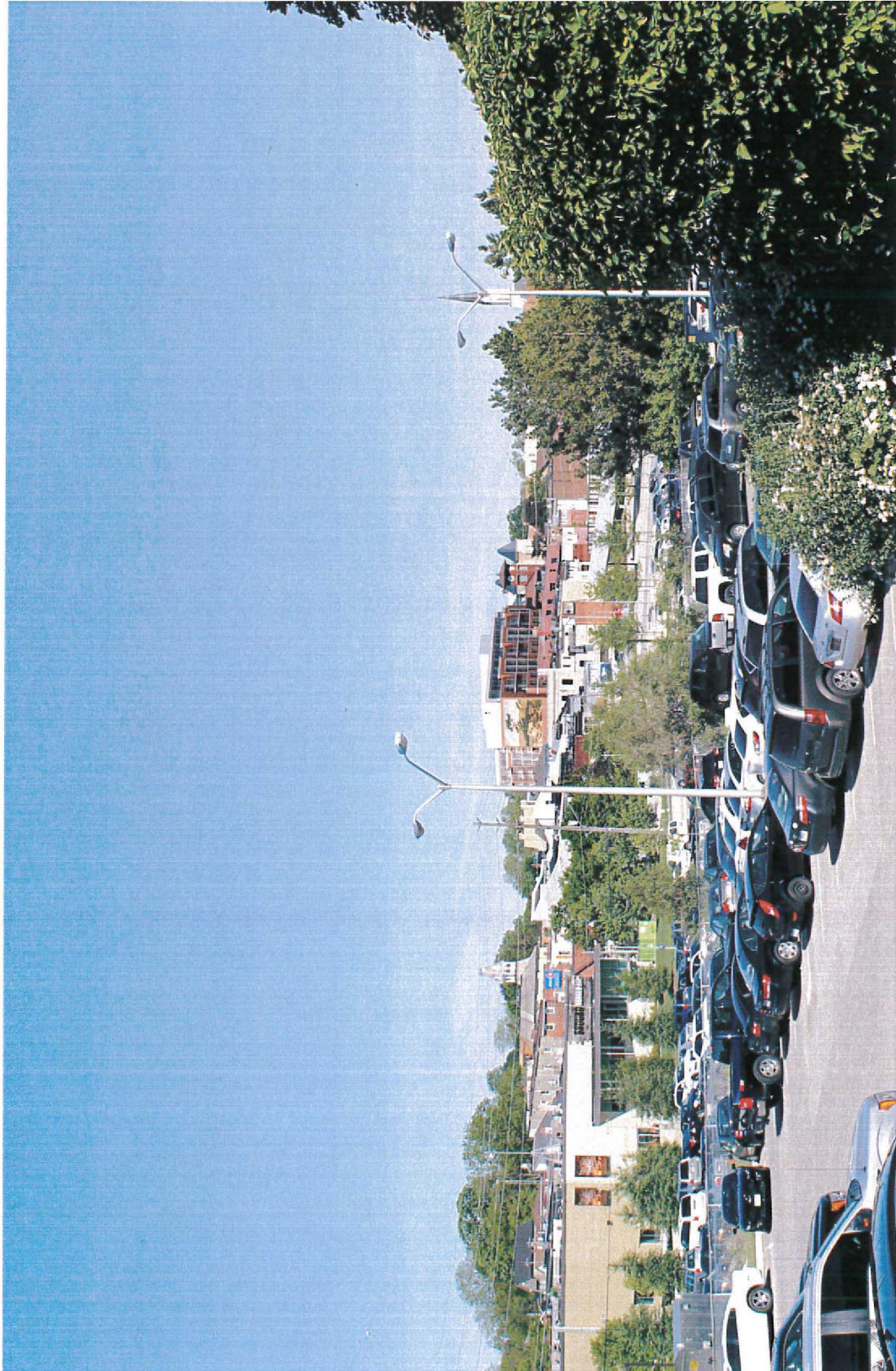
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## TOWN OF NEWMARKET

### Outstanding Matters

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
<p>1. Council – December 14, 2015 – Item 35 – Joint Development and Infrastructure Services – Planning and Building Services/ES 2015-44 – Proposed Trail from Yonge Street to Rita's Avenue</p> <p>Council – January 18, 2016 – Item 35</p>	<p>THAT staff provide alternate trail options for this area at a lower cost.</p> <p>THAT Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered.</p> <p>THAT staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail;</p> <p>AND THAT staff also include in the report the option of installing lighting along the George Luesby Park Trail.</p> <p>➤ Planning and Building Services</p>	<p>Timeline to be determined</p>	<p>Deferred subsequent to VivaNext construction</p>

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
2.	<p>Council – April 20, 2015 – Item 7</p> <p>Committee of the Whole – May 9, 2016 – Item 15 – Motion – Regional Councillor Taylor</p>	<p>THAT staff provide a report within six months related to internet voting.</p> <p>THAT Council direct staff to bring back a report within 180 days that examines the process and issues related to a ban on corporate and union donations in Newmarket Municipal Elections.</p> <p>➤ Legislative Services</p>	<p>Q2, 2016 Q3, 2016</p> <p>November, 2016 January, 2017</p> <p>Workshop held October 5, 2015</p> <p>Special CoW scheduled for January 30, 2017 (9:00 a.m.) and will address Internet Voting &amp; Ranked Ballots</p>
3.	<p>Committee of the Whole – November 9, 2015 – Item 12</p> <p>Development &amp; Infrastructure Services Report PWS 2015-58 regarding N6 Waste Collection Contract 2017-2017 Request for Proposal Preparation Update.</p>	<p>THAT staff work with the N6 partners to develop service level criteria for customer service and response and opportunities to provide customer services outside the scope of the waste control contract and report back to Council;</p> <p>AND THAT staff explore the option of separate proposals for standard bag limits (2 bags and 3 bags) with the N6 partners and report back to Council.</p> <p>➤ Public Works Services</p>	<p>Q1, Q2, 2016</p> <p>Q2/Q3, 2016 Special CoW December 5, 2016</p>
4.	<p>Committee of the Whole – February 22, 2016 – Item</p> <p>Joint Office of the CAO and Corporate Services - Legislative Services Report 2016-02 dated January 28, 2016 regarding Appointment of Municipal Ombudsman.</p>	<p>iv) AND THAT staff provide an information update report after a 6 month period once the agreement has been executed.</p> <p>➤ Legislative Services/Legal Services</p>	<p>Q3, 2016 Q4, 2016</p> <p>Joint Legislative Services/Legal Services Report</p>
5.	<p>Committee of the Whole – February 22, 2016 – Item 27</p> <p>Motion – Councillor Hempen Welcome Entrance Sign</p>	<p>THAT staff report back on the feasibility and suitable location for the installation of a community welcome entrance sign at the intersection of Longford Drive and Davis Drive;</p> <p>AND THAT staff also provide a suitable design for the welcome sign. The cost of the sign will be covered by private fundraising.</p> <p>➤ Development and Infrastructure Services</p>	<p>Q2/Q3, 2016 Q4, 2016 Q1, 2017</p>



Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
6. Council – April 4, 2016 – Item 5 Joint Report Community Services - Recreation and Culture, Development and Infrastructure Services - Public Works, Engineering, Corporate Services - Finance 2016-14 dated March 31, 2016 regarding Implementation Plan - Future Facilities and Land Use.	<p>THAT Phase 2 of the Recreation Playbook Implementation Plan be approved as outlined in the report, with public consultation done as part of applicable design processes;</p> <p>AND THAT Phase 3 of the Recreation Playbook Implementation Plan be shared with the community through a public consultation process and that staff then report back;</p> <p>AND THAT future Council Workshops be done to consider specific uses and negotiation strategies on potential property acquisitions, as outlined in the report;</p> <p>AND THAT as part of the 2016 Capital Budget, the design for an outdoor basketball court at Ken Sturgeon Park be undertaken, and funding for construction be requested in the 2017 Capital Budget funded from Development Charges and Capital Reserves, in order to include this project in Phase 2 of the Recreation Playbook implementation plan.</p> <p>➤ Recreation and Culture</p>	Q4, 2016	Awaiting next phase of funding announcements
7. Council – June 7, 2016 – Item 35 Joint Office of the CAO and Commissions of Development and Infrastructure Services, Community and Corporate Services Report 2016-08 – Federal Infrastructure Funding	<p>THAT staff provide Council with a prioritized list of infrastructure projects currently not funded through Development Charges, the Asset Replacement Fund or Other Reserve Funds for implementation between 2018 to 2025 that augment existing priorities, strategies and master plans or leverage grant funding for initiatives that achieve our Corporate Vision of a 'Community Well Beyond the Ordinary'</p> <p>➤ Strategic Initiatives</p>	Q2, 2017	Addressed through Corporate Services – Legislative Report 2016-23 distributed November 9, 2016
8. Council – June 7, 2016 – Item 38 Township of Wellington Resolution Door-to-Door Sales for Electricity and Natural Gas Contracts	<p>THAT staff review the current by-law and report back regarding door-to-door sales.</p> <p>➤ Legislative Services</p>		
9. Committee of the Whole – June 20, 2016 – Motion – Councillor Bisanz	<p>THAT staff be directed to explore various alternative methods of conducting Committee of the Whole and Council meetings in order to respond to community needs and ensure maximum public participation, by providing greater access to Council's deliberations, and that a report be provided to Council by the end of Q4.</p> <p>➤ Legislative Services/Communications</p>	Q1/Q2, 2017	
10. Council – June 27, 2016 – Item 34 Development and Infrastructure Services Report – ES 2016-24 regarding Savage Road/Sandford Street Traffic Review	<p>THAT Item 4 – Active Transportation Plan (bicycle lanes) on Sandford Street from Mullock Drive to Savage Road with a possible extension along Savage Road to Paul Semple Park entrance be deferred in order to provide an opportunity to work with residents to monitor and evaluate the traffic calming measures.</p> <p>➤ Engineering Services</p>	TBD	



Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
11. Committee of the Whole – August 29, 2016 – Item 20 – Corporate Services Report – Legislative Services 2016-17 regarding 'Potential Regulation of Driving School Instructors'	<p>THAT staff host a PIC in November, 2016 to seek Council, public and industry input on the potential regulation of driving school instructors operating in the Town of Newmarket;</p> <p>AND THAT staff continue to work with the MTO and driving school instructors operating in the Town of Newmarket to mitigate traffic and perceived safety concerns raised by residents;</p> <p>AND THAT staff bring back a report in the first quarter of 2017 regarding the potential regulation of driving school instructors operating in the Town of Newmarket.</p>	Q1, 2017	Public Information Centre scheduled for Tuesday, December 6, 2016 – 7:00 p.m. – Municipal Offices
12. Development and Infrastructure Services Information Report – ES 2016-41 Solar Powered Pole Mounted Radar Speed Displays – Pilot Project	<p>➤ Legislative Services</p> <p>THAT staff explore the pilot project initiated by the Town of Aurora regarding solar powered pole mounted radar speed displays;</p> <p>AND THAT staff follow up with each Ward Councillor with respect to proposed placement of existing speed display boards;</p> <p>AND THAT a further update report be brought back to a future meeting.</p>	Q2, 2017	
13. Committee of the Whole – November 7, 2016 – Item 3 Tree Preservation Deputation	<p>➤ Planning and Building Services</p> <p>Councillor Kwapis requested that staff investigate the feasibility of providing Wi-Fi to area public spaces and parks. The Commissioner of Community Services advised staff will report back on this matter within a 30 day time frame.</p>	February 2017	
14. Committee of the Whole – November 7, 2016 – Item New Business		December, 2016 Information Report to be distributed	



## PLANNING AND BUILDING SERVICES

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November 28, 2016

### DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2016-47

TO: Committee of the Whole

SUBJECT: Ontario Municipal Board Review - Analysis  
NP-16-47

ORIGIN: Planning and Building Services

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### RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning & Building Services Report 2016-47 dated November 28, 2016 regarding the Ontario Municipal Board Review - Analysis be received and that the following recommendation(s) be adopted:

1. THAT Council direct staff to submit Report 2016-47 and Information Report 2016-44 to the Province of Ontario as the Town of Newmarket's comments on the Ontario Municipal Board Review.

### BACKGROUND

Information Report #2016-44, dated November 2, 2016, provided background information regarding the OMB review process, timelines, statistics of the OMB, and powers of the OMB compared with other jurisdictions, and a summary of the Regional Planning Commissioners of Ontario (RPCO)'s recommendations.

### PURPOSE OF THIS REPORT

Building on Information Report #2016-44, this Report provides staff's assessment of three of the most significant issues that are being examined by the province, and provides specific recommendations on each. This Report should be read together with Report #2016-44, which describes many other potential ways that could improve the current OMB system.

### COMMENTS

In reviewing the relevant information made available to date, including reviewing the public consultation documents released by the province and RPCO, as well as attending the provincial workshop, and

meetings/discussions with Regional staff, three main issues of concern have emerged regarding the existing OMB process:

1. The OMB's limited resources relative to the high volume of matters that appear before the Board
2. The level of regard the OMB has for the decisions of municipal staff and Councils / *de novo* hearings
3. The litigious nature of the OMB process and effective citizen participation

The remainder of this report will focus on these three issues.

### **1. The OMB's limited resources relative to the high volume of matters that appear before the Board**

As noted in Report # 2016-44, uniquely extensive powers are afforded to the OMB by the Province. This has resulted in the OMB having to process a large number of appeals annually, to a point where existing resources are being overburdened. Currently, the Province is considering ways to address this by:

- Developing a specific list of matters of public interest, the decisions on which would not be appealable.

The RPCO goes further, recommending:

- All municipally led comprehensive and area-wide Official Plans and Official Plan Amendments be exempt from appeal. (Note: this would not affect the province's right to appeal municipal policies, municipal right to appeal provincial decisions, or an individual's right to appeal policies as they relate to *particular lands*. Nor does this affect existing rights of individual's to apply for Official Plan Amendments, however a municipal refusal of such could not be appealed.)
- Scoping the types of matters appealable to the OMB so that only large or complex planning matters appear before the Board. This can be done by removing appeal rights to Committee of Adjustment matters (severances and minor variances) which can be dealt with through separate processes, such as Local Appeal Bodies and/or an "OMB-lite" process.
- More actively promoting mediation and revamping the mediation process so that fewer appeals end up at full hearings.

Note: The reforms being recommended as outlined above build off those provided by Bill 73. As a reminder, Bill 73, which largely came into force on July 1, 2016, limited appeals to the OMB by not allowing whole Plan appeals, restricting appeals on certain matters of provincial interest as set out by the Province, and applying a two-year "timeout" for amendments to new official plans.

*Staff's recommendation:* That these changes be supported as they would effectively reduce the number of annual hearings and allow the OMB to focus their resources in a more efficient and effective manner. Further, they would help achieve a planning context where appeals to the OMB are exceptional events rather than an expected part of the planning approval process.

---

## 2. The level of regard the OMB has for the decisions of municipal staff and Councils / *de novo* hearings

OMB hearings are often criticized because they are heard on a *de novo* basis. *De novo* hearings are hearings that start anew; when matters go before the OMB as though no previous decision has been made. The reason for this criticism is that they largely ignore the decision of a municipal Council and associated rationale.

However, OMB hearings are not truly "*de novo*". The *Planning Act* requires Board members to 'have regard to' the municipal decision and any information and materials that they received in relation to the matter appealed. The problem is that the requirement 'have regard to' is subjective and its implementation varies among Board Members. Therefore, the province is considering a shift away from *de novo* hearings as a way to more deliberately meet this legislative requirement and increase regard for municipal decisions.

A shift away from *de novo* hearings would mean that the role of the OMB is not to seek the 'best' decision, but rather to focus on the validity of the decision under appeal. Unlike with the current model, the decision of the municipality would be central. This might be done by:

- requiring the OMB to review municipal decisions on a standard of reasonableness. That means OMB hearings would examine whether the original decision was within a range of defensible outcomes within the authority of the municipality. If the decision is found to have been made within that range of outcomes, the OMB would not be able to overturn it.
- authorizing the OMB to overturn a decision made by a municipality only if that decision does not follow local or provincial policies. This would mean that the Board would have to be convinced that the planning decision under appeal is contrary to local or provincial policies (eg. approval of development in a flood prone area or a provincially significant wetland, or an official plan that does not meet the Growth Plan for the Greater Golden Horseshoe intensification targets).

*Staff's recommendation:* That these changes be supported as they would appropriately increase the OMB's regard for the decisions of municipal Councils, and increase the importance of local perspectives in the approval process.

## 3. The litigious nature of the OMB process and effective citizen participation

The OMB environment is quite litigious in nature. It looks and feels similar to a formal courtroom setting, with lawyers examining and cross-examining expert witnesses. This context can be overwhelming to those who are unfamiliar with it. In addition, significant costs are associated with retaining lawyers and expert witnesses (planners, ecologists, heritage experts, etc). This has the unintended effect of favouring those parties having the wherewithal to understand the formal system and financial resources to retain such experts.



The province is examining the following ways to make OMB procedures more citizen-friendly:

- expanding the Citizen Liaison Office (CLO) at the OMB to help the public understand what the OMB does and how to participate in the process.
- establishing funding tools to help citizens retain their own planning experts and/or lawyers.

*Staff's recommendation:* That these changes be supported as a means to ensure that citizens can participate in the OMB appeal process in a meaningful way. However, it is cautioned that funding tools be allocated through third parties, funding not be distributed in ways that favour one party over another, and such tools not financially burden municipalities. A thorough procedure must be created to regulate these tools.

## **REGION OF YORK REPORT**

York Region is preparing a joint Report with local municipal input regarding the OMB Review, and will be circulating a draft on November 23, with a deadline for municipal comment on November 29. This Report will then be presented to Regional Council on December 15 with a recommendation to submit to the Province by their December 19 deadline.

This Regional Report will attempt to provide a consensus among local municipalities regarding recommended OMB reforms, and is intended to be signed by all local level planning Directors and Commissioners. The Regional Report will state that local municipalities may also elect to submit their own comments directly to the province.

## **COMMUNITY CONSULTATION**

As part of the public consultation process for the OMB Review, the Province has organized numerous Town Hall Meetings throughout the Province between October 18 and November 24, 2016. One of these meetings was held in Newmarket during the evening of October 18, which was well attended.

In addition, the Province has set up a website for the OMB Review, providing in-depth project information and the consultation paper for public review and comment: <http://www.mah.gov.on.ca/Page14965.aspx>. The deadline for comments to the province is December 19, 2016.

## **HUMAN RESOURCE CONSIDERATIONS**

There are no human resource considerations resulting from this Report.

## **BUDGET IMPACT**

There are no budget impacts resulting from this Report.

**BUSINESS PLAN AND STRATEGIC PLAN LINKAGES**

*Well-respected:*

- Being an influential contributor to regional and provincial affairs.

**CONTACT**

For more information on this report, contact: Adrian Cammaert, Senior Planner, Policy, at 905-953-5321, ext. 2459; [acammaert@newmarket.ca](mailto:acammaert@newmarket.ca)



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



Jason Unger, MCIP, RPP  
Assistant Director of Planning



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



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

## **NEWMARKET OMBUDSMAN**



ADR Chambers Ombuds Office

## ***2016 ANNUAL REPORT***

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## INTRODUCTION

The Ombudsman is in place to help people who have had problems with the delivery of municipal services.

The Office of the Ombudsman mandate is to impartially and confidentially investigate complaints from residents about the services provided by the Town, when all other efforts to resolve the issue have failed. We are involved in conflict resolution, prevention and change. We attempt to reach a resolution, often through recommendations or mediation.

In order to resolve problems, our office deals directly with city staff and people who bring complaints to us, often using mediation. In some cases, we will undertake an investigation to determine if a recommendation is warranted to deal with a complaint. We also conduct systemic investigations, if we see trends and patterns in the complaints or if we otherwise identify an issue requiring this.

The Ombudsman's office is neutral and does not advocate for either the complainants or the municipality. It provides a resource and an opportunity for individuals to have their complaints heard and dealt with after the municipality has not in their view dealt with their complaint. Our investigations also save money by ensuring that municipal services run efficiently and quickly.

ADR Chambers Ombuds Office was appointed as the municipal ombudsman for Newmarket effective March 1, 2016, through February 29, 2020. As Newmarket's municipal ombudsman, ADR Chambers Ombuds Office investigates in an independent manner any decision or recommendation made, or act done or omitted in the course of the administration of the Town of Newmarket.

ADR Chambers Ombuds Office is headed by the Ombudsman, Marshall Schnapp, who has both a legal background and extensive training and experience in dispute resolution. The Ombudsman is supported by a Deputy Ombudsman, administrative staff, and a roster of experienced investigators, who also have experience in law, dispute resolution, and complaint handling municipal matters.

ADR Chambers Ombuds Office and its staff act in compliance with accessibility, privacy legislation, obligations of confidentiality and applicable codes of conduct.

## WHAT WE DO

ADR Chambers Ombuds Office reviews complaints brought by members of the public about the Town of Newmarket. If a complainant is dissatisfied with the provision of services, a decision or recommendation made by the Town in the administration of municipal services, and the complainant has gone through the Town's internal complaint system and is not satisfied with the outcome, they may escalate their complaint to the ADR Chambers Ombuds Office. People may contact our office by phone, online and through the mail.

We investigate complaints with a view to resolving them either by agreement among the parties, or by issuing a report with analysis and recommendations. Investigations are conducted in private and are confidential as between the parties. ADR Chambers Ombuds Office strives to ensure that all investigations it performs are conducted in a fair, neutral, independent and confidential manner while respecting the rights and time constraints of the individuals involved.

### Types of Complaints

The types of complaints that may be submitted by complainants are varied, including complaints about the denial of services or the failure to provide a proper quality of service; complaints that the Town has made a decision that is not within their legal power to make; complaints that the Town has not followed the appropriate procedures in reaching a decision; and complaints that the Town has failed to take a certain action that it is required to take under its rules, procedures or by-laws.

### Process

Upon receiving a complaint, ADR Chambers Ombuds Office first considers whether it has the jurisdiction to investigate the complaint.

### Situations where ADR Chambers Ombuds Office Will Not Investigate

There are certain matters that are not within our mandate to investigate. These include:

- Matters that are not within the exclusive jurisdiction of the Town of Newmarket
- Matters that are in litigation
- Matters that fall within the jurisdiction of the Town's Closed Meeting Investigator, Integrity Commissioner or Auditor General
- Matters that are related to labour and employment matters
- Matters for which there is a right of appeal, under an Act, to a court or tribunal, unless this right has been exercised or the time to exercise this right has expired

We may also not investigate where a complainant has not exhausted the Town's existing complaints process or where more than 12 months have elapsed from the completion of the Town's complaint process, unless the Complainant can establish that there were exceptional circumstances justifying the delay.

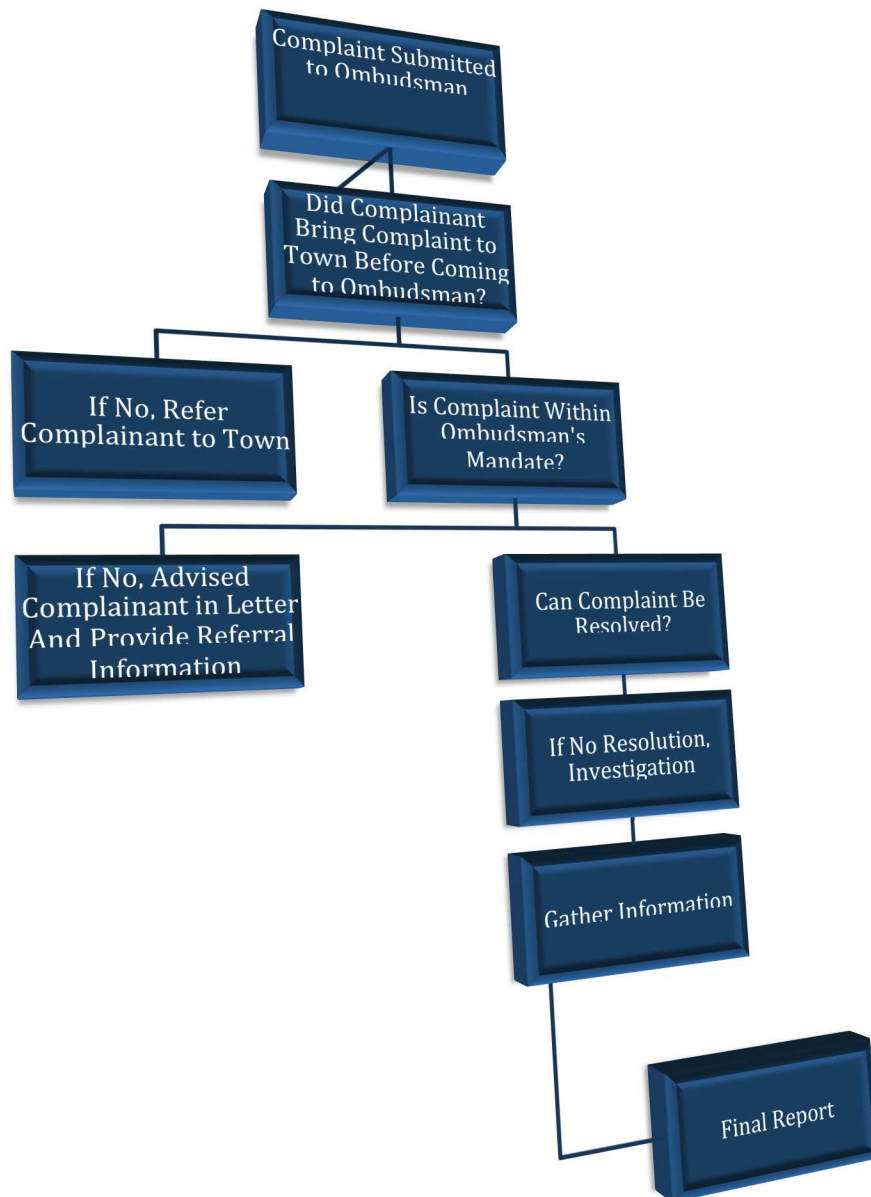
There are other circumstances where we may decide not to investigate, such as cases where the subject matter of the complaint is trivial or the complaint is frivolous or vexatious, or where we believe that it is highly unlikely that an investigation would yield a different conclusion than the Town.

If ADR Chambers Ombuds Office does not investigate a complaint for one of the above reasons, the complainant will be notified of this decision and reasons will be provided. Whenever possible, referral information will also be provided.

#### *Complaints Within ADR Chambers Ombuds Office's Mandate*

In cases where ADR Chambers Ombuds Office decides that it has the mandate to investigate, the Complainant and the Town are informed of the decision and the file is assigned to an investigator. The investigator reviews the file and first considers whether a mediated resolution might be possible. Where possible, the investigator will seek to facilitate a resolution. Where no resolution is achieved, the investigator will proceed to gather information and ultimately draft a report containing a description of the complaint, the Ombudsman's findings, and a conclusion and recommendation. Recommendations seek to achieve a satisfactory resolution of the complaint, however, all recommendations are non-binding.

Draft reports are submitted to the Ombudsman, who reviews the reports, along with another senior staff member. The reports are then circulated to both the complainant and the Town, who are invited to provide comments. The Ombudsman and the investigator consider the comments and make any necessary changes to the report. The final report is then provided to both parties.

**OMBUDSMAN PROCESS**



## **INVESTIGATIONS**

ADR Chambers Ombuds Office received 11 contacts regarding complaints about the Town of Newmarket. 10 of those complaints were from members of the public, while 1 was from a business.

To date we have completed one investigation. A citizen of Newmarket complained that Newmarket staff erred by taking it upon themselves to investigate a Code of Conduct issue that was raised by the Complainant and that they should have referred the matter to Newmarket's Integrity Commissioner.

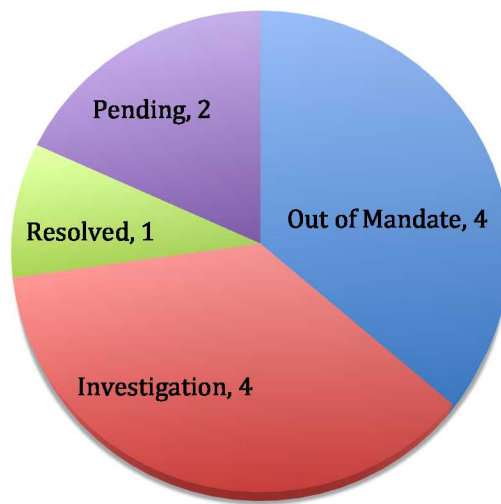
After conducting an investigation the following findings were made. The applicable By-Law allows for any person, Member of Council or Council to submit a complaint to the Integrity Commissioner, so the complainant did not need to seek action by Newmarket as an intermediary. Additionally, the By-Law did not give Newmarket staff the ability to initiate a complaint on behalf of Newmarket. Staff could bring an issue to the attention of Newmarket Council, but there was nothing in the By-Law compelling them to do so in such circumstances. The recommendation contained in the final report was that the Town of Newmarket did not need to take any further action concerning the complaint.

There were three active investigations at the time this Annual Report was published.

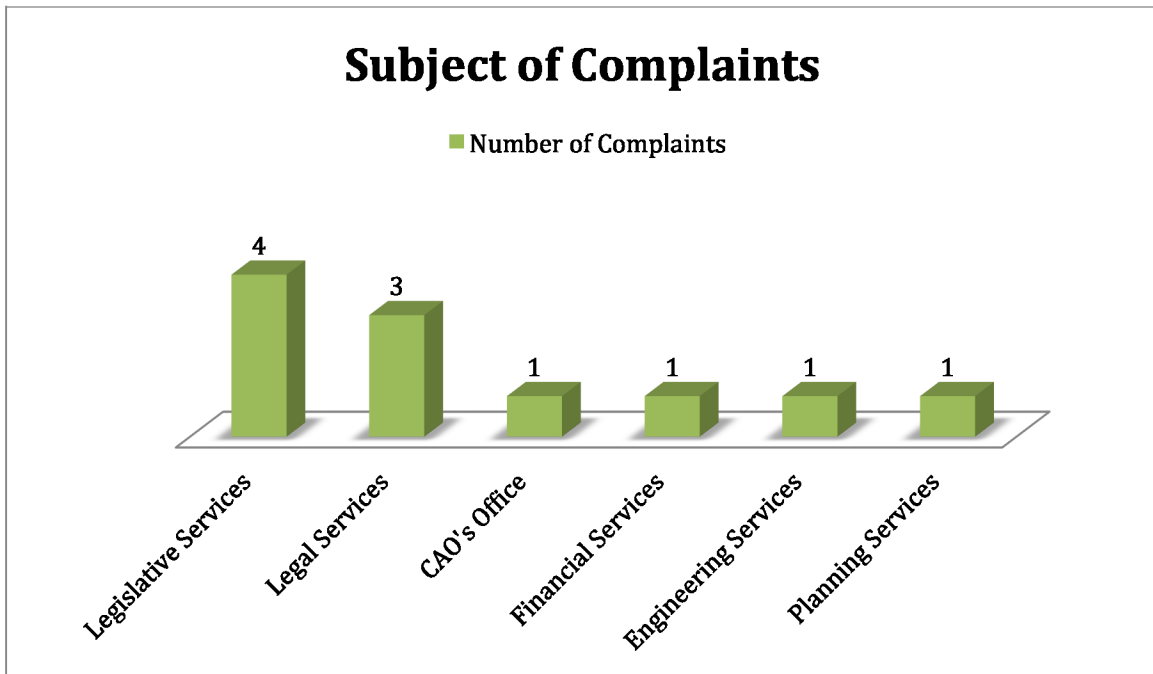
Complaints were also received regarding a number of various issues, including whether the Town erred when it reimbursed a Council Member's costs in relation to the construction of a website. One complaint related to a Councillor's refusal to meet with a complainant to allow the complainant an opportunity to review materials, which the Councillor had previously offered to share with any member of the public. Another complaint was about a two-month limitation period imposed on making complaints. There was also a complaint about zoning and site plan approval wherein the complainant alleged that it was misled, which resulted in significant costs and delays.

**STATISTICS**

Out of the 11 complaints made to our office, 4 involved complaints that were outside of our mandate and were referred elsewhere, 4 complaints were assigned for investigation, 1 complaint was resolved prior to being assigned for investigation, and 2 complaints are pending.



We received complaints about a number of different departments at the Town of Newmarket. Some of the complainants identified more than one department on their complaint form when selecting which department they were complaining about. The chart below indicates the number of times that each department was identified as the subject of a complaint.



Out of the four files that were assigned for investigation, one investigation was completed at the time of publishing of this report. This complaint did not result in a recommendation that the Town of Newmarket take any action.

# ADR CHAMBERS OMBUDS OFFICE CONTACT INFORMATION

**Marshall Schnapp B.A, J.D., LL.M.**

**Ombudsman**

**ADR Chambers Ombuds Office**

P.O. Box 1006, 31 Adelaide Street East, Toronto, ON, M5C 2K4

Tel: 1-844-235-4442 | Fax: 1-877-803-5127

Email: [ombudsman@adr.ca](mailto:ombudsman@adr.ca) [www.municipalombuds.ca/](http://www.municipalombuds.ca/)



ADR Chambers Ombuds Office



### Deputation and Further Notice Request Form

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

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

Name: <b>Colleen Forrest</b>	
Organization / Group/ Business represented: <b>MAIN STREET CLOCK INC.</b>	
Address: <b>590 ALDEN ROAD, SUITE 211 MARKHAM, ON</b>	Postal Code: <b>L3R8N2</b>
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>NOVEMBER 28, 2016</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No.:
<input type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <b>MAIN STREET CLOCK INC. WISHES TO RESPOND TO THE STAFF REPORT AS PREPARED AND DISTRIBUTED BY THE PLANNING AND BUILDING SERVICES DEPARTMENT AND ASK COUNCIL TO SUPPORT OUR ORIGINAL APPLICATION.</b>	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Julie Cochrane - Ann Campbell will speak on my behalf</b>	
Organization / Group/ Business represented: <b>The Heart of Newmarket and member of the Architectural Conservancy of Ontario</b>	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>November 28, 2016</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <b>I will be speaking in opposition to both the current Main Street Clock Inc. proposal and the Town's planning department's recommendations.</b>	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Gordon Prentice</b>	
Organization / Group/ Business represented: <b>President, Newmarket Branch of the Architectural Conservancy of Ontario</b>	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>November 28, 2016</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <b>The Clock Tower application, as amended by the town's planners.</b>	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Glenn Wilson</b>	
Organization / Group/ Business represented: <b>The Heart of Newmarket</b>	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>November 28, 2016</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: _____
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Name: <b>Jone Wright</b>	
Organization / Group/ Business represented: <b>The Heart of Newmarket</b>	
Address:	Postal Code: — —
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>November 28, 2016</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
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Name: <b>David Hunter</b>	
Organization / Group/ Business represented: <b>The Heart of Newmarket</b>	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
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Name: <b>Margaret Davis</b>	
Organization / Group/ Business represented: <b>Member of the Architectural Conservancy of Ontario, Newmarket Branch</b>	
Address: -	Postal Code
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>November 28, 2016</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
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Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Gerald Fox</b>	
Organization / Group/ Business represented: <b>The Heart of Newmarket and member of the Architectural Conservancy of Ontario</b>	
Address:	Postal Code:
Daytime Phone No.:	Home Phone:
Email:	Date of Meeting: <b>November 28, 2016</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
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Name: <b>Chris Howie</b>	
Organization / Group/ Business represented: <b>The Heart of Newmarket and member of the Architectural Conservancy of Ontario</b>	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>November 28, 2016</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
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Name: <b>Siegfried Wall</b>	
Organization / Group/ Business represented: <b>Wall Real Estate Limited as agents for 933016 Ontario Ltd.</b>	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>November 28, 2016</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
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Name: <b>Ted Heald</b>	
Organization / Group/ Business represented: <b>The Heart of Newmarket and member of the Architectural Conservancy of Ontario</b>	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>November 28, 2016</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
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Name: <b>Tracee Chambers, Ron Eibel and Darryl Wolk</b>	
Organization / Group/ Business represented: <b>The Heart of Newmarket and members of the Architectural Conservancy of Ontario</b>	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>November 28, 2016</b>
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Name: <b>Bill Wolske</b>	
Organization / Group/ Business represented: <b>The Heart of Newmarket and member of the Architectural Conservancy of Ontario</b>	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>November 28, 2016</b>
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Name: <u>Dave Peters, Board Chair</u>	
Organization / Group/ Business represented: <u>Newmarket Chamber of Commerce</u>	
Address: <u>470 Davis Dr</u>	Postal Code: <u>L3Y 2P3</u>
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <u>Nov 28 Cow-evening</u>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input checked="" type="checkbox"/> I request future notification of meetings	<input checked="" type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable): <u>Clock Tower deputation</u>	
Do you wish to provide a written or electronic communication or background information <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please submit all materials at least 5 days before the meeting.	

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Name: <b>Elaine Adam</b>	
Organization / Group/ Business represented: <b>Member of the Architectural Conservancy of Ontario, Newmarket Branch</b>	
Address: - -	Postal Code: - - -
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>November 28, 2016</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
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Name: <b>Jude Lauzon</b>	
Organization / Group/ Business represented: <b>The Heart of Newmarket</b>	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>November 28, 2016</b>
Is this an item on the Agenda? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No: _
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Name: <b>ANNE MARTIN</b>	
Organization / Group/ Business represented:	
Address:	Postal Code:
Daytime Phone No:	Home Phone:
Email:	Date of Meeting: <b>NOV. 28, 2016</b>
Is this an item on the Agenda? <input type="checkbox"/> Yes <input type="checkbox"/> No	Agenda Item No:
<input type="checkbox"/> I request future notification of meetings	<input type="checkbox"/> I wish to address Council / Committee
Describe in detail the reason for the deputation and what action you will be asking Council/Committee to take (if applicable):  <b>POSSIBLE DAMAGE TO STRUCTURAL BLDGS</b>	
Do you wish to provide a written or electronic communication or background information <input type="checkbox"/> Yes <input type="checkbox"/> No	
Please submit all materials at least 5 days before the meeting.	

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- Deputations will not be heard on a matter decided upon by Council until ninety (90) days have passed from the date of the matter's disposition by Council;
- Deputations are limited to 5 minutes.

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

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

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**From:** Greg King  
**Sent:** November-25-16 11:26 AM  
**To:** Moor, Linda  
**Subject:** Written deputation - re: Clocktower

I am writing in support of DEVELOPMENT AND INFRASTRUCTURE SERVICES/ PLANNING & BUILDING SERVICES REPORT 2016-25 to be presented before the Committee of the Whole, November 28th, 2016.

I commend staff on a good report.

Sincerely,  
Greg King

Newmarket ON L3Y 8J2

Mr Tony Van Bynen, Mayor

November 24, 2016

Councillors, Town of Newmarket

Re: Clock Tower project, Forrest Group

I am writing to you today in support of the Forrest Group proposed Clock Tower Development at the corner of Main St. and Park St., Newmarket.

These are my reasons:

Forrest Group has shown itself to be a good corporate neighbour, willing to modify and reconsider the original Clock Tower development in response to community concerns;

Forrest Group has built quality developments in Newmarket already: Bogart Pond, Renessa, Amica, Reflections on Bogart Pond;

Forrest Group is dedicated to preserving the historic character of the downtown, including retaining the 19<sup>th</sup> century facades and repairing and renewing the buildings when possible, while giving new life to the heritage elements;

The Clock Tower development will benefit the community as a whole, not just Ward 5, through providing housing options for residents, economic benefits to commercial establishments, improved labour mobility, accommodating population growth ( if we are a community people like to live in then our responsibility is to provide a variety of housing), be part of the Downtown Historic revitalization;

The Clock Tower development reflects an approach that citizens are demanding of their communities, and one that is consistent with Heritage development across Canada (see report re 100 Yorkville Ave., Toronto, National Ballet School, Toronto, Red River College, Winnipeg, etc.)

The Forrest Group has hired the heritage architect firm Goldsmith Borgal;

482 person years of employment, \$51M in income and earnings by households and businesses mostly in the local area, etc ( see reports)

Our groundwater will be generally unaffected by dewatering required by the development during construction, flow to Holland River not compromised;

Shadows on the United Church to the north of the project have been shown to have little or no change and the Sancturay on Sunday morning ie Stained glass windows will not be impacted;

Parking is not a concern, even at the blended ration of 1.08 per unit and 0.15 visitor parking, as the ration required by the town is high; it should be noted the Town has already allowed a parking reduction for 212 Davis Drive – residents of the Clock Tower also have access to public transportation, which

clearly is in demand by citizens as the environment becomes a main stream concern (Route 54, YRT on Queen St., YRT on Davis Drive, Go Transit);

The Forrest Group requested not a land swap but rights to a small portion of the underground land at Market Square for their development's underground parking, the Town would retain rights to the surface land;

There will be a pedestrian mews from Main Street to Market Square through the Clock Tower development;

Canadian Heritage Consultants ERA for the Town and GBCA for the proponent reached a compromise of 6 storeys on Main Street and 8 storeys on Park Avenue. This compromise reflected the set backs that the developer had proposed so that the view from Main Street was not greatly altered by the development.

I support Forrest Group's new plan and the consideration it gives to those residents and business owners in the Town who expressed concerns about the original proposal. I think the compromise of 6/8 storeys should be accepted by Town council. However, I am aware that the Planning and Building Services report proposed 5 storeys on Main Street and 7 storeys on Park Avenue. Agreeing to the additional storeys if the building above the 4/6 designation has glazed windows. It seems to me to be short – sighted to make further demands on the Forrest Group after this long delay and their many compromises. The project is a good project for the Town of Newmarket and it should be expected that Forrest Group would desire a project to be economically viable as well as a benefit to the Town of Newmarket.

My understanding is that the Downtown Heritage Bylaw does not apply to the Clock Tower lands.

There are some who would support retaining the Downtown Historical district as a 19<sup>th</sup> century museum piece but that is not in keeping with the history of the town of Newmarket, a town that has always been progressive in attracting businesses and residents since the early days of settlement. The town is now home to over 80 000 people. The Trail system, River Walk, Davis Drive redevelopment, Southlake Hospital, the renovations at the Old Town Hall... these and more reflect the blended spirit of history and progress in our Town. I urge Mayor Van Bynen and Town Council to continue to show foresight and a love of the roots of Newmarket by supporting the valuable asset The Clock Tower will be in our community and to our Historic Downtown.

I encourage Newmarket Town council to accept the Planning and Building services recommendation of 5 storeys/7storeys. Or failing that, to accept the original plan of 7 storeys/7 storeys.

Sincerely,

Patricia Montgomery



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**From:** Ted & Cindy Bomers  
**Sent:** November-24-16 2:47 PM  
**To:** Kerwin, Dave; Taylor, John; Mayor Van Bynen  
**Cc:** Moor, Linda  
**Subject:** Comment on Development and Infrastructure Services - Planning and Building Services Report 2016-25 dated November 28, 2016

I have reviewed the 34 page report prepared by Planning and Building Services and have the following comments:

- After the presentations by the public on May 9<sup>th</sup> 2016, John Taylor said that there were various concerns raised by the presentations not previously considered. These concerns should be taking into consideration as part of the Planning and Building Services assessment of the site proposal by Main Street Clock Inc. The summary of the public submission in the report is only one page which doesn't address all of the concerns raised. This makes me believe that Planning and Building Services has not taking the public viewpoint into consideration or serious.
- The Planning and Building Services has indicated that it has met/ discussed various aspects of this report with Main Street Clock Inc. over the last several months. I have had no feedback or discussions from the Planning and Building Services about any of my concerns about this development.

As elected officials by the citizens of Newmarket, I hope that you take the citizens concerns seriously and do not approve the recommendation by Planning and Services.

I also would suggest that a Risk/Impact Assessment be undertaken and a Mitigation Plan be developed before any approval is given to this project. This project will have a significant impact on the area and could have major repercussions to the Historic Downtown Newmarket.

The Historic Downtown Newmarket is a valuable asset that many citizens want to protect from this proposed development.

Sincerely yours,

Ted Bomers

**From:** Brouwer, Andrew  
**Sent:** November-28-16 9:06 AM  
**To:** Moor, Linda  
**Subject:** FW: my response to your proposal  
**Attachments:** Forest group letter.docx

For addendum.

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**From:** George Smith  
**Sent:** November-27-16 10:29 PM  
**To:** Brouwer, Andrew  
**Cc:** Bob Forrest  
**Subject:** my response to your proposal

Hi Andrew,

I am sorry I cannot attend the Committee of the Whole meeting tomorrow night but attached is my letter supporting the Forest Group Clock Tower proposal as presented to the town. Would you please ensure the Mayor and counsellors receive a copy of the attached.

Thank you.

George

Best Regards,

**George H. Smith, CPA, CA, Licensed Public Accountant**  
**Partner** | T: 905-898-4900 ext. 228



**NEWMARKET**

111 Main Street South  
 Newmarket, ON L3Y 3Y8

**BARRIE**

660 Bayview Drive, Unit 2A  
 Barrie, ON L4N 9P5

**SSL**  
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**GEORGE SMITH CPA**

111 Main St South, Newmarket, Ontario L3Y 3Y8

Mr. Tony Van Bynen, Mayor

Councillors Town of Newmarket

November 27, 2016

**RE: CLOCK TOWER PROJECT, FOREST GROUP**

I have read and follow with great interest the Forest Group, proposal for the Clock Tower. I am in favour of the Groups proposal of 7 stores on Main St. and Park Ave. The Forest Group have proven their record on integrity in development and building in my view 1<sup>st</sup> class properties in Newmarket. You are all aware of the past development projects that they have carried out and I need not go any further on this front.

These buildings need to be upgraded to today's standards since they have been neglected for too long by absentee landlords. I believe that the Forest Group will provide a 1<sup>st</sup> class property that the town and residence will be proud of. I think the council should listen to the presentation and respect the Developers proposal. They have spent an enormous amount of money and time gathering the information for their project report and have modified it to the wishes of the town.

I think it was an error in judgement to have 2 councilors give their respective positions on the proposal in the Era/Banner on Thursday ahead of the meeting on Monday. I would suggest that they retract their statements to allow a free and unbiased discussion.

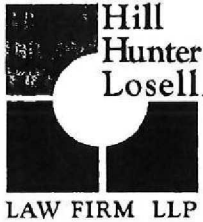
I have been a resident of Newmarket for 43 years in ward 5 and operated a profession accounting service on Main St. 40 years. I am very passionate about the Main St Corridor and have owned and renovated our building at 111 Main St for 40 years and purchased the building at 109 Main St. 10 Years ago. Both these buildings have persevered the historic Main St and at the same time have served the professional offices and residential needs.

Please listen and vote in accordance with what you personally believe and know about the Forest Group. I believe the group will honour their committee to the Heritage of Main St and provide a facility that we will be proud of for many years to come..

Respectively submitted

George Smith CPA and resident of Ward 5

[Pick the Date]



P.O. Box 324, 17360 Yonge Street (at Millard), Suite 200  
Newmarket, ON, L3Y 4X7  
Tel: (905) 895-1007 Fax: (905) 895-4064  
Email: [khill@hhlf.net](mailto:khill@hhlf.net) Website: [www.hillhunterlosell.com](http://www.hillhunterlosell.com)

Gordon H. Hunter, J.D., Kenneth C. Hill, J.D.  
Craig S. Losell, B.A., LL.B., Catherine M. Callaghan, B.A., LL.B.  
George van Hoogenhuize, B.A., LL.B., J. David McLennan, B.A., LL.B.  
Colin A. Brown, B.A., LL.B., M.E.S.

November 25, 2016

*Via Fax 905-953-5140*  
Town of Newmarket  
Planning and Building Services  
395 Mulock Drive  
Newmarket, Ontario  
L3Y 4X7

Dear Sirs:

**Re: 178-194 Main Street – Clocktower Redevelopment Proposal**  
**Your File No. D14 NP 13-19**  
**Our File No. 72272**  
**Our Client – Trinity United Church**

In my letter to you of May 6, 2016 we informed you that we act as solicitors for Trinity United Church in this matter and listed a number of concerns our client has with the proposed development. Our client has read the recent Town of Newmarket Staff Report on the proposal which was prepared for the Committee of the Whole Council meeting scheduled for Nov. 28, 2016. While they appreciate that efforts have been made to address their concerns, as reflected in the Report and the revised application, the Church is far from satisfied that their concerns have been adequately addressed.

In particular, they do not believe that the revisions sufficiently address their concerns about the height and setback of the building from Park Avenue. The Church is concerned about the proposed massing and impacts on the Church and feels that the proposed development should respect the Town's 45 degree angular plane standard, to reduce the impact.

Our client also remains concerned about the parking shortfall and congestion on Park Avenue, both after the project would be complete and even more so during the course of construction, which we understand could take many months.

Because the Church has experienced problems with groundwater affecting its foundations, it remains concerned about the impact of the proposed underground construction on groundwater flows and with the impact of the vibrations of the proposed construction, generally.

They feel that the scale of the proposal is still not compatible with the historical character of Main Street and oppose its approval.

Our client intends to stay involved as this proposal moves further through the Planning Act process, so we look forward to receiving notice of any further steps that may occur.

Yours very truly,

**HILL HUNTER LOSELL LAW FIRM LLP**



Kenneth C. Hill  
KCH:cb