



Town of Newmarket **AGENDA**

Committee of the Whole

Monday, November 6, 2017 at 1:30 PM

Council Chambers

Addendum Items Included

Additions & Corrections to the Agenda

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

Declarations of Pecuniary Interest

Presentations & Recognitions

1. **System Performance Update and 2018 Transit Initiatives Presentation**
Mr. Adrian Kawun, Manager Transit Service Planning, York Region Transit
2. **Mr. Paul Ferguson, Newmarket Tay-Power Distribution Ltd. will be in attendance to provide a verbal presentation on the following items:**
 - (1) Newmarket Hydro Holdings Inc. 2016 Annual General Meeting
 - (2) Establishment of an Energy Services Subsidiary
 - (3) Establishment of a Subsidiary Company

Page 1

Note: This matter is related to items 3, 4 and 5 of the Agenda.

Deputations

Consent Items

3. **Newmarket Hydro Holdings Annual General Meeting**
Mr. Paul Ferguson, Newmarket Tay-Power Distribution Ltd.
October 25, 2017
 1. That the Newmarket Hydro Holdings Inc. Report of the President dated October 25, 2017 regarding the financial statements of Newmarket Hydro Holdings Inc. (the "Corporation"), the written resolutions of Newmarket – Tay Power Distribution Ltd. ("NT Power") and appointment of the sole director and auditors be received and the following recommendations be adopted
 - a. That the Mayor, as the Sole Shareholder's legal representative, is directed to sign the following Corporation Shareholder resolutions:

Page 20

i. That the Corporation's financial statements for the financial year ended December 31, 2016 together with the report of the Corporation's auditors, Collins Barrow, thereon dated April 28, 2017 be approved and adopted; and,

ii. That Collins Barrow, Chartered Accountants, be appointed auditors of the Corporation to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the sole director and the sole director is authorized to fix such remuneration; and,

iii. That R.N. Shelton be appointed as the sole director of the Corporation to hold office until the next annual meeting of shareholders or until his successor is elected or appointed; and,

iv. That R.N. Shelton, so long as he is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power; and,

v. That all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the sole director and sole officer of the Corporation to December 31, 2016, as the same are set out or referred to in the resolutions of the sole director, or in the financial statements of the corporation, are approved, sanctioned and confirmed.

b. That the Mayor, as the Sole Shareholder's legal representative, direct R.N. Shelton, the sole director and legal representative of the Corporation, to sign the following NT Power shareholder resolutions in lieu of an annual meeting:

i. That the financial statements of NT Power for the financial year ended December 31, 2016 together with the report of NT Power's auditors, Collins Barrow, thereon dated April 26, 2017 be approved and adopted; and,

ii. That Collins Barrow, Chartered Accountants, be appointed auditors of NT Power to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the directors and the directors are authorized to fix such remuneration; and,

iii. That T. Van Bynen, S. Warnock, P. Daniels, R. Betts, D. Charleson, C. Prattas and P. Ferguson are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed; and,

iv. That all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the directors and officers of NT Power to December 31, 2016, as the same are set out or referred to in the resolutions of the board of directors, the minutes of the meetings of the board of directors or in

the financial statements of NT Power, are approved, sanctioned and confirmed.

4. Establishment of an Energy Services Subsidiary

Page 56

Mr. Paul Ferguson, Newmarket – Tay Power Distribution Ltd.
October 25, 2017

1. That the Newmarket Hydro Holdings Inc. Report of the President dated October 25, 2017 regarding the establishment of an energy services subsidiary (the “Subsidiary”) to Newmarket Hydro Holdings Inc. (“NHHI”) be received and the following resolutions be adopted:

- a. The establishment of the Subsidiary as an Ontario corporation for the pursuit of funding for EV stations is authorized and approved; and,
- b. The subscription of 10,000 common shares of the Subsidiary for the aggregate amount of \$100 by NHHI is authorized and approved; and,
- c. Paul Ferguson, acting alone, is authorized for and on behalf of Municipal Council and the Corporation to establish the Subsidiary and approve the forms of all other documents contemplated or required to be executed by NHHI in connection with such formation (collectively, the “Additional Documents”) and to execute (whether under the corporate seal of NHHI or otherwise) and deliver the Additional Documents each in the form so approved, Paul Ferguson’s approval to be conclusively evidenced by Paul Ferguson’s execution and delivery of the Additional Documents and the Additional Documents so executed and delivered shall be deemed to be the Additional Documents approved by these resolutions; and,
- d. Should funding be secured for the EV stations, the Company shall prepare a Business Case for EV station ownership and agreements for Company ownership should the Township of Tay choose to participate (the “Documentation”). The Documentation shall be subject to the approval of Municipal Council and the Township of Tay; and,
- e. Paul Ferguson be appointed as the sole director of the Company.

5. Establishment of a Subsidiary Company

Page 61

Mr. Paul Ferguson, Newmarket Tay-Power Distribution Ltd.
October 25, 2017

1. That the Newmarket Hydro Holdings Inc. Report of the President dated October 25, 2017 regarding the establishment of a subsidiary company (the “Subsidiary”) to Newmarket Hydro Holdings Inc. (“NHHI”) and Tay Hydro Holdings Inc. (“THI”) be received and the following resolutions be adopted:

- a. The establishment of the Subsidiary as an Ontario corporation for the pursuit of the Business Case is authorized and approved; and,
- b. The subscription of 9,300 common shares of the Subsidiary for the aggregate amount of \$93 by NHHI is authorized and approved; and,

c. The entering into of the Shareholders Agreement in the form of draft provided to Municipal Council is authorized and approved; and,

d. Paul Ferguson, the Mayor and the Clerk are authorized for and on behalf of Municipal Council to execute and deliver the Shareholders Agreement in the form approved herein with such changes therein, if any, as Paul Ferguson, the Mayor and the Clerk executing the Shareholders Agreement in their discretion may approve, their approval of any such changes to be conclusively evidenced by their execution and delivery of the Shareholders Agreement and the Shareholders Agreement so executed and delivered shall be deemed to be the Shareholders Agreement approved by these resolutions; and,

e. Paul Ferguson, acting alone, is authorized for and on behalf of Municipal Council and NHHI to establish the Subsidiary and approve the forms of all other documents contemplated or required to be executed by NHHI in connection with such formation or the Shareholders Agreement (collectively, the "Additional Documents") and to execute (whether under the corporate seal of NHHI or otherwise) and deliver the Additional Documents each in the form so approved, Paul Ferguson's approval to be conclusively evidenced by Paul Ferguson's execution and delivery of the Additional Documents and the Additional Documents so executed and delivered shall be deemed to be the Additional Documents approved by these resolutions.

6. Height and Density Bonusing Implementation Guidelines

Page 63

Planning and Building Services
November 6, 2017

1. That Development and Infrastructure Services/Planning & Building Services Report 2017-36 dated November 6, 2017 regarding the Town of Newmarket's Height and Density Bonusing Implementation Guidelines be received and that the following recommendation be adopted:

a. That Council adopt the Height and Density Bonusing Implementation Guidelines, dated November 6, 2017, included as Attachment 1 to Report 2017-36.

7. 514 Davis Drive – Office Development Financial Incentive Program

Page 77

Planning and Building Services
November 6, 2017

1. That Development and Infrastructure Services/Planning and Building Services Report 2017-44 dated November 6, 2017 regarding a financial incentive pilot program for an office development at 514 Davis Drive be received and the following recommendations be adopted:

a. That Council authorize the following financial incentives as a pilot project program in support of an office development at 514 Davis Drive:

- i. 36-month Development Charge deferral;
- ii. Building Permit fee waiver
- iii. Planning application fee rebate

8. 514 Davis Drive – Derelict Building Development Charge Credit

Page 81

Planning and Building Services
November 6, 2017

1. That Development & Infrastructure Services/Planning & building Services Report 2017-47 dated November 6, 2017 regarding the proposed derelict building development charges credit for the demolished building at 514 Davis Drive be received and the following recommendations be adopted:

a. That Council consider the former building at 514 Davis Drive to have been derelict at the time of its demolition; and,

b. That the following be notified of this action:

i. M. Sokolowski, Director of Operations, Oscar Group, 3660 Midland Avenue, Suite 200 Toronto, ON, M1V 0B8.

ii. P. Simas, Senior Analyst, AR/Revenue Team, Corporate Financial Services and Operations, Strategies and Transformation, Finance, Regional Municipality of York, 17250 Yonge Street, Newmarket, ON L3Y 6Z1.

9. Residential Parking Review

Page 86

Planning and Building Services
November 6, 2017

1. That Development and Infrastructure Services Engineering Services and Planning and Building Services - Report 2017-45 dated November 6th, 2017 regarding Residential Parking Review be received and the following recommendations be adopted:

a. That staff be directed to include in the 2018 budget a provision for contracting a planning and engineering consultant to undertake a review of on-street parking and the matters discussed in this report; and,

b. That, subject to budget approval, staff be directed to undertake a review of the Parking By-law and report back to Committee of the Whole with recommendations on improvements to on-street parking and the matters discussed in this report.

10. Heritage Conservation District - Gateway Signage

Page 98

Planning and Building Services
November 6, 2017

1. That Development and Infrastructure Services/Planning & Building Services Report 2017-46 dated November 6, 2017 regarding Town of Newmarket Heritage Conservation District - Gateway Signage be received and that the following recommendations be adopted:

a. That Council endorse the concept of a Heritage Conservation District gateway sign being installed along the north side of Water Street, east of the Holland River.

- b. That Council direct staff to consult with the Main Street BIA and Newmarket Public Library.

11. Borrowing By-law

Page 106

Financial Services
October 16, 2017

1. That Corporate Services Report – Financial Services 2017-45 dated October 16, 2017 regarding the Borrowing By-law be received and the following recommendation be adopted:

- a. That the Borrowing By-law be approved by Council.

12. Property Standards and Clean Yards By-laws

Page 112

Legislative Services
October 24, 2017

Note: This item is related to item 23.

1. That Corporate Services – Legislative Services Report 2017-23 dated October 24, 2017 regarding Property Standards and Clean Yards By-law be received and that Council adopt the following recommendations:

- a. That the existing Property Standards By-law 1999-34 be repealed in its entirety and be replaced with the draft Property Standards By-law, **as amended**; and,

- b. That the Clean Yards By-law be approved, **as amended**; and,

- c. That the Fees and Charges By-law be amended to reflect updated new fees related to the Property Standards By-law, attached as Appendix C to Legislative Services Report 2017-23; and,

2. That the Memorandum dated November 2, 2017 regarding “Revisions to the Property Standards By-law and Clean Yards By-law” be received.

13. Use of Corporate Resources during an Election Year Policy and Updates to the Election Process Report and Memorandum

Page 155

Legislative Services
November 6, 2017

Note: Item Use of Corporate Resources during an Election Year Policy and Updates to the Election process, Report 2017-19, was deferred from the October 16, 2017 Committee of the Whole meeting.

The attached memorandum is to provide Council with information regarding revisions to the “Use of Corporate Resources in an Election Period” Policy.

1. That Corporate Services – Legislative Services Report 2017-19 dated October 16, 2017 entitled “Use of Corporate Resources During an Election Year and Updates to the Election Process” be received; and,

2. That the Memorandum dated November 6, 2017 regarding revisions to the “Use of Corporate Resources in an Election Year Policy” be received; and,

3. That Council adopt the proposed amended “Use of Corporate Resources in an Election Period” Policy.

14. Heritage Newmarket Meeting Minutes of September 12, 2017 Page 174

1. That the Heritage Newmarket Meeting Minutes of September 12, 2017 be received.

15. Main Street District Improvement Area Board of Management Meeting Minutes of September 19, 2017 Page 180

1. That the Main Street District business Improvement Area Board of Management meeting minutes of September 19, 2017 be received.

16. Newmarket Public Library Board Meeting Minutes of June 21 and September 20, 2017 Page 184

1. That the Newmarket Public Library Board Meeting Minutes of June 21 and September 20, 2017 be received.

17. Site Plan Review Committee Meeting Minutes of October 23, 2017 Page 191

1. That the Site Plan Review Committee Meeting Minutes of October 23, 2017 be received.

18. Item 1 of the Site Plan Review Committee Meeting Minutes of October 23, 2017 (Application for Site Plan Approval – 680 Gorham Street) Page 193

The Site Plan Review Committee recommends:

1. That the Application for Site Plan Approval to permit the construction of a two-storey, four unit rental residential building with 7 parking spaces to be located at the rear of the property be approved in principle and referred to staff for processing, subject to the following:

a. That the preliminary review comments (requirement for servicing allocation, approval from Lake Simcoe Region Conservation Authority, approval from Region of York Water Resources Division, compliance with Town’s Tree Policy, and provision of a Construction Management Plan) be addressed to the satisfaction of Town staff; and,

2. That Angela Sciberras, Macaulay Shiomi Howson Ltd., 520 Industrial Parkway South, Unit 202, Aurora, Ontario L4G 6W8, be notified of this decision.

19. Outstanding Matters List Page 194

1. That the list of outstanding matters be received.

Action Items

Reports by Regional Representatives

Notices of Motion

Motions

20. Moved by: Councillor Broome

1. That staff be directed to review and report back on the potential for an all-way stop at Sawmill Valley Drive and Peter Hall Drive and opportunities for crosswalk enhancements.

New Business

Closed Session

21. **Joint Development & Infrastructure Services and Corporate Services Closed Session Report 2017-33 regarding a property in Ward 6**
[Proposed acquisition or disposition of land as per Section 239 (2) (c) of the Municipal Act, 2001.]
November 6, 2017

Public Hearing Matters (7:00 PM)

22. **Official Plan Amendment and Zoning By-law Amendment (17645 Yonge Street)** Page 207
 - Notice of Public Meeting
 - Council Extract
 - Report (Planning and Building Services 2017-32)

Addendum (Additions and Corrections)

23. **Property Standards and Clean Yards By-law Memorandum and Revised Draft By-laws** Page 224

Note: This item is related to Item 12. The attached memorandum has been included to outline the revisions made to the Property Standards and Clean Yards By-laws.

24. **Newmarket Public Library Board Meeting Minutes of June 21, 2017** Page 265

Note: This item is related to Item 16. The attached minutes are the complete version.

Adjournment

System Performance Update and 2018 Transit Initiatives

Presentation to
Town of Newmarket

Adrian Kawun
November 6, 2017

Agenda

1. System Performance
2. 2018 Transit Initiatives
3. Questions



Increasing
Business Effectiveness



Enhancing
Traveller Experience



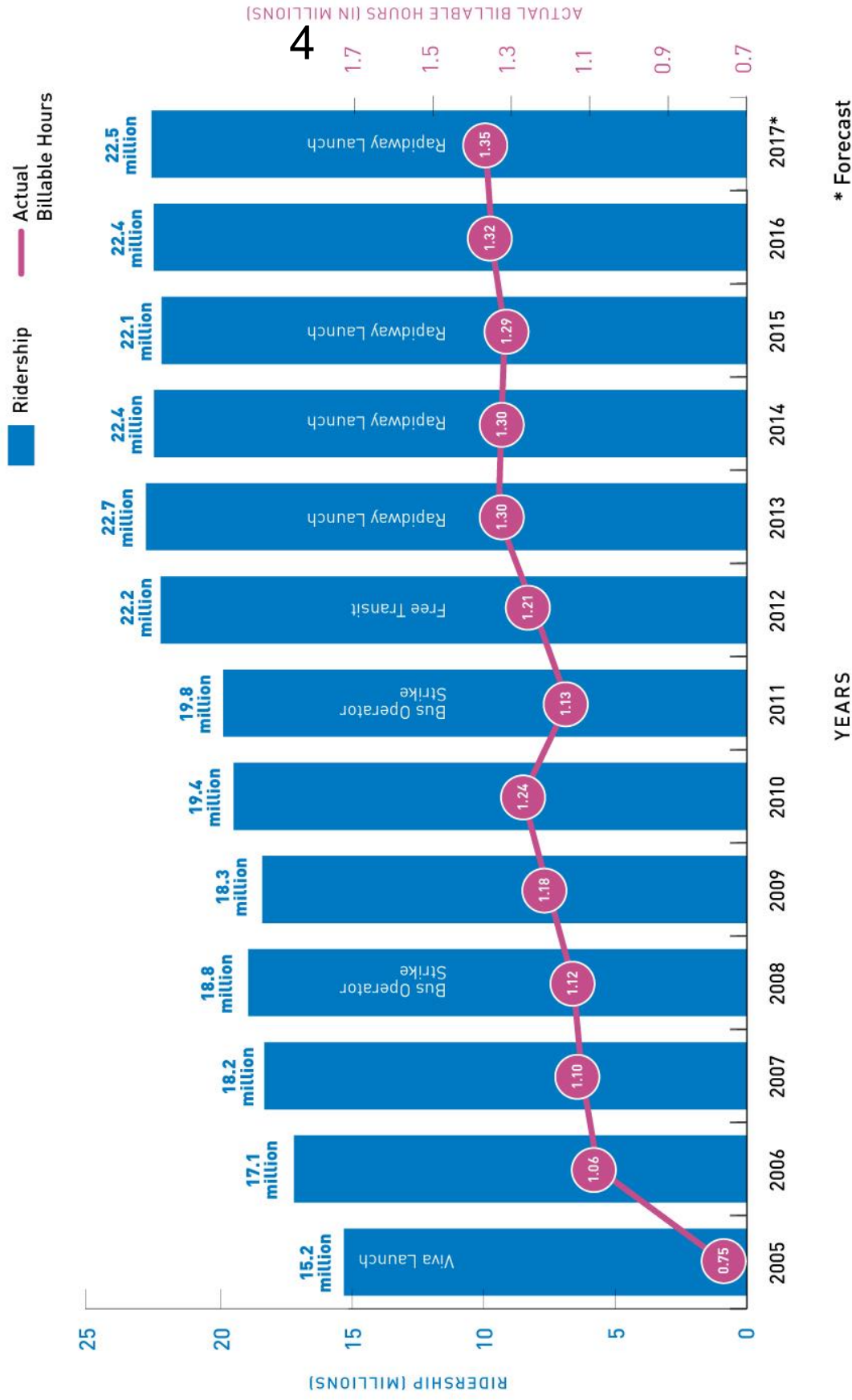
Building
System Improvements

MOVING TO 2020

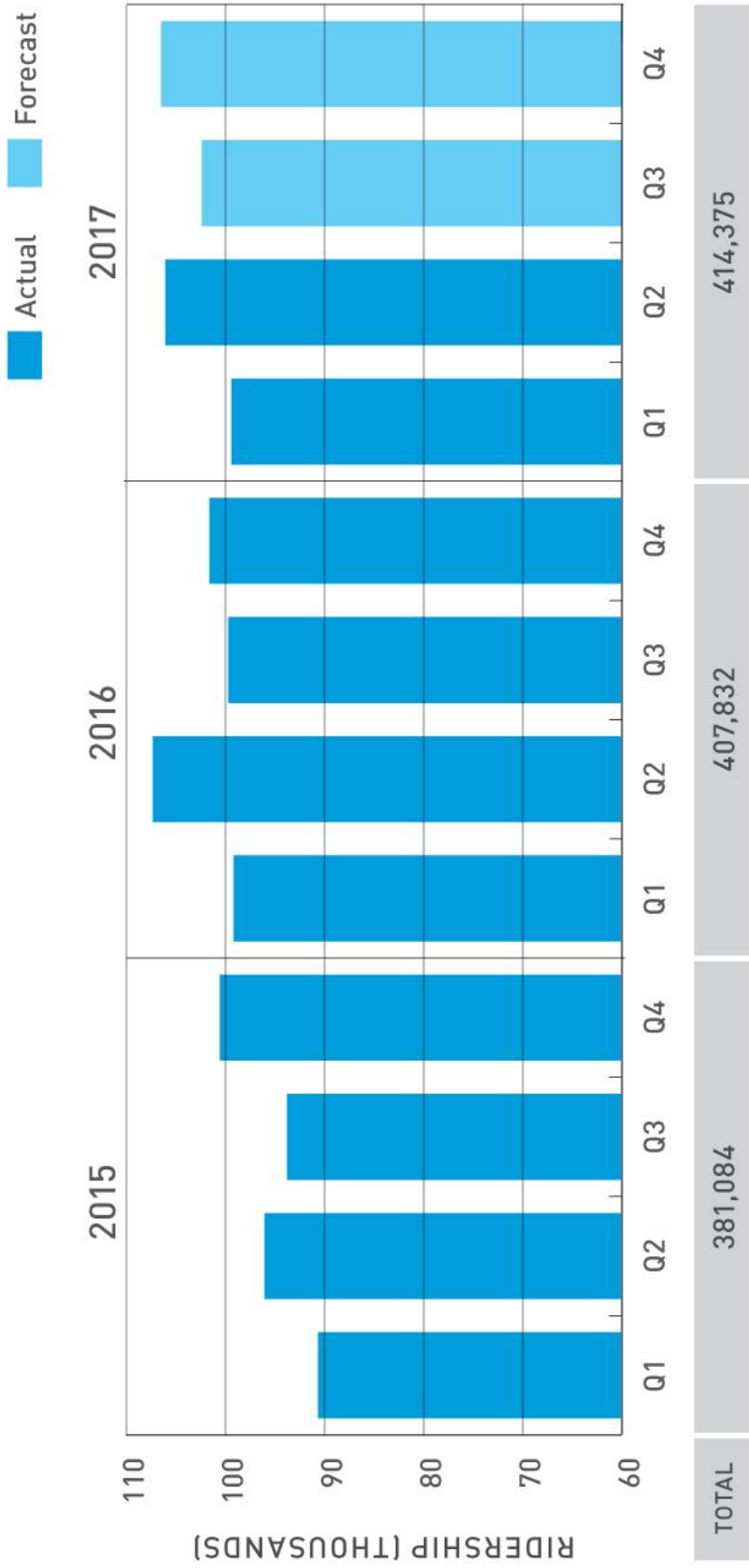
YRT/VIVA 2016-2020
STRATEGIC PLAN



Revenue Ridership

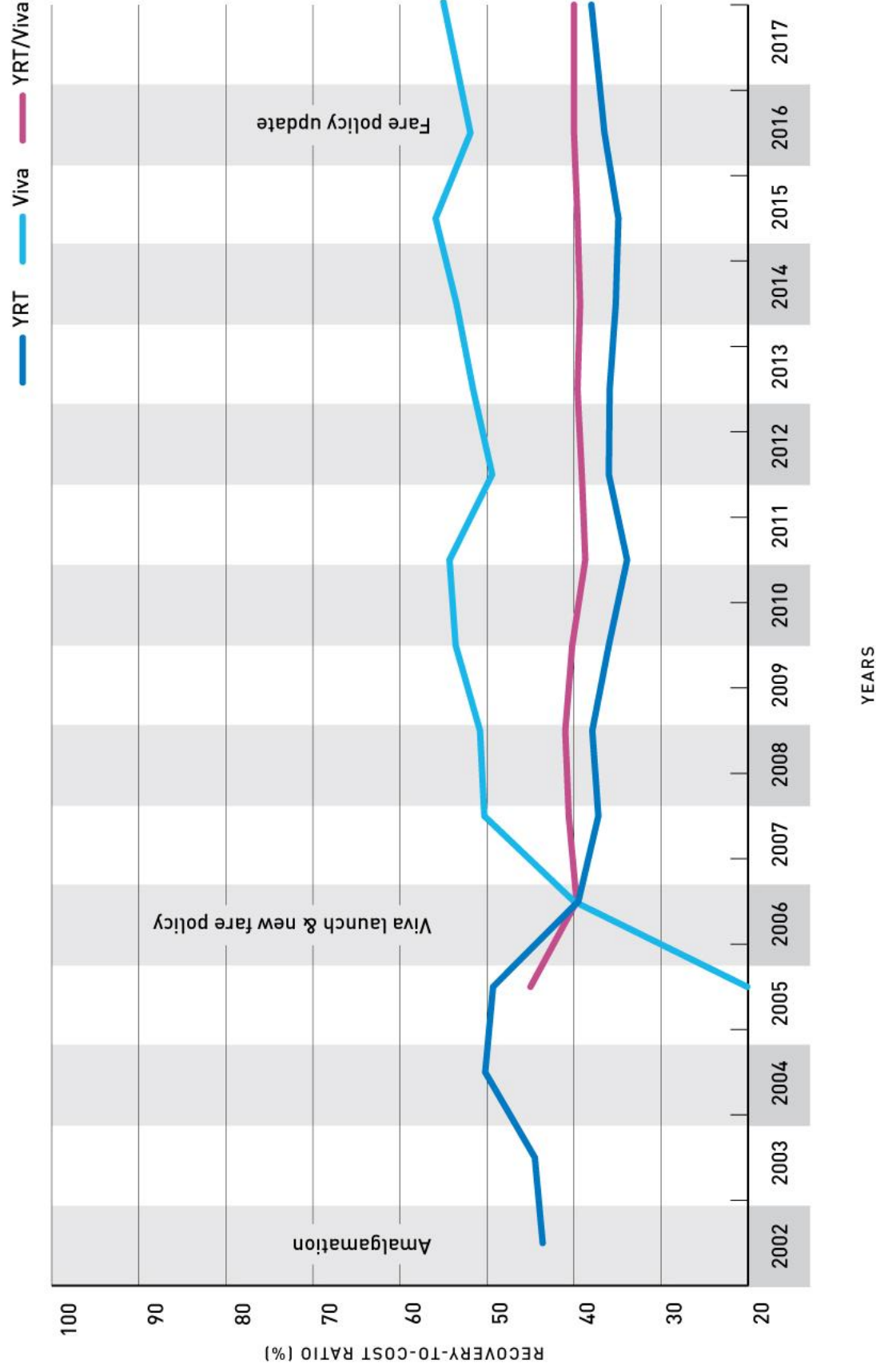


Mobility Plus Ridership

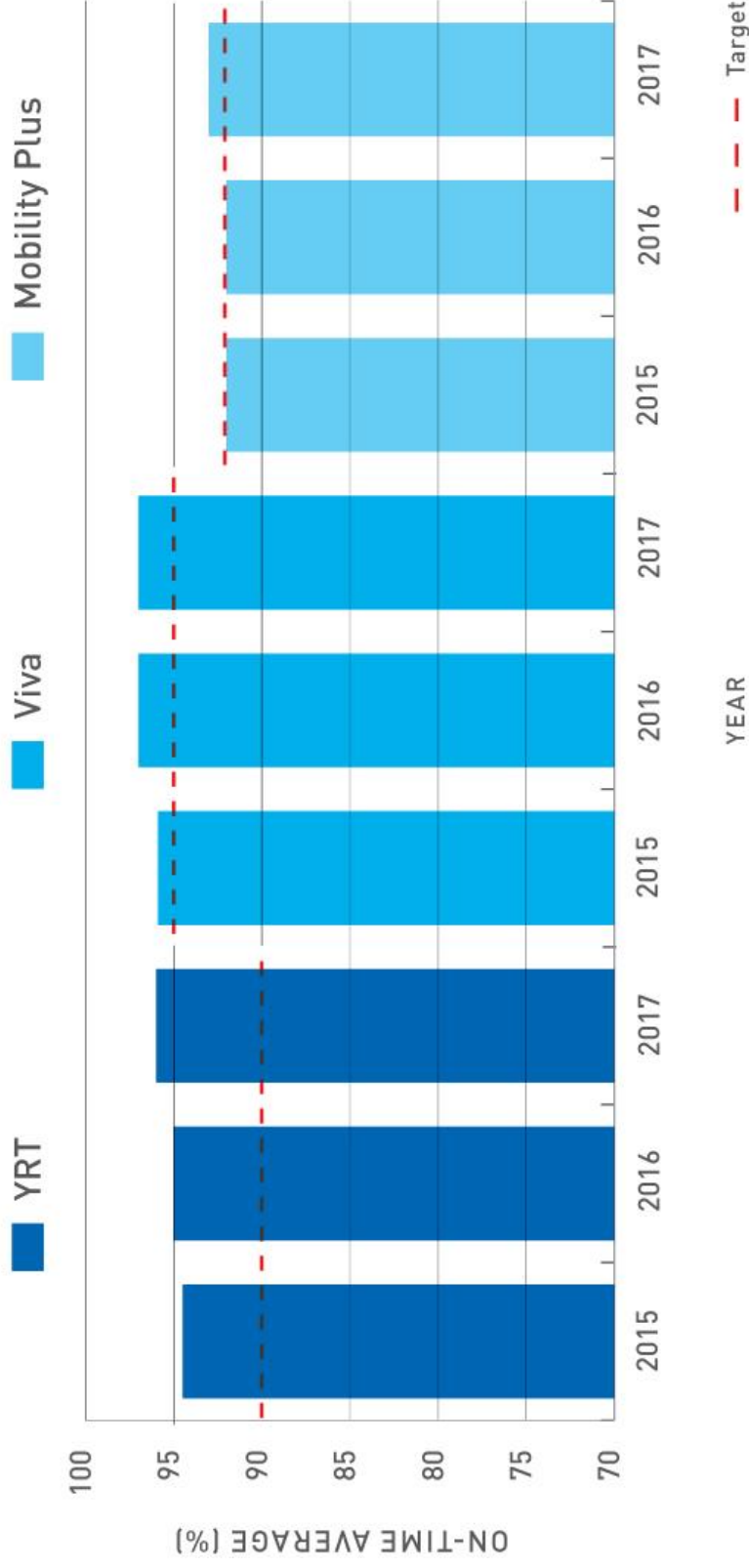


Mobility Plus ridership is expected to increase by two per cent in 2017

Revenue to Cost Ratio



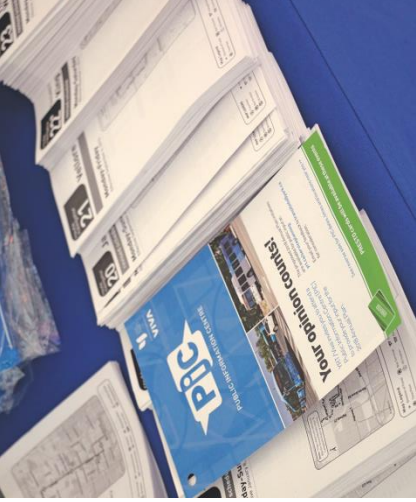
On-Time Performance



Continued reliability and quality service is YRT/Viva's focus

Transit Initiatives





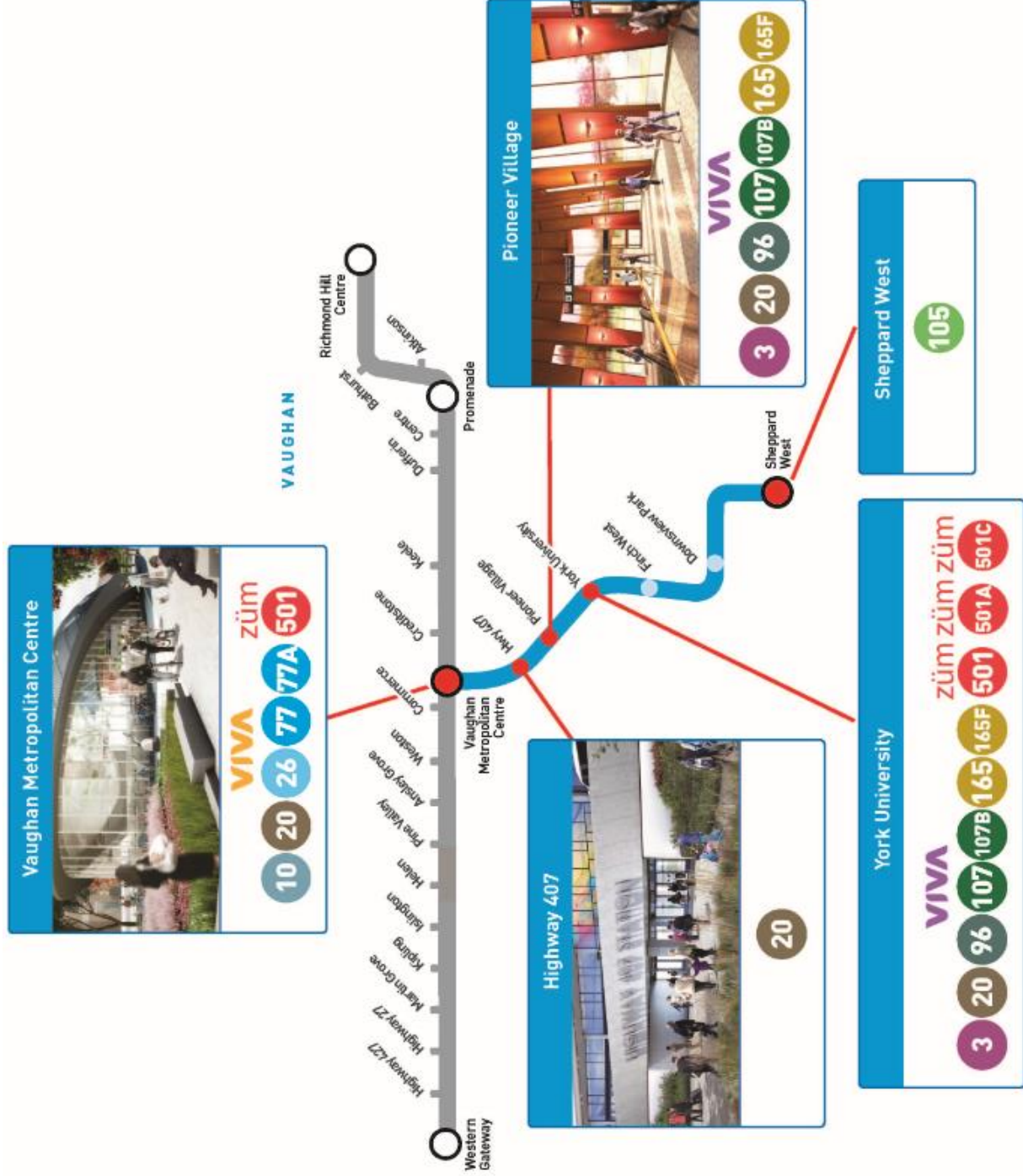
2018 Transit Initiatives

1. Toronto-York Spadina Subway Extension
2. Increased Traveller Capacity
3. Cornell Terminal
4. On-Demand Transit Strategy
5. Mobility Plus Cross-Boundary Service Enhancements

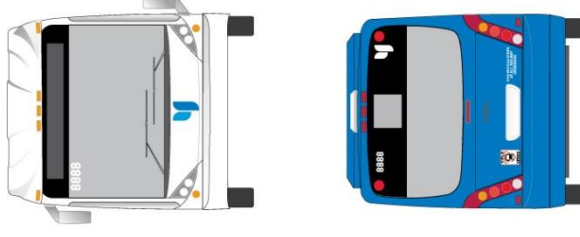
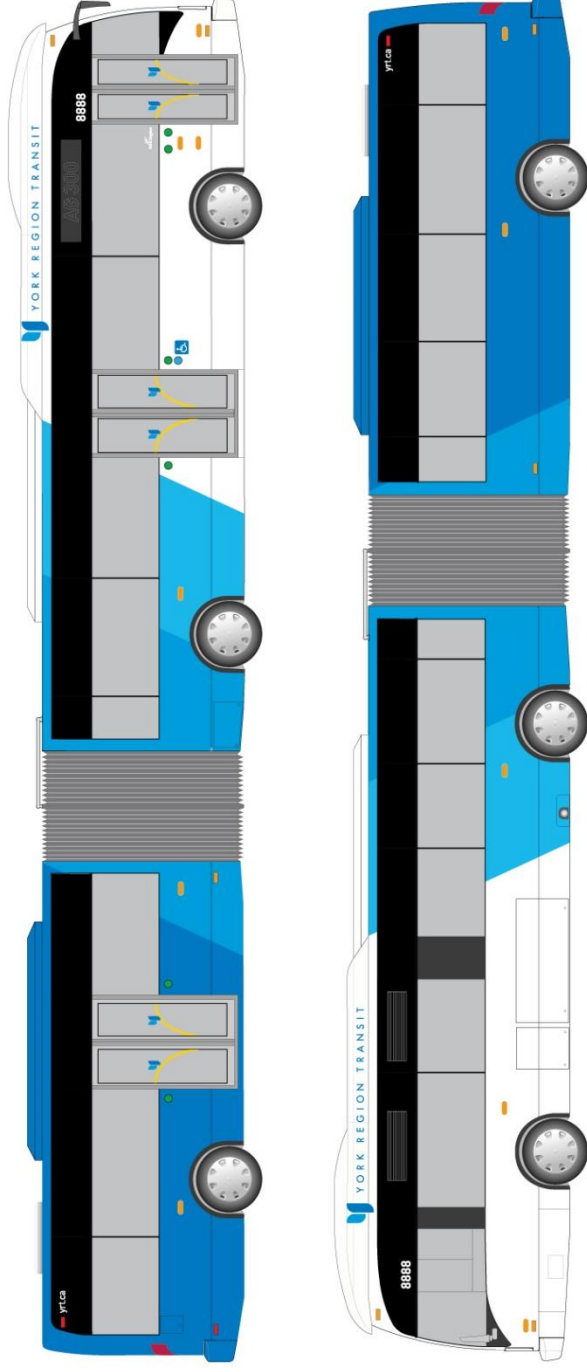


**Thirty-four service changes are proposed in 2018;
each one supports the five key initiatives**

Toronto-York Spadina Subway Extension



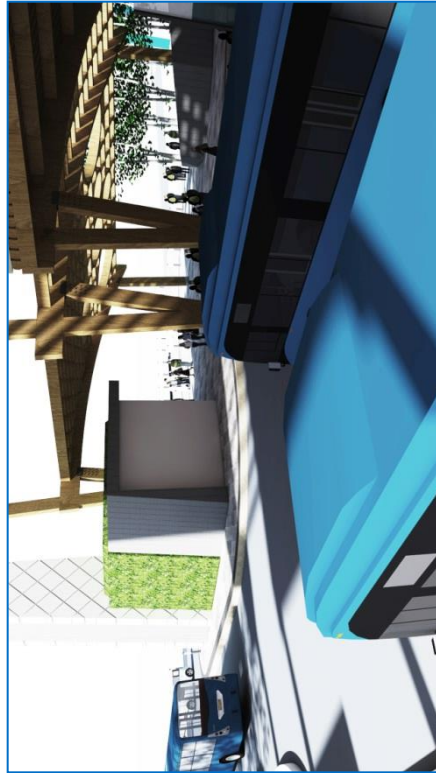
Increased Traveller Capacity



12

Operating 60-foot buses on high demand corridors is an efficient measure that also reduces the overall number of buses required

Cornell Terminal



Cornell Terminal will open in 2018 and would facilitate connections between GO Transit, Durham Region Transit and York Region Transit

On-Demand Transit Strategy



Travellers can request transit services when and where they need it

Mobility Plus Cross-Boundary Service Enhancements



15

**Simplifies travel for clients while making more vehicles
available for spontaneous travel**

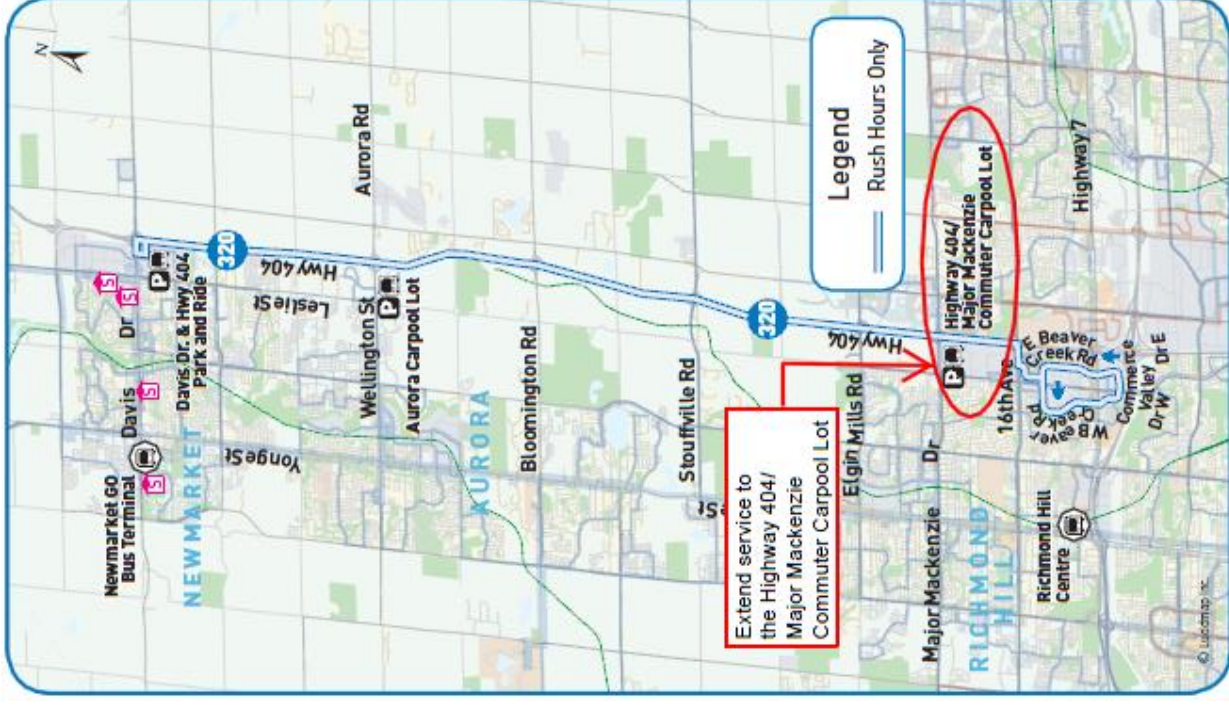
15

2018 Transit Initiatives Town of Newmarket

Route 96 – Keele-Yonge



Route 320 – Newmarket-Beaver Creek Express



Questions





590 Steven Court, Newmarket, Ontario L3Y 6Z2

Tel: [905] 895-2309

Fax: [905] 895-8931

Email: nmhydro@nmhydro.ca

Newmarket Hydro Holdings Inc.

October 25, 2017

Newmarket Hydro Holdings Inc. Report of the President

TO: Town of Newmarket Committee of the Whole

SUBJECT: Newmarket Hydro Holdings Inc. 2016 Annual General Meeting

ORIGIN: President, Newmarket Hydro Holdings Inc.

RECOMMENDATIONS:

THAT the Newmarket Hydro Holdings Inc. Report of the President dated October 25, 2017 regarding the financial statements of Newmarket Hydro Holdings Inc. (the "Corporation"), the written resolutions of Newmarket – Tay Power Distribution Ltd. ("NT Power") and appointment of the sole director and auditors be received and the following recommendations be adopted:

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

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

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

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

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

Newmarket Hydro Holdings Inc. 2016 Annual General Meeting

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

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

- a. THAT the Corporation's financial statements for the financial year ended December 31, 2016 together with the report of the Corporation's auditors, Collins Barrow, thereon dated April 28, 2017 be approved and adopted.
- b. THAT Collins Barrow, Chartered Accountants, be appointed auditors of the Corporation to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the sole director and the sole director is authorized to fix such remuneration.
- c. THAT R.N. Shelton be appointed as the sole director of the Corporation to hold office until the next annual meeting of shareholders or until his successor is elected or appointed.
- d. THAT R.N. Shelton, so long as he is the sole director of the Corporation, shall represent the Corporation at meetings of shareholders of NT Power;
- e. AND THAT all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the sole director and sole officer of the Corporation to December 31, 2016, as the same are set out or referred to in the resolutions of the sole director, or in the financial statements of the corporation, are approved, sanctioned and confirmed.

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

- a. THAT the financial statements of NT Power for the financial year ended December 31, 2016 together with the report of NT Power's auditors, Collins Barrow, thereon dated April 26, 2017 be approved and adopted.
- b. THAT Collins Barrow, Chartered Accountants, be appointed auditors of NT Power to hold office until the next annual meeting of shareholders at such remuneration as may be fixed by the directors and the directors are authorized to fix such remuneration.

Newmarket Hydro Holdings Inc. 2016 Annual General Meeting

c. THAT T. Van Bynen, S. Warnock, P. Daniels, R. Betts, D. Charleson, C. Prattas and P. Ferguson are elected directors of NT Power to hold office until the next annual meeting of shareholders or until their successors are elected or appointed.

d. AND THAT all acts, contracts, bylaws, proceedings, appointments elections and payments, enacted, made, done and taken by the directors and officers of NT Power to December 31, 2016, as the same are set out or referred to in the resolutions of the board of directors, the minutes of the meetings of the board of directors or in the financial statements of NT Power, are approved, sanctioned and confirmed.

Financial Statements of the Corporation

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

Appointment of Auditors

The Board of Directors of NT Power (the "Board") notes that, with the implementation of IFRS over the next few years, the additional workload that would be involved with a request for proposal for audit services and the possible change in audit firms will hamper this implementation. The Board therefore recommends the re-appointment of the current auditors, Collins Barrow for the period January 1 to December 31, 2017 for both the corporation and NT Power.

Election of Directors for the Corporation

Upon the merger of Newmarket Hydro Ltd. and Tay Hydro Electric Distribution Company Inc. on May 1, 2007, Mr. R.N. Shelton was appointed as the sole director of the corporation. There has been no change requested by the Shareholder to this appointment.

Election of Directors – NT Power

The existing directors of NT Power are:

T. Van Bynen, Mayor of the Town of Newmarket
S. Warnock, Mayor of the Township of Tay
R. Betts, Independent Director
Dr. U. Phillip Daniels, Independent Director
C. Prattas, Independent Director

Newmarket Hydro Holdings Inc. 2016 Annual General Meeting

Andy Ott, Independent Director
P.D. Ferguson, President of NT Power

The appointments of The Mayor of Newmarket, the Mayor of Tay and the President are de facto. Three of the independent directors being Betts, Prattas and Daniels are eligible for re-appointment and are recommended by the Board of Directors.

Independent director Ott has completed his eligible one-year term as a director. In February, 2015 the Councils of Newmarket and Tay resolved to waive Article 3, Section 3.03, paragraph (3) of the Shareholders Agreement to allow for the election of A. Ott for a one-year term and P. Daniels for a two-year term at the 2015 Annual General Meeting of the Corporation. This was done to implement a succession plan for independent directors that is in keeping with good governance practices. Director Daniels will complete his eligible term at the Corporation's 2017 annual general meeting.

In accordance with the NT Power Shareholders Agreement, the Board struck a Nominating Committee (the 'Committee'), being the standing Governance and Compensation Committee consisting of chair R. Betts, and directors T. Van Bynen and P. Daniels to; with input from a professional recruiting firm and utilizing corporate governance best practices, provide the shareholders with a recommended list of candidates from which to select nominees to be elected to replace A. Ott.

The Committee recommended a two-person slate of candidates to an Ad-Hoc Joint Committee of the councils of Newmarket and Tay (the "Ad-Hoc Committee") consisting of:

- | | | |
|---------|---|--|
| Chair | - | Newmarket Councillor C. Bisanz |
| Members | - | Tay Councillor J. Crawford |
| | - | Newmarket Deputy Mayor and Regional Councillor J. Taylor |
| | - | Tay Mayor S. Warnock |
| | - | Newmarket Mayor T. Van Bynen |

The Ad - Hoc Committee unanimously selected Mr. Dave Charleson to be nominated to replace A. Ott.

[Original signed by]

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

FINANCIAL STATEMENTS OF

**NEWMARKET-TAY POWER
DISTRIBUTION LTD.**

December 31, 2016

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INDEPENDENT AUDITOR'S REPORT

To the Shareholders of
Newmarket-Tay Power Distribution Ltd.

Collins Barrow Kawarthas LLP

272 Charlotte Street
Peterborough, Ontario K9J 2V4
T: 705.742.3418
F: 705.742.9775
www.collinsbarrow.com

Report on the Financial Statements

We have audited the accompanying financial statements of Newmarket-Tay Power Distribution Ltd., which comprise the statement of financial position as at December 31, 2016, and the statements of changes in equity and accumulated other comprehensive income, income, comprehensive income and cash flows for the year then ended, and a summary of significant accounting policies and other explanatory information.

Management's Responsibility for the Financial Statements

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

Auditor's Responsibility

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

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

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

Opinion

In our opinion, the financial statements present fairly, in all material respects, the financial position of Newmarket-Tay Power Distribution Ltd. as at December 31, 2016, and its financial performance and its cash flows for the year then ended in accordance with International Financial Reporting Standards.

Collins Barrow Kawarthas LLP

Chartered Professional Accountants
Licensed Public Accountants

Peterborough, Ontario
April 26, 2017

NEWMARKET-TAY POWER DISTRIBUTION LTD.**STATEMENT OF FINANCIAL POSITION****As at December 31, 2016**

	2016	2015
	\$	\$
ASSETS		
Current assets		
Cash	9,691,630	6,720,248
Short-term investments (note 4)	-	3,410,393
Accounts receivable	14,098,270	9,206,702
Unbilled revenue	13,815,135	12,286,784
Inventories (note 5)	875,151	1,113,359
Prepaid expenses	483,259	492,351
Income taxes receivable	1,188,748	691,360
	40,152,193	33,921,197
Other assets		
Property, plant and equipment (note 6)	94,961,239	89,075,766
Intangible assets (note 7)	435,759	545,438
Deferred income taxes (note 8)	3,023,363	3,579,706
	98,420,361	93,200,910
	138,572,554	127,122,107
Regulatory deferral account debit balances (note 9)	4,550,445	2,465,775
	143,122,999	129,587,882

The accompanying notes are an integral part of these financial statements

NEWMARKET-TAY POWER DISTRIBUTION LTD.**STATEMENT OF FINANCIAL POSITION****As at December 31, 2016**

	2016 \$	2015 \$
LIABILITIES AND SHAREHOLDERS' EQUITY		
Current liabilities		
Accounts payable and accrued liabilities (note 10)	14,464,695	11,247,160
Current portion of long-term debt (note 11)	641,184	1,625,745
Current portion of deposits held (note 12)	690,000	643,357
	<u>15,795,879</u>	<u>13,516,262</u>
Long-term liabilities		
Long-term debt (note 11)	29,475,892	30,117,076
Contributed capital (note 13)	30,660,427	24,821,517
Deposits held (note 12)	2,317,478	2,545,907
Employee future benefits (note 14)	876,508	813,117
Advances from parent company (note 15)	2,553,645	2,473,010
	<u>65,883,950</u>	<u>60,770,627</u>
Shareholders' equity		
Share capital (note 16)	27,140,206	27,140,206
Retained earnings	20,663,101	18,995,343
Accumulated other comprehensive income	140,871	177,006
	<u>47,944,178</u>	<u>46,312,555</u>
	129,624,007	120,599,444
Regulatory deferral account credit balances (note 9)	13,498,992	8,988,438
	<u>143,122,999</u>	<u>129,587,882</u>

Approved on behalf of the Board

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

NEWMARKET-TAY POWER DISTRIBUTION LTD.**STATEMENT OF CHANGES IN EQUITY AND ACCUMULATED OTHER COMPREHENSIVE INCOME**
For the year ended December 31, 2016

	Share capital \$	Retained earnings \$	Accumulated other comprehensive income \$	Total \$
Balance, December 31, 2014	27,140,206	17,195,721	154,685	44,490,612
Net income for the year	-	3,236,622	-	3,236,622
Other comprehensive income	-	-	22,321	22,321
Dividends paid	-	(1,437,000)	-	(1,437,000)
Balance, December 31, 2015	27,140,206	18,995,343	177,006	46,312,555
Net income for the year	-	3,104,758	-	3,104,758
Other comprehensive loss	-	-	(36,135)	(36,135)
Dividends paid	-	(1,437,000)	-	(1,437,000)
Balance, December 31, 2016	27,140,206	20,663,101	140,871	47,944,178

The accompanying notes are an integral part of these financial statements

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

For the year ended December 31, 2016

	2016 \$	2015 \$
Revenue		
Distribution revenue	15,434,308	15,020,342
Cost of power revenue	85,691,103	73,793,907
	101,125,411	88,814,249
Cost of power purchased	83,265,219	72,426,484
Gross profit	17,860,192	16,387,765
Other income (note 17)	1,446,388	1,416,091
Gross income from operations	19,306,580	17,803,856
Expenses		
Amortization	3,668,457	3,466,023
Operating expenses (note 18)	7,746,455	7,538,125
Loss on disposal of property, plant and equipment	24,234	1,159
	11,439,146	11,005,307
Income before undernoted items and income taxes	7,867,434	6,798,549
Finance income (note 19)	(405,554)	(424,115)
Finance costs (note 19)	1,561,723	1,511,594
Income before income taxes and net movement in regulatory deferral accounts	6,711,265	5,711,070
Provision for (recovery of) income taxes (note 8)		
Current	611,252	1,108,640
Deferred	569,371	(1,615)
	1,180,623	1,107,025
Income before net movement in regulatory deferral accounts	5,530,642	4,604,045
Net movement in regulatory deferral accounts	2,425,884	1,367,423
Net income for the year	3,104,758	3,236,622

The accompanying notes are an integral part of these financial statements

NEWMARKET-TAY POWER DISTRIBUTION LTD.**STATEMENT OF COMPREHENSIVE INCOME****For the year ended December 31, 2016**

	2016	2015
	\$	\$
Net income for the year	3,104,758	3,236,622
Comprehensive income (loss)		
Actuarial gain (loss), not reclassified to profit or loss	(49,163)	30,369
Actuarial gain (loss), deferred income tax	13,028	(8,048)
Comprehensive income (loss)	(36,135)	22,321
Net income and comprehensive income (loss) for the year	3,068,623	3,258,943

The accompanying notes are an integral part of these financial statements

NEWMARKET-TAY POWER DISTRIBUTION LTD.**STATEMENT OF CASH FLOWS**

For the year ended December 31, 2016

	2016 \$	2015 \$
CASH PROVIDED FROM (USED FOR)		
Operating activities		
Net income for the year	3,104,758	3,236,622
Items not affecting cash		
Amortization of property, plant and equipment	3,496,627	3,235,775
Amortization of intangible asset	171,830	230,248
Deferred income taxes	569,371	(1,615)
Loss on disposal of property, plant and equipment	24,234	1,159
Employee future benefits	14,228	13,381
Current income tax	611,252	1,108,640
Net finance costs	1,156,169	1,087,479
Recognition of contributed capital	(599,543)	(558,247)
	8,548,926	8,353,442
Change in non-cash working capital items (note 20)	(429,563)	(1,915,064)
	8,119,363	6,438,378
Investing activities		
Purchase of property, plant and equipment	(9,887,842)	(14,620,126)
Proceeds on disposal of property, plant and equipment	481,508	286,564
Purchase of intangible assets	(62,151)	(66,235)
Regulatory deferral accounts	2,425,884	1,367,423
Proceeds of contributed capital	6,438,453	1,826,732
	(604,148)	(11,205,642)
Financing activities		
Repayment of long-term debt	(1,625,745)	-
Proceeds of long-term debt	-	7,000,000
Advances from parent company	80,635	79,053
Interest paid	(1,561,723)	(1,511,594)
Dividends paid	(1,437,000)	(1,437,000)
	(4,543,833)	4,130,459
Increase (decrease) in cash	2,971,382	(636,805)
Cash - beginning of year	6,720,248	7,357,053
Cash - end of year	9,691,630	6,720,248

The accompanying notes are an integral part of these financial statements

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****1. NATURE OF OPERATIONS**

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

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

2. STATEMENT OF COMPLIANCE

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

The financial statements for the year ended December 31, 2016 were approved and authorized for issue by the board of directors on April 26, 2017.

3. SIGNIFICANT ACCOUNTING POLICIES

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

(a) Basis of measurement

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

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

(b) Electricity regulation

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

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

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(b) Electricity regulation, continued**Regulatory accounts*

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

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

Regulatory accounts recognized at December 31, 2016 and December 31, 2015 are disclosed in note 9.

(c) Revenue recognition

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

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

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

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

Other operating revenue is recorded when services are provided.

(d) Cash

Cash consists of balances with financial institutions.

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(e) Short-term investments*

Investments are recorded at fair value. Unrealized gains and losses as a result of fair value adjustments at year end are included in finance income for the year.

(f) Inventories

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

(g) Property, plant and equipment

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

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

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

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

The amortization rates applicable for each class of asset are as follows:

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

An impairment loss is recognized when the carrying amount of these assets is not recoverable and exceeds their fair value.

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(h) Intangible assets*

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

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

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

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

(i) Contributed capital

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

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(j) Impairment of non-financial assets*

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

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

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

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

(k) Related parties

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

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(l) Employee future benefits*

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

The Company pays certain medical and life insurance benefits on behalf of its retired employees. These plans are not funded and accordingly have no plan assets. The Company's net obligation is calculated by estimating the amount of future benefits that are expected to be paid out discounted to determine its present value. This calculation is actuarially performed using the projected unit credit method. The last full valuation performed was as at December 31, 2014. An updated valuation for changes in the discount rate was performed as at December 31, 2016. Service costs are recognized in the Statement of Income in operating expenses, and include current and past service costs as well as gains and losses on curtailment. Net interest expense is included in finance costs.

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

(m) Income taxes

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

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(n) Significant accounting estimates and judgements*

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

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

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

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

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

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

(o) Provisions

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

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

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(p) Financial instruments*

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

Financial liabilities measured at fair value through profit or loss

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

Loans and receivables

The Company has classified cash, short-term investments, accounts receivable and unbilled revenue as loans and receivables.

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

Financial liabilities measured at amortized cost

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

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

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****3. SIGNIFICANT ACCOUNTING POLICIES, continued***(q) New Standards and interpretations not yet effective or adopted*

Effective for annual periods beginning on or after January 1, 2017

IAS 7 Statement of Cash Flows – Amendments will require entities to provide disclosures that enable users of financial statements to evaluate changes in liabilities arising from financing activities, including both changes arising from cash flows and non-cash changes.

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

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

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

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

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

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

4. SHORT-TERM INVESTMENTS

	2016 \$	2015 \$
Money market accounts	-	3,410,393

Included in finance income (note 19) is a gain on investments of \$52,741 (2015 - \$26,029 loss).

5. INVENTORIES

Inventory recognized in cost of sales during the year amounted to \$29,920 (2015 - \$74,739).

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****6. PROPERTY, PLANT AND EQUIPMENT**

	Land and building \$	Distribution equipment \$	Transportation equipment \$	Office and other \$	Total \$
Cost					
At January 1, 2016	6,113,525	86,926,308	1,173,889	1,173,654	95,387,376
Additions	105,732	9,421,644	272,888	87,578	9,887,842
Disposals	(465,590)	(90,574)	-	-	(556,164)
At December 31, 2016	5,753,667	96,257,378	1,446,777	1,261,232	104,719,054
Amortization					
At January 1, 2016	17,985	5,326,960	379,120	587,545	6,311,610
Additions	9,083	3,072,161	212,348	203,035	3,496,627
Disposals	-	(50,422)	-	-	(50,422)
At December 31, 2016	27,068	8,348,699	591,468	790,580	9,757,815
Net book amount at December 31, 2016	5,726,599	87,908,679	855,309	470,652	94,961,239
	Land and building \$	Distribution equipment \$	Transportation equipment \$	Office and other \$	Total \$
Cost					
At January 1, 2015	4,550,851	74,391,365	1,170,368	1,022,875	81,135,459
Additions	1,667,783	12,765,391	35,831	151,121	14,620,126
Disposals	(105,109)	(230,448)	(32,310)	(342)	(368,209)
At December 31, 2015	6,113,525	86,926,308	1,173,889	1,173,654	95,387,376
Amortization					
At January 1, 2015	8,901	2,626,688	233,074	287,657	3,156,320
Additions	9,084	2,748,106	178,356	300,229	3,235,775
Disposals	-	(47,834)	(32,310)	(341)	(80,485)
At December 31, 2015	17,985	5,326,960	379,120	587,545	6,311,610
Net book amount at December 31, 2015	6,095,540	81,599,348	794,769	586,109	89,075,766

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

For the year ended December 31, 2016

7. INTANGIBLE ASSETS

	Cost \$	Accumulated amortization \$	2016 Net book value \$
Land rights	400,358	47,188	353,170
Computer software	676,576	593,986	82,590
	1,076,933	641,174	435,759

	Cost \$	Accumulated amortization \$	2015 Net book value \$
Land rights	400,358	31,459	368,899
Computer software	614,424	437,885	176,539
	1,014,782	469,344	545,438

During the year, the Company had additions of \$62,151 (2015 - \$66,235) and amortization of \$171,830 (2015 - \$230,248).

8. INCOME TAXES

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

	2016 \$	2015 \$
Deferred income tax asset		
Tax basis of property, plant and equipment in excess of carrying amount	2,452,184	3,008,948
Reserves deductible when paid	232,275	215,477
Cumulative eligible capital available for tax purposes	217,596	233,973
Timing difference - revenue recognition	121,308	121,308
	3,023,363	3,579,706

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****8. INCOME TAXES, continued**

(b) The provision for income taxes recorded in the financial statements differs from the amount which would be obtained by applying the statutory income tax rate of 39.5% (2015 - 39.5%) to the income for the years as follows:

	2016 \$	2015 \$
Income for the year before income taxes	6,711,265	5,711,070
Net movement in regulatory deferral accounts	(2,425,884)	(1,367,423)
	4,285,381	4,343,647
Anticipated income tax	1,692,725	1,715,741
Tax effect of the following:		
Permanent expense differences	5,925	5,925
Other comprehensive income	(19,420)	-
General rate reduction	(552,658)	(609,832)
Impact of tax rate change and other	54,051	(4,809)
Provision for income taxes	1,180,623	1,107,025

	Opening balance at January 1, 2016 \$	Recognize in net income \$	Recognize in OCI \$	Closing balance at December 31, 2016 \$
Deferred tax assets				
Property, plant and equipment and cumulative eligible capital	3,242,921	(573,141)	-	2,669,780
Reserves deductible when paid	215,477	3,770	13,028	232,275
Timing difference - revenue recognition	121,308	-	-	121,308
	3,579,706	(569,371)	13,028	3,023,363
			2016 \$	2015 \$
Deferred tax assets to be recovered after more than 12 months			3,023,363	3,579,706

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****9. REGULATORY DEFERRAL ACCOUNTS**

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

	Note	Remaining recovery/ reversal period (years)	December 31, 2015 \$	Net balances arising/ recovered in the period \$	December 31, 2016 \$
Regulatory deferral account debit					
Settlement Variances	i	A	1,837,980	1,775,940	3,613,920
Recovery Account	ii	A	209,890	86	209,976
Other	iii	A	417,905	308,644	726,549
			2,465,775	2,084,670	4,550,445

	Note	Remaining recovery/ reversal period (years)	December 31, 2015 \$	Net balances arising/ recovered in the period \$	December 31, 2016 \$
Regulatory deferral account credit					
Settlement variances	i	A	1,642,444	3,011,199	4,653,643
Recovery Account	ii	A	705,518	10,508	716,026
Other	iii	A	677,395	(217)	677,178
IFRS Conversion	iv	A	5,963,081	1,489,064	7,452,145
			8,988,438	4,510,554	13,498,992

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****9. REGULATORY DEFERRAL ACCOUNTS, continued**

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

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

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

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

(iv) In 2012, the Company adjusted the estimated useful life related to the amortization period for certain capital assets, based upon the Ontario Energy's Board regulatory accounting direction as contained in the revised 2012 Accounting Procedures Handbook for Electricity Distributors. As a result of OEB direction related to the settlement of these amounts, the company has recorded a payable in the deferral account of \$7,452,145 (2015 - \$5,963,081) and a reduction in service revenue of \$1,489,064 (2015 - \$1,336,735)

The company has been approved through its annual Incentive Regulation Mechanism (IRM) application to the OEB for the settlement of the 2015 balance in the amount of \$5,963,081. Starting May 1, 2017, the company will start refunding its respective customers by class over a one year period.

10. ACCOUNTS PAYABLE AND ACCRUED LIABILITIES

	2016 \$	2015 \$
Accounts payable - purchased power	7,568,566	6,332,580
Other trade accounts payable and accrued liabilities	3,816,859	1,793,110
Water and sewer billings payable (note 15)	2,002,034	1,890,178
Credits on customer accounts	762,862	1,220,670
Ontario Power Authority program	314,374	10,622
	14,464,695	11,247,160

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****11. LONG-TERM DEBT**

	2016 \$	2015 \$
Note payable, 5.48% - Town of Newmarket	22,000,000	22,000,000
Note payable, 5.48% - Township of Tay	1,742,821	1,742,821
Committed term facility, 3.07%.	-	1,000,000
Bank loan payable, 2.44% fixed rate, payable in blended monthly payments of \$65,742	6,374,255	7,000,000
	30,117,076	31,742,821
<u>Less principal payments due within one year</u>	<u>641,184</u>	<u>1,625,745</u>
<u>Due beyond one year</u>	<u>29,475,892</u>	<u>30,117,076</u>
<u>Estimated principal repayments are as follows:</u>		
		\$
2017		641,184
2018		657,006
2019		673,217
2020		4,402,848
Unspecified (A)		23,742,821
		<u>30,117,076</u>

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

The committed term facility was drawn for the purpose of the purchase of smart meters. This balance was paid out in full in January 2016.

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

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****12. DEPOSITS HELD**

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

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

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

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

	December 31, 2016 \$	December 31, 2015 \$
Customer deposits	2,712,758	2,697,240
Construction deposits	294,720	492,024
	3,007,478	3,189,264

13. CONTRIBUTED CAPITAL

	December 31, 2016 \$	December 31, 2015 \$
Deferred contributions, net, beginning of year	24,821,517	23,553,032
Contributed capital received	6,438,453	1,826,732
Contributed capital recognized as revenue (note 17)	(599,543)	(558,247)
Deferred contributions, net, end of year	30,660,427	24,821,517

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****14. EMPLOYEE FUTURE BENEFITS**

The Company provides certain health, dental and life insurance benefits for retired employees pursuant to the Company's policy. The accrued benefit obligation and net periodic expense for the year were determined by an actuarial valuation. The most recent valuation was performed for December 31, 2014.

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

	2016 \$	2015 \$
Accrued benefit obligation, beginning of year	813,117	830,105
Current service cost	30,900	30,327
Interest expense	33,877	32,221
Benefits paid	(50,549)	(49,167)
	827,345	843,486
Actuarial (gain)/loss	49,163	(30,369)
Accrued benefit obligation, end of year	876,508	813,117

Current service costs and interest on accrued benefit obligation are recognized in the statement of income. Actuarial gains (loss) arising from changes in financial assumptions are accounted for in other comprehensive income. The total benefit costs for the year is \$113,940 (2015 - \$32,179).

The actuarial assumptions used in the valuation are the consumer price index at 2.0% (2015 - 2.0%), discount rate of 3.9% (2015 - 4.3%), salary increase rate of 2.5% (2015 - 2.5%), cost trend including health benefits of 6.25% (2015 - 6.5%) and dental benefits 4.5% (2015 - 4.5%) and retirement age of 61 (2015 - 61). The health benefits are expected to decrease at 0.25% per year until 2023 when it reaches 4.50% and dental benefits will remain at 4.50% to 2023.

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

	Reasonable possible change \$	Defined benefit obligation change \$	Current service costs change \$	Interest cost change \$
Discount rate	+1%	(115,000)	(6,000)	2,000
Discount rate	-1%	146,000	7,000	(4,000)
Retirement age	62	(94,000)	(6,000)	(4,000)
Retirement age	60	92,000	6,000	3,000
Cost trends	+1%	44,000	3,000	1,000
Cost trends	-1%	(41,000)	(3,000)	(2,000)

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****15. RELATED PARTY TRANSACTIONS AND ADVANCES FROM PARENT COMPANY**

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

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

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

- (b) Transactions

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

	2016	2015
	\$	\$
Revenue		
Energy sales	3,146,105	3,410,483
Services - Street light capital	25,491	96,827
Services - Street light maintenance	52,452	245,491
	3,224,048	3,752,801
Expenses		
Interest	1,205,600	1,205,600
Rent and property tax	409,040	377,439
	1,614,640	1,583,039

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

	2016	2015
	\$	\$
Accounts receivable	343,581	289,015

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****15. RELATED PARTY TRANSACTIONS, continued**

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

	2016	2015
	\$	\$
Newmarket Hydro Holdings Inc.	2,549,895	2,473,010

Advances from the parent company, Newmarket Hydro Holdings Inc. includes promissory notes in the amount of \$2,153,000 (2015 - \$2,153,000) which are due March 16, 2018. The remainder of the balance has no specific terms of repayment. As the parent company has confirmed they will not request repayment of this amount during the next fiscal year, the amount has been classified as a non-current liability in the financial statements.

The balances are unsecured and bear interest at the OEB deemed debt rate of 5.48% for 2016 (2015 - 5.48%).

The key management personnel of the Company has been defined as members of its board of directors and supervisory personnel. The compensation is comprised of director's fees, management salaries and wages, short-term employee benefits and post employment benefits totaling \$1,805,086 (2015 - \$1,811,848).

16. SHARE CAPITAL

Authorized

Unlimited number of common shares

Issued

	2016	2015
	\$	\$
10,000 common shares	27,140,206	27,140,206

17. OTHER INCOME

Other income consists of the following:

	2016	2015
	\$	\$
Account set up fees	134,914	111,852
Pole rentals	141,015	140,256
Collection charges	247,871	271,672
Administration charges	127,977	125,330
Recognition of contributed capital	599,543	558,247
Other	195,068	208,734
Operating income	1,446,388	1,416,091

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****18. OPERATING EXPENSES**

Operating expenses consist of the following:

	2016	2015
	\$	\$
Wages and benefits	4,740,254	4,648,063
Materials, equipment and other operating expenses	2,010,880	1,951,291
Administration and overhead	995,321	938,771
Operating expenses	7,746,455	7,538,125

19. FINANCE INCOME AND FINANCE COSTS

Finance income recognized in profit or loss consists of the following:

	2016	2015
	\$	\$
Interest income on accounts receivable	306,201	262,354
Income on short-term investments	99,353	161,761
	405,554	424,115

Finance costs recognized in profit or loss consists of the following:

	2016	2015
	\$	\$
Interest on long-term debt	1,589,377	1,461,014
Customer deposit interest	25,087	24,551
(Gain)/loss on short-term investments	(52,741)	26,029
	1,561,723	1,511,594

20. CHANGE IN NON-CASH WORKING CAPITAL ITEMS

	2016	2015
	\$	\$
Decrease (increase) in short-term investments	3,410,393	(20,878)
Decrease (increase) in accounts receivable	(4,891,568)	548,511
Increase in unbilled revenue	(1,528,351)	(522,559)
Decrease in inventories	238,208	188,329
Decrease (increase) in prepaid expenses	9,092	(43,399)
Decrease in income taxes receivable	691,360	900,312
Increase (decrease) in accounts payable and accrued liabilities	3,217,535	(1,816,105)
Increase (decrease) in deposits held	(181,786)	226,610
Interest received	405,554	424,115
Taxes paid	(1,800,000)	(1,800,000)
	(429,563)	(1,915,064)

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****21. SHORT TERM CREDIT FACILITIES**

The Company has \$4,000,000 available in operating facilities from a major chartered bank. The facilities include a 364 day revolving operating loan, bearing interest at prime plus 0.5%, to be repaid within one year from date of acquisition unless extended by the bank. A commitment fee of 0.125% per annum, payable quarterly applies to any unused portion of the facility. As at December 31, the Company has no balance outstanding (2015 - Nil) on this facility. The operating loan includes restrictive clauses with respect to repayment.

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

A general security agreement covering all assets of the Company and assignment of business/liability insurance has been pledged as security for the operating facilities. At December 31, 2016, the Company was in compliance with all covenants.

22. PENSION AGREEMENT

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

The amount contributed to O.M.E.R.S. for the year ended was \$410,721 (2015 - \$430,916).

23. CAPITAL DISCLOSURES

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

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

24. FINANCIAL INSTRUMENTS

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

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

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****24. FINANCIAL INSTRUMENTS, continued**

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

(a) Interest rate risk

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

(b) Credit risk

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

The carrying amount of accounts receivable is reduced through the use of an allowance for impairment and the amount of related impairment loss is recognized in the statement of income. Subsequent recoveries of receivables previously provisioned are credited to the income statement. The balance of the allowance for impairment at December 31, 2016 is \$92,132 (2015 - \$223,619). The Company's credit risk associated with accounts receivable is primarily related to payments from distribution customers. The Company has approximately 28,000 customers, the majority of which are residential. Credit risk is managed through collection of security deposits from customers in accordance with directions provided by the OEB. As at December 31, 2016, the Company holds security deposits in the amount of \$3,007,478 (2015 - \$3,189,264). The Company's activities provide for a variety of financial risks, particularly credit risk, market risk and liquidity risk. The accounts receivable balance is expected to be fully repaid within 90 days excluding the allowance for doubtful accounts portion of the balance.

(c) Market risk

The securities held as short-term investments exposes the Company to market risk due to the potential for changes in market prices.

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****24. FINANCIAL INSTRUMENTS, continued****(d) Liquidity risk**

The Company does have a liquidity risk in accounts payable and accrued liabilities of \$14,464,695 (2015 - \$11,247,160). Liquidity risk is the risk that the Company cannot repay its obligations when they become due to its creditors. The Company reduces its exposure to liquidity risk by ensuring that it documents when authorized payments become due; maintains an adequate line of credit to repay trade creditors and repays long-term debt interest and principal as they become due. In the opinion of management the liquidity risk exposure to the Company is low and is not material.

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

	Between 0 -3 Months \$	Between 4 - 12 months \$	Over 1 year \$
Accounts payable and accrued liabilities	14,464,695	-	-
Deposits held	172,000	518,000	2,317,478
Long-term debt	105,781	535,403	29,475,892
Employee future benefits	-	-	876,508
Advances from parent company	-	-	2,553,645
	14,742,476	1,053,403	35,223,523

25. COMMITMENT

The Company has an operating lease agreement with the Town of Newmarket, expiring December 31, 2017 for the rental of the building. The minimum lease payment expected in 2017 is \$275,000.

NEWMARKET-TAY POWER DISTRIBUTION LTD.**NOTES TO THE FINANCIAL STATEMENTS****For the year ended December 31, 2016****26. CONTINGENT LIABILITIES**

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

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

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

27. SUBSEQUENT EVENTS

Subsequent to the year end, the Company entered into negotiations to purchase the shares of another Local Distribution Company. Negotiations are still on going and are expected to conclude in 2017.

28. COMPARATIVE FIGURES

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



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Newmarket Hydro Holdings Inc.

October 25, 2107

Newmarket Hydro Holdings Inc. Report of the President

TO: Municipal Council of the Town of Newmarket

SUBJECT: Establishment of an Energy Services Subsidiary

ORIGIN: President, Newmarket Hydro Holdings Inc.

RECOMMENDATIONS:

THAT the Newmarket Hydro Holdings Inc. Report of the President dated October 25, 2017 regarding the establishment of an energy services subsidiary (the "Subsidiary") to Newmarket Hydro Holdings Inc. ("NHHI") be received and the following resolutions be adopted:

WHEREAS:

- A. The Municipal Council of the Town of Newmarket (the "Municipal Council") has an opportunity to pursue the installation of electric vehicle charging stations ("EV stations") in Newmarket (the "Opportunity");
- B. The establishment of an energy services company (the "Company") as a stand-alone subsidiary of NHHI will be essential in facilitating the Opportunity.
- C. The Company's initial sole purpose will be to retain a services provider to undertake grant applications for EV stations.
- D. Contingent upon a successful grant application, the Company will develop a business case (the "Business Case") for ownership of EV stations and agreements and related documents for restructuring the Company's ownership to allow the Township of Tay to participate should it choose to under the terms of the Newmarket – Tay Power Distribution Ltd. ("NT Power") shareholders agreement.
- E. The Business Case and any related documents and agreements will be subject to the approval of Municipal Council and the Council of the Township of Tay as necessary.

Establishment of an Energy Services Subsidiary

RESOLVED that:

1. The establishment of the Subsidiary as an Ontario corporation for the pursuit of funding for EV stations is authorized and approved.
2. The subscription of 10,000 common shares of the Subsidiary for the aggregate amount of \$100 by NHHI is authorized and approved.
3. Paul Ferguson, acting alone, is authorized for and on behalf of Municipal Council and the Corporation to establish the Subsidiary and approve the forms of all other documents contemplated or required to be executed by NHHI in connection with such formation (collectively, the "Additional Documents") and to execute (whether under the corporate seal of NHHI or otherwise) and deliver the Additional Documents each in the form so approved, Paul Ferguson's approval to be conclusively evidenced by Paul Ferguson's execution and delivery of the Additional Documents and the Additional Documents so executed and delivered shall be deemed to be the Additional Documents approved by these resolutions.
4. Should funding be secured for the EV stations, the Company shall prepare a Business Case for EV station ownership and agreements for Company ownership should the Township of Tay choose to participate (the "Documentation"). The Documentation shall be subject to the approval of Municipal Council and the Township of Tay.
5. Paul Ferguson be appointed as the sole director of the Company.

ELECTRONIC TRANSMISSION

RESOLVED that receipt by NHHI by electronic transmission of a signed counterpart to these resolutions from any director will be as effective as receipt of an original signed copy of these resolutions by NHHI.

Background:

Town of Newmarket (the "Town") staff ("Town Staff") have engaged in discussions with the owner of Buckley's Insurance, who has offered to partner with the Town to install EV stations in downtown Newmarket.

NT Power and the Town have a long history of supporting initiatives to improve sustainability and transportation in Newmarket. The Official Plan and Urban Centres Secondary Plan both include policies supporting sustainable transportation and the move toward a low-GHG (Greenhouse Gas) transportation system.

Establishment of an Energy Services Subsidiary

In 2016 Town Staff worked with Sun Country Highway to provide information and support for their application to the Electric Vehicles Chargers Ontario (“EVCO”) program in order to locate EV stations on Town-owned lands in Newmarket. As Sun Country was unsuccessful in their application, this effort never proceeded.

The Province has progressively increased its support for electric vehicles. The following policies outline how the Province is working towards establishing electric vehicle infrastructure.

Provincial Climate Change Action Plan

The Province’s Climate Change Action Plan outlines, among other matters, how the Province intends to meet its target of 5% of annual vehicle sales being electric vehicles by 2020. For context, about 284,000 passenger cars were sold in Ontario in 2015. Five per cent of annual sales on that number represent about 14,000 cars. In order to work toward this goal, the province has outlined several initiatives:

- Invest in rapid deployment of EV stations in workplaces, multi-unit residential buildings, downtowns, and town centres, in part through the EVCO grant program
- Require all new homes and townhomes with garages to be constructed with rough-in EV station receptacles
- Require all new commercial office buildings and appropriate workplaces to provide charging infrastructure

Ontario Building Code Changes

The Province has announced changes to the Ontario Building Code to increase availability of EV stations in new buildings. As of January 1, 2018, all new parking garages (parking spaces within a building) such as in commercial buildings must have 20% of the spaces equipped with EV stations. All other spaces have to be outfitted such that they could be converted to EV charging stations in the future. This does not apply to multi-unit apartment buildings, though similar requirements are proposed to come into effect in 2019.

Town’s Official Plan and Community Energy Plan

Council has adopted a number of policy documents that support electric vehicles and EV stations. The Official Plan promotes a network of infrastructure servicing the Town to protect human health and the natural environment. This includes energy systems, environmentally progressive services, a well-developed transportation network, and leading-edge technology.

Establishment of an Energy Services Subsidiary

In addition, the Urban Centres Secondary Plan more specifically supports electric vehicles, including policies to encourage prioritizing EVs and supporting energy efficiency. Finally, Council has adopted the Community Energy Plan, which includes strategies for reducing vehicular GHG emissions such as the installation of EV stations.

Proposal

The owner of Buckley's Insurance has offered to purchase (and install) one or two EV stations if the Town also purchases and installs one or two stations. Town Staff have undertaken preliminary discussions with NT Power in order to evaluate the potential of this partnership and site locations.

The City of Peterborough has partnered with an energy services subsidiary of their local electrical utility company and a service provider, Xergy Energy ("Xergy") to install EV stations. The subsidiary, Peterborough Utilities, engaged the services of Xergy to undertake a grant application to the EVCO grant program. This application was successful, and Xergy now operates a total of nine charging stations on behalf of Peterborough Utilities.

It is proposed that, through a similar ownership/governance model to Peterborough Utilities, a new energy services subsidiary under NHHI be established that would own operate EV stations within the ambit of municipal ownership.

This subsidiary would:

1. Be the owner of any EV stations obtained through an EVCO grant application
2. Be the approval authority for any agreements required as part of an EVCO grant application.
3. Retain a service provider such as Xergy who would, subject to an appropriate agreement:
 - Prepare and submit the EVCO grant application
 - If awarded a grant, manage the tender and construction process for the EV stations
 - Once constructed, operate and maintain the EV stations

Service providers such as Xergy assume full risk for the grant applications. Should the application be unsuccessful, they are responsible for all costs associated with its preparation and submission. The Company's Business Case will be based on revenues from EV station charging tariffs and costs related to EV station operation, maintenance, replacement, electricity consumption, etc.

Establishment of an Energy Services Subsidiary

Given communications from the Ministry of Transportation of Ontario (MTO), the expected date of the launch of the next round of EVCO grants will be later this fall. While the specific program details of the next phase of the EVCO grant application have not yet been announced, if they mirror the previous round it is expected that the application would cover 100% of the capital costs of each charger.

Locations

In previous discussions during the 2016 EVCO grant analysis, high-traffic public locations were considered including the Magna Centre, the Ray Twinney Recreation Complex, and the Riverwalk Commons community centre. The next round of EVCO grants is expected to focus more strongly on multi-unit residential buildings and major employers, as residences and places of employment are a provincial focus for building EV adoption. Locations will be identified in the Business Case.

Recommendation

The Company's initial business will be limited to engaging a service provider under a contingent contract to make grant applications for EV station funding. The Company will not require any investment at this time. The need for consideration of governance and share ownership is unnecessary and would incur wasted costs should the funding applications fail.

It is recommended that formation of the Company be approved as a subsidiary of NHHI to seek available funding for EV stations and that all future considerations for the Company be postponed pending successful funding applications.

[Original signed by]

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



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Newmarket Hydro Holdings Inc.

October 25, 2107

Newmarket Hydro Holdings Inc. Report of the President

TO: Municipal Council of the Town of Newmarket

SUBJECT: Establishment of a Subsidiary Company

ORIGIN: President, Newmarket Hydro Holdings Inc.

RECOMMENDATIONS:

THAT the Newmarket Hydro Holdings Inc. Report of the President dated October 25, 2017 regarding the establishment of a subsidiary company (the "Subsidiary") to Newmarket Hydro Holdings Inc. ("NHHI") and Tay Hydro Holdings Inc. ("THI") be received and the following resolutions be adopted:

WHEREAS:

- A. The Municipal Council of the Town of Newmarket (the "Municipal Council") has received a business case for establishing the Subsidiary (the "Business Case");
- B. The Business Case contemplates the establishment of the Subsidiary as a stand-alone subsidiary of NHHI and THI with shares held proportionate to their interest in Newmarket-Tay Power Distribution Ltd. The Business Case also provides estimates for initial funding requirements and proposed financing structure.
- C. Municipal Council proposes to enter into a Shareholders Agreement with the Subsidiary, NHHI, THI and the Corporation of the Township of Tay in respect of the Subsidiary (the "Shareholders Agreement") a draft of which has been circulated to Municipal Council.

RESOLVED that:

- 1. The establishment of the Subsidiary as an Ontario corporation for the pursuit of the Business Case is authorized and approved.
- 2. The subscription of 9,300 common shares of the Subsidiary for the aggregate amount of \$93 by NHHI is authorized and approved.
- 3. The entering into of the Shareholders Agreement in the form of draft provided to Municipal Council is authorized and approved.

Establishment of a Subsidiary Company

4. Paul Ferguson, the Mayor and the Clerk are authorized for and on behalf of Municipal Council to execute and deliver the Shareholders Agreement in the form approved herein with such changes therein, if any, as Paul Ferguson, the Mayor and the Clerk executing the Shareholders Agreement in their discretion may approve, their approval of any such changes to be conclusively evidenced by their execution and delivery of the Shareholders Agreement and the Shareholders Agreement so executed and delivered shall be deemed to be the Shareholders Agreement approved by these resolutions.
5. Paul Ferguson, acting alone, is authorized for and on behalf of Municipal Council and NHHI to establish the Subsidiary and approve the forms of all other documents contemplated or required to be executed by NHHI in connection with such formation or the Shareholders Agreement (collectively, the "Additional Documents") and to execute (whether under the corporate seal of NHHI or otherwise) and deliver the Additional Documents each in the form so approved, Paul Ferguson's approval to be conclusively evidenced by Paul Ferguson's execution and delivery of the Additional Documents and the Additional Documents so executed and delivered shall be deemed to be the Additional Documents approved by these resolutions.

ELECTRONIC TRANSMISSION

RESOLVED that receipt by NHHI by electronic transmission of a signed counterpart to these resolutions from any director will be as effective as receipt of an original signed copy of these resolutions by NHHI.

[Original signed by]

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



PLANNING AND BUILDING SERVICES

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November 6, 2017

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2017-36

TO: Committee of the Whole

SUBJECT: Height and Density Bonusing Implementation Guidelines

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning & Building Services Report 2017-36 dated November 6, 2017 regarding the Town of Newmarket's Height and Density Bonusing Implementation Guidelines be received and that the following recommendation(s) be adopted:

- 1. THAT Council adopt the Height and Density Bonusing Implementation Guidelines, dated November 6, 2017, included as Attachment 1 to Report 2017-36.**

BACKGROUND

Height and density bonusing is additional height and/or density given to a development in exchange for specified community benefits. Staff Report 2017-28 sets out the rationale and policy basis for these Guidelines.

The Guidelines were placed on the September 11, 2017 Council agenda for consideration and the matter was discussed and referred back to staff to consider the comments made by Council. In addition, a public consultation period was held. This Report identifies the changes made to the Guidelines in response to the direction provided at the September 11 Council meeting as well as input received through the consultation period.

COMMENTS

The proposed Height & Density Bonusing Guidelines have been revised in response to: (i) direction provided during the September 11 Council meeting; and (ii) feedback received during the public consultation period.

The changes generally fall into three categories: (i) Procedure; (ii) Geographic Location of the Public Benefit; and (iii) Valuation Methodology of Public Benefits. The general nature of these changes is described as follows:

i) Procedure

The Procedure section (and various other sections) have been revised to remove all references to “Planning staff”, in favour of the more general “staff”.

Regarding elected officials, all references to “Elected Officials”, “Council” and “Ward Councillor” have been changed to either “Council” or “Members of Council”. This change reflects the more focused role of entire Council (rather than Ward Councillor) being involved in Section 37 negotiations.

ii) Geographic Location of the Public Benefit

The Geographic Location of the Public Benefit section of the Guidelines has been revised to more clearly recognize that Public Benefits (or their cash-in-lieu equivalent) can be considered within the general vicinity of the development project, or in areas of the Town more removed from the development site where a Public Benefit would address particular Town-wide needs and benefit the larger community. The wording still states that Community Benefits are *preferred* in the general vicinity of the development project, but provides greater weight to the second option of creating larger, Town-wide Public Benefits.

The preference is still for Public Benefits to be located in the general vicinity of the development project because these Benefits are needed to serve the specific additional population that is created by the additional height and/or density.

iii) Valuation Methodologies of Public Benefits

Council suggested that the Valuation Methodology of Public Benefits section of the Guidelines be revised to include flexibility regarding the use of a higher percentage in the increase in land value than the standard 25%. The Guidelines were revised to reflect this added flexibility and circulated to the development industry. The development industry responded with a request to remove the option to employ a higher percentage than the 25%, on the basis that it creates uncertainty. As such, the option to employ a percentage over 25% has been removed from the current, proposed draft (attached). Staff note that the proposed draft includes the requirement to review the document in three years and at that time, an assessment can be taken to re-examine the appropriateness of the 25% standard and make any necessary adjustments.

Another comment received from the development industry requested that the Guidelines provide greater direction on how to deal with qualitative Community Benefits. As Council is aware, Section 14.2.9 ii of the Urban Centres Secondary Plan lists Community Benefits that are acceptable to the Town; most of these Benefits can be readily quantified monetarily (e.g. streetscape improvements, public art, trails), however a small number cannot (e.g. the provision of publically accessible private roads, affordable housing, rental housing and social housing). To respond to this comment, the Guidelines were revised to include two methodologies to determine the value of Public Benefits:

1. A quantifiable approach using the prescribed mathematical “increase in land value”, which will be applied to the majority of the benefits which are more quantifiable in nature; and
2. A qualitative approach that relies on the proposed benefits being fully justified by the applicant in the Bonusing Justification Report, which will then be assessed by staff and considered by Council, as per the Procedure section of the Guidelines.

COMMUNITY CONSULTATION

The attached Guidelines were circulated to BILD GTA and a specific developer with a current interest on the corridors for review and comment over a two week period from September 20 to October 4, 2017.

HUMAN RESOURCE CONSIDERATIONS

There are no direct human resource impacts associated with this report.

BUDGET IMPACT

There are no direct budget impacts associated with this report.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Well-planned & Connected:

- Implement key elements of the Town's Strategic Plan, Official Plan and Secondary Plan.
- long-term strategy matched with short-term action plan

CONTACT

For more information on this report, contact: Adrian Cammaert, Senior Planner, Policy, at 905-953-5321, ext. 2459; 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

Attachment(s):

- Attachment 1 – Density Bonus Implementation Guidelines, November 6, 2017

IMPLEMENTATION GUIDELINES FOR SECTION 37 OF THE *PLANNING ACT* IN THE URBAN CENTRES (HEIGHT & DENSITY BONUSING)

Committee of the Whole date: November 6, 2017



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1.0 Introduction

The purpose of these Guidelines is to provide a clear implementation structure for the bonusing policies of the Urban Centres Secondary Plan (Section 14.2.9) by:

1. Describing the process for negotiating Section 37 Agreements;
2. Identifying which developments will be eligible for consideration of Section 37 bonusing; and
3. Setting out methodologies to calculate valuations for Section 37 contributions.

Section 37 of the *Planning Act* permits a municipality to pass a by-law under Section 34, authorizing increases in the height and density of a development in exchange for the provision of “facilities, services or matters” as set out in the by-law.

Subsection 37(2) of the *Planning Act* makes it clear that there must be an Official Plan in effect containing bonusing provisions relating to the authorization of increases in height and density. Section 14.2.9 (Bonusing) of the Urban Centres Secondary Plan provides these policies.

Section 37 does not outline a detailed list of the nature of the “facilities, services or matters” to be provided under Section 37, in exchange for increases in height and/or density, however Section 14.2.9 (Bonusing) of the Urban Centres Secondary Plan sets out these policies (the “Public Benefits”).

Any development application seeking increases in height and/or density within the Urban Centres Secondary Plan area are subject to these guidelines. These Guidelines must be read in conjunction with the policies of the Town Official Plan and the Urban Centres Secondary Plan. If any conflicts arise between Official Plan provisions / Urban Centres Secondary Plan and these Guidelines, the Official Plan / Secondary Plan provisions shall prevail.

2.0 Procedure

The Procedure regarding Section 37 Public Benefit negotiations for the Town is as follows:

1. The development application is submitted to Planning and Building Services, requesting additional height and /or density. The submission is to include a

Bonusing Justification Report which must address all the elements outlined in Sections 4, 5, 6, 7, and 8 of these Guidelines.

2. The Council shall be notified of the development application, and requested Section 37 bonusing, through the circulation of the Notice of Complete Application. Such notification shall include application details, the increase in height and/or density being sought and a description of the proposed Public Benefit(s).
3. Following the circulation of the Notice of Complete Application, staff prepare the Preliminary Report which will outline the details of the proposed Section 37 Public Benefit for Committee of the Whole's consideration (including rational for the increased building height and/or density and an explanation of the nature of the proposed Public Benefit(s)), and include a recommendation that the application proceed to a statutory Public Meeting (if appropriate).
4. The statutory Public Meeting is held, including a discussion regarding the proposed increased building height and/or density and the nature of the proposed Public Benefit(s).
5. Following the statutory Public Meeting, staff and Members of Council may work with the applicant/owner to confirm the appropriateness of the proposed Public Benefit(s) and ensure that any calculations are completed in conformity with these guidelines. These details will form the basis of the Section 37 Agreement and implementing Zoning By-law.
6. Once the bonusing details are agreed upon, staff will prepare the final Report which will recommend (if appropriate):
 - i. The preparation of the Section 37 Agreement by staff; and
 - ii. Approval of the Zoning By-law Amendment (subject to securing the Public Benefit(s)).

3.0 Implementation Principles of Section 37

The following principles must be followed when negotiating Public Benefits under Section 37 of the Planning Act:

1. Staff shall be involved in discussing or negotiating Section 37 Public Benefit(s) with applicant/owner.

2. The proposed development must be consistent with the policies of the Urban Centres Secondary Plan and represent good planning as determined by staff.
3. An increase in height and/or density shall not exceed the Discretionary Maximum Height with Bonusing or the Discretionary Maximum FSI with Bonusing identified on Schedule 4 of the Urban Centres Secondary Plan.
4. Section 37 Public Benefit(s) shall be generally consistent with those provided in Section 14.2.9 ii. of the Urban Centres Secondary Plan, or cash-in-lieu of such benefits.
5. Calculations determining the required level of Section 37 benefits (Public Benefit or cash-in-lieu value) shall be consistent with the formulas provided in Section 8 (Valuation Methodologies) of these Guidelines.
6. Specific Public Benefit(s) and the specific increase(s) in height and/or density shall be set out in the implementing zoning by-law.
7. There shall be a reasonable planning relationship between the secured Public Benefit(s) and the increase in height and/or density in the contributing development, as determined by staff.
8. Good architecture and good design are expected of all developments, as a matter of course, and are not eligible Section 37 benefits.
9. Council has the discretion on a case by case basis, whether or not to exempt certain development applications from providing Section 37 Public Benefit(s) in exchange for additional heights and/or densities.
10. Council has the discretion on a case by case basis, whether or not to amend any Section 37 agreements that staff have made with applicant/owner.
11. The Town will seek 25% of the value resulting from the increased height and/or density for Public Benefit(s), as set out in these Guidelines.
12. The value of all contributions will be indexed with the Statistics Canada Construction Price Index from the date of the agreement to the date of payment.
13. Other matters required to support a development may also be secured in a Section 37 Agreement, as a legal convenience.

14. If applicable, when reviewing an application for a minor variance involving an increase in height and/or density, staff shall advise the Committee of Adjustment of the Town's interest in negotiating Section 37 Public Benefit(s).

4.0 Geographic Location of the Public Benefit

It is the Town's preference that the Public Benefit(s) provided in exchange for additional height and/or density for a development project be provided in the general vicinity of the development project.

Public Benefit(s), or the cash equivalent, may also be accepted to address particular Town-wide needs which cannot be adequately addressed in the vicinity of the development.

Staff and Council shall determine appropriateness of the geographic acceptability of any proposed Public Benefit(s).

5.0 Eligible Development Applications

Development applications eligible for bonusing must meet the following criteria:

1. The development property must entirely be located within the Urban Centres Secondary Plan area;
2. The portion of the property proposed for development must be designated Medium Density, Medium-High Density or High Density on Schedule 4 of the Urban Centres Secondary Plan.

6.0 Determination of Appropriate Types of Public Benefit(s)

The Urban Centres Secondary Plan (Section 14.2.9 ii) provides a list of the general types of Public Benefit(s) that are acceptable to the Town. The determination of appropriate Public Benefit(s) for a specific application shall be consistent with Section 14.2.9 ii as well as the other "Bonusing" policies of the Urban Centres Secondary Plan.

In accordance with Section 14.2.9 iii of the Urban Centres Secondary Plan, development applications requesting bonusing shall be required to be supported by a Bonusing Justification Report that sets out the Public Benefits proposed to be provided, the increase in density and/or height requested, the planning rationale for the requested increase in density and/or height, and demonstrate, to the satisfaction of staff, that the development:

1. Represents good planning;
2. Is consistent with the objectives of the Urban Centres Secondary Plan;
3. Meets the applicable urban design and built form policies of the Urban Centres Secondary Plan;
4. Represents appropriate development in the context of the surrounding character;
5. Can be accommodated by existing or improved infrastructure; and
6. Will not adversely impact the transportation network or, where cumulative impacts are identified, such impacts are accommodated through existing or planned road, transit improvements and/or other Transportation Demand Management measures.

Following submission of the application, including the Bonusing Justification Report, staff will circulate the Notice of Complete Application to Council advising that Section 37 bonusing is being requested.

Staff will then prepare the Preliminary Planning Report describing details of the requested height/density and proposed Public Benefit(s) and, if appropriate, recommend that the application proceed to a statutory Public Meeting where public feedback can take place.

Following the Public Meeting, staff and Members of Council will work with the applicant/owner on the bonusing details including the form of Public Benefit(s). The following additional matters may also play a role in determining the appropriate types of Public Benefit(s):

1. Consultation with Members of Council;
2. Consultation with staff;
3. Council approved studies or assessments outlining community needs; and/or
4. Consultation with the community.

Staff will then prepare the final Report to be considered by Committee of the Whole. If appropriate, this Report will recommend: (i) the preparation of the Section 37 Agreement by staff; and (ii) approval of the Zoning By-law Amendment (subject to securing the Public Benefit(s)).

7.0 Securing the Public Benefit(s)

Prior to the enactment of the zoning by-law amendment, the applicant/owner will execute a Section 37 Agreement securing the Public Benefit(s). The agreement will be registered on title and will identify the Public Benefit(s), and how any cash benefit will be used. Cash

contributions will be paid prior to the issuance of the first full (above-grade) building permit for the respective development.

Proceeds will be placed in a dedicated “Section 37 Reserve Fund” managed by staff. In accordance with legislative requirements, the Town will prepare an annual financial statement detailing monies collected under Section 37 bonusing, and make it available to the public.

Should excess funds remain after the reasonable completion and closing of a Public Benefit project, the Town shall maintain the excess funds in the Section 37 Reserve Fund to be used at the Town’s discretion towards other Public Benefit projects.

8.0 Valuation Methodologies of Public Benefits

Two methodologies will be utilized to determine the value of Public Benefit(s), depending on whether the Public Benefit(s) can be quantified monetarily or not: : (i) a quantitative approach; and (ii) and qualitative approach. The applicability of each methodology to each Public Benefit is set out below.

8.1 Quantitative Public Benefit(s) / Increase in Land Value Formula

The Public Benefit(s) listed in Section 14.2.9 ii of the Urban Centres Secondary Plan (except for those regarding: (i) the provision of publically accessible private roads; (ii) the provision of affordable housing; (iii) the provision of rental housing; and (iv) the provision of social housing), shall utilize an “increase in land value” approach as a means of setting the value of Section 37 contributions. The contribution for Public Benefit(s) represents a reasonable portion of the increase in the land value resulting from an increase in height and/or density over the limits (i.e. “Base Density”) identified in the Urban Centres Secondary Plan.

For these Public Benefit(s), the Town will seek to achieve a value for Public Benefit(s) of 25% of the increase in land value resulting from the increase in height and/or density.

The Increase in Land Value Formula shall be implemented using the following steps:

1. Determine “Base Density”
2. Determine the Buildable Gross Floor Area (GFA) from Base Density
3. Determine the Land Value that corresponds to Base Density
4. Determine the Land Value that corresponds to the Proposed Density

5. Calculate the Increase in Land Value and Section 37 Contribution (being 25% of the increase in land value resulting from the increase in height and/or density)

Where terms used in this methodology are defined in the Urban Centres Secondary Plan, including but not limited to Gross Floor Area, Floor Space Index, and Land Area, the definition of those terms in the Urban Centres Secondary Plan shall be used.

8.1.1 Determine the “Base Density”

The “Base Density” represents the maximum height and FSI permitted (without the respective discretionary maximums for height and FSI with bonusing) of a development site according to the Urban Centres Secondary Plan.

8.1.2 Determine the Buildable Gross Floor Area (GFA) of Base Density

$$\frac{\text{Lot Area}}{(\text{sq m})} \times \text{Base Density} = \frac{\text{Buildable GFA of}}{\text{Base Density}}$$

8.1.3 Determine the Land Value that corresponds to Base Density

A land value per square metre of buildable GFA shall be calculated according to the location and size (buildable floor area) of the development parcel. The values provided will be determined by an appraisal prepared by an accredited professional appraiser selected by the Town and at the sole expense of the applicant/owner, or by such other reasonable method as determined by the Town using MPAC and/or recent sale values for the property.

The total value of the development site according to Base Density will be calculated as follows:

$$\frac{\text{Buildable GFA of}}{\text{Base Density}} \times \frac{\text{Est. Value per sq. m}}{\text{of GFA}} = \frac{\text{Total Land Value}}{\text{under Base Density}}$$

8.1.4 Determine the Land Value that corresponds to the Proposed Density

The corresponding Land Value to the Proposed Density shall be calculated as follows:

$$\frac{\text{Buildable GFA of}}{\text{Proposed Density}} \times \frac{\text{Est. Value per sq. m}}{\text{of GFA}} = \frac{\text{Total Land Value}}{\text{under Proposed Density}}$$

8.1.5 Calculate the Increase in Land Value and Section 37 Contribution

The Increase in Land Value and Section 37 contribution shall be calculated as follows:

Step 1

$$\begin{array}{l} \text{Total Land Value} \\ \text{under } \textbf{Proposed} \\ \text{Density} \end{array} - \begin{array}{l} \text{Total Land Value} \\ \text{under } \textbf{Base} \\ \text{Density} \end{array} = \begin{array}{l} \text{Increase in} \\ \text{Land Value} \end{array}$$

Step 2

$$\begin{array}{l} \text{Increase in} \\ \text{Land Value} \end{array} \times 25\% \text{ of Increase in Land Value} = \begin{array}{l} \text{Section 37 Contribution} \\ \text{or cash-in-lieu value} \end{array}$$

8.2 Qualitative Public Benefit(s) / Council Discretion

Public Benefit(s) that are more qualitative in nature will utilize a qualitative approach as a means of setting the value of Section 37 contributions. Public Benefit(s) subject to this approach are those regarding: (i) the provision of publically accessible private roads; (ii) the provision of affordable housing; (iii) the provision of rental housing; and (iv) the provision of social housing. Utilizing the outlined Procedure, these Public Benefit(s) shall be fully justified by the applicant in the Bonusing Justification Report, then assessed by staff and considered by Council.

8.3 Phased Developments

The appraisal for phased developments shall proceed in stages. The initial land valuation shall be based on the Phase 1 Site Plan Agreement. The Town will appraise each additional phase at the time of building permit issuance. The appropriate Section 37 benefits may be collected in stages according to the timing of each phase.

9.0 Altering, Modifying or Replacing Guidelines

Council reserves the right to alter, modify or replace these Guidelines as deemed appropriate. The first such review shall occur three years after initial approval of these Guidelines.



November 6, 2017

**DEVELOPMENT & INFRASTRUCTURE SERVICES/PLANNING & BUILDING
SERVICES REPORT 2017-44**

TO: Committee of the Whole

SUBJECT: 514 Davis Drive – Office Development Financial Incentive Pilot Program

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development & Infrastructure Services/Planning & Building Services Report 2017-44 dated November 6, 2017 regarding a financial incentive pilot program for an office development at 514 Davis Drive be received and the following recommendation(s) be adopted:

THAT Council authorize the following financial incentives as a pilot program in support of an office development at 514 Davis Drive:

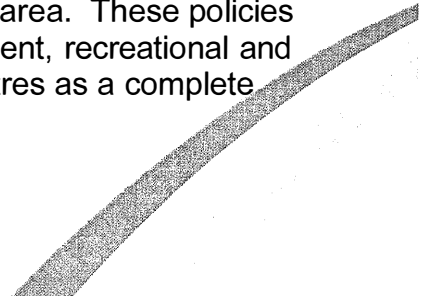
- i. 36-month Development Charge deferral;**
- ii. Building Permit fee waiver**
- iii. Planning application fee rebate;**

COMMENTS

The Region's Centres and Corridors are intended to become economic hubs with a high concentration of commercial office development.

The York Region Official Plan 2010 identifies the Region's Centres and Corridors as the areas to realize a significant share of growth in population and employment so that the Region can reach its intensification targets, support investments in transit, reduce congestion and create complete communities. The goal is to transform Centres and Corridors into economic hubs, hosting the highest concentration of major office, mixed-use commercial and high-density residential uses.

Building on the Region's Centres and Corridors policies, the Town has adopted its Urban Centres Secondary Plan, which designates the majority of the plan as a Mixed Use area. These policies provide for a mix of uses including commercial, office, residential, employment, recreational and institutional in an effort to contribute to the establishment of the Urban Centres as a complete community.



Although the land uses within the Secondary Plan are planned to achieve a 1:1 ratio between residents and jobs, to date the development applications have been primarily residential in nature (with some ground-floor commercial). The proposed office building at 514 Davis Drive represents the first development application of this nature since the Secondary Plan was adopted.

Significant analysis and research has been undertaken by the Region of York to understand the office market across the Region.

There have been a range of challenges highlighted by the development community regarding the feasibility of commercial office development generally and in the Region's Centres and Corridors specifically. To better understand the issues around office supply and demand, and to better address potential challenges to attracting office investment, in 2015 Regional Council approved a report regarding the York Region Office Attraction Review, which included a summary of the York Region Office Space Financial/Market Analysis and Marketing Plan Study.

Selected points from the York Region Office Space Financial/Market Analysis and Marketing Plan Study Executive Summary include:

- The strongest short- to medium-term opportunities for urban office development within the Region's Centres and Corridors are in Markham Centre and Vaughan Metropolitan Centre....In comparison, Newmarket Centre is anticipated to have more limited market potential for urban office development in the short and medium term, though this will strengthen over the longer term.
- Over the short to medium term, prospects for urban office development along ... Yonge Street in Newmarket and Davis Drive are limited and these areas will continue to be more attractive for low-rise office buildings with surface parking, consistent with their existing character.

The proposed financial incentives outlined herein build on existing incentives and initiatives at the Town and Regional level to support office development, particularly at this location.

In an effort to stimulate office development across the Region, changes to the Region's Development Charges By-law were made in 2017 to reduce Development Charges for office uses from previous amounts. The Owner also intends to make use of Development Charge credits that may be available through the "derelict building" provisions of the Regional Development Charges by-law as it relates to the former building that was on-site.

The Town, LSRCA, and the property owner have also entered into a tri-party agreement that preserves the original building footprint for a 10-year period to allow for an office development at this location. Subsequent to the tri-party agreement, Council also extended the Development Charges credit for the removal of the previous building to 10 years to match the terms of the tri-party agreement.

In addition to the above initiatives, the developer of 514 Davis Drive has requested additional financial incentives in support of the proposed office building. Staff has considered this request and can support the following financial incentives as a pilot program to support office development in this location:

Building Permit and Planning Application Fee Waiver/Rebate

One of the Financial Incentive Programs of the CIP is the Planning and Building Fees Equivalent Rebate/Credit Program, which allows property owners in the CIP area to have all or a portion of the planning or building fees rebated or credited. The program is applicable to new developments, redevelopment of existing properties, repairs and alterations, and upgrading and additions to existing stock.

36-Month Development Charges Deferral

The Town's previous policy regarding Development Charge Deferrals ("Town of Newmarket Policy for Deferral of Payment of Development Charges and Planning Application Fees in the Yonge/Davis and Regional Healthcare Urban Centres") is currently under review as staff considers potential changes to the types of developments and terms of the policy that may be appropriate to further incentivize development in the urban centres. Until such time as an updated policy is brought forward, the deferral of Development Charges for 514 Davis Drive can be considered as a pilot project to help promote office development at this location.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

A financial incentive pilot project in support of a new office development at 514 Davis Drive supports the following branches of the Town's Strategic Plan:

- *Well-equipped and managed:* helping to provide for a balance of land uses.
- *Well-respected:* creating strategic partnerships with community organizations, neighbouring municipalities, private sector partners and other levels of government to support an environment of collaboration and co-operation

CONSULTATION

No public consultation was required for this report.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

BUDGET IMPACT

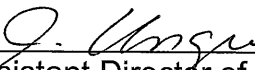
The total incentive value of the development charge deferral and waiving/rebate of the building permit fee and planning application fees as identified in this report ranges from approximately \$202,000.00 to \$226,000.00 depending on the use of the parking structure (i.e. tenant/employee use or paid parking).

- Estimated Building Permit Fee: \$160,000.00
- Planning Application Fee Rebate: \$ 24,000.00
- DC deferral: \$ 18,000.00 to \$42,000.00

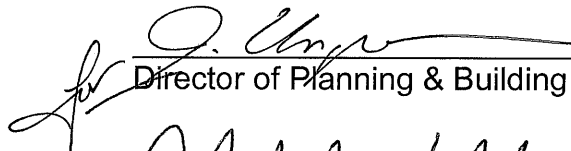
The Town will, in time, receive the deferred Development Charges (plus 2% interest) associated with the new office building. The credited Building Permit revenue can be funded from reserves, while the Planning application fee rebate can be funded by planning revenues.

CONTACT

For more information on this report, contact R. Nethery, Director, Planning & Building Services, ext. 2451, (rnethery@newmarket.ca).


Assistant Director of Planning


Commissioner of Development &
Infrastructure Services


Director of Planning & Building Services


Economic Development Officer


for Chief Administrative Officer



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November 6, 2017

**DEVELOPMENT & INFRASTRUCTURE SERVICES/PLANNING & BUILDING
 SERVICES REPORT 2017-47**

TO: Committee of the Whole

SUBJECT: 514 Davis Drive – Derelict Building Development Charges Credit

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development & Infrastructure Services/Planning & Building Services Report 2017-47 dated November 6, 2017 regarding the proposed derelict building development charges credit for the demolished building at 514 Davis Drive be received and the following recommendation(s) be adopted:

1. THAT Council consider the former building at 514 Davis Drive to have been derelict at the time of its demolition;
2. AND THAT the following be notified of this action:
 - (i) M. Sokolowski, Director of Operations, Oskar Group, 3660 Midland Avenue, Suite 200, Toronto, ON, M1V 0B8;
 - (ii) P. Simas, Senior Analyst, AR/Revenue Team, Corporate Financial Services and Operations, Strategies and Transformation, Finance, Regional Municipality of York, 17250 Yonge Street, Newmarket, ON, L3Y 6Z1.

COMMENTS

The Region's Development Charges By-law provides for development charge credits for derelict buildings.

The Region's DC by-law provides the following provision related to derelict buildings:

- Any building or structure deemed derelict, or the equivalent of derelict ... shall be eligible for development charge credits if a building permit is issued for a building or structure on the lands previously occupied by the deemed derelict residential building or structure within 120 months or less of the issuance of demolition permit for the deemed derelict building or structure;

The by-law then provides the following sliding scale of development charge credits, with the credits being calculated as a percentage of the prevailing development charge rates for the class of non-residential

development or type of dwelling demolished. As the demolition permit was issued in 2011, if the former building is deemed to be derelict (or the equivalent of derelict), it would currently be eligible for a 50% credit.

Number of Months From Date of Demolition Permit to Date of Building Permit Issuance	Credit Provided (%)
Up to and including 48 months	100
Greater than 48 months up to and including 72 months	75
Greater than 72 months up to and including 96 months	50
Greater than 96 months up to and including 120 months	25
Greater than 120 months	0

Staff notes that while one section of the by-law references “derelict residential building”, in adopting a report regarding the 2017 Development Charge Background Study and Bylaw, Regional Council also extended development charge credits for derelict buildings to non-residential developments in the same manner as is currently provided to residential developments. Also, given that no definition of “derelict” is provided in the by-law, the Town can use the dictionary definition in determining whether a building can be considered derelict, as follows: *“In a very poor condition as a result of disuse and neglect.”*¹

While the By-laws Department has records for this site dealing with property standards and other zoning violations, staff has confirmed with both the By-laws Department as well as Central York Fire Services that there are no records from 2011 (or before) that specifically discuss the condition of the building at the time of its demolition; the Owner, however, has provided the following information for the Town’s consideration:

“The property was purchased by 1548373 Ontario Inc (A Division of Oskar Group) in February of 2005. The property consisted of just over 2 acres of vacant land and a vacant building that had been used previously as a retail building supply and lumber yard.

The owners attempted to generate some income from the property by Leasing the rear portion of the building to a Flea Market Operator who commenced business in the early part of 2006. The only part of the building that was in reasonable condition was the front portion facing Davis Drive which was leased to three retail vendors and also housed the main washrooms for the building.

In February of 2009, Notice of Expropriation was received from York Region. York Region advised both the Owners and the Tenants that they would be expropriating part of the property in order to widen Davis Drive ... which resulted in the Flea Market almost immediately ceasing operation. This was quickly followed by the departure of the permanent Retail Tenants...The only part of the building that was in

¹ <https://en.oxforddictionaries.com/definition/derelict>

reasonable condition would have to be demolished eliminating the front retail portion as well as all the washrooms for the building. Without this portion, the building was essentially unusable. Once the Tenants had left, there was no longer any money available to maintain the building and the Owners locked it. Given that the building was going to be partially removed for the expropriation and the balance was in a state of disrepair with no income to support maintenance, the only option was to demolish.”

The Owner has also provided a number of photographs (refer to Appendix “A”) showing the state of the former building.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Being supportive of initiatives and policies that will help facilitate a mix of land uses in the Secondary Plan area supports the *Well-respected* branch of the Strategic Plan.

CONSULTATION

No public consultation was required for this report.

HUMAN RESOURCE CONSIDERATIONS


Not applicable to this report.

BUDGET IMPACT

There is no budget impact for the Town, as the derelict building development charge credit is a Regional Development Charges By-law provision.

CONTACT

For more information on this report, contact R. Nethery, Director, Planning & Building Services, ext. 2451, (rnethery@newmarket.ca).


Assistant Director of Planning


Director of Planning & Building Services


Commissioner of Development &
Infrastructure Services


for Chief Administrative Officer

Appendix “A”: Photographs

Appendix “A”: Photographs







Planning and Building Services

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**Development and Infrastructure Services
Engineering Services and Planning and Building Services - Report 2017-45**

To: Committee of the Whole

Subject: Residential Parking Review

Date: November 6th, 2017

Origin: Engineering Services & Planning Services

Recommendations

THAT Development and Infrastructure Services Engineering Services and Planning and Building Services - Report 2017-45 dated November 6th, 2017 regarding Residential Parking Review be received and the following recommendation(s) be adopted:

- 1. THAT staff be directed to include in the 2018 budget a provision for contracting a planning and engineering consultant to undertake a review of on-street parking and the matters discussed in this report.**
- 2. AND THAT, subject to budget approval, staff be directed to undertake a review of the Parking By-law and report back to Committee of the Whole with recommendations on improvements to on-street parking and the matters discussed in this report.**

Purpose

This report will provide information in response to the motion adopted by Committee of the Whole regarding residential parking at its meeting of February 27, 2017. Staff were asked to review the Town's current approach to residential parking and investigate any opportunities for improvement. This analysis lays out a summary of the issue and its influences and then an approach for next steps for a review of the Town's approach to residential parking.

Executive Summary

Residential parking is often a contentious subject in urban areas. It is also an important element in urban planning that should not be considered in isolation. Rather, any discussion of parking should be situated in appropriate context; residential parking influences how people choose to move, where they choose to live, the number of cars that people choose to own, traffic speeds and volumes, pedestrian safety, ecological sustainability, social equity, housing affordability, and a range of other critical indicators of a community's health and wellbeing.

This review discusses the motion that directed staff to undertake a review of parking. It continues with a discussion of the Town's current approach to off-street and on-street parking and the effects of each based on current transportation planning research and findings. It then illustrates the relationship between parking and active transportation and the operations of the municipality. Information on current demographics and economics are discussed in brief. Finally, it concludes with a brief response to common concerns related to parking.

This analysis concludes that on-street parking offers the greatest possible gain to the municipality in terms of providing additional parking, calming traffic, and avoiding negative effects to the environment and the Town's transportation goals. If Council adopts the recommendations of this report, staff will include in the 2018 draft budget an amount of money to retain a consultant to review the Parking By-

law in order to increase the supply of parking and ensure coordination of on-street parking with other Town concerns.

Comments

Off-street residential parking: Current status

The Town's zoning by-laws establish standards for residential properties in Newmarket, typically including how much parking must be provided and standards for driveway size and location. The maximum width generally reflects the built form and lot width – single detached residential lots with wider frontages are permitted wider driveways than townhouses with narrower lots.¹ The zoning by-law requires properties to provide at least two parking spaces of a standard size for each single detached or semi-detached dwelling unit. In many cases, single detached homes are able to have driveways that can accommodate more than four vehicles. It is not uncommon for a single detached dwelling to have four spaces in a driveway and a further two inside of a garage. In some limited cases of corner lots or older homes, there is a limited area for a driveway due to existing zoning requirements. In some newer subdivisions there is limited ability to widen a driveway under the applicable zoning due to the narrow frontage of the lot and limits on driveway widths to maintain a certain amount of landscaped space.

Some residents choose to widen their driveway to a width that is wider than the zoning by-law allows. This is not permitted, but is easily accomplished as the Town does not require a permit for a driveway widening. This has led to some properties having significantly larger driveways than is permitted, including in some cases the loss of the entire front yard [See figure right]. In some cases the result of this is the loss of private trees and Town-owned trees without authorization. The legal way to widen a driveway wider than the zoning by-law allows is to obtain a minor variance.



Figure 1: Newmarket houses with driveways across front yard

Off-street residential parking: Effects

Residential parking has been the subject of substantial research. Rigorous studies and models have shown that increasing the supply of residential parking increases the number of cars that residents will choose to own. This has been demonstrated independently of other factors such as urban form, demographics, or transit availability.² Researchers from a range of fields have shown that an increase in the number of reliably available parking spaces is associated with an increase in the automobile mode share – the proportion of people who choose to drive.³ Together, these relationships show that increasing the availability of parking increases traffic volumes.

Off-street parking is inherently connected with urban design. Increases in off-street parking mean an increase in impermeable surface area and a decrease in landscaped area. Limiting driveway limits the amount of hard surface in the front yard for aesthetic, drainage, and ecological purposes. Aesthetically, Newmarket's neighbourhoods have largely developed with front lawns and street trees – driveways limit the amount of space for these features. As research has shown, street design⁴ and the quality of the

¹ Zoning By-law 2010-40

² Woldeamanuel, M., et al. (2009). "Variation of households' car ownership across time: application of a panel data model." *Transportation* 36: 371–387.

³ McCahill, C., et al. (2015). *Effects of Parking Provision on Automobile Use in Cities: Inferring Causality*. Transportation Research Board.

⁴ Liu, XiaoHang, and Julia Griswold. "Pedestrian Volume Modeling: A Case Study of San Francisco." *Yearbook of the Association of Pacific Coast Geographers*, vol. 71, 2009, pp. 164–181., www.jstor.org/stable/24043772.

pedestrian environment⁵ are significant determinants of whether people choose to walk on a street – people walk where it is comfortable and pleasant to walk, particularly including streets with green space, shade, and trees. In short, streets with more asphalt front yards combined with less green space and fewer trees are less amenable to pedestrians.

Ecologically, wider driveways reduce the health of our neighbourhoods. Mature trees spread a wide root bed, and paving close to them limits their ability to grow, meaning that streets where their growth is stunted residents will not benefit as much from the leafy canopy and benefits that mature trees provide – including improving air quality, lowering air temperatures, reducing energy costs, reducing erosion, and reducing stormwater runoff.⁶ Increased impermeable surface area causes (1) an increase in the volume of runoff by reducing the amount of permeable surface area, (2) an increase in the temperature of water runoff due to the paved surface absorbing more solar radiation than natural surfaces, (3) a decrease in the amount of water that infiltrates the soil, and (4) a decrease in the quality of water runoff due to paved surfaces being treated with coal-tar based and asphalt-based sealants.⁷ Semi-permeable driveway surfaces are often raised as an alternative, but most offer little improvement in permeability as soil compaction causes gravel to become highly impermeable and other treatments (pervious pavers, interlocking brick) require regular maintenance that rarely occurs, leading them to become as impermeable as pavement.

In addition, limiting driveway width preserves on-street parking opportunities, as curb length that is devoted to driveways removes publicly-available on-street parking for visitors and homeowners. In effect, wider driveways privatize parking spaces that would otherwise be available on the street. On-street parking, through being publicly available, can be used more often and more efficiently by more residents.

Off-street parking summary:

The Town's current zoning by-laws limits off-street parking as a means to mitigate effects on the way people choose to travel (car, on foot, transit), environmental degradation, and aesthetic appearance.

Increased off-street parking leads to increased number of cars owned (number of cars per household) and increased levels of car use (number and length of trips made by car).

On-street residential parking: Recent history

On-street permit parking was reviewed in 2005 and was reported to Council through *Joint Report PW2005-51*. Staff recommended not to implement a Town-wide permit parking system. Permit parking was thought to serve two purposes: to provide parking in areas with limited or no on-site parking, and to manage on-street parking in areas with large parking demand generators (e.g. hospitals). It was stated in the report that residential areas in Newmarket generally have sufficient off-street parking, and that Southlake Regional Health Centre was building more parking garages and thus would not constitute a parking spillover problem.

The issue was raised again in 2009 through *Joint Report ES2009-46*. At that time staff reported to Council on a request for overnight residential permit on-street parking in non-winter months. Staff advised Council that such a program was inadvisable for several reasons, including:

- The administrative burden of a new permit system;
- The possibility of not recovering operating costs through permit fees;

⁵ Davis, Judy S., and Samuel Seskin. "Impacts of Urban Form on Travel Behavior." *The Urban Lawyer*, vol. 29, no. 2, 1997, pp. 215–232., www.jstor.org/stable/27895058.

⁶ Development and Infrastructure Services – Planning & Building Services and Public Works Services Joint Report 2017-05

⁷ Perkins, S. (2004). "Paved Paradise?" *Science News* 166(10): 152-153.

- That there is sufficient parking on residential properties to accommodate all parking demand;
- Conflict between permit-holder parking and road operations; and
- Capital and operating costs of revising the Town's parking restrictions across the Town including planning, signs, communications, and enforcement.

On-street residential parking: Current status

By-law number 1993-62 regulates parking in Newmarket and sets out where and when on-street parking is permitted in Newmarket with the exception of Regional roads.⁸ Throughout much of Newmarket, the By-law prohibits parking on one side of the street at any time and allows parking on the other side, subject to certain general limits such as a three-hour limit on parking; prohibiting parking on sidewalks, walkways, fire routes, or close to a fire hydrant or crosswalk; and prohibiting blocking a driveway. Parking between 2:00 AM and 6:00 AM between November 1 and April 15 is prohibited in order to avoid interfering with snow removal.

Existing on-street parking restrictions are limited in their basis in policy. With the exception of limits on site-specific features such as obstructing access to driveways, crosswalks, and fire routes, current on-street parking limits are an arbitrarily selected time limit of three hours that was adjusted from a previous limit of five hours. The existing approach to on-street parking privileges the movement of traffic by restricting the ability to park on the street.

Finally, the existing limits are difficult to enforce. As the Town does not enforce the three-hour limit during the traditional "dinner hours" from 7:00 PM to 11:00 PM, this negates any enforcement activity between 4:01 PM and 2:01 AM as a three-hour uninterrupted period of parking must be demonstrated in order to identify a violation. What's more, exceptions are regularly granted to these for a range of reasons from residential construction to large numbers of visitors. These factors make current on-street parking regulations not only of uncertain basis, but of limited impact.

On-street residential parking: Effects

On-street residential parking provides more than a convenient stopping place for visitors; it is a use of public land that serves many purposes. Recent research has shown that it can be beneficial to safety and enjoyment of space. As researchers from the University of Connecticut write, "On-street parking is not purely a device to be used in the right environment; rather, it is a tool to help create that right environment."⁹

On-street parking has been shown to be a cost-efficient way of providing parking. By allocating existing street space while leaving adequate width for traveling vehicles to pass, on-street parking spaces can be provided at no additional construction or paved area, and requiring less overall area than an off-street space that may also require access space and walkways.¹⁰

On-street spaces are an allocation of use of publicly-owned space for a private purpose. Much the same principle occurs when a driveway is permitted to be widened, as the space on the street in front of the driveway that would otherwise be available for short-term parking is now effectively reserved for the access purposes of the driveway owner.

Free on-street parking is in effect a subsidy for drivers, as it provides a parking space at no cost to the driver. However, a street's cost to the public has already been paid whether parking is permitted or not – it is a decision by Council to allow certain streets to be occupied by parked cars rather than reserved solely for traveling cars.

⁸ Parking By-law 1993-63, <http://www.newmarket.ca/LivingHere/Documents/parkingbylaw1993-62.pdf>

⁹ Marshall, W., et al. (2008). "Reassessing On-Street Parking." *Transportation Research Record: Journal of the Transportation Research Board* 2046: 45–52.

¹⁰ Marshall, W., et al. (2008)

On-street parking can, when used appropriately, increase traffic and pedestrian safety. While off-street parking and driveways often require conflict between parking areas and pedestrians where driveways cross sidewalks, on-street parking has no such conflict point. Parked cars on the street also act as a traffic calming measure by reducing vehicle speeds. Research from the Canadian Journal of Public Health correlates on-street parking with increases in walkability and pedestrian activity because parked cars reinforce buffer space between travelling automobiles and pedestrians on sidewalks, increasing a sense of safety.¹¹ Finally, on-street parking has less of an effect on mode choice – research indicates that the reduced reliability of availability of on-street parking is less likely to encourage increased car ownership.¹²

On-street parking presents an opportunity to create a safer, healthier street while also increasing parking availability. On-street parking creates a more complex visual environment for drivers, which leads to reduced vehicular speeds and lowers the severity of accidents.¹³ This point is often cited as a detriment of on-street parking – the argument is made that parked cars are a detriment to visibility and thus to safety. However, the same point can be made to the opposite conclusion: increased visual complexity of the driving environment and reduced sightlines, ideally combined with reduced speed limits, have been demonstrated to lead to less severe accidents and reduced pedestrian fatality rates.¹⁴ This can, in the case of narrow local streets, require drivers to navigate between parked cars on both sides of the street and in some cases wait to allow oncoming traffic to pass.

It is important to emphasize that these are findings of the effects of street design and parking regulation from research in specific circumstances, and that the specific context of each street must be considered. The presence of sidewalks, width of the street, width of lanes, presence of on-street parking, active transportation facilities, traffic control devices, sightlines, speed limits, and other matters all affect road safety. Among these factors, on-street parking can play a role in creating a comfortable and safe street.

On-street parking: Operations

On-street parking can pose operational challenges depending on how it is administered. Vehicles parked on the street during winter months pose challenges for snow removal and street cleaning. Some municipalities administer on-street parking programs which permit overnight parking except in the case of a snow event, which can reduce this conflict. Different approaches to increasing access to on-street parking can avoid or mitigate some of the operational concerns – whether by continuing to limit access during certain months, or by implementing a notice system during certain weather-related restriction periods. These approaches merit additional study in greater detail.

As discussed in past reports referenced above, the administration of an on-street permit parking program can be an administrative burden and costly program to manage if uptake and permit fees are low. However, loosening on-street parking restrictions without imposing a permit program can provide additional parking, reduce infraction rates, and avoid the need for increased administrative costs save for those required to update signage and inform the public.

¹¹ Schopflocher, D. e. a. (2012). "Creating Neighbourhood Groupings Based on Built Environment Features to Facilitate Health Promotion Activities." *Canadian Journal of Public Health* **103**.

¹² Marshall, W., et al. (2008). "Reassessing On-Street Parking." *Transportation Research Record: Journal of the Transportation Research Board* **2046**: 45–52.

¹³ Praburam, G. and G. Koorey (2015). EFFECT OF ON-STREET PARKING ON TRAFFIC SPEEDS. University of Canterbury.

¹⁴ ITF (2016), *Zero Road Deaths and Serious Injuries Leading a Paradigm Shift to a Safe System: Leading a Paradigm Shift to a Safe System*, OECD Publishing, Paris.

A permit program is most useful in areas where parking demand exceeds supply. By limiting the number of available permits and setting a price, the Town is able to control the ability to park and discourage excess parking demand. On most residential streets an increase in parking supply through reduced restrictions (i.e. longer permitted duration of parking) would increase supply but not necessarily increase demand beyond the rate of supply. The option then remains in areas with higher demand generators – near Southlake Regional Health Centre or the historic downtown – to investigate permit programs in the future.

On-street parking summary:

On-street parking offers benefits in the form of (1) traffic calming, (2) pedestrian safety, (3) efficient and inexpensive parking provision. Expanding on-street parking is an option that merits further review.

However, it is currently heavily limited due to (1) resident opposition, (2) fire access, (3) site-specific safety issues, and (4) snow removal/street cleaning.

Active transportation

On-street and off-street parking both have an impact on active transportation. There is limited space within the right-of-way for all the elements of a street – boulevard, plantings, sidewalks, on-street parking lanes, travel lanes, and active transportation facilities. These active transportation facilities can take many forms, from off-street multi-use trails to on-street bike lanes. Providing on-street parking can preclude active transportation facilities, or increase the risk of conflict between residents using different modes by placing them in close alignment – i.e. the “door zone”.

Off-street parking can similarly conflict with active transportation. Driveways mean constant conflict zones as vehicles turn and reverse across active transportation facilities. This means both increased risk of crashes as vehicles cross over multi-use paths, sidewalks, and bike lanes, and reduced level of traffic separation for any on-street bike lanes as any buffer zone or physical separation includes gaps for each driveway.

The Town has implemented approximately 6 km of its on-street Active Transportation Network. The approved active transportation plan includes significantly more on-street and off-street active transportation facilities that link residential neighbourhoods to major transit facilities and destinations. The Active Transportation Network as approved by Council in the Official Plan must be considered when any changes to parking are reviewed so as to ensure that the active transportation plan is not negatively impacted.

Active transportation summary:

Off-street and on-street parking can conflict with active transportation facilities. Off-street parking can conflict at access points (driveways) and on-street parking can conflict by competing for limited space in the right-of-way if not appropriately sited and designed. The implementation of the Council-approved active transportation network will provide alternatives to the need for single-occupant vehicle travel.

Demographics and density

Demographics

There has been much discussion of changing demographics having an impact on residential parking demand. Data is not yet available to the Town from the 2016 census at a sufficiently detailed level to indicate whether there has been an increase in the share of young adults living with parents, and much

of the public discussion on young people living with parents has been based on data from the United States or less-rigorous or anecdotal data than the census.

Census data will be helpful to inform discussions of planning for land use and transportation in Newmarket. The most recently-available data shows little increase in the number of persons per household, although the trend is higher than it has been historically.¹⁵ This can be seen in Figure 1 and Figure 2, in which the “hotter” coloured areas experienced a decline in the number of dwelling units and population, respectively. In response to concerns that Newmarket’s neighbourhoods are under intense population growth through infill development, adult children moving home, or larger families occupying homes, census data shows that most areas of Newmarket have seen relatively little change.

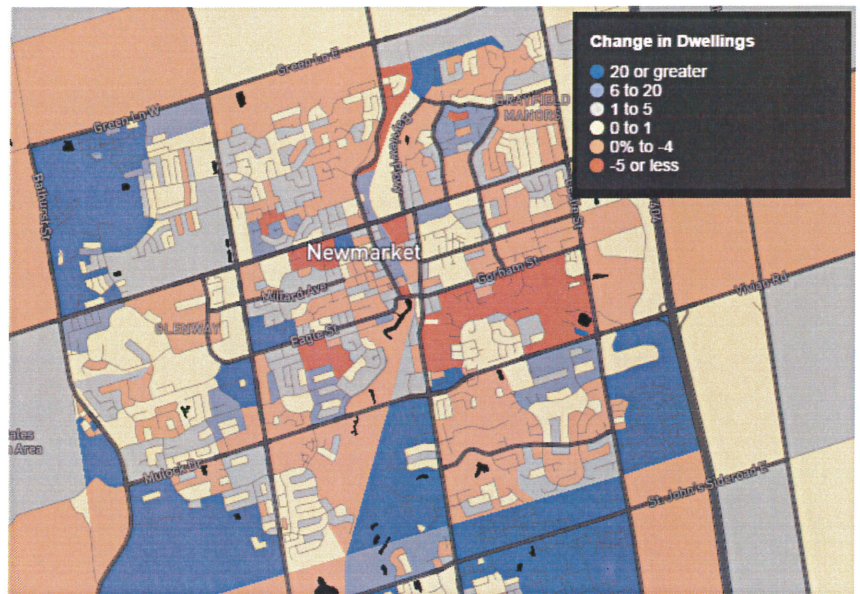


Figure 2: Change in housing units in Newmarket 2011-2016

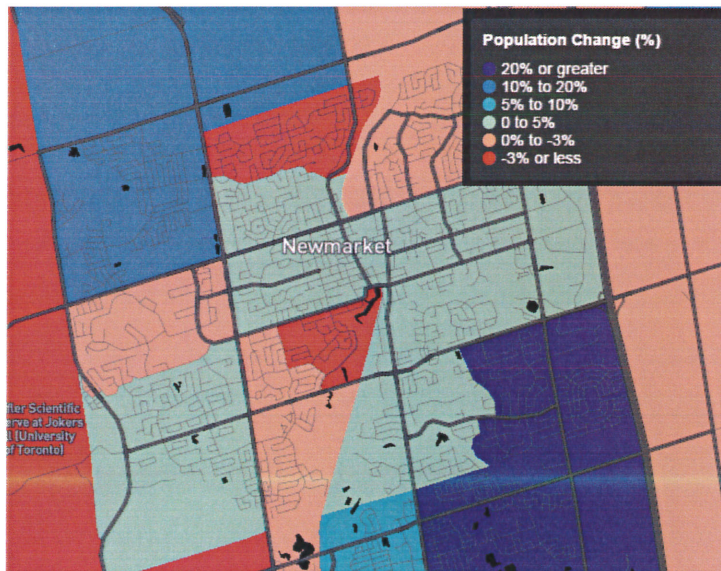


Figure 3: Population change in Newmarket 2011-2016

Demographic trends have changed in Newmarket such that the proportion of residents who have immigrated to Canada has increased. The proportion of immigrant young adults in their twenties living with their parents (50%) was higher than the proportion of those who were non-immigrants in the 2011 census (42%).¹⁶ Newmarket has seen significant growth in some areas – principally the northwest and southeast areas of the Town through new residential development. However, the overall change in the number of housing units and the population in some areas of Newmarket has decreased since the 2011 census (see Figures 1 and 2).¹⁷ Person-per household data at a fine-grained level from the 2016 census will help to make this picture clearer, and will be available in the coming months.

It has been stated that Newmarket is an unusually dense municipality and thus may require unique solutions based on parking and demographics. However, data does not support this statement. Even Newmarket’s most densely-populated neighbourhoods are less dense than other urban areas of the Greater Toronto Area. While Newmarket’s population density may appear high on a municipality-to-municipality basis (in the top five in Ontario), this is a poor comparison due to Newmarket’s small size and fully-built-out form (lacking much of the rural area of other municipalities). For example, a City such

¹⁵ Statistics Canada (2015). Living arrangements of young adults aged 20 to 29. S. Canada.

¹⁶ Milan, A. (2016). Insights on Canadian Society: Diversity of young adults living with their parents. S. Canada.

¹⁷ mapTO compilation of data from Statistics Canada, 2011 and 2016 Census.

as Ottawa appears to be of very low density by such a measure because of its large agricultural rural areas that 'dilute' the otherwise-dense urban areas. Newmarket lacks such comparatively large rural areas, which makes such a comparison improper.

A more appropriate comparison would be between fully urban areas through a comparison of census tracts – in such a comparison, Newmarket's sixteen census tracts rank at the low end of density among the urban census tracts in the Toronto census area, ranging around 800 out of 1100 tracts.¹⁸ The line graphs below shows the position of Newmarket census tracts relative to other census tracts in the Toronto Census Metropolitan Area comparing population density per square kilometre.

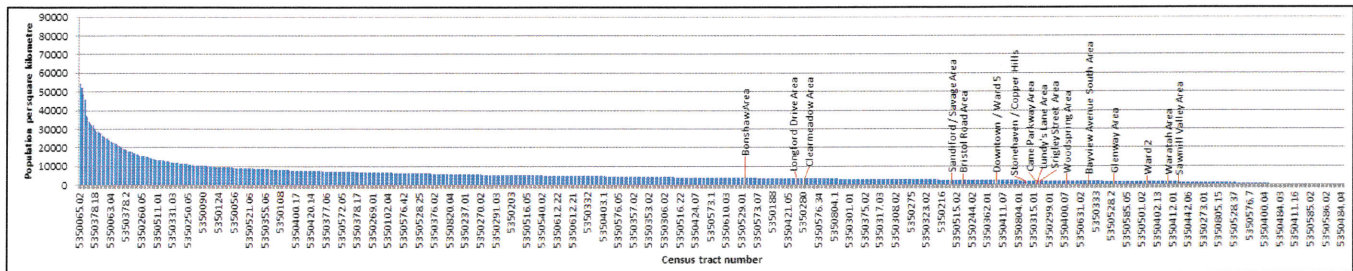


Figure 4: Population per square kilometre, Toronto CMA census tracts

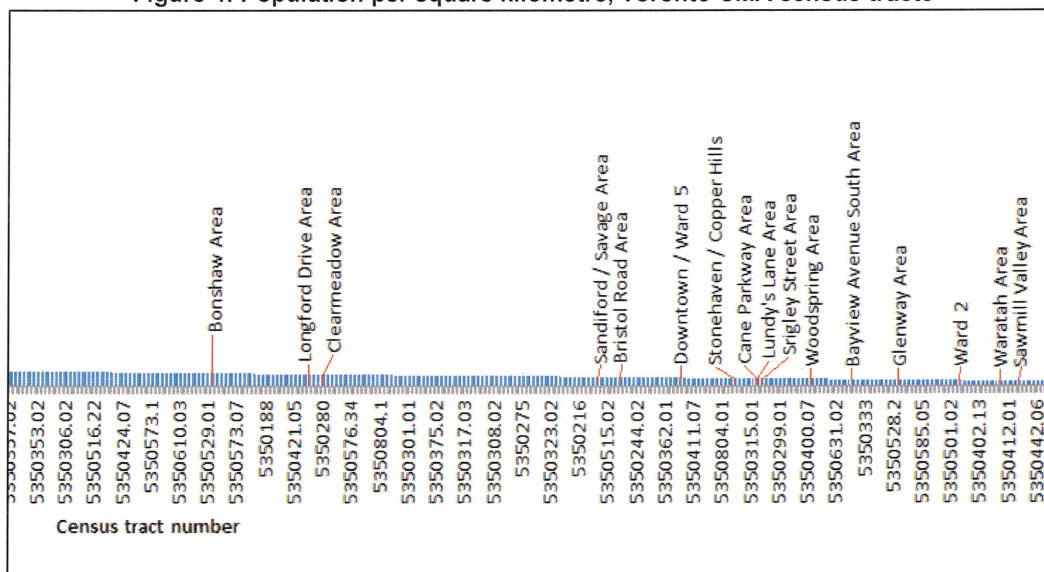


Figure 5: Population per square kilometre, Toronto CMA census tracts (excerpt)

Economics

Demographic trends of young people living at home are inextricably tied to economic forces. Toronto Real Estate Board data has showed rapidly increasing housing prices across the Greater Toronto Area (GTA). The average price for a single detached home in Newmarket in July 2017 was over \$900,000, which represents an increase of approximately 12% over the past year.¹⁹ Despite much discussion of market changes, average price for a single detached home in Newmarket in September 2017 was little changed at \$895,000.

As noted above, one concern that was raised in the discussion of parking availability related to the ability of young people to afford homes. Real estate prices do not occur organically, and the Town's

¹⁸ Statistics Canada (2016). National Census.

¹⁹ Toronto Real Estate Board (2018). Market Watch: and Home Price Index July 2017.

zoning by-laws influence the supply of housing to each demographic group. Newmarket has developed primarily ground-related residential developments (i.e. single detached, semi-detached, and townhouses) to the exclusion of other, typically smaller and more affordable forms (e.g. apartments, triplexes, fourplexes, and other multi-unit buildings). Rising housing prices and limited diversity of housing stock in Newmarket mean that there are fewer options for young people to find a place to live, which may increase the tendency to return to live in a parents' home. If housing availability for young people is a principal concern, this may be better addressed through facilitating a greater diversity of housing stock.

Demographics and data summary:

Anecdotal information shows an increase in the number of residents per household in Newmarket. Conversely, data shows little change in population in many areas of Newmarket and decline in some.

The population density of the Newmarket census tracts is lower than that of much of the rest of the Greater Toronto Area. Rising housing prices have made it difficult for young residents to find housing, though this is made worse by the lack of medium- and high-density housing stock.

Common concerns

The following section will provide brief responses to commonly voiced input on the subject of residential parking requirements.

Desire for additional parking

Residential properties in Newmarket have largely been developed under zoning standards that required sufficient parking outside of a garage, namely by requiring two exterior parking spaces. Single and semi-detached residential dwellings have also typically included a one- or two-car garage. While the desired parking of individual homes will vary, most homes in Newmarket – with the exception of some houses in the oldest parts of town – were developed with an amount of parking that was both deemed sufficient and known to the resident when the house was purchased.

While it is understandable to desire greater convenience of immediately-accessible parking, and even to have a driveway of sufficient size and shape to avoid the need to park in tandem, such desires should be weighed against other goals and objectives of the Town. For a comparable example, families similarly change in their demand for numbers of bedrooms or size of houses and may desire to significantly expand a house, and all such changes are regulated through the zoning by-law and through minor variances in cases where a resident desires to make a small change that is not permitted by the zoning by-law. However, limits are placed on building size and height in the same way that limits are placed on driveway width.

Perception that Newmarket is a “commuter town”

Notwithstanding that this is a common point raised regarding transportation planning in Newmarket, policy and data indicate that Newmarket is not a commuter town. From a policy standpoint, the Official Plan calls for a 1:1 ratio of jobs to residents in the Yonge Street and Davis Drive urban centres, and a 1:2 ratio of jobs to residents in the rest of Newmarket. That means the Town is working toward a community where residents live and work in Newmarket. Indeed, data supports this policy as showing that Newmarket is a job centre and not a bedroom community. Newmarket maintains one of the highest live-work ratios in York Region, with 46% of employed residents working in Newmarket.

This is relevant to the discussion of residential parking, because it means that the primary trips of many Newmarket residents are within the town – and given the geographic size of Newmarket, active transportation and public transit are viable options for many trips. Lifting existing limits on driveway

widths to expand the availability of off-street parking would work against these efforts by facilitating easier access to parking and encouraging driving.

Perception that Newmarket is a “car town”

The Transportation Tomorrow Survey (TTS) is the leading origin-destination and mode share survey for the Greater Toronto Area. 2016 TTS data will be available later in 2017. This data will be helpful to inform discussions of planning for transportation in Newmarket.

From a policy standpoint the Town’s Official Plan supports efforts to shift transportation patterns from car driving to active transportation and public transit. The goals and strategic directions of the Official Plan discuss this, stating:

“Increasing the opportunities for self-reliance also turns a sustainable community into a healthy community whereby walking and biking become popular modes of travel not just for recreation [...] In order to provide choice in transportation, the Town will undertake every effort to provide walking and cycling trails and transit facilities.”²⁰

Council has adopted an Active Transportation Network as a schedule to the Official Plan. As required by the York Region Official Plan, Council has adopted targets of non-single-occupant vehicle mode share. The Town is working towards a goal of 50% of all trips in the urban centres being made by modes other than single occupant vehicles by 2031.²¹

This is relevant to the discussion of residential parking because of the impact that parking has on meeting these goals. The Town’s stated policies of supporting active transportation and public transit are impacted by many factors – land use density, land use mix, right-of-way design, cost of different modes (gas, transit fare, parking cost, etc), availability of different modes (distance to bus stop, ease of parking, directness of a bike route, etc). It is important to consider how changes in one element (i.e. off-street residential parking) will affect another (i.e. public transit use).

Conclusion

Parking is a complex issue that has wide-ranging effects on an urban area – thus, residential parking is often a contentious subject. The Town has a range of tools that it can use to influence parking, and any change in the existing approach to regulating parking should consider the full range of tools in order to ensure the effects match with the Town’s policy goals. The proposed review is intended to focus on two areas: reviewing currently on-street parking regulations, and improving conformity with driveway regulations.

On-street parking

On-street parking offers the greatest possible gain to the municipality in terms of providing additional parking, calming traffic, and avoiding negative impacts to the environment and satisfying the Town’s transportation goals.

To that end, staff propose to retain a consultant to a review of the on-street Parking By-law. This may lead to changes to which streets have on-street parking, which sides of streets have on-street parking, the limits on the duration of on-street parking, and other matters. The on-street parking review will focus on the following areas:

- Ensure no conflict occurs with the active transportation network
- Increase available parking supply

²⁰ Town of Newmarket Official Plan, 2006.

²¹ Town of Newmarket Urban Centres Secondary Plan, 2014.

- Ensure safety and context-awareness
- Ensure ease of enforcement
- Increase pedestrian safety and comfort
- Recognize operational needs

Driveway permits

Some municipalities have enacted licensing requirements for companies that perform driveway paving in order to ensure that paving contractors have sufficient insurance to conduct work in the Town-owned boulevard, are aware of how to avoid damaging Town assets in the boulevard, and are aware of zoning limits on driveways. The retained consultant will provide options for improving conformity with Town requirements related to driveway limits and tree protection. This review may include:

- Licensing driveway paving companies to ensure works comply with Town requirements
- Requiring permits for the creation or alteration of driveways

Off-street parking

In addition to the proposed review, other work is underway that may lead to amendments related to off-street parking for residential lots. Staff are already at work on a zoning by-law review as presented in Planning Services Report 2017-25. Off-street parking restrictions are intended to be maintained, although there are improvements to be made to ensure consistency across the Town. Matters to be reviewed include:

- Driveway location standards for corner lots
- Consistency of limits on driveway size and standards of urban design
- Maintenance of minimum amounts of landscaped area and its effects
- Method of measuring driveway width on lots with non-standard layouts or shapes

Next Steps

Staff will prepare a Request for Proposals for a consultant to lead the review related to on-street parking. This study will be presented to Council along with recommendations for changes to the Parking By-law. Staff will continue with the ongoing zoning by-law review as it relates to other parking matters including off-street parking.

Consultation

Public Input

Staff will provide an opportunity for public input before any changes are made to the Parking By-law, Licensing By-law, or any zoning by-laws.

Stakeholder comments

This report was provided to Engineering Services, Public Works Services and By-law Services for comment.

Budget impact

Operating Budget (Current and Future)

Future impacts to the operating budget as a result of any changes will depend on the outcome of the proposed review.

Capital Budget

This report proposes an item to be included in the 2018 budget for Council's approval.

Plan linkages

Strategic Plan

This initiative supports the strategic plan goal of being *Well-planned & connected* by supporting sound planning for development in Newmarket and being responsive to lessons learned.

Strategic Priorities

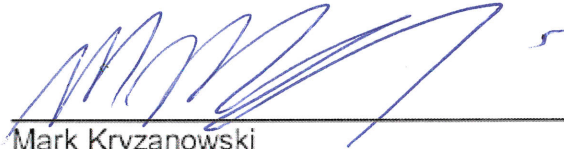
This initiative supports the strategic priority of *Traffic Safety & Mitigation* by proposing a policy- and data-led review of on-street parking to ensure safe streets and provide residents with parking options.

Contact

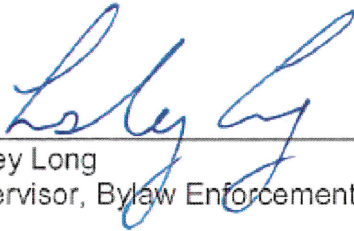
For more information on this report, contact: Ted Horton, Planner at 905-953-5321, Extension 2459 or via email at thorton@newmarket.ca



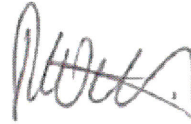
Ted Horton
Planner



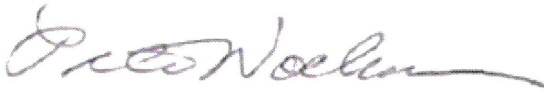
Mark Kryzanowski
Manager, Transportation Services



Lesley Long
Supervisor, Bylaw Enforcement



Rick Nethery
Director, Planning & Building Services



Peter Noehammer, P. Eng.
Commissioner Development and
Infrastructure Services



Rachel Prudhomme
Director, Engineering Services

November 6, 2017

DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT 2017-46

TO: Committee of the Whole

SUBJECT: Heritage Conservation District - Gateway Signage

ORIGIN: Planning and Building Services

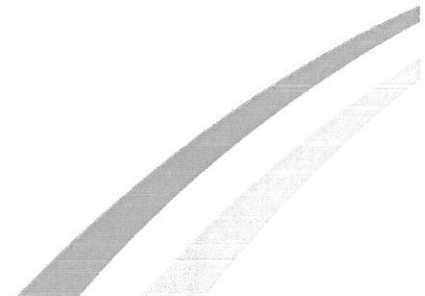
RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning & Building Services Report 2017-46 dated November 6, 2017 regarding Town of Newmarket Heritage Conservation District - Gateway Signage be received and that the following recommendations be adopted:

- 1. THAT Council endorse the concept of a Heritage Conservation District gateway sign being installed along the north side of Water Street, east of the Holland River.**
- 2. THAT Council direct staff to consult with the Main Street BIA and Newmarket Public Library.**

SUMMARY

Endorsement of a gateway sign depicting entry into the Main Street Heritage Conservation District is being requested. The proposed sign seeks to recognize and celebrate the area's Heritage Conservation District status that was approved in 2013. It is proposed in a key location at the southern end of the Historic Main Street area, where it will be highly visible along the main point of access for most of the area's visitors arriving from the south and east. Attachment 1 shows a mock-up of the proposed signage, and Attachment 2 shows a rendering of what the installed proposed signage would look like.



COMMENTS

Benefits of the Proposed Signage

Placemaking and identity – Indicative of its Heritage Conservation District status, Historic Main Street Newmarket exhibits a distinctive sense of place. The proposed signage will help formalize this sense of place for residents and visitors alike, reinforcing the ‘you are here’ feeling as they enter the area from the south and east; the area’s main point of access. It’s also believed that the signage will be conducive to social media use by visitors and residents, further promoting the area and building its brand.

Economic development – By reinforcing the identity of Historic Main Street as noted above, the proposed signage will attract business and tourism to the area and contributing to the area’s economic development.

Design Considerations

The proposed sign, as shown in Attachment 1, will be fabricated with a durable, high quality material that has the ability to be carved into, allowing for a 3-dimensional look. The sign is proposed to be approximately 60 inches in width by 36 inches in height; a size that allows the sign to be noticeable to drivers, but not too large as to detract from the pedestrian realm. Text on the sign is proposed to include the phrases: “Historic Main Street Newmarket”, “Settled 1801”, and “Heritage Conservation District”.

The signage has been created following a period of historic research on the Main street area. For example, the typeface proposed is the same typeface that has been documented on historic businesses along Main Street. In addition, the imagery includes a silhouette of Main Street’s historic buildings. Finally, the shape of the proposed sign evokes a historic character. However, in keeping with the direction received through consultation, a modern colouring, charcoal and black, is proposed to create a balance of being rooted in heritage, but having a forward-looking vision.

Dependent on costs, ground lighting is intended to be installed at a future time. Power for this lighting can be either from the noted power supply associated with the hydro pole located behind the location of the proposed sign, or via a solar powered system. Additional research will occur in the future associated with this lighting component.

It should be noted that there are currently two signs posted on a hydro pole in the location of the proposed sign; one for the Newmarket Library and one for “Main Street”, as shown on Attachment 2. These two signs are proposed to be removed in order to avoid ‘over-signing’ the area, and therefore additional consultation with the Library and Main Street BIA are being recommended.

Signage Location

The proposed location, on the north side of Water Street, just east of the Holland River, is along a primary access route for visitors entering the area. These visitors, including day-trippers from other parts of the Greater Toronto Area, travel along a route that includes Highway 404 / Mulock Drive / Bayview Ave / Water Street. Therefore, this is a priority location for gateway signage. It is worth noting that highway signage already exists on Highway 404 south of the Mulock Drive exit, notifying drivers of “Historic Main Street Newmarket”.

Future consideration should be given to the same signage being installed along the western access route, on the south side of Eagle Street in the general location of 484 Eagle Street (St Andrew’s Presbyterian Church), near the boundary of the Heritage Conservation District. This is a secondary access route into the Historic Main Street area and therefore does not have the same level of priority as the eastern access route.

The northern access route is already demarked by the recently installed arch at the intersection of Main Street and Davis Drive, so no further signage is recommended in this area.

Official Plan

The Official Plan contains policies which encourage the improvement of the Historic Downtown’s streetscape and recognizes that signage is a key component of this goal. The Official Plan states: *“Landmark features, streetscape improvements, landscaping and significant building forms shall be encouraged at the Water Street and Davis Drive entranceways into the Historic Downtown.”* As a landmark feature, impactful, historic-themed gateway signage at the proposed location implements this policy for the southern gateway of the Historic Downtown.

Heritage Conservation District - Status

In 2013, Lower Main Street Newmarket became a Heritage Conservation District under Part V of the Ontario Heritage Act. Districts are areas whose cultural heritage value contributes to a sense of place extending beyond their individual buildings, structures and landscapes. This District

status recognizes the unique historic built form of the Town's Historic Main Street area. Although the District was formed in 2013, no signage currently exists to recognize or celebrate this status. It should be noted that the proposed location of the sign is as close as possible (approximately 20m) to the District's eastern limit.

The Heritage Conservation District Plan for Lower Main Street South, Newmarket

The Heritage Conservation District Plan for Lower Main Street South is the technical document regarding the heritage value of the area. This Plan is supportive of signage that reflects local history. As noted in the 'Design Considerations' section of this Report, special attention was paid to creating a sign that has local historic design cues.

The Newmarket Historic Downtown Community Improvement Plan

This Plan speaks to a Vision for Main Street, whereby a "welcoming, historic, beautiful downtown" encompasses: improved streetscaping – creative furnishings, coordinated signage; improved gateways and linkages with defined entrances at both ends of Main Street; and incorporating a heritage theme. The proposed signage reflects and upholds these goals.

CONSULTATION

To date, internal consultation has occurred with Planning and Building Services, Engineering Services, Corporate Communications, Public Works Services, Innovate Newmarket and Economic Development. Externally, consultation has occurred with the Heritage Newmarket Advisory Committee. All comments received have been integrated into the version of the sign as shown in Attachment 1.

As per the recommendation of this Report, it is intended that further consultation occur with Newmarket Library and the Main Street BIA, especially regarding the removal of the existing pole-mounted signage.

HUMAN RESOURCE CONSIDERATIONS

There are no direct human resource impacts associated with this report.

BUDGET IMPACT

Cost estimates under \$3,500 have been received from two sign manufacturers, based on the draft mock-up included as Attachment 1. This cost is for sign manufacturing only; in order to reduce costs the sign is proposed to be installed by Public Works Services.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

Well-Balanced: Encouraging arts, culture, entertainment and heritage preservation.

Well-Planned & Connected: Revitalizing neighbourhoods through progressive community improvement plans.

CONTACT

For more information on this report, contact: Adrian Cammaert, Senior Planner, Policy, at 905-953-5321, ext. 2459; acammaert@newmarket.ca



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



Matthew Peverini, BURPI, B.Sc.
Planner



Chris Kallio
Economic Development Officer



Jason Unger, MCIP, RPP
Assistant Director of Planning



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



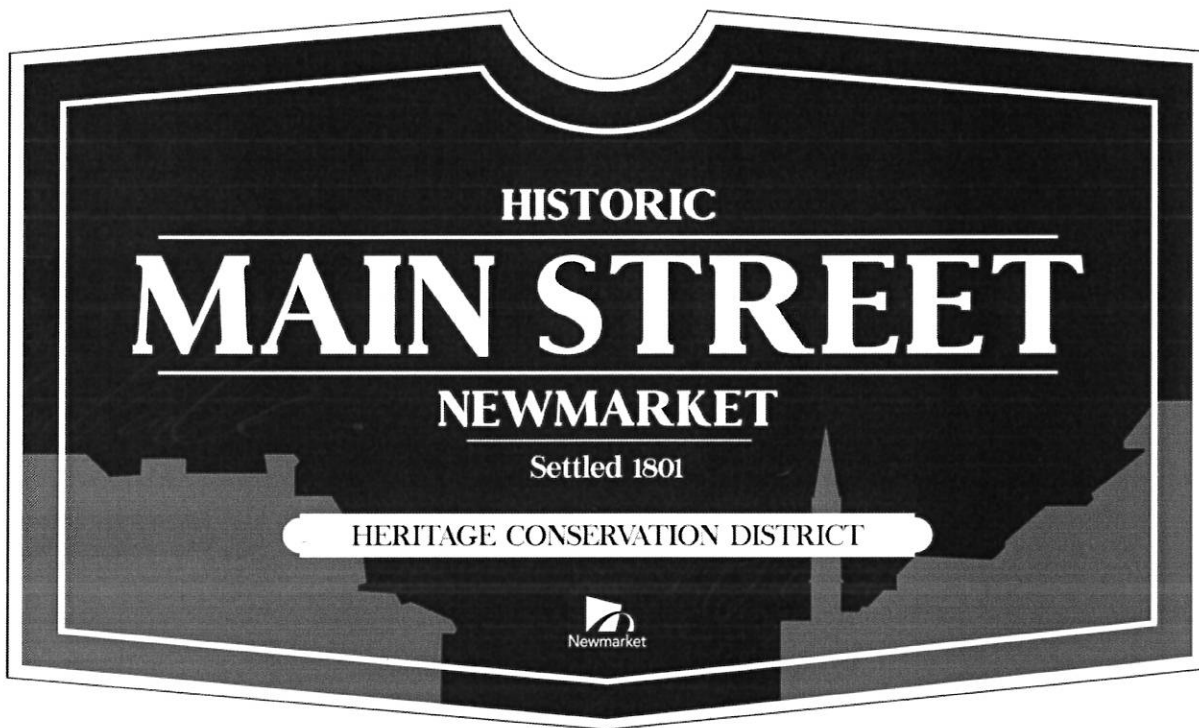
Peter Noehammer, P. Eng.
Commissioner of Development and
Infrastructure Services

Attachment(s):

Attachment 1 – Sign mock-up

Attachment 2 – Conceptual rendering of installed sign

Attachment 1 – Mock-up

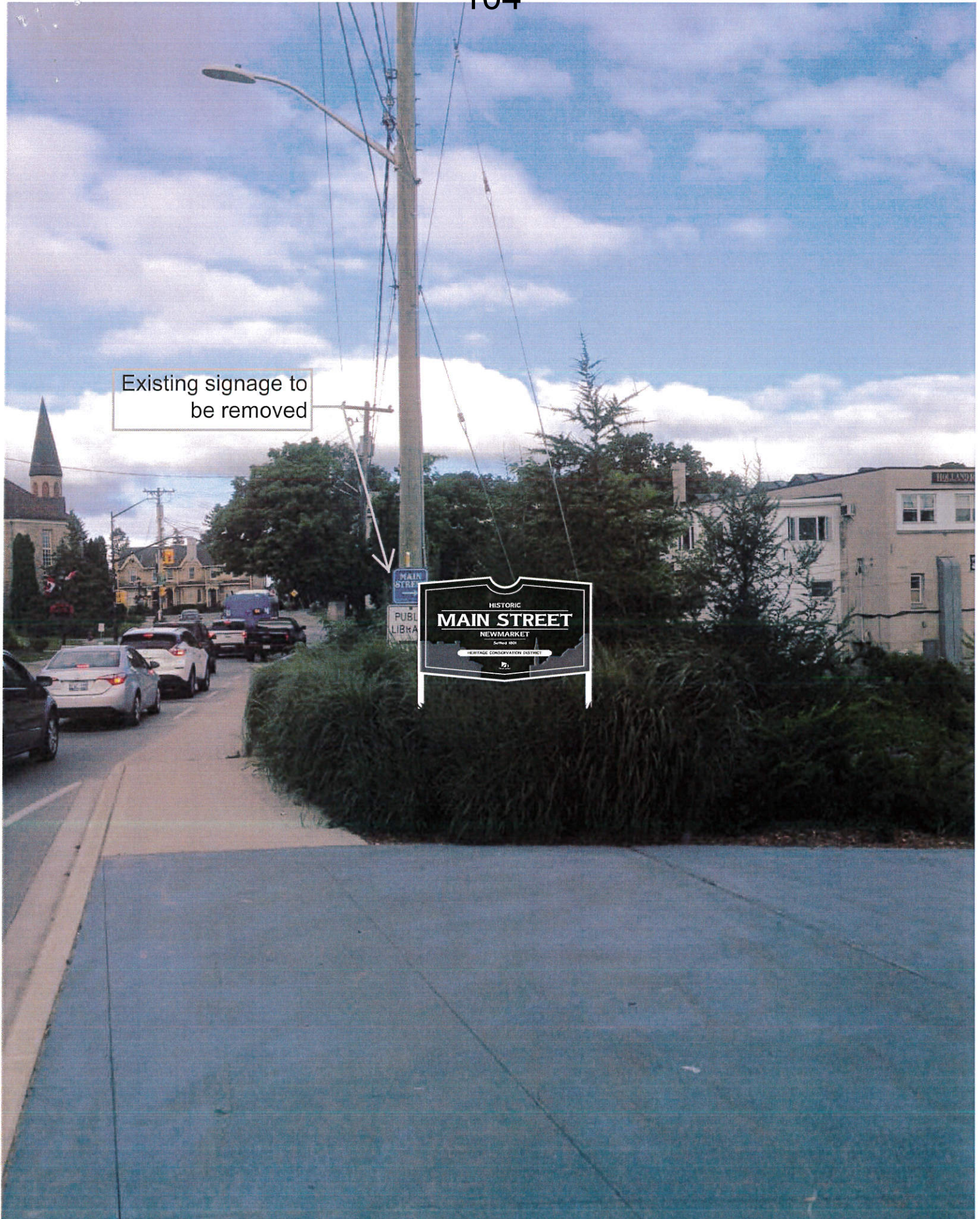


Material: Intecel or similar

Typeface: Lady Copra Wide (carved)

Measurements: Width: 60", height: 36"

Existing signage to
be removed



Attachment 1 – Mock-up



Material: Intecel or similar

Typeface: Lady Copra Wide (carved)

Measurements: Width: 60", height: 36"



CORPORATE SERVICES COMMISSION
Financial Services

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mmayes@newmarket.ca
905.895.5193 ext 2102

October 19, 2017

CORPORATE SERVICES REPORT – FINANCIAL SERVICES – 2017-45

TO: Mayor Tony Van Bynen and Members of Council

SUBJECT: Borrowing By-law

ORIGIN: Director, Financial Services/Treasurer

RECOMMENDATION:

1. That Corporate Services Report – Financial Services 2017-45 dated October 19, 2017 regarding the Borrowing By-law be received and the following recommendation be adopted:
 - a. That the Borrowing By-law be approved by Council.

COMMENTS:

Purpose

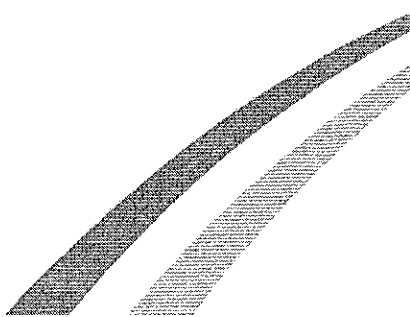
The purpose of this report is to recommend the approval of a borrowing by-law. This is an outstanding housekeeping matter required for our new banking arrangements.

Budget Impact

The borrowing by-law has no budget impact.

Summary

It is common practice for municipalities to have a borrowing by-law and our bank is encouraging us to have one.



ANALYSIS AND OPTIONS

It is common practice for a municipality to have a borrowing by-law. In addition to this by-law being a requirement in most banking agreements, it is a safeguard for the rare occasion that a bank account may go into overdraft. An account can go into overdraft for a few reasons. When maintaining multiple bank accounts, it is possible for one of them to go into overdraft if there is a delay in making a transfer or receiving an expected deposit. This could happen even though on a consolidated basis the banks accounts have a positive balance. It may also be a deliberate decision to provide bridge financing while awaiting the proceeds from a debt issuance.

Both scenarios become a greater possibility, as we tighten cash-flow to maximize investment income.

In either case, the borrowing is of a temporary duration as the *Municipal Act, 2001* prohibits debt occurring for operating purposes.

Previously, the Town passed an annual borrowing by-law. The last one was adopted in 2008. Our current bank is urging us to have this by-law updated.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

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

CONSULTATION

The Senior Leadership team (SLT) has been consulted in the development of this by-law.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

BUDGET IMPACT

Operating and Capital Budget (Current and Future)

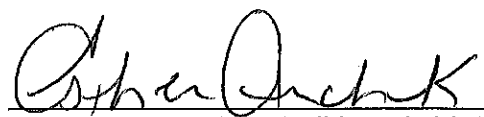
The Borrowing By-law has no budgetary impact.

CONTACT

For more information on this report, contact Mike Mayes at 905-953-5300, ext. 2102 or via e-mail at mmayes@newmarket.ca



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



Esther Armchuk B.A. (Hons.), LL.B., DPA
Commissioner, Corporate Services

DS/lm
Attachment:

Temporary Borrowing By-law (3 pgs.)



By-law 2017-XX

A BY-LAW TO AUTHORIZE TEMPORARY BORROWINGS

WHEREAS subsection 407(1) of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended (the "Act") states that at any time during a fiscal year, a municipality may authorize temporary borrowing, until the taxes are collected and other revenues are received, of the amounts that the municipality considers necessary to meet the expenses of the municipality for the year and of the amounts, whether or not they are expenses for the year, that the municipality requires in the year for:

- (a) reserve, sinking and retirement funds;
- (b) principal and interest due on any debt of the municipality;
- (c) school purposes;
- (d) other purposes the municipality is required by law to provide for; and
- (e) the amount of principal and interest payable by a person or municipality primarily liable for a debt, if the municipality has guaranteed the debt and the debt is in default;

AND WHEREAS subsection 407(2) of the Act states that, except with the approval of the Ontario Municipal Board, the total amount borrowed at any one time plus any outstanding amounts of principal borrowed and accrued interest shall not exceed:

- (a) from January 1 to September 30 in the year, 50 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year; and
- (b) from October 1 to December 31 in the year, 25 per cent of the total estimated revenues of the municipality as set out in the budget adopted for the year;

AND WHEREAS subsection 407(3) of the Act states that until the budget is adopted in a year, the limits upon borrowing under subsection 407(2) of the Act shall temporarily be calculated using the estimated revenues of the municipality set out in the budget adopted for the previous year;

AND WHEREAS subsection 407(4) of the Act states that in subsections 407(2) and 407(3) of the Act, estimated revenues do not include revenues derivable or derived from: (a) arrears of taxes, fees or charges; or (b) a payment from a reserve fund of the municipality, whether or not the payment is for a capital purpose;

AND WHEREAS subsection 407(5) of the Act states that the lender is not responsible for establishing the necessity of temporary borrowing under this section of the manner in which the borrowing is used.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NEWMARKET ENACTS AS FOLLOWS:

1. THAT, subject to sections 2, 3, and 4 of this By-law, in each year, the Mayor and the Treasurer of the Town are hereby authorized to temporarily borrow to meet the current expenditures of the Town for the year until such time as the taxes are collected and other revenues are received, including the amounts required for the following:
 - (a) reserve, sinking, and retirement funds;
 - (b) principal and interest falling due within the year upon any debt of the Town;
 - (c) school purposes;
 - (d) other purposes for which the Town is required by law to provide for; and
 - (e) the amount of principal and interest payable by a person or a municipality primarily liable for a debt, if the Town has guaranteed the debt and the debt is in default.
2. THAT the Mayor and the Treasurer of The Corporation of the Town of Newmarket (the "Town") are hereby authorized to create and maintain such temporary borrowing facilities as are described in this By-law with the Town's lead bank. The total amount borrowed under section 1 of this By-law at any one time plus any outstanding amounts of principal borrowed and accrued interest shall not exceed:
 - (a) from January 1 to September 30 of the year, 50 per cent of the total estimated revenues of the Town as set out in the budget adopted for the year; and
 - (b) from October 1 to December 31 of the year, 25 per cent of the total estimated revenues of the Town as set out in the budget adopted for the year.
3. THAT until the budget is adopted in a year; the limits set out in section 2 of this By-law shall be temporarily calculated using the estimated revenues of the Town set out in the budget adopted for the previous year.
4. THAT the estimated revenues in sections 2 and 3 of this By-law do not include revenues derivable or derived from the following: (a) arrears of taxes, fees or charges; or (b) a payment from a reserve fund of the Town, whether or not the payment is for a capital purpose.

5. The lender is not responsible for establishing the necessity of temporary borrowing or the manner in which the borrowing is used.

Read and enacted this XX day of XXXXX, 2017.



TOWN OF NEWMARKET
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October 24, 2017

CORPORATE SERVICES – LEGISLATIVE SERVICES REPORT 2017-23

TO: Committee of the Whole

SUBJECT: Property Standards and Clean Yards By-laws

ORIGIN: Legislative Services

RECOMMENDATIONS

a) THAT Corporate Services – Legislative Services Report 2017-23 dated October 24, 2017 regarding Property Standards and Clean Yards By-laws be received, and that Council adopt the following recommendations:

- i. THAT the existing Property Standards By-law 1999-34, be repealed in its entirety and be replaced with the draft Property Standards By-law attached as Appendix A; and**
- ii. THAT the Clean Yards By-law, attached as Appendix B be approved; and**
- iii. THAT the Fees and Charges By-law be amended to reflect updated new fees related to the Property Standards By-law, attached as Appendix C.**

COMMENTS

Staff has conducted a comprehensive review of the Property Standards By-law 1999-34 and this report will provide Council with a summary of proposed changes to the current by-law. Also, responding to community concerns regarding compliance timeframes under the Property Standards By-law, staff are also recommending a new Clean Yards By-law. These two by-laws will provide acceptable standards and responses to meet present community needs. Also, these standards will add to the preservation and rehabilitation of existing buildings addressing the various situations intended to improve housing conditions, to promote relief from fire and other building hazards and the general advancement of accommodation for the residents of Newmarket.

BACKGROUND

Property Standards By-law

The condition of all buildings, property and surrounding grounds relies on quality of maintenance. Properties that are neglected can reduce the quality of life for residents, erode the tax base and affect the reputation and image of a community. Establishing minimum Town standards are important to ensure a safe, livable and healthy community.

On March 22, 1999, Council adopted By-law 1999-34, which prescribed minimal standards for maintenance and occupancy of properties. The By-law deals with condition of exterior yards and the exterior and interior of buildings and is passed under the authority of the Ontario Building Code Act. The Building Code sets specific guidelines and timelines for the enforcement of Property Standards, which regulates and lengthens the process for achieving compliance.

Addressing Public Concerns

Key considerations for staff when conducting the Property Standards By-law review included addressing recent trends or community concerns which include:

- Vehicles storing garbage or inoperative equipment;
- Vehicles parking on the property, other than the driveway;
- Attraction of animals from food being left out;
- Hedges causing a safety concern;
- Construction bins left on properties;
- Furniture not manufactured for exterior use;
- Esthetics of boarded up vacant buildings; and
- Increased referrals from the Regional Health Department regarding mould complaints.

Other changes to the Property Standards By-law include new definitions for clarity or to address the new Heritage Section. Also, new fees have been included for requests related to Certificates of Compliance, which are often requested by law firms, real estate agents and home owners to demonstrate the property has been brought into compliance.

Heritage Properties

On June 3, 2014 Council approved the Heritage Committee's recommendation that a by-law to prevent demolition of heritage properties by neglect be considered for the Town of Newmarket and that Council direct staff to conduct the necessary research and analysis to include in the Property Standards By-law.

The Ontario Heritage Act permits municipalities to utilize a Property Standards By-law to prescribe minimum standards for the maintenance of heritage attributes of properties that have been designated under Parts IV and V of the Ontario Heritage Act. Amendments to the Act also removed the right to demolish a building or structure on a designated property without Council's written consent.

The amendments proposed to the Property Standards By-law only apply to properties designated under the Ontario Heritage Act, not to listed heritage properties.

Clean Yards

The new Clean Yards By-law would be passed under the authority of the Ontario Municipal Act, 2001, as amended. The purpose of this By-law is to deal with maintenance issues that require immediate action due to health and safety concerns (standing water, debris, composting, boulevard maintenance and general yard maintenance).

The Clean Yards By-law contains provisions regarding property maintenance in seven areas, Property Maintenance, Derelict Motor Vehicles, Composting, Firewood, Graffiti, Standing Water and Boulevard Maintenance. The By-law provides for the immediate remedy of violations if a hazard to the public is observed. If such a condition exists and compliance cannot be achieved, the By-law provides that the

Town can undertake the work to bring the property into compliance and recover all costs through the tax roll in the same manner as municipal taxes.

The advantage of creating a Clean Yards by-law allows for expedited process as there is no appeal process like the Property Standards By-law.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

This report relates to the “Well Equipped and Managed” link of the Town’s community vision implementing policy and processes that reflect sound, accountable governance.

CONSULTATION

On October 11, 2017 a Public Information Centre was held to provide an overview of the key components of the draft Property Standards By-law and draft Clean Yards By-law and to provide an opportunity to receive public input. The draft by-law have also been posted online for public review.

The Property Standards and Clean Yards By-laws were prepared with input from the Heritage Committee, Property Standards Committee, and staff from the Building Department and Legislative Services. Information was also gathered from the City of Markham, Town of Milton, City of Waterloo and the City of Brampton.

HUMAN RESOURCE CONSIDERATIONS

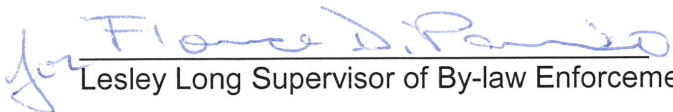
Communications, education, administration and enforcement activities associated with the draft Property Standards By-law and Clean Yards By-law are accommodated within existing staff levels.

BUDGET IMPACT

Not applicable to this report.

CONTACT

For more information on this report, please contact Lesley Long, Supervisor of Bylaws at llong@newmarket.ca or at 905 953-5300, ext. 2222.


Lesley Long Supervisor of By-law Enforcement


Lisa Lyons Director of Legislative Services / Town Clerk


Esther Armchuk Commissioner of Corporate Service



Corporation of the Town of Newmarket

By-law Number 2017-xx

A By-law to Prescribe **Standards** for the **Maintenance** and Occupancy of **Property** within The **Town** of Newmarket

Whereas Section 15.1(3) of the **Building Code Act**, S.O. 1992, c.23, authorizes Council of a municipality to pass a By-law for prescribing the **Standards** for **maintenance** and occupancy of **Property**;

And whereas the Official Plan for The **Town** of Newmarket includes provisions relating to **property** conditions;

And whereas the Council of The **Town** of Newmarket is desirous of passing a Bylaw under Section 15.1(3) of the **Building Code Act**, S.O. 1992, c.23;

And whereas Section 35.3 (1) and 45.1 (1) of the Ontario **Heritage Act**, R.S.O. 1990, c.0.18, as amended provide that a By-law may be passed by the Council of a municipality prescribing minimum **Standards** for the **Maintenance** of the **Heritage** Attributes of Designated **Heritage** Properties within the municipality, and requiring that Designated **Heritage** Properties that do not comply with those **Standards** be Repaired and Maintained to conform with those **Standards**;

And whereas Section 15.6(1) of the **Building Code Act**, S.O. 1992, c.23 requires that a Bylaw passed under Section 15.1(3) of the **Building Code Act**, S.O. 1992, c.23 shall provide for the establishment of a **Property Standards Committee**;

Therefore the Council of the Corporation of the **Town** of Newmarket hereby enacts the following:

1.0 SCOPE

This by-law shall apply to all **property** in the **Town** of Newmarket save and except **property** owned by the Corporation of the **Town** of Newmarket or the Regional Municipality of York.

2.0 DEFINITIONS

"Accessory Building" means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same **property**;

"Basement" means that portion of a building that is partly below **grade**, which has half or more of its height measured from floor to finished ceiling above the average finished **grade**;

"Bathroom" means a room which shall contain a water closet and basin and may contain a bathtub or shower;

"Building Code" means the **Building Code Act** and any regulations made under that Act;

"Certificate of Compliance" means a written opinion of **property** compliance with the **standards** contained in this by-law issued under

Section 15.5 (1) of the **Building Code Act 1992, S.O. 1992. c.23, as amended**

“Committee” means the **Property standards Committee** established pursuant to the provisions of this by-law;

“Debris” means any waste material of any kind whatsoever and without limiting the generality of the foregoing includes: inoperative or unlicensed vehicles or boats and mechanical equipment, automobile and mechanical parts, tires, furnaces, water and fuel tanks, furniture, glassware, plastic, cans, garden refuse, grass clippings, trees, tree branches, earth or fill, animal feces, materials from construction or demolition projects, old clothing and bedding, refrigerators, freezers, or similar appliances, whether operable or inoperable, containers of any kind and un-maintained garden fixtures and any objects or conditions that might create a health, fire or accident hazard;

“Dwelling” building or structure, or any part of it, occupied or capable of being lawfully occupied, in whole or in part, for the purpose of human habitation and includes the land and premises appurtenant thereto and all out buildings, **fences**, and erections thereon or therein

“Dwelling Unit” means a room or group of rooms to be used by one family that functions as a single independent housekeeping **unit** in which cooking facilities, living quarters and sanitary facilities are provided for the exclusive use of those residing within the **unit** only, and with a private entrance from outside the building or from a common hallway or stairway inside;

“Fence” –means any structure, wall or barrier, other than a building, erected at **grade** for the purpose of defining boundaries of **property**, separating open space, restricting ingress to or egress from **property**, providing security or protection to **property** or acting as a visual or acoustic screen.

“Fire Code” means the regulations made under section 12 of the Fire Protection and Prevention Act, 1997,S.O. 1997,c.4, as amended.

“Grade” means the average level of proposed or finished ground adjoining a building at **grade** level.

“Ground Cover” means material organic or non-organic applied to prevent soil erosion and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.

“Guard” means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it.

“Habitable Room” means any room in a **dwelling** or **dwelling unit** used or capable of being used for living, sleeping, cooking or eating purposes.

“Heritage Act”

“Heritage Attributes”

a) the attribute of the **Property**, building or structure that contributes to its cultural **heritage** value or interest that is defined, described, or can be reasonably inferred:

i.) in a by-law designating a **property** passed under section 29 of the *Ontario Heritage Act* R.S.O. 1990, c.o.18 as amended and identified as a **heritage** attribute, value, reason for designation, or otherwise;

ii.) in a Minister's order made under section 34.5, Part IV, of the *Ontario Heritage Act* and identified as **heritage** attribute, value, reason for designation or otherwise;

iii.) in a by-law designating a **heritage conservation district** passed under section 41, Part V, of the *Ontario Heritage Act* and identified as a **heritage** attribute, value, reason for designation or otherwise; or

iv.) in the supporting documentation required for a by-law designating a **heritage conservation district**, including but not limited to a **heritage conservation district** plan, assessment or inventory, and identified as a **heritage** attribute, value, reason for designation or otherwise.

b) The elements, features or building components including roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the **heritage** values and attributes and without which the **heritage** values and attributes might be at risk.

"**Heritage Property**" means **property**, including all buildings and structures thereon, that has been designated by the **Town** under section 29 or by the Minister under section 34.5 of the *Ontario Heritage Act*.

"**Heritage Conservation District**" means a geographic district established under Part V of the *Ontario Heritage Act*, R.S.O. 1990, cO.18, as amended;

"**Heritage Conservation District Plan**" means a plan adopted by Council under Part V of the *Ontario Heritage Act*, R.S.O.1990, and c.O.18, as amended to provide direction in the preservation of the **Heritage** Attributes of a **Heritage Conservation District**.

"**Heritage Permit**" means a permit issued by Council under section 33, 34 or 42 of the *Ontario Heritage Act*, to alter, erect, demolish or remove a building or structure.

"**Injurious**" means **injurious** in the opinion of the **Medical Officer of Health** or a Public Health Inspector for the Region of York.

"**Maintenance**" means the act of keeping up, preserving or conserving or paying to keep up, preserve or conserve **property**.

"**Means of Egress**" means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility or combination thereof, for the escape of **persons** from any point in a building, floor area, room or contained open space to an open public thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare and includes exits and access to exits.

"**Medical Officer of Health**" means the **medical Officer of Health** for the Regional Municipality of York

"**Mixed-use Building**" means a building containing both **Dwelling Unit** and **Non-Residential Property**.

"**Multiple Dwelling**" shall mean a building or portion thereof containing two or more **dwelling units** and shall include group **dwelling**s either held or maintained under single **ownership** or established and maintained under the provisions of the Condominium Act or as a Co-operative.

"**Non-Habitable Room**" means any room in a **dwelling** or **dwelling unit** other than a **habitable room** and includes **bathroom**, **toilet room**, laundry, pantry,

lobby, corridor, stairway, closet, boiler room, or other space for service and **maintenance** of the dwelling for public use, for access to and vertical travel between **storeys**, and a **basement** or part thereof which does not comply with the **standards** of fitness for occupancy set out in this by-law.

"**Non-Residential Property**" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant thereto and all outbuildings, **fences** or erections thereon or therein.

"**Noxious Weeds**" means any weed classed as noxious by the **Noxious Weeds** Act of the Province of Ontario.

"**Nuisance**" shall mean an **injurious**, offensive or objectionable condition and, without limiting the generality of the foregoing, shall include a condition which is of offensive or obnoxious by reason of the emission of gas, fumes, dust, sawdust or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste or other material.

"**Occupant**" means any **person** or **persons** over the age of eighteen years in possession of the **property**.

"**Officer**" means a **Property Standards Officer** or other enforcement **officer** duly appointed by By-law of the **Town** to administer and enforce the provisions of this By-law.

"**Owner**" includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other person, or who would so receive the rent if such premises were let, and shall also include a lessee or **occupant** of the **property** who, under the terms of lease, is required to **repair** and maintain the **property** in accordance with the **standards** for the **maintenance** and occupancy of **property**.

"**Person**" means an individual, firm, corporation, association or partnership.

"**Plumbing Fixture**" means a receptacle or equipment that receives water, liquid or sanitary sewage and discharges water, liquid or sanitary sewage directly into drainage piping.

"**Property**" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all **mobile homes**, **mobile buildings**, mobile structures, outbuildings, **fences** and erections thereon, whether heretofore or hereafter erected, and includes vacant **property** and **Designated Heritage Property**.

"**Repair**" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the **property** shall conform to the **standards** established in this by-law.

"**Residential Property**" means a building or structure or part of a building or structure, that is used or designed for use as a domestic establishment in which one or more **persons** usually sleep and prepare and serve meals, and includes any lands and premises appurtenant thereto and all outbuildings, **fences** and erections thereon, whether heretofore or hereafter erected and includes vacant **residential property**.

"**Sanitary Unit**" means a water closet, urinal, bidet or bed-pan washer.

"**Sewage System**" means the sanitary sewer system or a private sewage disposal system.

"**Sign**" means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an *advertising device*; this shall include flags, banners, pennants, lights, inflatable devices, or any object intended for advertising purposes;

"**Standards**" means the **standards** of physical condition and occupancy of **property** set out in this by-law;

"**Storage Garage**" means a building or part thereof intended for the storage or parking of motor vehicles and which contains no provision for the **repair** or servicing of such vehicles but does not include a garage or carport forming part of a single dwelling **unit**.

"**Storey**" means the portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

"**Supplied**" means installed, furnished or provided by the **owner**.

"**Toilet Room**" means a room in which **sanitary units** are installed.

"**Town**" means the Corporation of the **Town** of Newmarket.

"**Yard**" means the land, other than publicly owned land, around or appurtenant to the whole or any part of a **residential** or **non-residential property** and used or capable of being used in connection with the **property**.

3.0 INTERPRETATION / STANDARDS

- 3.1 Imperial measurements in this by-law are provided for convenience only. The requirements of this by-law are set out in metric measurements.
- 3.2 Where a provision of this by-law conflicts with a provision of any other by-law in force in the **Town**, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.
- 3.3 All **repairs** and **maintenance** of **property** required by the **standards** prescribed by this by-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
- 3.4 No **person** shall use or occupy or permit the use or occupancy of any **property** that does not conform to the **standards** set out in this by-law.
- 3.5 The **owner** of any **property** which does not conform to the **standards** shall **repair** and maintain such **property** to conform to the **standards**, or shall clear the site of all buildings, structures, **debris** or refuse and leave it in a graded and levelled condition.
- 3.6 In the case of Part IV **Heritage** Properties and Part V Properties, those properties shall not be cleared of all buildings and structures that do not conform to the **standards**.
- 3.7 No **person** shall remove from any premises any **sign**, notice or placard placed thereon pursuant to Section 15 of the **Building Code** Act or this by-law.
- 3.8 Following the inspection of a **property**, the **Officer** may or on the request of the **owners** shall, issue to the **owner** a **certificate of compliance** if, in his opinion, the **property** is in compliance with the **standards** of this by-law.
- 3.9 The **owner** of every multiple **residential property** shall cause to be posted in a prominent place which is common to and regularly frequented by the residents therein the name, address and telephone number of the manager or a responsible **person** for such **property** and the name and

telephone number of an authorised **person** to contact in the case of an emergency on a 24-hour basis.

4.0 PROPERTY STANDARDS COMMITTEE

- 4.1 A **Property Standards Committee** is hereby established consisting of three members.
- 4.2 The **Property Standards Committee** shall hear appeals pursuant to section 15.3 of the **Building Code** Act, 1992 as amended, or substituted from time to time.
- 4.3 The term of appointment of the **Property standards Committee** shall be for the term of Council.
- 4.4 A member shall be at least 18 eighteen years old, Canadian citizens or landed immigrants and either residents or municipal taxpayers of the **Town**.
- 4.5 Members shall not act as agents for any **person** on their appeal of an order to the **Property Standards Committee**.
- 4.6 **Property Standards Committee** members will immediately cease to be a member where before the expiry of his or her term:
 - 1) Resigns
 - 2) Is unable for any reason to perform the duties of the **Committee** for a period of ninety days or more;
 - 3) Cease to be a resident of the **Town** or the **Owner** or tenant of land in the **Town**; or Canadian citizen
 - 4) Becomes disqualified by statute or otherwise prohibited by law from voting in an election for Council; or
 - 5) dies, before the expiry of his or her term of office the member will immediately cease to be a member of the **Committee** and Council shall appoint in his or her place another eligible **person** for the unexpired portion of the term.
- 4.7 The Clerk shall keep on file the records of all official business of the **Committee**, including records of all applications and minutes of all decisions respecting those applications.
- 4.8 **Property Standards Committee** Appeal Hearings are governed by the Statutory Powers and Procedures Act, R.S.O. 19990, c.S22, as amended, or substituted from time to time.

5.0 ADMINISTRATION

- 5.1 The **Town** shall appoint **Property Standards Officer(s)** and such staff to carry out the administration and enforcement of this By-law.
- 5.2 Any Building, Housing, Plumbing, Heating or Public Health Inspector or Fire Prevention **Officer** of the **Town** is hereby authorised and directed to act as an assistant to the **Officer** from time to time.

STANDARDS FOR ALL PROPERTIES

6.0 MAINTENANCE OF YARDS

- 6.1 Every **yard** shall be kept clean and free from:
 - 1) Rubbish, garbage, brush, waste, litter or other **debris**;
 - 2) Holes, excavations, or any unprotected wells that create a hazard;

- 3) Vehicles, boats and trailers that are wrecked, dismantled, abandoned, unused, inoperative, or not affixed with a valid plate displaying a valid permit registered to the Vehicle , boat or trailer;
- 4) Vehicles used for the storage of garbage, rubbish, waste, **debris** inoperative equipment, materials, appliances or similar items.
- 5) Vehicles parked shall be parked in any **yard** except on a maximum permitted driveway under the designated Zoning by-law.
- 6) No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a **property**, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than that intended for immediate use on the **property**, shall be stored or allowed to remain in an exterior **property** area.
- 7) **noxious weeds** pursuant to the Weed Control Act, R.S.O. 1990, c.W.5, as amended;
- 8) Excessive growth of other weeds, grass and bushes; grass shall be kept cut to a reasonable length and the cuttings are to be removed and disposed of in an appropriate manner;
- 9) Dilapidated, collapsed or unfinished structures and from the storage or accumulation of materials that create a **nuisance**;
- 10) Rodents, vermin, insects, termites, and other pests and any condition which may encourage the infestation or harbouring of such pests;
- 11) Dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe or unsightly condition;
- 12) Hedges and bushes which are unsightly or unreasonably overgrown;
- 13) No hedge shall be erected in a location which will, does, or may, in the opinion of the **officer**;
 - 1) adversely affect the safety of the public
 - 2) affect the safety of vehicular or pedestrian traffic; or
 - 3) constitute an obstruction of view for vehicular or pedestrian traffic, but this does not prevent the erection of a hedge in the location that is one metre or less in height.
- 14) (i) areas used for vehicle traffic parking and loading in institutional, commercial, industrial and multiple **residential** zones requiring five (5) or more parking spaces, shall be paved with concrete or equivalent surfacing or shall be constructed of crushed stone or gravel and paved with two (2) inches of asphalt over six (6) inches of granular A material and shall be free from ponding and puddles and otherwise in good **repair**.
- (ii) areas used for driveways and parking spaces within **residential** zones requiring less than five (5) parking spaces shall be paved with concrete or equivalent surfacing or shall be constructed of crushed stone or gravel and shall be kept free from ponding and puddles and otherwise kept in good **repair**. Where an existing driveway or parking area is widened, the material used for the surface of the widened area shall be similar to and compatible with the finished surface of the existing driveway or parking area.
- 15) Construction Bins, unless they are actively being used in connection with the construction or demolition of a building or structure; and
- 16) Any unsafe or unsightly condition out of character with the surrounding environment.

17) Any furniture that is manufactured for interior use shall not be placed outside of a dwelling

6.2 Any required hedges, planting, trees and other landscaping on a **property** shall be maintained in a living condition, or shall be replaced with equivalent landscaping to the satisfaction of the **Property Standards Officer**

6.3 **Yards** shall be graded, cultivated or protected with a suitable **ground cover** in a manner:

- 1) to prevent excessive or recurrent ponding of storm water;
- 2) to prevent instability or erosion of soil;
- 3) to prevent the entrance of water into a **basement**;
- 4) not to create an unsightly appearance.
- 5) So as to be free from conditions which would impede the natural flow of water. Catch basins, storm drains and swales shall be maintained in a good state of **repair**.

7.0 PAVING AND SURFACE CONDITIONS

7.1 All areas of a **yard** which are used for vehicular traffic or parking including loading areas or bays, shall be:

- 1) kept free from dirt, surface dust and refuse;
- 2) maintained in good **repair** and free from large holes and deep ruts;
- 3) adequately graded and drained to prevent excessive ponding of water;
- 4) adequately lighted;
- 5) provided with secured curb stops or other restraining devices to prevent vehicles from damaging **fences**, lamp **standards**, poles or other structures on the parking lot or adjoining **property** and from encroaching onto adjoining **property**;
- 6) maintained in good condition and **yards** which have been previously covered with paving materials shall be **repaired** with similar material or renewed when necessary
- 7) maintained free from conditions which would impede the natural flow of water. Catch basins and storm drains shall be maintained in a good state of **repair**;
- 8) provided with suitable markings such as painted lines to indicate parking spaces and shall be maintained so as to be clearly visible.

7.2 In industrial or commercial zones all required parking areas, loading areas and driveways shall be surfaced and maintained with asphalt, concrete or interlocking stone where required by by-law or site plan agreement.

7.3 Exterior steps, walks, loading docks, ramps, curbs, parking spaces, driveways and similar areas of a **yard** shall be maintained in a good state of **repair**, free from conditions which prevent passage and free from hazard to any **person** under normal use, and weather conditions.

8.0 SEWAGE DISCHARGE AND DRAINAGE

8.1 Sewage shall be discharged into the **sewage system**.

8.2 Untreated or inadequately treated sanitary sewage shall not be discharged onto the surface of the ground, whether into a natural or artificial drainage system or otherwise.

- 8.3 Roof drainage, storm water, swimming pool or sump pump water discharge shall;
- 1) be drained from lands so as to prevent recurrent ponding or entrance of water into a **basement**, cellar; or any impervious road allowance; and
 - 2) not be discharged on walkways, stairs, or neighbouring **property**.
- 8.4 Subsurface drainage shall be installed where there is recurring excessive ponding caused by surface water.
- 8.5 Where eavestroughs and downspouts are installed, the roof drainage shall be discharged onto the ground at least 1.2 m (4ft) from the building where it is physically possible.
- 8.6 Section 8.5 does not apply where the downspouts discharge the roof drainage onto a paved area provided that the water does not drain onto adjoining **property**.
- 8.7 The storm water run-off from all downspouts or impervious surfaces shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to a storm sewer or to a natural or artificially created swale or watercourse.

9.0 EXTERIOR LIGHTING AND SUPPORTS

- 9.1 Exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a **yard** shall be adequately lighted at all times.
- 9.2 Lighting shall be considered adequate if there is sufficient light to provide an average level of illumination of at least 11 lux (1 foot-candle) at ground or tread level at all exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a **yard**.
- 9.3 For the purpose of establishing the average level of illumination, at least one measurement of the intensity of illumination shall be made in a grid pattern and at ground or tread level. The measurements shall be made at equally spaced intervals not exceeding 3 metres in any direction.
- 9.4 In all **yards**, **standards** supporting artificial lights and all exterior lighting and the connections thereto shall be kept in a safe condition, in good **repair** and in good working order.

10.0 FENCES

10.1 All **fences** shall be:

- 1) maintained in good **repair** and free from hazards;
- 2) maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- 3) protected from deterioration by the application of paint or other suitable protective materials of uniform colour, and constructed of a material that is inherently resistive to such deterioration;
- 4) constructed with suitable materials and shall be designed and erected in workmanlike manner and maintained so as not to create an unsightly appearance;
- 5) free from posters, **signs**, notices, advertising material, words, pictures, drawings or other defacement;
- 6) capable of performing safely the function for which they were constructed.

11.0 RETAINING WALLS

11.1 Retaining walls shall be maintained in a state of good **repair**.

- 11.2 Where a retaining wall excess of 0.6 m (2feet) in height and forms part of or is adjacent to a **means of egress**, a **guard** shall be provided unless access is restricted to the retaining wall.

12.0 SIGNS

- 12.1 All **signs**, including their supporting members, shall be maintained in good **repair** and any **signs** which are excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, be removed or put into a good state of **repair**.

13.0 ACCESSORY BUILDINGS

- 13.1 The foundations, walls, roofs and all parts of **accessory buildings** and other structures appurtenant to the main building shall be:

- 1) constructed with suitable materials;
- 2) maintained in good **repair**;
- 3) maintained to prevent an unsafe condition or an unsightly appearance.

- 13.2 The exterior of any **accessory building** or other structure appurtenant to the main building on a **property** shall be protected from deterioration by the application of paint or other suitable protective material of uniform colour.

14.0 STRUCTURAL ADEQUACY

- 14.1 Every part of a **property** shall be maintained in good **repair** and in a structurally sound condition so as:

- 1) to be capable of sustaining safely its own weight and any load to which normally it might be subjected;
- 2) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
- 3) to prevent the entry of moisture that would contribute to damage, decay or deterioration;
- 4) to be capable of safely and adequately performing subject to all reasonable design requirements.

- 14.2 If, in the opinion of the **Property Standards Officer** there is doubt as to the structural adequacy or condition of a building or structure or parts thereof, the **Property Standards Officer** may order that such building or structure or parts thereof be examined and a written report be prepared by a professional engineer licensed to practice in Ontario, and employed by the **owner** of the building or his authorised agent. The written report may include drawings, signed and stamped by the engineer and giving details of the findings and proposed **repair** methods, shall be submitted to the **Property Standards Officer**.

- 14.3 Examination and testing of any building or structure or parts thereof required by Section 14.2 shall be conducted in a manner acceptable to the **Officer** and at the **owner's** expense.

- 14.4 Details, drawings and specifications pertaining to all temporary shoring and other work deemed necessary by the professional engineer shall be included with the report required by Section 14.2.

- 14.5 All work specified by the professional engineer shall be completed in the manner and within the time which shall be specified by the engineer. The time specified shall be acceptable to the **Officer**.

- 14.6 No structural element may be added, removed, **repaired** or modified in any manner until a permit therefor has been obtained from the Chief Building Official.

14.7 Upon completion of all of the work, a report, signed and stamped by the professional engineer that all of the work has been completed to his satisfaction and specifications shall be submitted to the **Property Standards Officer**.

15.0 FIRE DAMAGE

15.1 A building or structure damaged by fire, storm or by other causes shall be demolished or **repaired**.

15.2 Where a building or structure is damaged by fire, storm or by other causes, immediate steps shall be taken to prevent or remove a condition which might endanger **persons** on or near the **property** and the building or structure shall be properly supported and barricaded until the necessary demolition or **repair** can be carried out.

15.3 Defacement by smoke or by other causes on the exterior wall and surface of the building or structure or of the remaining parts of the building or structure shall be removed and the defaced areas refinished in a workmanlike manner.

16.0 FOUNDATIONS, WALLS, COLUMNS, BEAMS, FLOORS, ROOF SLABS, BALCONIES AND OPENINGS

16.1 The foundations, walls, columns, beams, floors, roof slabs and balconies of a building including **storage garages** shall be maintained:

- 1) in good **repair** and structurally sound;
- 2) free from decayed, damaged or weakened sills, piers, posts or other supports;
- 3) in a manner so as to prevent the entry of moisture and rodents into the building;
- 4) in a manner so as to prevent settlement of the building by restoring or replacing of the foundation, walls, columns, beams, floors and roof slabs and where necessary shall be so maintained by the shoring of the walls and floors, installing sub-soil drains at the footings, grouting masonry cracks waterproofing the walls and by other methods which are practical and necessary for the purposes mentioned above.

16.2 The exterior walls of a building shall be maintained;

- 1) in good **repair** free from cracked or broken masonry **units**, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, weather- tight, free from loose or unsecured objects and in a manner to prevent deterioration due to weather or insects.
- 2) without limiting the generality of the foregoing, the **maintenance** of an exterior wall includes the finish with a weather resistant material of all exterior wood and metal work and restoring, **repairing** or replacing of the wall, brick and mortar, the stucco lathing and plaster, the cladding, the coping and the flashing, and the waterproofing of the walls and joints.

16.3 Where the masonry **units** forming an exterior wall, or part of an exterior wall, of a building are faced with a glazed or other decorative surface, all of those **units** from which the surface has spalled or broken shall be removed and replaced with **units** having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance or finished with other approved materials.

16.4 All exterior surfaces which have been previously covered with paint or other protective or decorative materials shall be maintained in good **repair** and the covering renewed when it becomes damaged or deteriorated.

- 16.5** The cladding on the exterior walls of all buildings shall consist of masonry stucco, wood, plywood, metal or other approved materials of equivalent strength, durability and fire endurance.
- 16.7** Unsightly chalk marks, painted slogans and similar markings or defacements on the exterior surfaces of buildings shall be removed and the surfaces refinished when necessary.
- 16.8** Balconies, porches, canopies, marquees, awnings, screens, grills, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained:
- 1) in good **repair** and free from unsafe conditions;
 - 2) free from rubbish and **debris**;
 - 3) properly and safely anchored;
 - 4) protected against deterioration and decay by the periodic application of a weather resistant material such as paint;
 - 5) free from broken or missing glass.
- 16.9** Exterior doors, windows, skylights, **basement** hatchways including storm and screen doors and storm windows shall be:
- 1) maintained in good **repair** and weather- tight;
 - 2) free from rotted or defective members;
 - 3) free from torn, damaged or missing screens;
 - 4) free from defective or missing weather-stripping or caulking;
 - 5) free from defective storm or screen doors;
 - 6) free from broken or missing glass.
- 16.10** Openings in exterior walls shall be effectively protected by suitable materials to prevent entry of rodents, vermin and insects.
- 16.11** Section 16.10 does not apply where it can be shown to the satisfaction of the **Officer** that the implementation of this section would adversely affect the normal operations in a **non-residential property**.

16.0 AIR CONDITIONERS AND WATER COOLED EQUIPMENT

- 16.1** Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or pathways.
- 16.2** Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building. The discharge of cooling water from all water-cooled equipment shall be connected-to a proper drainage system. The connections of the drainage system shall be made to comply with all applicable governmental regulations.

17.0 ROOFS

- 17.1** All roofs shall be maintained:
- 1) in a watertight condition;
 - 2) free from loose or unsecured objects or materials;
 - 3) free from dangerous accumulation of snow or ice or both;

- 4) free from all other accident, fire or health hazards;
 - 5) so that roof decks and related **guards** are in a good state of **repair**; and
 - 6) free from conditions causing or contributing to leaks or being detrimental to the appearance of the building.
- 17.2 Soffit and fascia components shall be secured and maintained in good **repair** and properly painted or otherwise treated.
- 17.3 Where eavestroughs, roof gutters and downspouts are installed they shall be kept in good **repair**, free from leaks, and securely fastened to the building.
- 17.4 Metal eaves troughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when such application is impractical or ineffective.

18.0 STAIRS, HANDRAILS AND GUARDS

- 18.1 All stairs, porches and landings, all treads and risers, all **guards** and handrails, and all supporting structural members thereof, shall be maintained free from defects and accident hazards and capable of supporting all loads to which they might be subjected.
- 18.2 All ramps, stairs, stairs within dwelling units having more than 2 risers and exterior stairs having more than 3 risers, shall be provided with a handrail in accordance with the requirements of the *Ontario Building Code*.
- 18.3 **Guards** shall be installed securely in accordance with the requirements of the *Ontario Building Code* and maintained in good **repair**. Without limiting the generality of the foregoing:
- 1) all open sides of interior and exterior stairs of multiple **residential** buildings shall be protected by a **guard** in accordance with *the Ontario Building Code*;
 - 2) all landings, balconies, galleries, mezzanines, porches, decks, floor openings and roofs to which access is provided for other than **maintenance** purposes of a multiple **residential** building shall be protected by a non-climbable **guard** in accordance with the *Ontario Building Code*;
 - 3) **guards** around exterior balconies of a multiple **residential** building shall be designed so that no member, attachment or opening located between 100 mm (4") and 900 mm (35") above the balcony floor will facilitate climbing;
 - 4) openings through a **guard** on interior and exterior balconies, stairs, landings, galleries, mezzanines, porches, decks, floor openings and roofs to which access is provided for other than **maintenance** purposes of a multiple **residential** building shall be such as to prevent the passage of a spherical object having a diameter of 100 mm (4");
 - 5) all exterior landings, porches, decks, raised walkways, balconies and roofs to which access is provided for other than **maintenance** purposes serving not more than one dwelling **unit** shall be protected by a **guard** having a minimum height of 1070 mm (42") except that **guards** for porches, decks, landings and balconies serving not more than one dwelling **unit** and which are not more than 1.8m (5'-11") above the finish ground level may be a minimum of 900 mm (35") high;
 - 6) **guards** on all exterior stairs serving not more than one dwelling **unit** shall be not less than 800 mm (31") high measured vertically above a line drawn through the outside edges of the stair nosing;

- 7) all open sides of interior stairs within a dwelling **unit** shall be protected by a **guard** not less than 800 mm (31 ") high measured vertically above a line drawn through the outside edges of the stair nosing;
 - 8) **guards** on all interior landings, balconies and on all open sides where the difference in elevation between adjacent levels exceeds 600 mm (24") within a dwelling **unit** shall be not less than 900 mm (35") high;
 - 9) openings through a **guard** on a balcony, stair, landing and the floor level around a stairwell serving not more than one dwelling **unit** shall be of a size so as to prevent the passage of a spherical object having a diameter of 100 mm (4");
 - 10) **guards** around porches, decks, and exterior balconies of a dwelling **unit** shall be designed so that no member, attachment or opening located between 100 mm (4") and 900 mm (35") above the balcony floor will facilitate climbing;
 - 11) all open sides of interior and exterior stairs of a non-**residential** building shall be protected by a **guard** having a minimum height of 900 mm (35") measured vertically above a line drawn through the outside edges of the stair nosing;
 - 12) all interior and exterior balconies, landings, galleries, mezzanines, decks, porches, floor openings and roofs to which access is provided for other than **maintenance** purposes of a non-**residential** building shall be protected by a **guard** having a minimum height of 1070 mm (42");
 - 13) openings through a **guard** on all stairs, balconies, landings, galleries, mezzanines, decks, porches, floor openings and roofs to which access is provided for other than **maintenance** purposes shall be of a size so as to prevent the passage of a spherical object having a diameter of 100 mm (4") in **residential** occupancies, day care centres, nurseries or other similar occupancies where children may be present and 200 mm (8") in other non-**residential** buildings;
 - 14) except as provided in 3.13.3 (5), all retaining walls and other locations where the vertical distance to the surface or horizontal plane below exceeds 600 mm (24") shall be protected by a **guard** in accordance with the *Ontario Building Code*;
- 18.4 Fire escapes shall be of metal, concrete or wood, of the stair type extending to ground level, constructed in a substantial manner and securely fixed to the building in accordance with the *Ontario Building Code*.
- 18.5 **Guards** on fire escapes and landings shall be in accordance with the *Ontario Building Code*.
- 19.0 FLOORS AND FIRE PROTECTION**
- 19.1 Floors shall be maintained in a clean and sanitary condition and free from stains, rubbish and **debris**.
- 19.2 The floors of rooms in which **plumbing fixtures** are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning.
- 19.3 Floors shall be maintained reasonably smooth and level and free from warped or decayed boards, large cracks, depressions, protrusions, deterioration or other defects which are fire, health or accident hazards.
- 19.4 Wall, floor, ceiling and roof construction, fire protective closures, sprinkler systems and other means of fire protection shall be maintained in such a manner as to afford the fire protective properties required by all relevant governmental regulations.

- 19.5 Floor covering when removed, deteriorated or damaged, shall be replaced so that the flooring presents a uniform and neat appearance.

20.0 **CHIMNEY, FLUES AND RELATED EQUIPMENT**

- 20.1 Heating equipment, vent pipes, exhaust hoods, chimneys, smoke stacks, flues, ducts and similar equipment shall be constructed, installed and maintained free from obstructions and to comply with all applicable governmental regulations and to prevent:

- 1) obstruction to the free passage of **persons** within a building;
- 2) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;
- 3) the entrance of smoke or gases into a building;
- 4) fire and accident hazards.

- 20.2 Where a heating system, heating equipment or any auxiliary heating **units**' burn solid or liquid fuel a place for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazards.

- 20.3 All piping for gas or oil fuel and all electrical connections to a heating system shall be installed and maintained in accordance with the requirements of all applicable governmental regulations.

- 20.4 Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads to the exterior of the building in which the equipment is installed and shall be furnished with an adequate supply of air to ensure proper combustion of the fuel.

- 20.5 Every chimney, smoke-pipe, flue and gas vent in use or available for use in a building shall be:

- 1) installed and maintained so as to prevent the escape of smoke or gases into the building;
- 2) clear of obstructions;
- 3) free from open joints;
- 4) free from broken and loose masonry;
- 5) in good **repair** and plumb.

- 20.6 A prefabricated chimney or flue shall be of a type suitable for the appliance for which it is being used and shall be kept in good **repair**, properly secured and free from fire, health and accidental hazards.

21.0 **NUISANCE**

- 21.1 On **property** which, because of its condition or because of its use or occupancy or for other reason, creates a **nuisance** to **occupants** of adjacent **property** or to **persons** in the neighbourhood or to the user of streets or parks, every reasonable precaution shall be taken to prevent such **nuisance**. Without limiting the generality of the foregoing such precautions shall include:

- 1) providing and maintaining an effective barrier to prevent the light from lamp **standards**, **signs**, vehicle head lamps and other sources from shining directly into a dwelling **unit**;
- 2) providing and maintaining an effective barrier to prevent waste, wrappings, **debris** and the like from encroaching an adjacent **property**;

- 3) the removal of excessive accumulation of materials from a **yard** unless such materials are required for a business being lawfully conducted on the **property**;
- 4) providing and maintaining an effective barrier to prevent dumping, placing or depositing any **debris** of any kind onto the **property**;
- 5) employing all means necessary and sufficient for the purpose.

21.2 The place for temporary storage and disposal of garbage and refuse shall be maintained;

- 1) in a litter free condition;
- 2) in a manner that will not attract pests or create a health or safety hazard;
- 3) screened from a public highway, street, walkway, park or **residential property** so as not to be visible from such locations.

21.3 All properties shall be provided with sufficient containers or receptacles to safely contain all garbage, rubbish, waste and other refuse.

22.0 **VACANT PROPERTY**

22.1 Where any **property** is unoccupied the **owner** or his agent shall protect every such **property** against the risk of fire, accident or other danger and shall effectively prevent the entrance thereto of all unauthorised **persons**.

22.2 Vacant building shall be boarded up to the satisfaction of the **Property Standards Officer** by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.

22.3 Where a building remains vacant for a period of more than ninety days (90), the **owner** or his agent, shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent **property**.

22.3 Section 22.3 does not apply where such utilities are necessary for the safety or security of the building.

23.0 **PARKING GARAGES**

23.1 All parking garages shall be adequately lighted at all times.

23.2 The interior walls, ceilings, and columns of the parking garage area painted white,

23.3 The materials used to provide a white surface on the walls, ceiling and columns of **storage garages** shall:

- a) be suitable for application to the material of which the walls, ceilings and columns are formed;
- b) shall be washable and shall be washed or renewed as is necessary to maintain a reasonably clean and bright surface.

23.4 No machinery, boats, vehicles including trailers, or parts thereof which are in an unusable, wrecked, unlicensed, discarded or abandoned condition shall be stored or allowed to remain in a **storage garage**.

23.5 Every floor, wall, ceiling and stairwell of a **storage garage** shall be kept clean and free from rubbish and **debris** and from objects or conditions that might create a fire, health or accident hazard.

23.6 All **means of egress** within a **storage garage** shall be provided with clean, clear, unobstructed and readily visible exit **signs** for every required exit and maintained in good **repair**.

24.0 DEMOLITION

- 24.1 Where a building, **accessory building**, **fence** or other structure on a **property** is demolished, the site shall be cleared of all rubbish, **debris**, refuse, masonry, lumber and other materials and left in a graded and levelled condition.
- 24.2 Where part of a building or structure has been demolished, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this by-law and the walls shall be parged or otherwise treated to prevent the entry of water into the building and to present a neat and uniform appearance, free from the outlines of partitions, stairs, doors, and from areas of multi-coloured paint or wallpaper.
- 24.3 Where a building, **accessory building** or other structure is being demolished, every precaution shall be taken to protect adjoining **property** and members of the public. Such precaution shall include the erection of **fences**, barricades, covered ways for pedestrians and all other means of protection necessary for the purpose.

SUPPLEMENTARY STANDARDS FOR RESIDENTIAL PROPERTIES

25.0 DUTIES OF OCCUPANTS

- 25.1 Every **occupant** of a **dwelling** in that part of the **dwelling** that he or she occupies or controls shall:
- 1) limit the number of **occupants** thereof to the maximum number permitted by this by-law;
 - 2) maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment therein in a clean and sanitary condition;
 - 3) keep all exits unobstructed;
 - 4) maintain the same in a clean condition;
 - 5) co-operate with the landlord in complying with the requirements of this by-law.

26.0 CLEANLINESS

- 26.1 A **dwelling** shall at all times be kept free of rodents, vermin and insects which may be deleterious to safety, health, and comfort from conditions which may encourage infestation by such pests.
- 26.2 In **multiple dwellings** every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean and odour free condition.
- 26.3 Garbage chutes and garbage disposal rooms must be kept in use and maintained in working order at all times.

27.0 OCCUPANCY STANDARDS

- 27.1 A **non-habitable room** shall not be used as a **habitable room**.
- 27.2 A bedroom shall be a **habitable room** and no kitchen, **bathroom** or hallway shall be used as a bedroom.
- 27.3 The maximum number of **persons** residing in a **dwelling unit** shall not exceed one **person** for each 9 square meters (97 square feet) of **habitable room** floor area.

- 27.4 The minimum area of a room used by only one **person** for sleeping shall be 6 square metres (64.5 square feet). The minimum dimension of any **habitable room** shall be 2 metres (6.5 feet).
- 27.5 The minimum area of a room used by two or more **persons** for sleeping shall be 4 square metres (43 square feet) for each **person** so using the area.
- 27.6 Every **habitable room** shall have a ceiling height in accordance with the requirements of the *Ontario Building Code*.
- 27.7 Any **dwelling unit** or portion thereof shall not be used as a **dwelling** unless it meets the requirements of this by-law, the requirements of the *Ontario Building Code* and *Fire Code*.
- 27.8 Each kitchen in a **dwelling unit** shall be provided with an approved gas or electrical supply for cooking purposes.
- 27.9 Each kitchen in a **dwelling unit** when equipped with refrigerator, cooking stove, kitchen fixture and fittings shall have such appliances, fixtures and fittings maintained in good **repair** and good working order.
- 27.10 Every **dwelling unit** shall be equipped with a carbon monoxide detector if the building is equipped with a fuel fired appliance or an interconnected attached garage.
- 27.11 Every **dwelling unit** shall be equipped and maintained with a smoke detector in accordance with the requirements of the Ontario **Building Code**.

28.0 GENERAL MAINTENANCE

- 28.1 Every **supplied** facility, piece of equipment or appliance shall be so constructed and installed that it will function safely and effectively and shall be maintained in a safe and satisfactory working condition.
- 28.2 A mail box or mail receptacle shall be **supplied** for every **dwelling unit** in a building and maintained in good **repair**.

29.0 DISCONNECTING UTILITIES

- 29.1 No **owner**, nor anyone acting on his behalf, shall disconnect or cause to be disconnected any service or utility providing light, heat, refrigeration, water or cooking facilities for **residential property** occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of **repairing**, replacing or altering such service or utility.
- 29.2 A **person** liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility is disconnected or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance and is therefore guilty of an **offence** under Section 28.1.

30.0 DOORS, WALLS AND CEILINGS

- 30.1 Interior door and door frames including automatic door closets and all necessary hardware shall be maintained in good **repair** to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.
- 30.2 Doors connecting **dwelling units** to the exterior or to an entrance or exit system shared in common with other **dwelling units** shall have locking devices and other necessary hardware installed and maintained in good **repair**. Access doors, as above, shall afford the **occupants** of the **dwelling unit** with a reasonable degree of privacy and safety and prevent the entry of draughts into the **dwelling unit**.

- 30.3 In the public parts of **multiple dwellings**, missing, cracked and broken glass in door panels, glass screens, and windows shall be replaced with approved glass or similar materials.
- 30.4 Every wall and ceiling in a **dwelling** or in a **dwelling unit** shall be maintained so as to be free of holes, cracks, damaged and deteriorated plaster or other material and finished to match the existing wall or ceiling.
- 30.5 **Repairs** made to the walls and ceiling of a **dwelling** or in a **dwelling unit**, shall be completed in a workmanlike manner and each **repair** shall be finished to match the existing wall or ceiling.
- 30.6 Previously finished wall and other surfaces in the public parts of **multiple dwellings** shall be maintained in good **repair** and shall be renewed or refinished when necessary to maintain an attractive appearance. Unsightly chalk marks, painted slogans and similar markings or defacements on walls or other surfaces shall be removed and the surface refinished when necessary.
- 30.7 In **multiple dwellings**, glazed doors, windows and other transparent surfaces in those parts of the building used by the tenants in common shall be kept in reasonably clean condition.
- 30.8 Every wall, ceiling, staircase and landing, furnishing, fixture and appliance in a **dwelling** shall be maintained in a clean and sanitary condition and the **dwelling** shall be kept free from rubbish and **debris**.
- 30.9 Garbage chutes and garbage disposal rooms shall have fire doors fitted with self-closing devices and all necessary hardware and every such door shall be a good fit in its frame and maintained in good **repair**.
- 31.0 HEATING**
- 31.1 Every **dwelling** and every **dwelling unit** shall be provided with a heating system capable of maintaining a room temperature of 21 degrees C (70 degrees F) at 1.5 metres (5 feet) above the floor level in all **habitable rooms, bathrooms and toilet rooms**.
- 31.2 Every heating system shall be constructed, installed and maintained to comply with the requirements of all applicable governmental regulations and shall be maintained in good working condition so as to be capable of heating a room safely to the temperature referred to in Section 31.1.
- 31.3 Fireplaces and other solid-fuel burning appliances shall be connected to a smoke pipe, chimney flue or gas vent and shall be installed in accordance with the current **standards** of the Underwriters Laboratory of Canada and the manufacturer's instructions.
- 31.4 If, in the opinion of the **Officer** there is a reason to believe that the heating system of a building has been constructed, installed or maintained not in compliance with the requirements of all applicable governmental regulations, the **Officer** may order that such heating system be examined and a written report be prepared by a certified heating contractor and employed by the **owner** of the building or his or her authorised agent. The written report **signed** by the certified heating contractor and giving details of the findings and proposed **repairs** shall be submitted to the **Property Standards Officer**.
- 31.5 All work specified by the certified heating contractor shall be completed in the manner and within the time which shall be specified by the contractor. The time specified shall be acceptable to the **Officer**.
- 31.6 A permit shall be obtained from the Building Inspector where the method of operation of an existing heating system is altered, the **repair**, adjustment or component replacements that change the capacity or extent of safety of the system shall conform with the requirements of the *Ontario Building Code*.
- 31.6 On completion of all work to the heating system, the **Officer** shall be provided with a signed certificate from the certified heating contractor.

Where applicable, a Certificate of Inspection signed by the Chief Inspector, Ministry of Consumer and Commercial Relations, pursuant to the Boilers and Pressure Vessels Act shall be provided.

32.0 SEPARATIONS

32.1 Every **dwelling** shall be so constructed and protected as to prevent the passage of noxious fumes and gases from a part of the **dwelling** that is not used, designed or intended to be used for human habitation into other parts of the **dwelling**.

33.0 PLUMBING

33.1 All plumbing, drainpipes, waterpipes, **plumbing fixtures** and every connecting line to the **sewage system** shall:

- 1) comply with the requirements of all applicable governmental regulations;
- 2) be maintained in good working order free from leaks or defects;
- 3) be protected from freezing.

33.2 Every **dwelling** shall be provided with an adequate supply of potable running water from a source approved by the **Medical Officer of Health** for the Region of York.

33.3 Every **dwelling unit** shall be provided with at least a water closet, a wash basin, a kitchen sink and a bathtub or shower. All **plumbing fixtures** shall be connected to a **sewage system**.

33.4 A water closet shall be located within and be accessible from within the **dwelling unit** and shall be located and equipped to afford privacy to **persons** using such water closet.

33.5 All **plumbing fixtures** and appliances installed within a **dwelling** shall be maintained in good working condition and in a clean and sanitary condition.

33.6 Every sink, wash basin, bathtub and shower in a **dwelling unit** shall be provided with an adequate supply of hot and cold running water.

33.7 All hot water shall be **supplied** at a temperature ranging from 45 degrees C (113 degrees F) to 60 degrees C (140 degrees F) in accordance with the requirements of the *Ontario Building Code*.

33.8 Every sink, wash basin and laundry facility in a **dwelling** shall be provided with an adequate supply of hot and cold running water.

33.9 Adequate potable running water shall be **supplied** to every water closet.

34.0 MOULD

34.1 Buildings and structures shall be kept clear and free from mould or any condition that may cause mould or other types of decay.

35.0 ELECTRICAL SUPPLY AND LIGHTING

35.1 Every **dwelling unit** shall be connected to an electrical supply system and shall be wired for electricity.

35.2 The electrical wiring, pipes for conducting fuel and all equipment and appliances for use in a **dwelling unit** or **accessory building** shall be installed and maintained in good working order so as not to cause a fire or electrical shock hazard and in accordance with all applicable governmental regulations.

35.3 Adequate artificial light shall be available at all times, in all rooms and in every stairway, hall and **basement** in a **dwelling**.

- 35.4 In **multiple dwellings**, every stairway, hall, exit and entrance, and all other parts of the **dwelling** used by the tenants in common shall be adequately lighted at all times. Without limiting the generality of the foregoing, lighting shall be considered adequate:
- 1) if there is sufficient light to provide an average level of illumination of at least 21.6 lux (2 foot candles) at floor levels, in corridors, halls, and at exits and entrances;
 - 2) where corridors, stairs and stair landings are illuminated by a common system, the average level of illumination provided at tread level on the stairs and at floor level on the landing shall be at least 21.6 lux (2 foot candles);
 - 3) on stairs and stair landings which are not illuminated by the lighting fixture provided of adjacent corridors, halls, exits or entrance-ways, an average level of illumination of at least 16.2 lux (1.5 foot candles) shall be provided.
- 35.5 For the purpose of establishing the average level of illumination, at least one measurement of the intensity of illumination shall be made in a grid pattern and at floor level. The measurement shall be made at equally spaced intervals not exceeding 3 metres in any direction.
- 35.6 The level of illumination at any location on the floor level in corridors, halls, exits, entrances and stairs of a building shall not be less than 11 lux (1 foot candle).
- 35.7 All electrical fixtures, switches, receptacles and connections thereto shall be maintained in a safe and complete condition and in working order.
- 36.0 WINDOWS AND WALL OPENINGS**
- 36.1 Every **habitable room** in a **dwelling** except a kitchen shall contain an outside window or windows which shall be maintained in good **repair**, and which shall:
- 1) have a total light transmitting area of not less than 10 percent of the floor area in living room and dining room and have a total light transmitting area of not less than 5 percent of the floor area in bedrooms and other finished rooms;
 - 2) when designed to open, be easily opened and closed at all times and the area of the openable portion shall comply with the requirements of the *Ontario **Building Code***;
 - 3) be provided with proper and suitable hardware and effective locking devices *so as to properly perform their intended function*.
 - 4) have the total light transmitting area of the window wells counted in the calculations referred to in article 4.11.1 (1) provided that one half of the area of such windows is above the top of the window well. Where less than half the light transmitting area of a window is above the top of a window well, only that area of the window above the top of the window well may be counted in the calculations.
- 36.2 Every opening in an exterior wall which is not protected by a door or window shall be screened with wire mesh, metal grill or otherwise suitably protected to prevent the entry of vermin or rodents.
- 36.3** All windows in a **dwelling unit** designed to be opened shall be fitted with screens so as to prevent the entrance of insects and rodents and maintained in good **repair**.
- 37.0 VENTILATION**
- 37.1 In every **dwelling unit**:

- 1) Every kitchen, **bathroom**, shower room and **toilet room** shall be provided with adequate natural or artificial means of ventilation.
 - 2) Where any system of mechanical ventilation is provided for any building or accessory structure, room or series of rooms such system, including monitoring devices for air contaminants or operability and supports shall be:
 - i. capable of completely changing the air in the room in accordance with the requirements of the Ontario **Building Code**;
 - ii. regularly cleaned and maintained in working order, good **repair**, and in a safe condition at all times.
- 37.2 In **multiple dwellings** every laundry room, garbage room, corridor, boiler room, **storage garage** and all parts of the building used by the tenants in common shall be adequately ventilated in accordance with ASHRAE (American Society of Heating, Refrigeration and Air Conditioning Engineers) **Standards** 62, Ventilation for Acceptable Indoor Air Quality.
- 37.3 A mechanical ventilation system in laundry room, garbage room, corridor, boiler room, **storage garage** and all parts of the building used by the tenants in common shall be:
- a) maintained in good **repair** and in good working order;
 - b) maintained in a safe condition;
 - c) regularly cleaned.
- 38.0 MEANS OF EGRESS FOR MULTIPLE DWELLING UNITS**
- 38.1 Every **dwelling unit** shall have a safe, continuous and unobstructed passage from the interior of the **dwelling unit** to an exit at or near **grade** level.
- 38.2 All **means of egress** within a **multiple dwelling** shall be provided with clean, clear, unobstructed and readily visible exit **signs** for every required exit and maintained in good **repair**.
- 38.3 The passage required as egress from one **dwelling unit** shall not pass through any other **dwelling unit**.
- 38.4 In **multiple dwellings** every reasonable precaution shall be taken to prevent unauthorised **persons** from entering the **dwelling** or a garage or other building accessory to the **dwelling**.
- 38.5 In every **multiple dwelling** containing 10 or more **dwelling units**, a two way voice communication system shall be provided between each **dwelling unit** and the main entrance and each **dwelling unit** shall be provided with a security locking and release mechanism for the main entrance and such mechanism shall be maintained in a locked position at all times. Such mechanisms shall be maintained in good **repair** and in an operative condition.
- 38.6 In **multiple dwellings** where a voice communication system between each **dwelling unit** and the front lobby and security locking and release facilities for the entrance have been provided and are controlled from each **dwelling unit**, such facilities shall be maintained in good **repair** and in operative condition.
- 38.7 Every door used as an entrance to or **means of egress** from a **multiple dwelling** where a voice communication system between each **dwelling unit** and the front lobby and security locking and release facilities for the entrance have been provided or from a **storage garage** which is not open and available for use by the general public shall be kept closed and locked and shall be provided with approved self-closing and self-locking mechanisms and shall not be secured in an open position except in an emergency situation.

- 38.8 Doors used as a **means of egress** from a **multiple dwelling** or a **storage garage** shall be so arranged as to be readily opened without the use of a key, in the direction of exit travel.

39.0 **WINDOW CATCHES AND GUARDS**

- 39.1 Every window of a **dwelling unit** which is located above the first **storey** of a **multiple dwelling** shall be equipped with a safety device to prevent the opening of any part of such window to a width in excess of 100 mm (4"), such devices to be to the requirements of the *Ontario Building Code*.
- 39.2 Every window located above the first **storey** in corridors, stairways, and other public areas of a **multiple dwelling**, that extends to less than 1070 mm (42") above the floor or landing, shall be protected by a **guard** of at least 1070 mm (42") in height, having no openings large enough to permit the passage of a spherical object with a diameter of 100 mm (4") and having no member, attachment or opening, which will facilitate climbing, located between 100 mm (4") and 900 mm (35 1/2") above the floor or the bottom of the **guard**.

40.0 **ELEVATING DEVICES**

- 40.1 Elevating devices in a **dwelling**, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good **repair** and operational.

SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL PROPERTIES

41.0 **DUTIES OF OWNERS AND OCCUPANTS**

- 41.1 Every **owner**, and every **occupant** in that part of **non-residential property** that he occupies or controls, shall maintain the **property**:
- 1) in a clean, sanitary and safe condition, free from litter, refuse and **debris** including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;
 - 2) free from objects or conditions which are health, fire, or accident hazards;
 - 3) free from rodents, vermin and **injurious** insects.
- 41.2 In a **mixed-use building** no **owner** or **occupant** thereof, nor anyone acting on behalf of such **owner** or **occupant**, shall disconnect or cause to be disconnected, any service or utility providing light, heat, refrigeration, water or cooking facilities serving the **residential** portion therein and occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of **repairing**, replacing or altering such service or utility.
- 41.3 A **person** liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility is disconnected or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance and is therefore guilty of an **offence** under Sub-section 41.2

42.0 **INTERIOR WALLS, CEILINGS AND FLOORS**

- 42.1 Interior walls, floors and ceilings shall be maintained:
- 1) free from health, fire and accident hazards;
 - 2) in good **repair** and free from holes, large cracks, broken plaster and loose or broken masonry;
 - 3) in a clean and sanitary condition which is reasonable considering the use or operation;

- 4) free from missing, cracked and broken glass in door panels, glass screens and windows. Cracked and broken glass in broken door panels, glass screens and windows shall be replaced with approved glass or other approved material.

42.2 In **mixed-use buildings** wherein noxious fumes, odours or gases are, or could be present, all surfaces separating the non-**residential** portion from the **residential** portion shall be of gastight construction and maintained in a good state of **repair** so as effectively to prevent the passage of noxious fumes, odours or gases through the separation.

42.3 Plaster **repairs** made to the walls and ceilings of non-**residential** properties shall be completed in a workmanlike manner and each **repair** shall be finished to match the existing wall or ceiling.

42.4 In non-**residential** buildings, glazed doors, windows and other transparent surfaces shall be kept in a reasonably clean condition.

42.5 Interior doors and door frames including automatic door closers and all necessary hardware shall be maintained in good **repair** to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.

42.6 Every **supplied** facility, piece of equipment or appliance shall be so constructed and installed that it will function safely and effectively and shall be maintained in a safe and satisfactory working condition.

43.0 **HEATING**

43.1 Every non-**residential property** shall be provided with a heating system capable of maintaining an appropriate temperature for the operations carried on within the **property** and which shall be maintained in a safe and good working condition.

43.2 Non-**residential** properties shall be provided with a heating system capable of maintaining a minimum temperature of 18 degrees C (64 degrees F) between the month of September in each year and the month of June of the following year when the premises are occupied.

44.0 **PLUMBING**

44.1 In every non-**residential** building, **plumbing fixtures** shall be provided and installed in accordance with the requirements of all applicable governmental regulations.

44.2 All plumbing, drainpipes, water pipes and **plumbing fixtures** in every non-**residential property** and every connecting line to the **sewage system**, shall be maintained in good working order and free from leaks and defects and in compliance with all applicable government regulations; and all water pipes, drain pipes and appurtenances thereto shall be protected from freezing.

44.3 All installed **plumbing fixtures**:

- 1) shall be kept in good **repair**, in a clean and sanitary condition and every **sanitary unit** shall be so located and enclosed as to be easily accessible to and provide privacy for, the **persons** using such **sanitary units**;
- 2) shall be connected to a **sewage system**;
- 3) shall be provided with an adequate supply of running water and such fixtures as washbasins, showers and other fixtures at which hot water is required, shall be provided with an adequate supply of hot water at a minimum temperature of 49 degrees C (120 F).

44.4 Rooms in which **plumbing fixtures** are installed shall be maintained in a clean and sanitary condition and the walls and ceilings shall be provided with

a smooth surface reasonably impervious to water and resistant to chipping or cracking.

44.5 The paint on walls and ceilings in rooms in which **plumbing fixtures** are installed shall be renewed as often as necessary and maintained in a clean and sanitary condition.

44.6 In **mixed-use buildings**, **plumbing fixtures** installed in connection with the non-**residential** portion of the building and available for use by members of the public, shall be separate from such fixtures required by the **standards** for the **residential** portion of the building.

45.0 ELECTRICAL SERVICES AND LIGHTING

45.1 Non-**residential** properties shall be wired for electricity and connected to an electrical supply system so that an adequate supply of electrical power may be available at all times.

45.2 The electrical connection to and the wiring system of a **non-residential property** shall be installed and maintained in good working order, free from fire and accident hazards and in compliance with the requirements of all applicable governmental regulations.

45.3 In all parts of a non-**residential** building a level of illumination shall be provided and maintained which will adequately protect all **persons** within the building from health and accident hazards.

45.4 Artificial lighting shall be provided and maintained in good working order at all times in every stairway, hall and passageway, in every room in which **plumbing fixtures** are installed, and in every furnace room and boiler room.

45.5 All electrical fixtures, switches, receptacles and connections thereto shall be maintained in a safe and complete condition and in working order.

46.0 VENTILATION

46.1 Mechanical ventilating equipment and the supports for such equipment shall be maintained in good **repair** and in a safe mechanical condition.

46.2 All non-**residential** properties shall be adequately ventilated by natural or mechanical means and with regard to the operations carried on therein, to ensure that **persons** within the **property** are not exposed to conditions deleterious to their health or safety.

46.3 Ventilation shall be provided for every room in which **plumbing fixtures** are installed, every locker room and clothes drying room either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which will ensure a complete change of air within the room at least once per hour.

46.4 Where a system of mechanical ventilation exhausting noxious fumes, gases, dust or sawdust from a building is installed, the discharge from such a system shall terminate above the roof line of the building and not less than 3.05 metres (10 feet) clear of any skylight, window, ventilation or other opening into a building and shall be operated in such a way as not to constitute a **nuisance**.

47.0 MEANS OF EGRESS

47.1 All **means of egress** within a non-**residential** building shall be:

- 1) maintained free from all obstructions or impediments;
- 2) provided with lighting facilities capable of supplying not less than 11 lux (1 foot candle) of light intensity on the floor surfaces continuously;
- 3) provided with clean, clear, unobstructed and readily visible exit **signs**, for every required exit.

47.2 In a **mixed-use building**, no **means of egress** from the non-**residential** portion of the building shall pass through any part of any **dwelling unit** unless the **occupant** thereof is also the **occupant** of the non-**residential** portion.

48.0 WINDOW GUARDS

48.1 Every window in a non-**residential** building located above the first **storey** in corridors, stairways and other public areas that extends to less than 1070 mm (42") above the floor or landing shall be protected by a **guard** at least 1070 mm (42") in height and having no openings large enough to permit the passage of a spherical object with a diameter of 200 mm (8") and be non-climbable.

49.0 ELEVATING DEVICES

49.1 Elevating devices in a non-**residential** building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good **repair** and operational.

HERRITAGE BUILDINGS

50.0 HERITAGE ATTRIBUTES

50.1 In addition to the minimum **standards** for the **maintenance** and occupancy of **property** set out elsewhere in this by-law, the **Owner** or **Occupant** of a Part IV or Part V **Heritage Property** shall:

- 1) maintain, preserve and protect the **heritage** attributes of the Part IV or Part V **Heritage property** so as to maintain its **heritage** character as well as its visual and structural **heritage** integrity;
- 2) maintain the Part IV or Part V **Heritage Property** in a manner that will ensure the protection and preservation of its **heritage** values and attributes; and,
- 3) obtain a **heritage permit** from Council prior to performing work or causing any work to be performed under this section of this by-law.

51.0 REPAIR OF HERITAGE ATTRIBUTES

51.1 Despite any other provision of this By-law, where a **Heritage** Attribute of a Part IV or Part V **Heritage Property** can be repaired the **Heritage** Attribute shall not be replaced and shall be **repaired**:

- 1) in a manner that minimizes damage to the **heritage** values and attributes;
- 2) in a manner that maintains the design, colour, texture, grain or distinctive features of the **Heritage** Attributes; and
- 3) Using the same types of materials as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original.

51.2 Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original materials.

52.0 REPLACEMENT OF HERITAGE ATTRIBUTES

52.1 Despite any other provision of this By-law, where a **Heritage** Attribute of a Part IV or Part V **Heritage Property** cannot be repaired, the **heritage** Attribute shall be replaced:

- 1) using the same types of materials as the original;

- 2) Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original materials.
- 3) in such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the **Heritage Attribute**; and
- 4) in a manner that minimizes damage to the **Heritage Attributes** of the **Property**.

53.0 ALTERATION OF HERITAGE ATTRIBUTES

- 53.1 Despite any other provision of this By-law or the **Building Code Act**, 1992, as amended, or as substituted from time to time, no building or structure of a Part IV and Part V **Heritage Property** may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the Ontario **Heritage Act**.

54.0 VACANT AND DAMAGED DESIGNATED HERITAGE PROPERTIES

- 54.1 Where a Part IV or Part V **Heritage Property** remains vacant for a period of 90 days or more, the **Owner** shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the **Heritage Attributes** caused by environmental conditions.

- 54.2 The **owner** of the vacant Part IV or Part V **Heritage Property** shall protect the building and **Property** against the risk of fire, storm, neglect, intentional damage and damage by other causes by effectively preventing the **entrance to it all animals** and unauthorized **Persons** and by closing and securing openings to the building with boarding:

- 1) that completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;
- 2) that is fastened securely in a manner that minimizes damage to the **Heritage Attributes** and the historic fabric and is reversible, and
- 3) in a manner that minimizes visual impact.

- 54.3 Despite any of the provisions above, no window, door or other opening on a Part IV or Part V **Heritage Property** shall be secured by brick or masonry **units** held in place by mortar unless required.

- 54.4 Where utilities are available for the safety and security of the building, an exterior lighting fixture shall be installed and maintained in front porch, veranda or an area adjacent to the front entrance of the building or structure and must be left on a timer.

- 54.5 The **Owner** of vacant Part IV or Part V **Heritage Property** shall post **Signs** prohibiting trespassing onto the **Property** and prohibiting removal of materials.

55.0 UNSAFE HERITAGE PROPERTY

- 55.1 Where a building or structure on a Part IV or Part V **Heritage Property** has been deemed unsafe and the necessary remedial measures to address the unsafe condition of the building or structure are being undertaken, the **Owner** shall ensure that all necessary measures are taken to protect **Heritage Attributes** and prevent damage or further damage to the Part IV or Part V **Heritage Property**.

- 55.2 If, in the opinion of the **Officer**, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the **Officer** may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and a member of the

Canadian Association of **Heritage** Professionals and employed by the **Owner** or authorized agent, and that a written report be submitted to the **Officer**, which report will include drawings for any recommended remedial work designed by an engineer, and details of the findings of such examination.

56.0 DEMOLITION OF HERITAGE PROPERTY

56.1 Despite any other provision of this By-law or the **Building Code Act**, 1992, no building or structure located on Part IV and Part V **Heritage Property** that has been designated under Section 29, 34.5 or 41. of the Ontario **Heritage Act** may be altered or cleared including but not limited to remove, demolition or relocation except in accordance with the Ontario **Heritage Act**,

56.2 Upon completion of demolitions and removals of structures, the affected site shall be cleared and cleaned of **debris**, graded, left free from holes or excavations and provided and maintained with suitable **ground cover**.

57.0 CONFLICT

57.1 If there is a conflict between this section and any other provision in this By-law or any other **Town** By-law, the provision that establishes the highest standard for the protection of **Heritage** Attributes shall prevail.

ENFORCEMENT

58.0 POWER OF ENTRY

58.1 A **Property Standards Officer** may, upon producing proper identification, enter upon any **property** at any reasonable time without a warrant for the purpose of inspecting the **property** to determine:

- 1) whether the **property** conforms with the **standards** prescribed in this by-law, or
- 2) whether an Order made under the **Act** has been complied with.

58.2 For the purpose of an inspection, and in accordance with s. 15.8 of the **Act**, a **Property Standards Officer** may;

- 1) require the production for inspection of documents or things, including drawings, or specifications, that may be relevant to the **property** or any part thereof;
- 2) inspect and remove documents or things relevant to the **property** or part thereof for the purpose of making copies or extracts;
- 3) require information from any person concerning a matter related to the inspection including their name, address, phone number and identification;,
- 4) alone or in conjunction with a **person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection; and
- 5) order the **owner** of the **property** to take and supply at the **owner's** expense such tests and samples as are specified in the Order.

58.3 The **Town** may charge the **owner** of a **property** a fee or charge pursuant to the **Towns** fees and charges By-law to conduct an inspection, including increased fees for **multiple** inspections.

59.0 ORDER

59.1 A **Property Standards Officer** who finds that a **property** does not conform with any of the **standards** prescribed in a by-law passed under section 15.1 may make an order,

- 1) the municipal address or the legal description of the **property**;
- 2) giving reasonable particulars of the **repairs** to be made or stating that the site is to be cleared of all buildings, structures, **debris** or refuse and left in a graded and levelled condition;
- 3) indicating the time for complying with the terms and conditions of the order and giving notice that, if the **repair** or clearance is not carried out within that time, the municipality may carry out the **repair** or clearance at the **owner's** expense; and
- 4) indicating the final date for giving notice of appeal from the order

59.2 An Order shall be served on the **owner** of the **property** and such other **persons** affected by it as the **officer** determines and a copy of the order may be posted on the **property**.

59.3 An Order may be registered in the proper land registry office and, upon such registration, any **person** acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under section 59.2 and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order

60.0 APPEALS

60.1 An **owner** or **occupant** who has been served with an order may appeal the Order to the **Committee** by sending a notice of appeal by registered mail to the secretary of the **Committee** within 14 days after being served with the order along with the applicable fee.

60.2 An Order that is not appealed within the time referred to in Section 60.1 shall be deemed to be confirmed.

60.3 The **committee** shall hear the appeal.

60.4 On an appeal, the **Committee** has all the powers and functions of the **Property Standards Officer** who made the order and the **Committee** may do any of the following things if, in the **Committee's** opinion, doing so would maintain the general intent and purpose of the by-law and of the official plan or policy statement:

- 1) Confirm, modify or rescind the order to demolish or **repair**,
- 2) Extend the time for complying with the order.

61.0 FAILURE TO COMPLY WITH AN ORDER

61.1 If an Order is not complied with the **Town** may cause the **property** to be repaired, cleaned, cleared or demolished, as the case may be.

61.2 For the purpose of the section 61.1 of this by-law. Employees or agents of the **Town** may enter the **property** at any reasonable time, without a warrant, in order to **repair**, clean, clear or demolish the **property**.

61.3 The **Town** or a **person** acting on its behalf is not liable to compensate the **owner**, **occupant** or any other **person** by reason of anything done by or on behalf of the **Town** in the reasonable exercise of its powers under Section 61.1 of this by-law.

61.4 The **Town** shall have a lien on the land for the amount spent on the **repair**, cleaning, clearing or demolition under Section 61.1 of this by-law and the amount shall have priority lien status as described in section 1 of the **Municipal Act, 2001**.

62.0 SERVICE

62.1 An Order shall be served personally or by registered mail sent to the last known address of the **Person** to whom notice is to be given or that **Persons** agent for service.

62.2 An order served by registered mail shall be deemed to have been served on the 5th day after the date of mailing.

62.3 A copy of the Order may be posted on the **Property**.

63.0 CERTIFICATE OF COMPLIANCE

63.1 An **Officer** who, after inspecting a **property**, is of the opinion that the **property** is in compliance with the **standards** established in this by-law may issue a **certificate of compliance** to the **owner**.

63.2 An **Officer** shall issue a **certificate of compliance** to an **owner** who requests such a certificate and who pays the fee set out in fees and charges by-law if, after inspecting the **property**, the **Officer** is of the opinion that the **property** is in compliance with this by-law.

64.0 PENALTIES

64.1 Every **person** who fails to comply with an order, direction or requirement made under the **Building Code Act** is guilty of an **offence**.

64.2 A **person** who is convicted of an **offence** is liable to a fine pursuant to the **Building Code Act** of not more than \$50,000 for a first **offence** and to a fine not more than \$100,000 for a subsequent **offence**.

64.3 If a corporation is convicted of an **offence**, the maximum penalty that may be imposed upon the corporation is \$100,000 for a first **offence** and \$200,000 for a subsequent **offence**.

64.4 For the purpose of section 64.2 and 64.3 an **offence** is a subsequent **offence** if there has been a previous conviction under this by-law.

64.5 Every **person** who fails to comply with an order made by a **Property Standards Officer** under section 64.2 is guilty of an **offence** and on conviction, in addition to the penalties mentioned in sections 64.2 and 64.3 is liable to a fine of not more than \$10,000 per day for every day the **offence** continues after the time given for complying with the order has expired

64.6 If a conviction is entered, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the **offence** by the **person** convicted on the same **property**.

65.0 TRANSITION

65.1 After the date of passing of this by-law, By-law 1999-34, as amended, applies only to properties in respect of which an Order has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings in respect of such Order, including demolition and **repair** by the **Town**, has been concluded.

66.0 REPEAL

66.1 Bylaw 1999-34 and 2001-96 as amended is hereby repealed.

67.0 SHORT TITLE

671 This by-law may be referred to as the "**Property Standards By-law**"

68.0 EFFECTIVE DATE

Enacted this day of , 201x.

Tony Van Bynen, Mayor

Lisa Lyons, **Town** Clerk



Corporation of the Town of Newmarket

By-law Number 2017-xx

A By-law to provide for maintaining land in a clean and clear condition

Whereas Sections 8, 9 and 11 of the *Municipal Act, 2001*, c.25 as amended (the "Act") permits a municipality to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of Subsection 11 (2), authorize By-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

And whereas Section 127 of the *Municipal Act, 2001* permits a municipality to pass By-laws requiring an owner or occupant of land to clean and clear the land, not including buildings; to clear refuse or debris from the land, not including buildings; for regulating when and how such matters shall be done; for prohibiting the disposal of refuse or debris on land without the consent of the owner or occupant of the land; and for defining "refuse";

And whereas Section 129 of the *Municipal Act, 2001* permits a municipality to pass By-laws to prohibit and regulate with respect to odour, dust, and outdoor illumination including indoor lighting that can be seen outdoors;

And whereas the Council of the Town of Newmarket deems it advisable to pass such a by-law;

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

1.0 DEFINITIONS:

"BOULEVARD" means that portion of every road allowance within the limits of the *Town* which is not used as a *sidewalk*, driveway access, traveled roadway or shoulder;

"COSTS" means all monetary expenses incurred by the *Town* during and throughout the process of any *remedial work*, including interest and may include an administrative surcharge amount as determined by the *Towns Fees and Charges By-law*;

"COUNCIL" The elected municipal officials of the Town of Newmarket;

"COMPOSTING" means the biological degradation or breakdown of organic material into a dark soil-like material called humus;

DAYLIGHTING TRIANGLE

"DEBRIS" means any waste material of any kind whatsoever and without limiting the generality of the foregoing includes: inoperative or unlicensed vehicles or boats and mechanical equipment, automobile and mechanical parts, tires, furnaces, water and fuel tanks, furniture, glassware, plastic, cans, garden refuse, grass clippings, trees, tree branches, earth or fill, animal feces, materials from construction or demolition projects, old clothing and bedding, refrigerators, freezers, or similar appliances, whether operable or inoperable, containers of any kind and un-maintained garden fixtures and any objects or conditions that might create a health, fire or accident hazard;

"DIRECTOR" means the *Director, Legislative Services* of the *Town* and his/her designate;

"DWELLING" means a house, apartment, or other place of residence;

"FILL" means any type of material capable of being removed from or deposited on lands, such as soil, stone, sod, turf, concrete, and asphalt either singly or in combination;

"GRAFFITI" means one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface or object, howsoever made or otherwise affixed on the structure or object;

"GROUND COVER" means material organic or non-organic and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping;

"INVASIVE " " " means a invasive plant designated by or under the *Invasive Species Act, S.O. 2001, c. 22*, including any *weed* designated as a local or noxious *weed* under a *By-law*;

"MEDICAL OFFICER OF HEALTH" refers to the *Medical Officer of Health* for the Region of York.

"MOTOR VEHICLE" means an automobile, truck, motorcycle, snowmobile, utility trailer, recreational vehicle and any other vehicle propelled or driven by other than muscular power;

NATURAL BODY OF WATER

"NATURAL GARDEN" means a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses or combinations of them, consistent with a managed and natural landscape.

"NOXIOUS WEEDS" means a noxious *weed* designated by or under the *Weed Control Act, R.S.O. 1990, c. W.5*, including any *weed* designated as a local or noxious *weed* under a *By-law*;

"OFFICER" means a Police Officer as defined under the *Police Services Act, R.S.O. 1990, c. P15*, as amended, an individual appointed by the Town as a Municipal Law Enforcement Officer pursuant to section 15 of the *Police Services Act*, as amended, or any other individual designated by the Town to enforce this By-law;

"OWNER" means the *Owner*, authorized agent, leasee or the occupier of the premises,

"PERSON" includes an individual, association, firm, partnership, corporation, trust, organization, trustee, agent or legal representative of an individual;

"POOL" means any body of water, which is located outdoors on private property; wholly or partially contained by artificial means; capable of holding water in excess of 0.61m (2 feet) in depth at any point; an open exposed water surface of at least 1m² (10.7ft²) and includes a hot tub or landscape/decorative pond meeting the above criteria;

"PROPERTY" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected, and includes vacant property;

"RECREATIONAL VEHICLE" means a vehicle or trailer which may provide short term occupancy that is intended and used exclusively for travel, recreation and vacationing, designed to be towed or propelled by a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes or other similar travel vehicles but does not include a *mobile home*; and/or boats, personal watercraft, all-terrain vehicles and other similar vehicles used for recreational pursuits; and a trailer designed to carry any of the items listed above.

"REMEDIAL WORK" means all work necessary for the correction or elimination of a contravention of this *By-law* as cited in any order issued under this *By-law*, including any such condition or health hazard, actual or potential, that the contravention may pose.

"SIDEWALK" means a municipal or regional *sidewalk* located on a *boulevard*;

"STANDING WATER" means any water, other than a natural body of water that exists on a permanent basis or contained within a municipality owned storm water management facility, that is found either on the ground, on a structure, in a *pool* or in debris as defined in this by-law;

"UTILITY TRAILER" means a vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and is capable of being used for the transport of goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed;

"TOWN" means The Corporation of the *Town of Newmarket*;

"WASTE" means any *waste* of any kind whatsoever and without limiting the generality of the forgoing includes; *debris*, *sewage*, effluent, garbage, or litter of any type including household *waste*;

"YARD" means an open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by *buildings* or *structures* except as may be expressly permitted by this By-Law but does not include a court yard. In determining *yard* measurements the minimum horizontal distance from the respective *lot line(s)* shall be used;

"ZONING BY-LAW" means the Zoning By-law of the Town of Newmarket passed under the Planning Act, as amended, from time to time.

2.0 PROPERTY MAINTENANCE

- 2.1 Every owner of property shall keep the property maintained free of, debris, discarded objects, and shall also keep their property free from conditions such as holes or excavations that might create a health, safety, or accident hazard.
- 2.2 Every *owner* shall ensure suitable ground cover be provided to prevent erosion of the soil and where grass forms part of the ground cover, it shall be sodded or seeded as often as required to maintain the grass in a living condition and cut so as not to be unreasonably overgrown in relation to the neighbouring environment.
- 2.3 Notwithstanding section 2.2 where a natural garden forms part of the ground cover, it shall be maintained in a living condition.

- 2.4 Every *owner* shall ensure that vegetation on the *property* be kept trimmed and from becoming unreasonably overgrown in a fashion that may affect safety, visibility, or the passage of the general public.
- 2.5 Every owner shall maintain the property clean and free from Heavy undergrowth and noxious weeds.
- 2.6 Every owner shall maintain weeds and grass on the property to a reasonable length and remove and dispose of the cuttings in an appropriate manner.
- 2.7 Every owner shall maintain the property free from dead, decayed or damaged trees, shrubs, and all trees on the property shall be pruned so as to be free from dead or decayed or damaged branches.
- 2.8 Every owner shall maintain his/her property in a manner to prevent dust or dirt from spreading to neighbouring properties.
- 2.9 Every owner of property containing a pool, hot tub, wading pool or artificial pond shall maintain such pool, hot tub, wading pool or artificial pond in good repair and working condition.

3.0 DERELICT MOTORVEHICLES

- 3.1 No *owner* shall use any *property* for the parking, storage, keeping or placement of the following:
 - a) motor vehicle having missing bodywork components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function;
 - b) motor vehicles that are not currently licensed for operation pursuant to the provisions of the Highway Traffic Act;
 - c) motor vehicles parts or components unless otherwise expressly permitted;
 - d) wrecked, dismantled, discarded, inoperative, or abandoned motor vehicles and machinery.

4.0 COMPOSTING

- 4.1 No *owner* shall permit *composting* of any kind other than in accordance with this *By-law*.
- 4.2 All composting shall be carried out in accordance with the following requirements:
 - a) Composting is permitted only in a rear yard of a property;
 - b) Composting shall take place only in a container, or digester and only on land from which the compost material originated;
 - c) any compost containers or digesters used for composting shall be kept covered tightly at all times, except when being emptied or filled;
 - d) no domesticated animal feces shall be placed in a compost container, or digester used for composting;
 - e) no offensive odour shall be permitted to emanate from the compost container, or digester used for composting;
 - f) no offensive odour shall be permitted to emanate from the compost container, or digester used for composting;
 - g) maintained in such a manner as not to attract animals, rodents or vermin;
 - h) any compost container, pile or digester used for composting shall be set back at least 0.6 meters (2 feet) from any lot line.
- 4.3 Section 4.2 does not apply to a property if composting is necessary for the operation of a permitted 'use' lawfully situated on the property pursuant to the Zoning By-laws and/or respective site plan agreements.

5.0 FIREWOOD

- 5.1 No *owner* shall keep fire wood on the *property* unless actually used for wood burning on the *property*.
- 5.2 Firewood shall be kept, stored or placed in a rear or side *yard* provided the following provisions are met:
- a) The firewood is used for wood burning on the *property* or in the dwelling;
 - b) The area of *property* occupied by the firewood is not more than the (15%) of the total area of the *yard* area where it is situated;
 - c) The firewood shall be neatly piled in the rear yard, does not exceed more than 8ft in height and shall have a minimum setback back of 1 meter;
 - d) The firewood shall be neatly piled in the side yard, does not exceed more than 6ft in height and shall have a minimum setback back of 0.6 meter (2 feet); and
 - e) The firewood shall not be piled along a fence which might facilitate climbing where a pool is located on an adjacent property.
- 5.3 Section 5.1 does not apply to a *property* if the storage of firewood is necessary for the operation of a permitted 'use' lawfully situated on the *property* pursuant to the *Zoning By-laws*.

6.0 GRAFFITI

- 6.1 No *person* shall place, cause or permit *graffiti* to be placed on any *property* within the *Town*.
- 6.2 Every *owner* shall at all times maintain *property* free of *graffiti*.

7.0 STANDING WATER

- 7.1 No *owner* shall permit *standing water* on a property for a period in excess of three (3) days when the outside temperature remains above 10 Celsius (50 Fahrenheit), including but not limited to on the ground, in *waste, debris, pools, accessory structures or property*.
- 7.2 Any *person* owning a *property* in the *Town* where a natural body of water exists, shall when ordered by the *Medical Officer of Health* that significant medical hazard exists, shall take the steps outlined by the *Medical Officer of Health* to remedy the situation. Not limiting the foregoing, it may include the filling or draining of the body of water or the treatment of the same with a larvicide.

8.0 BOULEVARD MAINTENANCE

- 8.1 Every *owner* of a *property* shall maintain the *boulevard* free of long grass and *weeds, materials, debris* and maintain the boulevard to be free and clear from damage, holes and ruts.
- 8.2 All permitted boulevard gardens shall be limited to perennial or annual plant material up to 0.6m (2ft) in height. On any property located adjacent to an intersection and which may have a wide side yard, the Owner shall ensure that there are no plantings within the 5.0 metres (16.4 feet) daylighting triangle. Property owners are not permitted to plant trees, noxious weeds and invasive species on the boulevard;
- 8.3 All plantings shall be kept trimmed so that they do not encroach on any sidewalks, curbs or driveway edges.
- 8.4 Property owners shall maintain the municipal sidewalk free and clear of debris.

- 8.5 The property owner shall not place any plantings other than ground cover having a maximum height of 152 millimetres (6 inches) within a 1.5 metre (4.9 feet) radius of any fire hydrant and other utility infrastructure.

9.0 ORDER

- 9.1 Where the Town is satisfied that a contravention of this by-law has occurred, the Town may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.
- 9.2 An order under Section 9.1 of this by-law shall set out:
- a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - b) and the work to be done and the date by which the work must be done.
- 9.3 An order under Section 9.1 may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.
- 9.4 Any person who contravenes an order under Section 9.1 of this by-law is guilty of an offence.
- 9.5 The order may be served personally on the person to whom it is directed or by registered mail to the last known address of the person, in which case it shall be deemed to have been given on the 5th day after it is mailed.

10.0 FAILURE TO COMPLY WITH ORDER

- 10.1 Where an *Owner* contravenes an Order issued under section 9.1, the *Officer* may, without notice to any *Owner*, cause the work to correct the contravention to be done at each *Owner's* expense. Without limitation, the *Officer* may retain such *persons* to assist in completing the work as the *Officer* determines appropriate.
- 10.2 Upon completion of the work to correct the contravention by or on behalf of the *Town*, the municipality shall have a lien on the land for the amount spent on the work to correct the contravention, plus administration fee and the amount shall be deemed to be municipal *property* taxes and may be added to the tax roll and collected in the same manner and with the same priority as municipal *property* taxes as provided for by statute.
- 10.3 Each *Owner* is jointly and severally liable to the *town* for all costs incurred in any way related to work done to correct the contravention for the purpose of section 10.2 including, without limitation, interest as per *Town* policy.

11.0 POWERS OF ENTRY

- 11.1 The Town may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
- a) the provisions of this By-law;
 - (b) an Order issued under this By-law; or
 - (c) an Order made under Section 431 of *the Act*.
- 11.2 Where an inspection is conducted by the *Town*, the *person* conducting the inspection may:
- (a) require the production of documents or relevant items for inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
 - (c) require information from any *person* concerning a matter related to the

inspection including their name, address, phone number and identification; and,

- (d) alone or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.

- 11.3 The *Town* may undertake an inspection pursuant to an Order issued under Section 438 of the *Act*.
- 11.4 The *Town's* power of entry may be exercised by an employee, *inspector* or agent of the *Town* or by a member of a police force with jurisdiction, as well by any *person* under his or her direction.
- 11.5 No *person* shall hinder or obstruct, or attempt to hinder or obstruct, a *Municipal Law Enforcement Officer*, or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.

12.0 PENALTY PROVISION

- 12.1 Every *person* who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- 12.2 Any person who is in contravention of any provision of this By-law, or who fails to comply with an order issued under this By-law shall be deemed to be committing a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 12.3 If an Order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- 12.4 Any *person* who is guilty of an offence under this By-law shall be subject to the following penalties:
 - a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
 - c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 12.5 For the purposes of this By-law, "multiple offences" means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.
- 12.6 For the purposes of this By-law, an offence is a "second or subsequent offence" if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 12.7 Where a person is convicted of an offence under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

13.0 SEVERABILITY

- 13.1 Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an order to the contrary.

14.0 **SHORT TITLE**

14.1 This By-law shall be referred to as the “Clean Yards By-law”;

Enacted this day of , 201x.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk

Certificate of Compliance

Appendix C

New Fees and Charges for Property Standards

Certificate of Compliance	Fees
For each property which has had a Property Standard Order	\$120.00
For each property which has not had a Property Standard Order	\$60.00
For each property which has had an Order and charges have been laid	\$250.00
For interior common area(s) which have had a Property Standards Order	\$120.00
For interior common area(s) which have not had an Order	\$60.00
For interior common area(s) which have had an Order and charges have been laid	\$250.00
For accessory building(s) or other structure(s) which have had a Property Standards Order	\$120.00
For accessory building(s) or other structure(s) which have not had an Order	\$60.00
For accessory building(s) or other structure(s) which have had an Order and charges have been laid	\$250.00



CORPORATE SERVICES – LEGISLATIVE SERVICES – CLERK'S
 TOWN OF NEWMARKET
 395 Mulock Drive
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October 16, 2017

Corporate Services – Legislative Services (2017-19)

TO: Committee of the Whole

SUBJECT: Use of Corporate Resources during an Election Year Policy and Updates to the Election Process

ORIGIN: Legislative Services Department

Recommendations

1. That Corporate Services – Legislative Services Report 2017-19 dated October 16, 2017 entitled "Use of Corporate Resources during an Election Year Policy and Updates to the Election Process": be received; and,
2. That Council adopt the proposed amended "Use of Corporate Resources during an Election Year Policy" (attached as Appendix A).

Purpose

The purpose of this report is to seek Council approval of revisions to the Use of Corporate Resources during an Election Year Policy, and to provide Council with an update to the changes to the election processes resulting from the recent amendments to the Municipal Elections Act (MEA).

Background

As part of report relating to the Ward 5 Councillor vacancy in 2016, staff provided Council with an overview of the recent amendments to the MEA. In addition to providing a further outline of some of the significant changes that will affect the 2018 Municipal Election, this report will highlight the amendments to the Town's existing Use of Corporate Resources in an Election Year Policy. This Policy has been in effect since 2005; however, the recent changes to the MEA now require the Town to update its Policy to ensure compliance with the Act.

Revisions to the Existing Use of Corporate Resources during an Election Year Policy

The Use of Corporate Resources and Election Campaign Activities Policy was first adopted on December 12, 2005 and then revised on March 20, 2006. During the recent review of the Code of Conduct for Members of Council there were several policy amendments that were recommended in order to provide a stronger ethical framework for Council. Following the adoption of the Code of Conduct staff undertook a review of all related policies including the Use of Corporate Resources

The policy has been updated to incorporate recommendations from the Code of Conduct review in addition to updates for clarification and best practices.

Summary of Significant Amendments to the Use of Corporate Resources Policy:

1. Election Period

- The Election Period has been re-defined to include all types of elections including regular municipal elections, by-elections, provincial and federal elections, and party leadership contests.

2. New Cut-Off Date - May 1

- Prior to the amendments to the MEA, individuals could register as a Candidate as early as January in an election year, and the last day to register was the second Friday in September in an election year. These dates have now changed, and individuals can only register as a candidate as of May 1 in an election year, and the last day to register is the fourth Friday in July in an election year.
- Prior to the changes to the MEA, the Town's Policy was to not permit the use of corporate resources after June 30 in an election year. June 30 was a date that was considered reasonable, as it allowed current Councillors to continue to conduct their business. However, given the shortened nomination period, the Policy has been revised to not permit the use of corporate resources after May 1. This date change aligns with the legislative requirements of the MEA, such that a municipality cannot contribute to a candidate's campaign, yet still provides current Councillors with the opportunity to conduct their business in an election year.

3. Use of Town Facilities

- The Policy previously stated that campaigning in Town facilities was not permitted. The Policy has been revised to allow candidates to rent Town-owned or operated facilities for campaign events during certain timeframes, subject to candidates paying the rental fees and abiding by the requirements of the rental agreement.
- Section 2.1 places restrictions on campaign-related material during the rental period.

4. Community Groups and Charitable Organizations

- As part of the Code of Conduct review in 2015, the consultant identified Council Member activities with charitable groups as an item for inclusion within this Policy.
- Section 3.6 of the Policy now places limited and specific restrictions on activities during an election period, and Section 12 of the Council Code of Conduct addresses Council Member activities with respect to Community Groups and Charitable Organizations at all other times.

5. Registered Third Parties

- Registered Third Parties have now been added to the Policy as a result of the recent changes to the MEA.
- Third parties who have registered with the municipality are allowed to operate campaigns, and as such, many of the same rules that apply to candidates also apply to third parties.

Highlights of Amendments to the Municipal Elections Act, 1996

1. Election Administration

- Advance voting may not begin more than 30 days before Voting Day (October 22, 2018).
- Clerks have the authority to provide for electronic filing for financial statements.

2. Election Calendar

- The beginning of terms of all offices has moved from December 1 to November 15 in the year of a regular election. A transitional rule applies with respect to the 2018 regular election. The 2018-2022 Council term will begin on December 1, 2018 and end on November 14, 2022.
- The earliest date for which an individual can file their nomination papers has changed from early January to May 1 of an election year.
- The last day for which an individual can file their nomination papers (i.e. Nomination Day) has changed from the second Friday in September to the fourth Friday in July (i.e. July 27, 2018).
- The date for a municipality to put a question on the ballot is now March 1 in an election year.

3. New Dates for Lame Duck Provisions

- Given the new nomination period, the lame duck period could be in effect as early as Nomination Day (July 27, 2018) if less than 7 Members of the current Council file their nomination papers, and would end when the new term of Council would begin (December 1, 2018). The lame duck period could also be in effect as late as until the announcement of the results after Voting Day (October 22, 2018), if 7 or more Members of the current Council file their nomination papers but fewer than 7 Members are not re-elected.

4. Eligibility and Nomination Process

- Candidates who wish to run for an office on Municipal Council are now required to submit 25 endorsement signatures along with their nomination form. Only eligible voters are permitted to endorse candidates. Those who sign endorsements will have to also sign a declaration that they are eligible to vote in the municipality. An eligible voter can endorse more than one nomination.
- The nomination filing fee will only be refunded if Candidates file their financial statements by the appropriate deadlines.

5. Voters' List

- The legislation has been updated to clarify that voter's may only vote for the Ward Councilor who represents the Ward where they reside even if they own property in another ward. Newmarket property owners who reside in another municipality may still vote in Newmarket as well as the municipality where they reside.
- Candidates who request a copy of the Voters' List (provided after September 1) will also receive a list of any changes made prior to September 25.

6. Third Party Advertising

- Individuals who are residents in Ontario, corporations carrying on business in Ontario, and unions that hold bargaining rights for employees in Ontario are entitled to register as third parties. Third parties must register in order to run a campaign within a municipality.
- Similar to candidates, third parties must register with the Clerk, and can register as early as May 1 in an election year up until the Friday before Voting Day (i.e. October 19, 2018).
- There is no registration fee for third party advertisers.
- A third party may register in more than one municipality; however, each registration is considered a separate campaign with its own spending limits.
- Registered third parties are required to abide by the same campaign finance rules as candidates.
- Registered third party advertisements must include the:
 - name of the registered third party;
 - municipality where they are registered; and,
 - contact information for the third party.
- There are requirements for broadcasters and other media outlets to retain information about registered third parties for a specified amount of time.

7. Campaigning

- No landlord or condominium corporation may prevent owners or tenants of units from displaying campaign material within the limits of the leased or owned premises, however they may set limits as to size, and type and place restrictions for common areas.

8. Campaign Financing

- Contributions are not permitted from:
 - corporations carrying on business in Ontario;
 - unions with bargaining rights for employees in Ontario;
 - federal or provincial political parties; or,
 - the Crown in right of Canada or Ontario, a municipality or a local board.
- Contributions are only permitted from individuals who are normally residents of Ontario, and candidates and their spouses (subject to limitations).
- A candidate does not have to open a bank account if they do not raise or spend money.
- Anonymous and cash contributions cannot exceed \$25.
- Contributions over \$25 have to be made in a way that links the contributors' name and account with the payment, or by money order.
- If goods sold to raise funds are sold for \$25 or less, that amount is considered campaign income, rather than a contribution.
- The nomination fee is no longer a campaign expense.

9. Financial Statements & Clerk's Review

- Candidates are permitted to withdraw their financial statement and file a corrected financial statement with the Clerk on or before the applicable deadline if an error is found.
- Subject to a \$500 late fee, Candidates who do not file their financial statements by the applicable deadline, can now file their financial statements within 30 days after the applicable deadline, will not be considered in default.
- Registered third parties are also required to file financial statements with the Clerk, and similar rules that apply to Candidates also apply to registered third parties.
- The Clerk is required to review contributions reported on the financial statements submitted, to determine whether any contributor appears to have exceeded any of the contribution limits.
- The Clerk is required to prepare a report identifying each contributor to a candidate for office or third party who appears to have contravened any of the contribution limits, and the details of the contravention. The Clerk is required to forward all apparent contraventions to the Compliance Audit Committee.

10. Accessibility

- Clerks are required to prepare a plan for the identification, removal, and prevention of barriers that affect voters and candidates with disabilities and make that plan available to the public before Voting Day.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

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

CONSULTATION

There has been extensive consultation with other municipalities across Ontario on both the drafting the revised Use of Resources Policy and in understanding the amendments to the Municipal Elections Act, 1996. Specifically staff have discussed and circulated the revised Policy with all of the Clerks in York Region and with the AMCTO Elections Working Group.

The amendments to Use of Resources in an Election Year policy is partially based on recommendations from the Code of Conduct review and consultation in 2015. Both the Operational Leadership Team (OLT) and the Senior Leadership Team (SLT) have reviewed the Policy.

HUMAN RESOURCE CONSIDERATIONS

Not applicable to this report.

BUDGET IMPACT

No budget impact.

CONTACT

For more information on this report, contact: Sarah Niezen, Records and Projects Coordinator at ext. 2213 or sniezen@newmarket.ca


Director of Legislative Services/Town Clerk


Commissioner of Corporate Services



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

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Memorandum

Revised Use of Corporate Resources in an Election Period Policy

November 6, 2017

This memorandum will provide Members of Council with information on the recommended amendments to the Town's existing Use of Corporate Resources & Election Campaign Activities following the discussion held at the October 16, 2017 Committee of the Whole meeting.

Background:

In accordance with section 88.18 of the Municipal Elections Act ("MEA") all municipalities are required to adopt a policy with regards to the use of municipal resources in an election period. The Town of Newmarket adopted a Use of Corporate Resources & Election Campaign Activities Policy in 2005; however, the recent amendments to the MEA now require the Town to revise the Policy to make amendments to reflect new provisions of the Act.

The MEA now allows Third Parties to register and "campaign" in a similar way as individual candidates. The Act also prohibits the Town from contributing to both a candidate and Third Party's campaign. As such, the Town's existing Policy requires an update to include Third Party provisions.

In addition to legislative updates, recommendations resulting from a 2015 consultant's review of Council's Code of Conduct also required an update to the Policy.

Further to the discussion at Committee of the Whole on October 16, 2017, the below will provide additional information on why amendments are being recommended to the existing Policy. The amendments to the Policy have been noted in red font for ease of reference.

Municipal Comparison:

Policies from municipalities such as Ottawa, Toronto, and Guelph were reviewed and evaluated for best practices prior to recommending updates to Newmarket's Policy.

Policy

The revised Policy still ensures that "Nothing in this Policy shall preclude a Member of Council from performing his/her duty as an elected official, nor inhibit him/her from representing the interests of the constituents who elected him/her."

The revised Policy applies to Municipal, Provincial, and Federal elections and by-elections to ensure consistency for candidates and Third Party Registrants during all types of elections. The intent of the Policy remains clear, such that, incumbent candidates should not have a material advantage over other candidates because of their access to municipal resources in an election period.

Definitions

A definitions section was added to the Policy for additional clarity, to reflect the legislative changes, and to provide assistance with consistent application of the Policy. Definitions that were difficult to understand, such as "glad-handing" have been removed to reflect the plain language principles of this Policy.

Campaign Activities at Town-owned and/or operated Facilities

The current Policy is problematic because it prohibits campaigning on all Town-owned property, which limits access to rental space for candidates for their events. The Policy now allows campaign events at Town-owned facilities subject to conditions such as paying the room rental fee, not displaying campaign materials outside of the rented room, and adhering to other requirements of the rental agreement.

The revised Policy prohibits campaign related activities where there is a Voter Assistance Centre or a Voting Location at a facility or property. This ensures that there is no perception of the Town contributing to a candidate or Third Party's campaign during an active voting period.

Campaign Activities at Events

Town Events

Section 3 clarifies that candidates may attend Town events but may not campaign or display campaign material at these events, whether it is for themselves, a political party, Third Party, or to support/oppose a question on a ballot. This section has been simplified into plain language and the intent of the section has been clarified. In the Policy presented to Committee of the Whole on

October 16, the section previously allowed candidates to attend events but restricted their ability to solicit votes (campaign) in any manner. Staff have updated this section to ensure clarity, as “solicit votes” is ambiguous and can be open to interpretation.

Non-Town Events

Section 3 allows candidates to campaign at non-Town organized events only with the permission of the event permit holder, as the Town cannot restrict who can and cannot attend private events.

Charitable Events

To summarize section 4.5, it now clarifies that current Members of Council can only seek donations and sponsorships for an event that has been held within the previous 2 years, and as long as it meets the criteria outlined in the Policy. This section is similar to both policies from Toronto and Ottawa. Additionally, this restriction aligns with recommendations made by the Town’s consultant in 2015 regarding Council Members activities during an election period.

Use of Town Resources

Section 5.1 limits the use of Town resources for activities that could be perceived as promoting the Member during the election period. This section has been updated to clarify the intent of this section is not to restrict the Member from continuing to perform their duties as a Member of Council. Section 5.2 has been added to ensure that, should an urgent need arise, Members are still able to communicate with their residents using Town resources.

Based on a comparison of other municipal Policies, the best practice for limited use of Town resources has been tied to a specific date within an election period. As such, section 5.1 of the revised Policy states that as of May 1 in regular municipal election or when nomination papers are filed in a by-election, items such as high speed photocopying, printing, advertising will be prohibited for sitting Members of Council.

Ward Meetings

The current Policy prohibits Members of Council from holding a ward or community meeting from June 30 until the end of the Council term in a municipal election year. The revised Policy aligns with other “cut-off” dates in the Policy, and prohibits ward meetings after May 1 in a regular municipal election period or when a candidate files his/her nomination papers in a by-election. This section ensures that Town resources are not used to organize or support ward meetings and Member organized events during an election period. These restrictions align with the requirements of the MEA because a municipality cannot contribute to a candidate’s campaign.

Additional Items

At the October 16, 2017 Committee of the Whole meeting it was suggested that a rule be created to prohibit campaign photos taken in front of the Town logo or Town signs. This provision has not been included in the revised Policy, as the Town cannot legally enforce private photographs. However, the Town’s Use of Corporate Logo, Crest and Images Policy, states that “Unless otherwise authorized by the Town in writing, the Town logo does not imply endorsement or sponsorship by the Town of any kind and an external user shall not use the logo to imply such endorsement or sponsorship”.

For more information, call the Town of Newmarket at 905-895-5193 or email info@newmarket.ca



CORPORATE POLICY

Sub Topic: Use of Corporate Resources in an Election Period

Policy No. Corp.1-01

Topic: Use of Corporate Resources in an Election Period

Employees Covered: Members of Council, Election Candidates, Third Party Advertisers & All Employees

Section: Corporate Services

Council Adoption Date:
December 12, 2005

Effective Date: December 12, 2005

Revision No: 2

Date:
November 2017

Policy Statement & Strategic Plan Linkages

In order to preserve the public trust and comply with the provisions of the Municipal Elections Act, 1996, as amended it is essential that Members of Town Council, all Election Candidates, and all Town Employees maintain the highest standards of ethical conduct. This Policy reflects both Provincial legislation and the conduct necessary to set a leading example in meeting the objectives of the Town's Strategic Plan for being well equipped, and managed through decision-making processes that reflect sound governance and accountability.

Purpose

This Policy provides a consistent approach and direction to Town Employees, elected officials, Candidates and third party advertisers on how Town resources can and cannot be used for Election related purposes **to ensure that incumbent municipal Candidates do not have any material advantage over other Candidates.**

Scope

This Policy applies to all, Town Employees, Candidates, including Members, an acclaimed Member or a Member not seeking re-election.

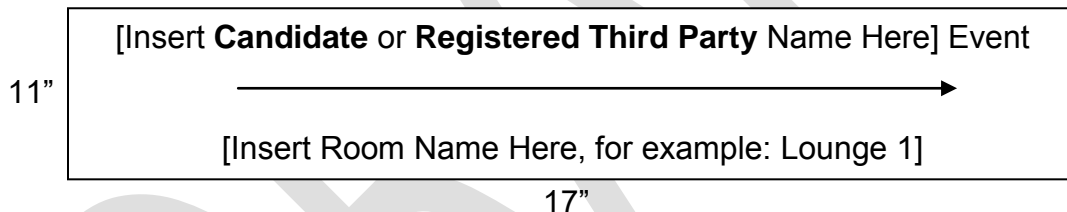
Definitions

Note: All defined terms in this Policy have been bolded and the first letter is capitalized.

Candidate means any person who has filed, and not withdrawn a nomination, for an elected office at the municipal, regional, school board, provincial or federal level, or political party in an **Election** or by-**Election**;

Campaign Materials means any materials used to solicit votes for a **Candidate(s)** or question in an **Election** including but not limited to literature, banners, posters, pictures, buttons, clothing, or other paraphernalia. **Campaign Materials** include, but are not limited to, materials in all media, for example, print, displays, electronic radio or television, online including websites or social media.

Directional Sign means a temporary sign that is a maximum of 11" in length and 17" in width which is used to advise individuals of the specific location of an event within a facility. **Directional Signs** must only include: 1) the first and/or last name of the **Candidate** or the name of the **Registered Third Party** followed by the word "event"; and, 2) an arrow pointing to the direction of the room within the facility; and, 3) the name of the room within the facility. As an example, **Directional Signs** must follow the below format (note: example is not to scale):



Election means an **Election** or by-election at the municipal, regional, school board, provincial and federal level of government, political party election or the submission of a question or by-law to the electors.

Election-Related means anything that relates directly to an **Election** as defined above.

Election Period means the official campaign period of a municipal, regional, provincial or federal **Election**, municipal by-election or party leadership contest.

Specifically these are as follows:

Regular municipal Election (includes regional and school board)	the period commences on the first day nominations may be filed and ending on Voting Day .
Municipal by-election (includes regional and school board)	the period commences on the first day nominations may be filed and ending on Voting Day
Provincial or federal Election	the Election period commences the day the writ for the Election is issued and ends on Voting Day ;

Provincial party leadership contests	the period commences with the date of registration as a Candidate with the Chief Electoral Officer of Ontario and ends with the date fixed for the leadership vote as filed with the Chief Electoral Officer of Ontario
Federal party leadership and nomination contests	the period commences when a contestant receives contributions, incurs expenses or borrows money/is deemed to be a contestant as stated in sections 478.2 (2) and 476.2 of the Canada Elections Act and ends with the date of selection.

Employee means all full-time and part-time individuals hired by the Town and Central York Fire Services, including all contract, temporary, student, secondment or co-operative placement persons.

~~**Glad-handing** means attending a Town event as a private individual and interacting with other event attendees without displaying signage or disseminating material which identifies the individual as a candidate and without encouraging votes for a candidate, a political party or a position on a question on a ballot.~~

Member means an elected **Member** of the Council of the Corporation of the Town of Newmarket.

Registered Third Party means in relation to an **Election** in a municipality, an individual, corporation or trade union that is registered under section 88.6 of the Municipal Elections Act, 1996 as amended.

Town Facility means any Town of Newmarket owned or leased facility, including Town parks, sports fields and civic event spaces, ~~and designated parking areas.~~ Including but not limited to: The Magna Centre, Ray Twinney Recreation Complex, Lions Hall and Community Centre, Riverwalk Commons, etc.

Voting Day means, in the case of a regular **Election**, the fourth Monday in October in the year of the **Election** or in the case of a by-election means the 45th day after Nomination Day, in accordance with the Municipal Elections Act.

~~**Ward Meeting** means an informal public meeting or gathering hosted by a **Member** of Council to discuss local issues with residents, including but not limited to drop-ins, barbeques, information sessions and more.~~

1. Policy

- 1.1 Pursuant to the Municipal Elections Act, the Town of Newmarket cannot make a contribution, including money, goods and services, to any **Candidate, Registered Third Party** or a supporter of a question on the ballot during an **Election Period**.

- 1.2 Nothing in this Policy shall preclude a **Member** of Council from performing his/her duty as an elected official, nor inhibit him/her from representing the interests of the constituents who elected him/her.
- 1.3 Subject to Section 2.0 of this Policy, Campaign or **Election** signs or any other **Election-Related Campaign Material** will not be displayed in any Town-owned and/or operated facility.
- 1.4 The municipality's logo, crest, coat of arms, slogans, etc. shall not be printed or distributed on any **Election-Related Campaign Materials** or included on any **Election-Related** website, except in the case of a link to the Town's website to obtain information about the municipal **Election**.
- 1.5 Photographs produced for and owned by the Town of Newmarket shall not be used for any **Election** purposes.
- 1.6 Town **Employees** may not engage in political activity during working hours and shall not identify as Town **Employees** when engaged in any kind of political activity in accordance with Section 6 of this Policy.
- 1.7 **Members** are responsible for ensuring that the content of any communication material, including printed materials such as newsletters, advertising, etc. funded by the Town for the operation of each **Member's** Office, is not directly **Election-Related**.

2. Campaign Activities at Town-owned and/or operated facilities

- 2.1 **Candidates** and **Registered Third Parties** may not display **Campaign Materials** or campaign at **Town facilities** except subject to the following:
 - 2.1.1 **Candidates** and **Registered Third Parties** pay the full market rental fees and rates for use of such facilities; and,
 - 2.1.2 **Candidates** and **Registered Third Parties** set up and remove all **Campaign Materials**, including, but not limited to, signs, posters, and other campaign-related paraphernalia within the allotted rental period; and,
 - 2.1.3 **Campaign Materials** may only be displayed within the rented area designated within the rental agreement; and,
 - 2.1.4 **Candidates** and **Registered Third Parties** are permitted up to a maximum of 3 **Directional Signs** within the facility. The **Directional Signs** must be temporarily affixed to the wall, using

non-permanent tape that can easily be removed, without causing damage to the wall and/or paint. **Directional Signs** cannot obstruct or interfere with any existing signage.

- 2.2 **Candidates** and **Registered Third Parties** are not permitted to use the Municipal Offices (located at 395 Mulock Drive) or the Town's Operations Centre (located at 1275 Maple Hill Court) to undertake campaign-related activities.
- 2.3 **Candidates** and **Registered Third Parties** may not rent **Town facilities** for campaign related activities on a date when there is a Voter Assistance Centre or Voting Location established at that facility or property.

3. Campaign Activities at Events

~~Candidates may during the election period attend Town events, or events held at Town facilities, in either their capacity as elected representatives or as private citizens to glad hand with attendees and visitors, but may not solicit votes for themselves, a political party, registrant or a supporter of a question on a ballot.~~

- 3.1 **Candidates** and Registered Third Parties may attend Town organized events during the **Election** period, but may not display or distribute **Campaign Materials** for themselves a political party, third party, or a supporter of a question on a ballot.
- 3.2 **Candidates** and **Registered Third Parties** may attend and campaign at non-Town organized events on Town property with the permission of the permit holder with the exception of the Municipal Offices (395 Mulock Drive), and the Operations Centre (1275 Maple Hill Court).

4. Procedures for Members of Council during an Election Period

Activities not permitted during an **Election Period**:

- 4.1 **Members** may not use corporate resources for any **Election-Related** purpose. This includes, but is not limited to, the facilities, equipment, supplies, services, email system, voicemail system, Town staff or other resources of the Town.
- 4.2 **Members** may not print or distribute any **Election** or **Campaign Materials** using municipal funds or resources.

- 4.3 In any material printed or distributed by the Town of Newmarket, **Members** are not permitted to:
- 4.3.1 Illustrate that an individual (either a **Member** or any other individual) is a **Candidate** registered in any **Election**;
 - 4.3.2 Identify where they or any other individual will be running for office; or,
 - 4.3.3 Profile or make reference to **Candidate** in any **Election**.
- 4.4 Social media accounts, domain names or websites, that are funded by the Town, may not include any **Election-Related Campaign Material** and may not be re-designated for campaign purposes or provide a link to a campaign site.
- 4.5 During the **Election Period**, **Members** may not:
- 4.5.1 Seek donations and sponsorships for any event that has not been staged in the previous two years nor accept donations or stage any new event supported by donations and sponsorships.
 - 4.5.2 An event is considered to have been staged in the previous two years if it meets the following criteria:
 - (i) Has a very similar, if not the same, event name/title
 - (ii) Takes place at approximately the same time of year
 - (iii) Has the same general purpose;
 - (iv) ~~3.6.1 create new community groups or charitable organizations or events during an election period in which they are an acknowledged candidate; or~~
 - ~~3.6.2 knowingly allow his or her name or position and title to be used in connection with a community group or charitable organization event during the regular municipal election period or another election period in which they are an acknowledged candidate.~~

5. Activities Not Permitted Following May 1 in a Regular Municipal Election or the day a Candidate files their Nomination Papers in a By-Election

- 5.1 The Town shall cease providing Members with the following services up to the day following **Voting Day**:
 - 5.1.1 All forms of advertising, including in municipal publications;
 - 5.1.2 All printing, high speed photocopying and distribution **including but not limited to distribution of publications such as newsletters**;
 - 5.1.3 The ordering and use of **custom branded** stationery; and,
 - 5.1.4 All expenses related to ward or community meetings, business cards.
- 5.2 Notwithstanding section 5.1 **Members** may use corporate resources to advise or contact their constituents if an emerging, urgent community issue or corporate need arises with the consent and approval of the Clerk, between the following dates:
 - May 1 in a municipal **Election** year and **Voting Day**; or,
 - The date a **Candidate** files his/her nomination papers with the Clerk in a by-election, and **Voting Day**.
- 5.3 Subject to the Elected Officials Expense Policy and the Guidelines for Discretionary Expenses, all expenses as outlined in Section 5.1 of this Policy are subject to the following:
 - 5.3.1 Received and used prior to May 1 in a municipal **Election** year, or the date a **Candidate** files his/her nomination papers with the Clerk in a by-election.
 - 5.3.2 Submitted before May 1, in a municipal **Election** year or the date a **Candidate** files his/her nomination papers with the Clerk in a by-election, or within 2 months of the expense being incurred.
- 5.4 Ward publications will not be distributed following May 1 in a municipal **Election** year or the date a **Candidate** files his/her nomination papers with the Clerk in a by-election.
- 5.5 **Members** may not hold a **Ward or community Meeting** between ~~June 30~~ May 1 in a regular municipal **Election** year or the date a **Candidate** files

his/her nomination papers with the Clerk in a by-election, and the end of the Council term.

6. Procedures for Town of Newmarket Employees

- 6.1 **Employees** shall not canvass nor actively work in support of a **Candidate** or party during normal working hours, unless they are on a leave of absence without pay, lieu time, float day, or vacation leave.
- 6.2 **Employees** shall not canvass nor actively work in support of a **Candidate** or party while wearing a Town uniform, badge, crest or other item identifying them as a Town of Newmarket **Employee**, or while using a Town owned or leased vehicle.
- 6.3 **Employees** working directly for a **Member(s)** of Council (i.e., Executive and Administrative Assistants), shall not be assigned to work as **Election** officers in a municipal **Election**.
- 6.4 **Employees**, who are also relatives of any **Member** of Council or **Candidate** for municipal **Election**, shall not be assigned to work as **Election** officers in a municipal **Election**.
- 6.5 **Employees** shall not use their official authority or influence for the purpose of interfering with or affecting the result of an **Election**, nor use their official title while participating in otherwise permissible political activities.
- 6.6 **Employees** are advised to be especially mindful of public perception during municipal **Elections**, and to ensure that their activities do not conflict with nor adversely affect their duties as **Employees** of the Town. Moreover, **Employees** have a responsibility to ensure that public resources are not used for political campaign purposes.

7. Administration and Contact

- 7.1 This Policy shall be administered by the Legislative Services Department. Procedures may be defined, and amended from time to time, by the Clerk to address specific implementation of this Policy.
- 7.2 All questions, or concerns with respect to this Policy should be directed to the Director of Legislative Services/Town Clerk.

Cross-References

Municipal Elections Act, 1996

Canada Elections Act, S.C. 2000, c.9

Election Act, R.S.O. 1990, c. E.6

Ontario Municipal Act, 2001

Municipal Conflict of Interest Act, 1990

Council Code of Conduct

Employee Code of Conduct

Use of Corporate Logo, Crest and Images Policy

DRAFT

The meeting of the Heritage Newmarket Advisory Committee was held on Tuesday, September 12, 2017 in the Mulock Room, 395 Mulock Drive, Newmarket.

Members Present: Councillor Hempen
Athol Hart, Chair
Joan Seddon
Malcom Watts
Soni Felix Raj
Billie Locke, Vice Chair

Absent: Rohit Singh

Staff Present: M. White, Planner
K. Saini, Deputy Town Clerk, Recording Secretary

Guests: Brad Rogers, Groundswell Urban Planning
Peter Burton, VJ Architects

The meeting was called to order at 7:02 PM with Athol Hart in the Chair.

Additions and Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Presentations

1. King George School Re-Development Project - Window Design Update (400 Park Avenue)

Mr. Brad Rogers, Groundswell Urban Planning provided overview on the King George School Re-Development Project, and window design. The discussion focused on the window replacement project. It was noted that the current windows would be replaced in accordance with the original design of the windows. Discussion ensued regarding the paint colour of the new window trim, and the Chair advised that the original paint colour was white. There was also discussion regarding the window manufacturers and mortar, cornice branding, and proposed terrace.

Moved by: Councillor Hempen
Seconded by: Joan Seddon

1. That the presentation by Mr. Brad Rogers, Groundswell Urban Planning be considered as the first item on the agenda; and,
2. That the presentation by Mr. Brad Rogers, Groundswell Urban Planning regarding the window design update for the King George School (400 Park Avenue) re-development project be received.

Carried

Approval of Minutes

2. Heritage Newmarket Advisory Committee Minutes of July 11, 2017

Moved by: Councillor Hempen
Seconded by: Billie Locke

1. That the Heritage Newmarket Advisory Committee Minutes of July 11, 2017, be approved.

Carried

Correspondence

3. Correspondence from the Planning and Building Services Department regarding Notice of Passing of Zoning By-law 2017-44 for the property known as 260 Eagle Street

Moved by: Joan Seddon

Seconded by: Billie Locke

1. That the correspondence from the Planning and Building Services Department regarding Notice of Passing of Zoning By-law 2017-44 for the property known as 260 Eagle Street be received for information purposes.

Carried

4. Correspondence from the Planning and Building Services Department regarding Notice of Adoption of Official Plan Amendment Number 19

Moved by: Billie Locke
Seconded by: Soni Felix Raj

1. That the correspondence from the Planning and Building Services Department regarding Notice of Adoption of Official Plan Amendment Number 19 be received for information purposes.

Carried

5. Correspondence from the Planning and Building Services Department regarding Notice of Passing of Zoning By-law 2017-47 for the property known as 195 Harry Walker Parkway

Moved by: Joan Seddon
Seconded by: Malcolm Watts

1. That the correspondence from the Planning and Building Services Department regarding Notice of Passing of Zoning By-law 2017-47 for the property known as 195 Harry Walker Parkway be received for information purposes.

Carried

6. Memorandum dated July 5, 2017 from Ms. Meghan White, Planner regarding Proposed Site Plan - 2nd Technical Submission for the property known as 16945 Bayview Avenue

Moved by: Billie Locke
Seconded by: Soni Felix Raj

1. That the memorandum dated July 5, 2017 from Ms. Meghan White, Planner regarding Proposed Site Plan - 2nd Technical Submission for the

property known as 16945 Bayview Avenue be received for information purposes.

Carried

7. Correspondence from the Committee of Adjustment regarding the property known as 217 Park Avenue and 400 Park Avenue

There discussion regarding the correspondence from the Committee of Adjustment regarding the property known as 217 Park Avenue and 400 Park Avenue.

It was requested that this item be added to the Committee's October agenda for discussion.

8. Correspondence from the Planning and Building Services Department regarding a Statutory Public Meeting regarding a Proposed Zoning By-law Amendment for the property known as 514 Davis Drive

Moved by: Joan Seddon

Seconded by: Billie Locke

1. That the correspondence from the Planning and Building Services Department regarding a Statutory Public Meeting regarding a Proposed Zoning By-law Amendment for the property known as 514 Davis Drive be received for information purposes.

Carried

9. Operating Results for the period ending July 31, 2017

There was discussion regarding the booklets for housing styles in Ontario.

Moved by: Billie Locke

Seconded by: Joan Seddon

1. That the Operating Results for the period ending July 31, 2017 be received for information purposes; and,
2. That the Heritage Newmarket Committee recommends that the remaining budget for 2017 of \$617.11 be used to purchase approximately 500 booklets for housing styles in Ontario.

Carried

10. 2017 Council Workshop Presentation & Committee Accomplishments

There was discussion regarding the Committee's accomplishments, and workplan for the remainder of its term. The feedback was used and incorporated in the Committee's presentation to Council at its workshop planned for September 18, 2017.

11. 2018 Budget Requests

It was noted that Council referred all 2018 budget requests from the Committee to staff to review in accordance with the 2018 budget planning process.

12. Designated Property Maintenance Concerns

Councillor Hempen noted that Mr. King would take photographs of certain properties for the Heritage Committee's files.

a) Site Plaques

There was no discussion on this matter.

b) Residence Plaques

There was no discussion on this matter.

c) Heritage Location Plaques

There was no discussion on this matter.

13. Sub-Committee Reports

a) Architecture, Recreation, Culture, Heritage (ARCH) Committee

Athol Hart advised that the Committee is meeting tomorrow.

b) Elman W. Campbell Museum Board

There was no report from this Sub-Committee.

c) Lower Main Street South Heritage Conservation District Advisory Group

There was no report from this Sub-Committee.

d) Newmarket Historical Society Board of Directors

There was no report from this Sub-Committee.

New Business

14. 171 Church Street

There was discussion regarding 171 Church Street, and the property owner's desire to remove this property from the municipal registry.

It was requested that this item be added to the Committee's October agenda for discussion.

15. 487 Queen Street

There was discussion regarding 487 Queen Street, and the property owner's desire to receive a plaque for the property. It was noted that the property owner would be willing to pay for the plaque.

It was requested that this item be added to the Committee's October agenda for discussion.

16. Stickwood Farm

There was discussion regarding the condition and maintenance of the property.

It was requested that this item be added to the Committee's October agenda for discussion.

Adjournment

Moved by: Joan Seddon
Seconded by: Soni Felix Raj

1. That the Heritage Newmarket Advisory Committee adjourn at 8:55 PM.

Carried

Date

A. Hart, Chair

The meeting of the Main Street District Business Improvement Area Board of Management was held on Tuesday, September 19, 2017 in Hall # 2 of the Community Centre – 200 Doug Duncan Drive, Newmarket.

Members Present: Glenn Wilson, Chair
Anne Martin
Peter Mertens
Carmina Pereira
Jackie Playter
Rory Rodrigo
Siegfried Wall
Elizabeth Buslovich (7:30-7:59 PM)
Councillor Kwapis
Olga Paiva

Staff Present: E. Bryan, Business Development Specialist
S. Niezen, Records and Project Coordinator

The meeting was called to order at 7:32 PM.

G. Wilson in the Chair.

Additions & Corrections to the Agenda

None.

Declarations of Pecuniary Interest

None.

Presentations & Recognitions

None.

Deputations

1. John Dowson- Very Useful Theatre Company

Mr. John Dowson requested support for the re-creation of Festival of One Act Plays, on October 5, 6, 7, 2017 in Snap'd auditorium at OTH on behalf of the Very Useful Theatre Company. He advised that tickets are available online at www.vuttc.ca. He further advised that there will be a dramatic reading of *A Christmas Carol* at New Hope Methodist Church on December 3, 2017.

2. Heart of Newmarket

Mr. Bill Wolske on behalf of Heart of Newmarket Citizens Group provided the Committee with background information on the group. He advised that the Heart of Newmarket Citizens Group is a not-for-profit incorporated group that advocates for the citizens' perspective on various issues, protects cultural and built heritage of the community, and provides information on matters regarding planning on Main Street.

Mr. Gerald Fox provided overview of Clocktower OMB hearing. He advised members that the hearing on November 15, 2017 will be to determine property ownership. In addition, there will be a conference call on February 8, 2017 to confirm the happenings of the November hearing. He further advised that there is a fundraiser being initiated to raise money from local businesses and residents to support the group at the OMB hearing.

A request was made put Heart of Newmarket Citizens Group on the Agenda for the BIA Meeting on November 21, 2017.

Approval of Minutes

3. Main Street District Business Improvement Area Board of Management Minutes of July 18, 2017.

Moved by: Carmina Pereira
Seconded by: Peter Mertens

1. That the Main Street District Business Improvement Area Board of Management Minutes of July 18, 2017 be approved.

Carried

4. Marketing Sub-committee Report/Minutes

Moved by: Jackie Playter

Seconded by: Olga Paiva

2. That the market sub-committee Report/Minutes be approved.

Carried

Items

5. Report from Councillor Kwapis

Councillor Kwapis provided verbal update on the following issues:

- Old Town Hall beautification including: a bike rack, planters clean-up, flowers planted, street name, and a plaque in Old Town Hall to recognise volunteers and financial donations.
- A request for electronic speed sign on Main Street South.
- An update on the Soofa benches which are estimated to arrive in approximately six weeks.
- Smart parking installation is expected by the end of the year.
- Garbage bins on Cedar Street
- A report regarding vacant storefronts will be going to the September 25, 2017 Committee of the Whole meeting.
- Town Wide Parking
- Light Post Banner Policy – Remembrance Day banners will be put up this year.

8. Light post banner policy

The Light post banner policy will be discussed at the next meeting, including information on Christmas lighting.

9. Street Events Update

- A verbal update was provided regarding the Kids Halloween Bash and a request was made to close the Street from 6:00 AM to 3:00 PM.
- The candlelight parade is scheduled for November 17, 2017.
- The BIA Christmas party is tentatively scheduled for November 27, 2017.
- There was a request for release of money for the Halloween Bash, Candlelight Parade and the Christmas Party as allocated in Budget.

10. Financial Update

The Business Development Specialist provided a financial update.

Moved by: Elizabeth Buslovich
Seconded by: Siegfried Wall

That the financial update be received.

Carried

11. Newmarket Downtown Development Committee Update

No update.

Closed Session (if required)

None.

New Business

The Business Development Specialist provided an update on communication with Central Counties, information on workshops available through York Small Business Centre and about grant opportunities.

She further advised that there is an active film permit application for October 17, 18 and 19th and that Committee Members can provide comments to Legislative Services. Concerns were raised regarding parking in the downtown area when the street is closed for filming.

Adjournment

Moved by: Peter Mertens
Seconded by: Rory Rodrigo

That the meeting adjourn at 9:45 PM.

Carried

Date

G. Wilson, Chair



**Newmarket Public Library Board
Regular Board Meeting
Wednesday, June 21, 2017
Newmarket Public Library Board Room**

Present: Joan Stonehocker, Chair
Tara Brown, Vice Chair
Kelly Broome
Darcy McNeill
Venkatesh Rajaraman
Jane Twinney

Regrets: Tom Vegh

Staff Present: Todd Kyle, CEO
Linda Peppiatt, Deputy CEO
Lianne Bond, Administrative Coordinator

The Library Board Chair called the meeting to order at 5:35 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.

Motion 17.06.210

Moved by Venkatesh Rajaraman

Seconded by Kelly Broome

That Agenda items 1) to 3) be adopted as presented.

Carried

Declarations

None were declared.

Consent Agenda Items:

4. Adoption of the Regular Board Meeting Minutes for Wednesday, May 17, 2017
5. Adoption of the Closed Session Minutes for May 17, 2017
6. Strategic Operations Report for May, 2017
7. Library Statistical Data for May, 2017
8. Monthly Bank Transfer

Motion 17.06.214

Moved by Darcy McNeill

Seconded by Venkatesh Rajaraman

That the Library Board receive the report on 2018 Capital and Operating Budget.

Carried

Date(s) of Future Meetings

14. The next regular Library Board meeting is scheduled to September 20, 2017 at 5:30 in the Library Board room.

Adjournment

Motion 17.06.215

Moved by Tara Brown

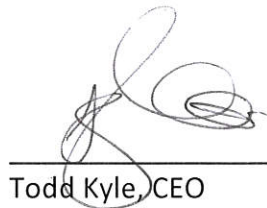
Seconded by Jane Twinney

That there being no further business meeting adjourned at 6:35 pm.

Carried



Joan Stonehocker
Chair



Todd Kyle, CEO
Secretary/Treasurer



**Newmarket Public Library Board
Regular Board Meeting
Wednesday, September 20, 2017
Newmarket Public Library Board Room**

Present: Joan Stonehocker, Chair
Tara Brown, Vice Chair
Darcy McNeill
Jane Twinney
Tom Vegh

Regrets: Kelly Broome
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 5:35 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 to New Business.

Motion 17.09.216

Moved by Tom Vegh

Seconded by Tara Brown

That Agenda items 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, June 21, 2017
5. Strategic Operations Report for June to August, 2017
6. Library Statistical Data for August, 2017
7. Monthly Bank Transfer

Motion 17.09.217**Moved by Darcy McNeill****Seconded by Jane Twinney**

That Consent Agenda items 4) to 7) be received and approved as presented.

Carried

Closed Session

8. Motion to move into Closed Session

No Closed Session items at the time of agenda distribution.

Policies

9. Health and Safety Policy

This policy is to be reviewed annually and no changes were recommended.

10. Workplace Violence Policy and Workplace Harassment Policy

These policies are to be reviewed annually and no changes are recommended for either policy.

Motion 17.09.218**Moved by Darcy McNeill****Seconded by Tara Brown**

That the Library Board approve the Health and Safety Policy, Workplace Violence Policy and Workplace Harassment Policy without change.

Carried

11. Room Rental Policy and Rate Schedule

The CEO reviewed the recommended changes to the Room Rental Policy with the Library Board. It was also recommended that room rental and advertising rates be raised annually by the inflation rate.

Motion 17.09.219**Moved by Tara Brown****Seconded by Darcy McNeill**

That the Library Board approve the proposed room rental and advertising rate schedule effective January 1, 2018.

And That the Library Board authorize the CEO to raise room rental and advertising rates annually in accordance with average inflation rates as part of the preparation of operating budget drafts.

And That the Library Board approve the revised Room Rental Policy.

Carried

Reports

12. Second Quarter Financial Statement

The Library is on target for the second quarter of 2017 in both expenditures and revenue.

Motion 17.09.220

Moved by Jane Twinney

Seconded by Tara Brown

That the Library Board receive the Second Quarter Financial Statement as presented.

Carried

13. Impact Survey

The Library has completed another 3 week survey and results of the survey were presented to the Library Board. A lot of good comments were submitted on how helpful Library staff are and the Board thanked Library staff for their good work.

Motion 17.09.221

Moved by Jane Twinney

Seconded by Tom Vegh

That the Library Board receive the report on the Impact Survey.

Carried

Business Arising

14. 2018 Operating and Capital Budget

Highlights of changes to base Operating Budget 2018 and 2018 were reviewed by the Library Board.

Motion 17.09.222

Moved by Darcy McNeill

Seconded by Tara Brown

That the Library Board approve the 2018 Operating Budget request as presented.

Carried

A Summary of 2018 Budget and Growth and Enhancement Initiatives proposed was reviewed by the Library Board.

Motion 17.09.223

Moved by Darcy McNeill

Seconded by Tara Brown

That the Library Board approve the 2018 Growth and Enhancement requests for Minimum Wage Requirement, Monday Service and Technology Programming and Outreach as presented.

Carried

The 2018 Capital Project Requests were presented to the Library Board.

Motion 17.09.224

Moved by Tara Brown

Seconded by Darcy McNeill

That the Library Board approve the 2018 Capital Project Requests as presented.

Carried.

15. Leadership by Design e-Learning

- a) Board Performance and Community Development
Deferred to next Library Board meeting.

16. Library Board Action List

The Library Board reviewed the Action list.

Motion 17.09.228

Moved by Tom Vegh

Seconded by Jane Twinney

That the Library Board receive the Library Board Action List.

Carried

New Business

17. DVD and Video Game Loans

A review of the current borrowing parameters for DVD and Video Games was conducted and proposed changes to these parameters was presented to the Library Board.

Motion 17.09.229

Moved by Darcy McNeill

Seconded by Jane Twinney

That the Library Board approve the proposed DVD and Video Game loan parameters.

Carried

18. Elevator Repair

The Library Board were advised of a needed repair on the elevator that will put the elevator out of service for approximately four days. The Board was asked to approve the expenditure of the repair as quoted (\$17,000 approximately) which will be funded through the Minor Capital Reserve (formerly the TCA non Capital Reserve).

Motion 17.09.230

Moved by Darcy McNeill

Seconded by Tara Brown

That the Library Board approve the expenditure to repair of the elevator as quoted from the Minor Capital Reserve.

Carried

Date(s) of Future Meetings

19. The next regular Library Board meeting is scheduled for Wednesday, October 18, 2017 at 5:30 in the Library Board room.

Adjournment

Motion 17.09.231

Moved by Tara Brown


Seconded by Jane Twinney

That there being no further business meeting adjourned at 6:50 pm.

Carried



Joan Stonehocker
Chair



Todd Kyle, CEO
Secretary/Treasurer

The meeting of Site Plan Review Committee was held on Monday, October 23, 2017 at 2:00 p.m. in the Council Chambers at 395 Mulock Drive, Newmarket.

Members

Present: Mayor Van Bynen
Regional Councillor Taylor
Councillor Bisanz
Councillor Broome
Councillor Hempen
Councillor Kerwin
Councillor Kwapis
Councillor Twinney

Members

Absent: Councillor Vegh

Staff: Rick Nethery, Director of Planning & Building Services
Linda Traviss, Senior Planner – Development
Ted Horton, Planner
David Potter, Chief Building Official

The meeting was called to order at 2:00 p.m. No conflicts of interest were declared.

Councillor Broome in the Chair.

1. **APPLICATION FOR SITE PLAN APPROVAL**
680 GORHAM STREET – WARD 2
(SOUTH SIDE OF GORHAM STREET, WEST OF MAPLE STREET)
OUR FILE NO.: D14-NP17-16
MAPLE LANE LANDS & DEVELOPMENT CO. LTD.
-

Application for Site Plan Approval to permit the construction of a two-storey, four unit rental residential building with 7 parking spaces to be located at the rear of the property.

Angela Sciberras of Macaulay Shiomi Howson Ltd. was present to address the Committee. Lionel Franklin, 677 Gorham Street, NEWMARKET ON L3Y 1L5 also addressed Committee.

The Site Plan Review Committee recommends:

1. **THAT the Application for Site Plan Approval to permit the construction of a two-storey, four unit rental residential building with 7 parking spaces to be located at the rear of the property be approved in principle and referred to staff for processing, subject to the following:**
 - a. **THAT the preliminary review comments (requirement for servicing allocation, approval from Lake Simcoe Region Conservation Authority, approval from Region of York Water Resources Division, compliance with Town's Tree Policy, and provision of a Construction Management Plan) be addressed to the satisfaction of Town staff.**
2. **AND THAT Angela Sciberras, Macaulay Shiomi Howson Ltd., 520 Industrial Parkway South, Unit 202, AURORA ON L4G 6W8, be notified of this decision.**

The meeting adjourned at approximately 2:14 p.m. The next regular meeting of the Site Plan Review Committee is expected to be held on November 13, 2017.

Oct 24/17

Dated



Director, Planning & Building Services

1. **APPLICATION FOR SITE PLAN APPROVAL
680 GORHAM STREET – WARD 2
(SOUTH SIDE OF GORHAM STREET, WEST OF MAPLE STREET)
OUR FILE NO.: D14-NP17-16
MAPLE LANE LANDS & DEVELOPMENT CO. LTD.**
-

Application for Site Plan Approval to permit the construction of a two-storey, four unit rental residential building with 7 parking spaces to be located at the rear of the property.

The Site Plan Review Committee recommends:

1. **THAT the Application for Site Plan Approval to permit the construction of a two-storey, four unit rental residential building with 7 parking spaces to be located at the rear of the property be approved in principle and referred to staff for processing, subject to the following:**
 - a. **THAT the preliminary review comments (requirement for servicing allocation, approval from Lake Simcoe Region Conservation Authority, approval from Region of York Water Resources Division, compliance with Town's Tree Policy, and provision of a Construction Management Plan) be addressed to the satisfaction of Town staff.**
2. **AND THAT Angela Sciberras, Macaulay Shiomi Howson Ltd., 520 Industrial Parkway South, Unit 202, AURORA ON L4G 6W8, be notified of this decision.**

Town of Newmarket

Outstanding Matters List

Schedule A: Items for the 2014-2018 Term of Council

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
1.	<p>Meeting Date: Council – December 5, 2016</p> <p>Subject: Item 44 Development & Infrastructure Services – Planning & Building Services Report 2016-25 – 178, 170, 184, 188, 190 and 194 Main Street s</p>	<p>That in 120 days, staff be directed to bring back an amendment to the Heritage Conservation District Plan and By-law for consideration of Council that would outline the criteria which would need to be met by applicants in order to be considered for approval for a fourth storey set back from the street by a minimum of 15 (fifteen) feet.</p> <p>➤ Planning and Building Services</p>	Q1, 2019 OMB Hearing Scheduled for August 2018.	This direction has been deferred as it will be Council's position at the Ontario Municipal Board hearing related to 178-194 Main Street South
2.	<p>Meeting Date: Council – April 4, 2016</p> <p>Subject: 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>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. 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; and, 2. 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; and, 3. That future Council Workshops be done to consider specific uses and negotiation strategies on potential property acquisitions, as outlined in the report; and, 4. 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>Responsible Department: ➤ Recreation and Culture</p>	<p>Q4, 2016 Q2, 2017 Q4, 2017 Q1, 2018</p>	<p>An information report will be forthcoming in Q4, 2017 outlining a series of PIC's that will be related to various aspects of Phase 3 of the Recreation Playbook</p>

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
3.	<p>Meeting Date: Committee of the Whole – November 28, 2016</p> <p>Subject: Item 23 - Development & Infrastructure Services Report – ES 2016-54 Public Consultation and Support Plan – Transportation Services Update</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the Public Consultation and Support Plan as outlined in Appendix A be adopted for use starting January 1, 2017; and, 2. That the Public Consultation and Support Plan be reviewed both internally and by the public throughout 2017 for improvements for 2018, if necessary. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Engineering Services 	Q1, 2018	
4.	<p>Meeting Date: Committee of the Whole – February 27, 2017</p> <p>Subject: Item 23 – Motion, Councillor Bisanz</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff prepare a report on options and opportunities to address residential on street and off street parking challenges. Specifically, the report should consider the impact that changing economics and demographics have on housing occupancy and ways in which the Town of Newmarket can better balance reasonable parking needs with streetscape aesthetics, active transportation objectives and effective by-laws enforcement. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services 	Q3/Q4, 2017 November 6, 2017 Committee of the Whole	
5.	<p>Meeting Date: Committee of the Whole – February 27, 2017</p> <p>Subject: Item 19 – Development & Infrastructure Services – Planning & Building Services and Public Works Services Report 2017-05 – Tree Removal, Protection Policies and Regulations</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Council direct staff to update the existing Tree Preservation, Protection, Replacement and Enhancement Policy. 2. That Council direct staff to prepare and bring to a future meeting a by-law regulating and protecting significant trees on private property; and, 3. That Council direct staff to prepare and bring to a future Council meeting a by-law protecting trees on municipal property. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services 	Q3/Q4, 2017 2018 November 13, 2017 - Council	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
6.	<p>Meeting Date: Committee of the Whole – March 20, 2017</p> <p>Subject: Council Remuneration and Tax Status (CAO/Finance/Human Resources Report 2017-03)</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Council maintain the 1/3 tax free status relative to Council remuneration; 2. And that the matter of Council Remuneration and Tax Status be brought forward within the first twelve months of a new term of Council beginning in 2018. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ CAO/Finance/Human Resources 	Q1 - 2018	
7.	<p>Meeting Date: Council – March 27, 2017</p> <p>Subject: Item – Motion, Councillor Twinney</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff review Zoning By-law 2010-40 and 2013-40 to address best practices related to infill development standards across the Town as a whole. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning & Building Services 	Q3/Q4, 2017 Q1 – 2018 Workshop to be Scheduled	
8.	<p>Meeting Date: Committee of the Whole – May 8, 2017</p> <p>Subject: Item 26 – Community Services – Commissioner and Newmarket Public Library Joint Report 2017-07 regarding Library Facility Needs Assessment</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the library facility needs assessment be referred to staff to be brought forward with the operational efficiency review. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Community Services – Commissioner/Library 	Q4, 2017	To follow Efficiency Review

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
9.	<p>Meeting Date: Committee of the Whole – May 8, 2017</p> <p>Subject: Item 32 – Motion, Councillor Bisanz Information Document for Residents Related to Construction Sites</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Council approve the following motion in principle: 2. That staff be directed to prepare an information document that can be provided to residents in the vicinity of new construction sites, the purpose of which is to advise and to communicate to the residents, the various activities, potential impacts and expected timelines associated with each phase of construction, from site clearing through to house construction; and, 3. That developers, through their consulting engineers, be required to ensure that residents, and the relevant Ward Councillor, in adjacent areas receive advance written notice of construction events to take place, so that they can be better informed and prepared for any disruption that may occur as a result; and, 4. That the aforementioned motions be referred to staff for a report back including options and resource requirements. <p>Responsible Department: ➤ Planning & Building Services</p>	Q4, 2017 Q1, 2018	
10.	<p>Meeting Date: Committee of the Whole – May 8, 2017</p> <p>Subject: Item 23 – Development and Infrastructure Services Report – Engineering Services Information Report 2017-15 regarding Newmarket East-West Bikeway PIC Report</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Development and Infrastructure Services Report – Engineering Services Information Report 2017-15 regarding 2017 Newmarket East-West Bikeway PIC Report be received; and, 2. That staff monitor the implementation of the bike lanes, analyze the impacts for a one year period and provide a report back to Council in one year. <p>Responsible Department: ➤ Engineering Services</p>	May, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
11.	Meeting Date: Committee of the Whole – May 8, 2017 Subject: Item 3 – Corporate Services Report – Legislative Services 2017-07 – “Restricted Area for Driving Schools and Instructors”	Recommendation: 1. That Option 1 of the Report be implemented; and, 2. That staff provide a status report on the “Restricted Area” within 12 months of implementing Option 1 of the Report. Responsible Department: ➤ Legislative Services	May, 2018	
12.	Meeting Date: Committee of the Whole - June 19, 2017 Subject: Motion – Textile Diversion Program	Recommendation: 1. That the PowerPoint presentation entitled “Diabetes Canada – Textile Diversion Program for the Town of Newmarket” by Mr. Ryan Michaels and Mr. Blaine Hobson be received and referred to staff. Responsible Department: ➤ Public Works Services	November 27, 2017	
13.	Meeting Date: Committee of the Whole – August 28 – Motion Subject: Item 3 of Accessibility Advisory Committee Meeting Minutes of March 23 re: Accessibility in the downtown area	Recommendation: That the Operational Leadership Team recommends that the follow recommendation be referred to staff for review and report: 1. That The Accessibility Advisory committee recommends to Council that Council consider ways to make as many entrances to Main Street buildings as accessible as possible. Responsible Departments: ➤ Legislative Services (lead), Planning and Building Services, Engineering Services & Legal Services	Q1-Q2 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
14.	<p>Meeting Date: Committee of the Whole – August 28 – Motion</p> <p>Subject: Item 5 of the draft Heritage Newmarket Advisory Committee Meeting Minutes of July 11, 2017 re: 770 Gorham</p>	<p>Recommendation:</p> <p>1. The Operational Leadership Team recommends to Council that the following be referred to staff for review and report:</p> <p>a. That the Heritage Newmarket Advisory Committee recommend to Council that the request to remove the property known as 770 Gorham Street from the Municipal Register of Non-Designated Heritage Properties be denied; and,</p> <p>b. That the Heritage Newmarket Advisory Committee recommends to Council that the property known as 770 Gorham Street be designated as a heritage property due to its cultural and architectural importance.</p> <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services 	Q4, 2017	
15.	<p>Meeting Date: Committee of the Whole – August 28, 2017</p> <p>Subject: Items 6 and 9 of the draft Heritage Newmarket Advisory Committee Meeting Minutes of July 11, 2017 re: Workplan and Operating Budget Discussion and Ontario Heritage Conference</p>	<p>Recommendation:</p> <p>1. The Operational Leadership Team recommends to Council that the following be referred to staff for consideration as part of the 2018 budget process:</p> <p>a. That Heritage Newmarket Advisory Committee recommend to Council that \$5,000 be allocated for designation reports; and,</p> <p>b. That Heritage Newmarket Advisory Committee recommend to Council that \$500 be allocated towards a workshop for Real Estate professionals and Property Appraisers; and,</p> <p>c. That Heritage Newmarket Advisory Committee recommend to Council that \$1,600 be allocated towards purchasing 4 Heritage Conservation District plaques; and,</p> <p>d. That the Heritage Newmarket Advisory Committee recommend to Council that \$3,000 be allocated towards attendance for two members to attend the annual Heritage Conference.</p> <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Financial Services 	October 16, 2017 November 20, 2017	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
16.	<p>Meeting Date: Committee of the Whole – August 23-, 2017</p> <p>Subject: Motion, Councillor Hempen - Flooding Concerns</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> That staff bring forward a report looking at subsidies or other methods/options for homeowners dealing with flooding issues. <p>Responsible Department:</p> <ul style="list-style-type: none"> Public Works Services/ Corporate Communications 	Q2, 2018	This item is related to backflow preventers
17.	<p>Meeting Date: Committee of the Whole September 25, 2017</p> <p>Subject: Motion re: Diversity and Inclusivity Strategy</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> That the report entitled "Diversity and Inclusivity Programs" be deferred to a future Committee of the Whole meeting, as York Region is currently amending its Diversity and Inclusivity Charter. <p>Responsible Department:</p> <ul style="list-style-type: none"> Human Resources Department 	Q4, 2017	
18.	<p>Meeting Date: Committee of the Whole – September 25, 2017</p> <p>Subject: Petition regarding Speed and Traffic Mitigation near Queen Street/Lorne Avenue</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> That the petition be referred to staff in accordance with the Public Consultation and Support Plan – Transportation Services Policy. <p>Responsible Department:</p> <ul style="list-style-type: none"> Engineering Services 	Q2, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
19.	<p>Meeting Date: Committee of the Whole – September 25, 2017</p> <p>Subject: Motion – Proposed Natural Heritage System for the Growth Plan for the Greater Horseshoe</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Development and Infrastructure Services/Planning & Building Services Report 2017-29 dated September 25, 2017 regarding the Proposed Natural Heritage System for the Growth Plan for the Greater Golden Horseshoe, Summary of Criteria and Methods, be received; and, 2. That Council endorse the Region's submission to the province in response to Environmental Registry Posting Numbers 013-0968 regarding Draft Provincial guidance on Natural Heritage Systems and Agricultural System mapping, including the following key comments: <ol style="list-style-type: none"> a. The Province is commended for their flexible approach to finalizing the agricultural system through the municipal comprehensive review process; b. Proposed natural Heritage mapping should remind draft until finalized through municipal comprehensive reviews; c. All existing settlement designations are accurately mapped and protected through municipal comprehensive reviews; d. Local municipalities should have the opportunity to complete environmental studies before the Natural Heritage mapping is finalized; and, 3. That this recommendation be forwarded to the Regional Municipality of York and the Province of Ontario; and, 4. That staff schedule a Council Workshop or Special Committee of the Whole to achieve a current Council position on issues related to Oak Ridges Moraine designations and Natural Heritage System Designations to be the basis for input into the Regional Municipal Comprehensive Reviews. <p>Responsible Department: ➤ Planning and Building Services</p>	Q4, 2017, Workshop to be scheduled in November	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
20.	<p>Meeting Date: Committee of the Whole – September 25, 2017</p> <p>Subject: Petition to re-start grass clipping disposal service in Newmarket</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That the petition to re-start grass clipping disposal service in Newmarket be referred to staff for review and report. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Public Works Services 	Q1, 2018	
21.	<p>Meeting Date: Committee of the Whole - September, 25, 2017</p> <p>Subject: Vacant Building Report – Window Wrap Program</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Corporate Services – Legislative Services Report 2017-16 dated September 14, 2017 entitled “Vacant Buildings/Storefronts” be received; and, 2. That staff be directed to report back on Option 2, a Window Wrap program. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Legislative Services/Economic Development 	Q1, 2018	
22.	<p>Meeting Date: Committee of the Whole – September 25, 2017</p> <p>Subject: Motion, Councillor Kwapis – East West Bike Lanes on Park Avenue</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff review proposed modifications to the east-west bike lane and report back in the Spring of 2018. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Engineering Services 	Q2, 2018	
23.	<p>Meeting date: Committee of the Whole – September 25, 2017</p> <p>Subject Motion, Councillor Hempen – Welcome Sign on Longford Drive</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff be directed to schedule a meeting for the Mayor, Deputy Mayor & Regional Councillor, Councillor Hempen, Councillor Broome and the property owner to discuss the potential signage on Longford Drive; and, 2. That staff provide an alternative signage and seating area option that would be as cost effective as possible. <p>Responsible Department</p> <ul style="list-style-type: none"> ➤ Engineering Services 	Q1, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
24.	<p>Meeting date: Committee of the Whole – October 16, 2017</p> <p>Subject Motion, Regional Councillor Taylor - Newmarket GO Station – Draft Mobility Hub Station Area Plan</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Development and Infrastructure Services/Planning & Building Services Report 2017-39 dated October 16, 2017 regarding Newmarket GO Station – Draft Mobility Hub Station Area Plan be received and the following recommendations be adopted, as amended: <ol style="list-style-type: none"> a. That Council direct staff to submit Report 2017-39 to Metrolinx as the Town of Newmarket's comments on the Newmarket GO Station- Draft Mobility Hub study; and, b. That "Improved Wayfinding" along the Tom Taylor Trail be included in Phase 1; and, c. That Subject to York Region Transit (YRT) comments, on-site local bus accommodations through either the sharing of the on-site Mobility Plus spaces with other YRT busses, and/or creating other on-site YRT bus accommodation be included in Phase 1; and, d. That Metrolinx be directed to assess the width of the north/south road connection through the station lands with an understanding that this area is to be pedestrian-focused and maximize opportunities for re-development; and, e. That Metrolinx, through the Technical Transportation Report, thoroughly examine all grade separation options for implementation over the medium and long-term, including road over/under rail and rail over/under road scenarios; and, f. That the Mobility Hub Study address the future Viva usage, GO Bus usage and York Region Transit usage of the existing bus facility on Eagle Street, given the transit improvements that are envisioned, including additional GO Train service, the new Mulock Station, and the Yonge Street Viva Rapidway. <p>Responsible Department ➤ Planning and Building Services</p>	Q1, 2018	

	Meeting Date and Subject	Recommendation and Responsible Department	Date for reporting back to Committee of the Whole	Staff Comments
25.	<p>Meeting date: Committee of the Whole – September 25, 2017</p> <p>Committee of the Whole – October 16, 2017</p> <p>Subject Motion, Councillor Kwapis - Town Wide Traffic Mitigation Strategy – 2017</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That Development and Infrastructure Services Report – Engineering Services 2017-32, dated October 2, 2017, entitled “Town-wide Traffic Mitigation Strategy 2017 - Timing” be received and the following recommendations be adopted: <ol style="list-style-type: none"> a. That the final report be brought back to Council by early Quarter 3 2018; and, b. That staff continue to expedite the process to provide the report sooner, if possible; and, c. That all current road safety, speed management and traffic calming programs that are currently underway, and are in accordance with the principles set out in “Appendix A” (draft strategy) from Development and Infrastructure Services Report ES 2017-29 (Town-wide Traffic Mitigation Strategy 2017), continue as planned throughout the consultation period and until the final strategy document is approved by Council, at which time the programs will be reviewed to plan their conformance with the new approved strategy. <p>Responsible Department ➤ Engineering Services</p>	Q3, 2018	
26.	<p>Meeting date: Committee of the Whole – October 16, 2017</p> <p>Subject Motion, Regional Councillor Taylor – Low Impact Development</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff be directed to report to Council in 2018 with best practices and opportunities to implement Low Impact Development (LID) in relation to flooding, flood mitigation, and storm water management in residential neighbourhoods. <p>Responsible Department ➤ Engineering Services</p>	Q3, 2018	

TOWN OF NEWMARKET

Outstanding Matters

Schedule B: Items for the 2018-2022 Term of Council

Item Subject	Recommendations & Responsibility	Date to come back to Committee	Comments
<p>1. Meeting Date: Council – December 14, 2015</p> <p>Subject: 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>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff provide alternate trail options for this area at a lower cost; and, 2. That Item 35 of the Council Minutes of December 14, 2015 being Joint Development and Infrastructure Services - Planning and Building Services and Engineering Services Report 2015-44 dated November 19, 2015 regarding a proposed trail from Yonge Street to Rita's Avenue be reconsidered; and, 3. That staff provide alternate trail options for this area at a lower cost, including the option of extending the trail through George Luesby Park along Clearmeadow Boulevard to Yonge Street and further connecting the trail from Flanagan Court/Rita's Avenue to the George Luesby Park Trail; and, 4. That staff also include in the report the option of installing lighting along the George Luesby Park Trail. <p>Responsible Department:</p> <ul style="list-style-type: none"> ➤ Planning and Building Services 	<p>Timeline to be determined</p>	<p>Deferred subsequent to VivaNext construction</p> <p>October 24, 2017 P. Noehammer advised this item should be moved to Schedule B</p>
<p>2. Meeting Date: Special Committee of the Whole-January 30, 2017</p> <p>Subject: Internet Voting and Ranked Ballots</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 1. That staff report back on Internet Voting and Ranked Ballots in 2019 immediately following the 2018 Municipal Election. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Legislative Services 	<p>Q1, 2019</p>	

3.	<p>Meeting Date: Council – June 7, 2016 – Item 35</p> <p>Subject: Federal Infrastructure Funding (Joint Office of the CAO and Commissions of Development and Infrastructure Services, Community and Corporate Services Report 2016-08)</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> 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>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Strategic Initiatives 	2018	Awaiting next phase of funding announcements
4.	<p>Meeting Date: Council – June 26, 2017- Item 10</p> <p>Subject: Application for Official Plan Amendment and Zoning By-law Amendment – 260 Eagle Street</p>	<p>Recommendation:</p> <ol style="list-style-type: none"> That traffic impacts be monitored post construction. <p>Responsible Departments:</p> <ul style="list-style-type: none"> ➤ Engineering Services 	Development is estimated to not be completed before 2020	

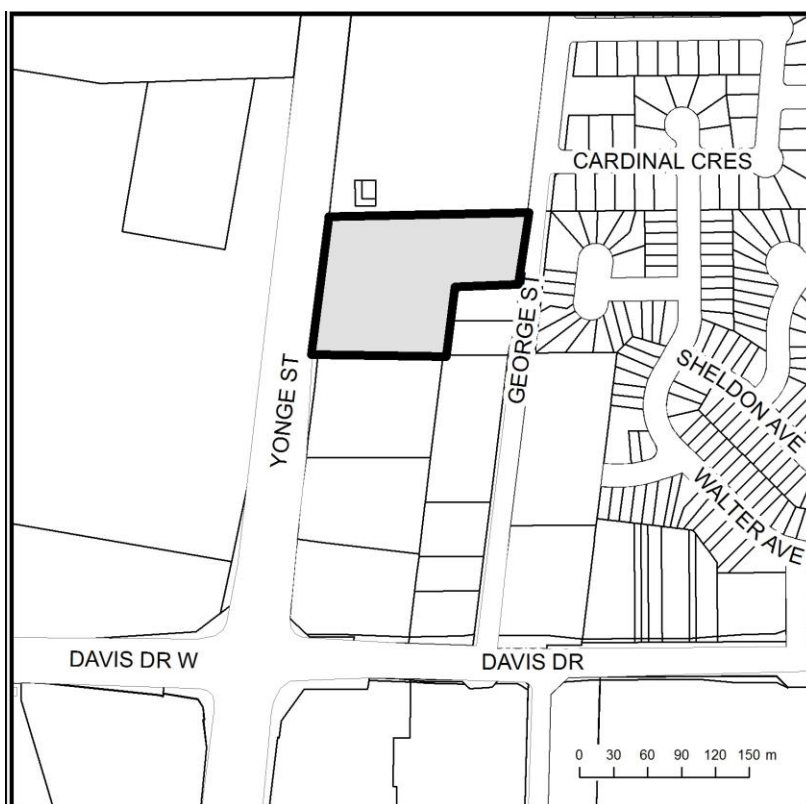
**PUBLIC MEETING CONCERNING
PROPOSED OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS**

TAKE NOTICE that the Council of the Corporation of the Town of Newmarket will hold a Public Meeting on:

MONDAY NOVEMBER 6, 2017 AT 7:00 P.M.

in the **Council Chambers at the Municipal Offices, 395 Mulock Drive**, to consider a proposed Zoning By-Law Amendment under Section 34 of the Planning Act, RSO 1990, c. P. 13 as amended and a proposed Official Plan amendment under Section 17 of the Planning Act, RSO 1990, c. P. 13 as amended.

An application has been submitted for an Official Plan Amendment and Zoning By-Law Amendment for lands located at 17645 Yonge Street. The net effect of this application is to permit a proposed mixed use development consisting of 530 residential apartment units and 1,919 square meters of commercial space within a 4 storey podium and three towers of 21, 19 and 17 storeys.



ANY PERSON may attend the public meeting to make written or verbal representation either in support of or in opposition to the proposed Official Plan and Zoning By-Law Amendments. If you wish to use the Town's audio/visual system, please contact the Clerk's Office not later than noon on the day of the meeting to make the appropriate arrangements. Should you be unable to attend the public meeting, your written submission will be received up to the time of the meeting.

IF YOU WISH TO BE NOTIFIED of the adoption of the proposed Official Plan and Zoning By-Law Amendments, you must make a written request to the Town of Newmarket, 395 Mulock Drive, P.O. Box 328, STN MAIN NEWMARKET, ON L3Y 4X7

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting or make written submissions to the Town of Newmarket before the by-law is passed, the person or public body is not entitled to appeal the decision of the Town of Newmarket to the Ontario Municipal Board.

IF A PERSON OR PUBLIC BODY does not make oral submissions at a public meeting, or make written submissions to the Town of Newmarket before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there is reasonable grounds to do so.

ADDITIONAL INFORMATION relating to the proposed Official Plan and Zoning By-Law Amendments is available for inspection between 8:30 a.m. and 4:30 p.m. on weekdays at the Municipal Offices, 395 Mulock Drive, Newmarket.

Dated October 17, 2017

**Direct any inquiries to the
Planning Department 905-953-5321
Please refer to File No. D9-NP 17 14
(Official Plan Amendment), D14-NP17 14
(Zoning By-law Amendment)**

5. Committee of the Whole Meeting Minutes of September 25, 2017

Moved by: Councillor Hempen

Seconded by: Deputy Mayor & Regional Councillor Taylor

(13) Application for Official Plan and Zoning By-law Amendment (17645 Yonge Street)

1. That Development and Infrastructure Services/Planning and Building Services Report 2017-32 dated September 25, 2017 regarding Application for Official Plan Amendment and Zoning By-law amendment be received and the following recommendations be adopted:
 - a. That the Application for Official Plan Amendment and Zoning By-law amendment as submitted by 17645 Yonge Street Developments Inc. for lands Municipally known as 17645 Yonge Street be referred to a public meeting; and,
 - b. 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; and,
 - c. That Kerigan Kelly, Groundswell Planning, 30 West Beaver Creek, Richmond Hill, ON L4B 3K1 be notified of this action.

In Favour: Mayor Van Bynen, Deputy Mayor & Regional Councillor Taylor, Councillor Vegh, Councillor Kerwin, Councillor Hempen, Councillor Kwapis, Councillor Broome, Councillor Bisanz

Opposed: None
(8 in favour, 0 opposed)

Carried

**PLANNING AND BUILDING SERVICES****Town of Newmarket**

395 Mulock Drive

P.O. Box 328, STN Main

Newmarket, ON L3Y 4X7

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September 25, 2017

**DEVELOPMENT AND INFRASTRUCTURE SERVICES/PLANNING & BUILDING SERVICES REPORT
2017-32**

TO: Committee of the Whole

SUBJECT: **Application for Official Plan and Zoning Bylaw Amendment
17645 Yonge Street
Submitted by: 17645 Yonge Street Developments Inc. (Redwood Properties)
D9-NP 17 14 (Official Plan Amendment), D14-NP17 14 (Zoning By-law Amendment)**

ORIGIN: Planning and Building Services

RECOMMENDATIONS

THAT Development and Infrastructure Services/Planning and Building Services Report 2017-32 dated September 25, 2017 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 17645 Yonge Street Developments Inc. for lands Municipally known as 17645 Yonge 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 Kerigan Kelly, Groundswell Planning, 30 West Beaver Creek, Richmond Hill, ON L4B 3K1 be notified of this action.**

COMMENTS**Location and Surrounding Land Uses**

The Subject Land is located on the east side of Yonge Street, North of Davis Drive (see Location Map attached) and has an area of approximately 1.8 hectares. The property is municipally known as 17645 Yonge Street. The property is a through lot with frontage on both Yonge Street and George Street.

The subject land is currently vacant of buildings and is being used for the storage of vehicles for sale. The following are the adjacent land uses:

North: existing commercial plaza containing various retail and service commercial uses

South: existing vehicle dealership on Yonge Street and service uses on George Street

East: Low density residential uses

West: Regional Shopping Centre (Upper Canada Mall)

Background

This site has previously been under development applications (zoning By-law amendment and draft plan of subdivision) for a mixed use high density development that culminated in approved Minutes of Settlement through the Ontario Municipal Board (OMB). The final OMB order included the Minutes of Settlement and a draft zoning by-law and was issued on November 14, 2014. The OMB approved zoning by-law for the site contained parameters for the development along with conditions for removing the included Holding Provision for each phase of the development. The OMB also provided issues to be addressed through conditions of draft plan approval. At a high level, the following was approved through the OMB Order.

- 64 m apartment building (max. 21 storeys)
- 58 m apartment building (max. 19 storeys)
- 8 storey retirement residence
- 15 m podium (max. 4 storeys) on George Street, stepped up to a maximum 30 m (max. 8 storeys)

Other aspects of the by-law included a maximum Floor Space Index of 3.5, a maximum lot coverage of 60%, parking requirements (0.5 spaces per suite) for the retirement residence suites, a maximum floor plate (820 sq. m) and separation distances (30 m) between the two towers on Yonge Street.

The property has since been sold to 17645 Yonge Street Development Inc, who have now submitted a revised proposal for the development. This report will provide the details of the newly proposed development along with how it differs from what was approved through the OMB and ultimately refers the submitted applications to the required statutory public meeting under the Planning Act.

Proposal

Official Plan and Zoning By-law amendment applications have been submitted to permit a proposed development that has been broken down into 3 Phases. Generally, the applications propose a mixed use development consisting of 3 residential towers of 21 storeys, 19 storeys and 17 storeys on a four storey parking structure. The periphery of the parking structure includes commercial space on the Yonge Street and George Street frontages and townhouse style dwellings facing north and south. The proposal has been divided into three phases with a total Floor Space Index of 3.5. The following descriptions for each phase are taken from the submitted Planning Justification Report:

Phase 1

A 21-storey residential rental building (228,245 ft²) with one hundred and eighty five (185) units in total. Thirty two (32) of the units will be 1 bedroom, one hundred and two (102) of the units will be two bedroom units and fifty one (51) of the units will be three bedroom units. The main building will be accessible via a future road at the south side of the development into a raised 4-storey parking structure. A 2-storey commercial building is proposed adjacent to Yonge Street at the southwest corner with an area of 5,117 ft². A total of 352 parking spaces are proposed in the podium with 28 for visitors, 33 for the commercial space and 291 spaces for the residential. The number of parking spaces for the residential units and the visitors equates to 1.72 spaces per unit.

Phase 2

A 19-storey residential rental building (222,178 ft²) with one hundred and eighty five (185) units in total. Fifty one (51) of the units will be 1 bedroom, ninety five (95) of the units will be two bedroom units and thirty nine (39) of the units will be three bedroom units. The building will be accessible via a future road at the south side of the development. Commercial units totaling 10,150 ft² are proposed adjacent to Yonge

Street. There will be a main entrance for vehicular traffic from the south side into a raised 4-storey parking structure. A total of 228 parking spaces are proposed in the podium with 20 for visitors, 2 for the commercial space and 206 spaces for the residential. The number of parking spaces for the residential units and the visitors equates to 1.22 spaces per unit.

Phase 3

A 17-storey residential rental building (210,982 ft²) with one hundred and fifty seven (157) units in total. Thirty three (33) of the units will be 1 bedroom, eighty six (86) of the units will be two bedroom units and thirty eight (38) of the units will be three bedroom units. The building will be accessible from George Street at the east side of the development. Commercial units totaling 5,351 ft² are proposed adjacent to George Street. There will be a main entrance for vehicular traffic from George Street into a raised 4-storey parking structure. A total of 298 parking spaces are proposed in the podium with 24 for visitors, 32 for the commercial space and 242 spaces for the residential. The number of parking spaces for the residential units and the visitors equates to 1.67 spaces per unit.

A perspective image is included below. The proposed site plan and perspective elevations 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".

The policies set 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.

The PPS supports and promotes intensification in designated growth areas taking advantage of existing and planned infrastructure. 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/Secondary Plan for intensification and redevelopment. The proposal provides for a compact form and a mix of uses allowing for the efficient use of land, infrastructure and public service facilities.

Growth Plan

The Growth Plan directs growth to built-up areas designated within municipal official plans. The Growth Plan identifies the Yonge-Davis area as an Urban Growth Centre. The boundaries of the Urban Growth Centre (Yonge-Davis Provincial Urban Growth Centre) have been delineated by the Town in its approved Urban Centres Secondary Plan. Urban Growth Centres are intended to:

- be the focus of intensification;
- accommodate and support major transit infrastructure;
- serve as high density major employment centres;
- accommodate a significant share of population and employment; and
- ensure orderly progression of development in conjunction with provision of infrastructure;¹

The Growth Plan requires that Urban Growth Centres be planned to achieve a minimum gross density target of 200 residents and jobs per ha by 2031, or earlier. The Growth Plan does not address densities beyond 2031.

The Growth Plan contains policies directing that municipalities create complete communities, reduce the dependence on private automobile through mixed use, transit supportive development, provide for high

quality public spaces, support transit, walking, and cycling, implements minimum affordable housing target in accordance with the PPS, and achieve an appropriate transition of built form to adjacent uses.

Decisions with respect to planning matters are required to conform to the provisions of the Growth Plan.

Official Plan Considerations

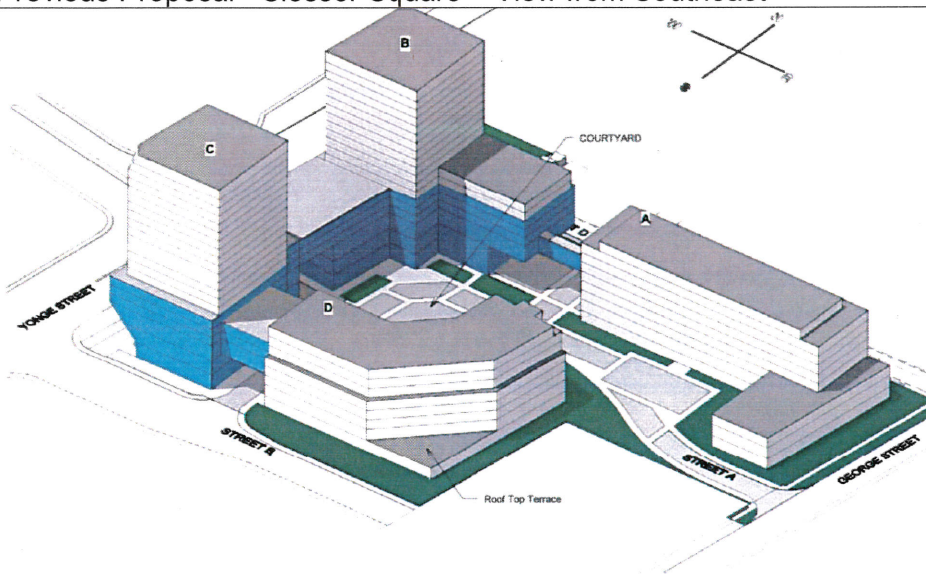
The subject property is located within the Provincial Urban Growth Centre (PUGC) and designated Mixed Use on “Schedule 3: Land Use” plan in the Urban Centres Secondary Plan (UCSP) permitting a broad range of residential and commercial uses. The UCSP also identifies the property as being High Density adjacent to Yonge Street and Medium Density adjacent to George Street and subject to an exception based on the OMB order discussed further below. This site is also identified as a Priority Commercial Area.

Section 15 of the UCSP identifies an exception for the subject lands as follows:

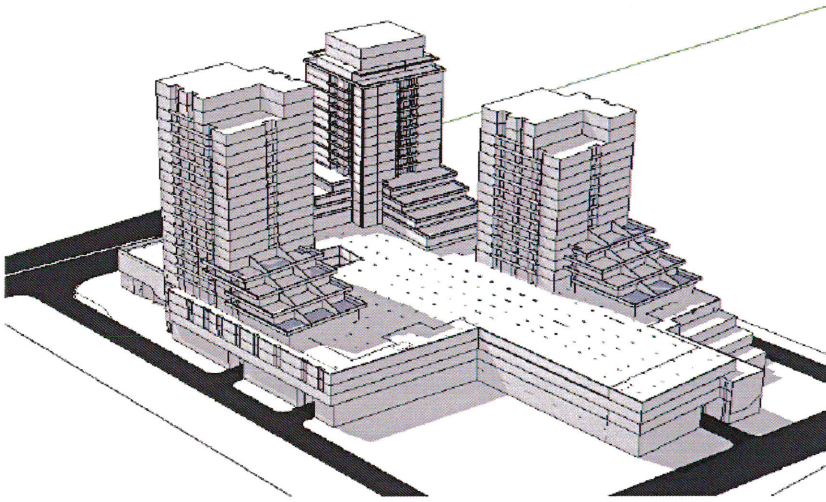
Notwithstanding the height and density provisions of the Secondary Plan, the maximum building height on lands municipally known in 2014 as 17645 Yonge Street, and as identified in the approved Zoning By-law as Block B and C, shall not exceed 58 m and 64 m, respectively, and that the site density for the entire property shall not exceed 3.5 FSI. This density shall be calculated on the basis of subject property only and will be applied to the overall density calculation for the applicable density designation. All other applicable provisions of the Secondary Plan shall apply.

The above exception is based on the OMB order implementing the previous proposal for the site. As the current proposal exceeds these height limits in certain areas, an Official Plan Amendment is required to reflect the revised heights within a revised block configuration. The Floor Space Index remains at 3.5 as the density has been shifted from the previously approved buildings for Blocks A and D of 8 and 9 storeys respectively, to the 17 storey tower stepping down toward George Street. Below are two perspective drawings, one detailing the massing of the previously approved plan and the other detailing the current proposal.

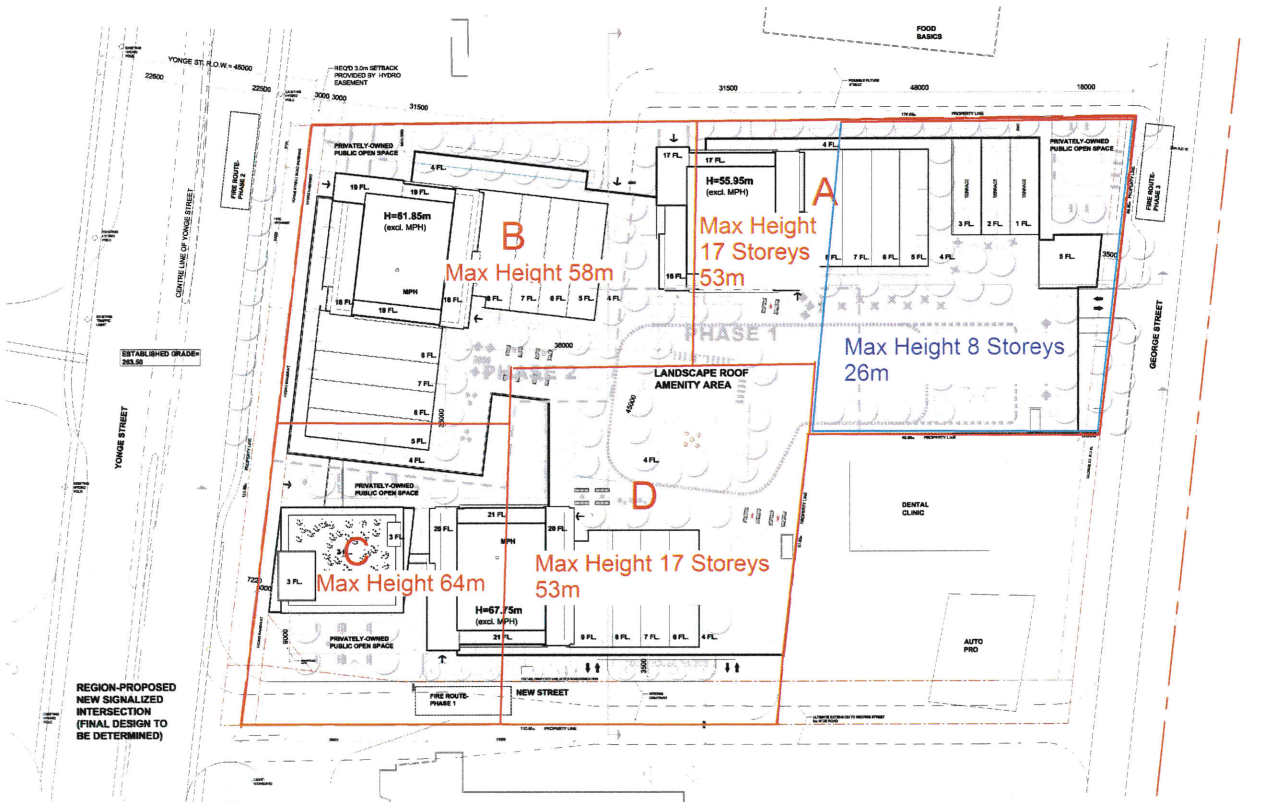
Previous Proposal - Slessor Square – View from Southeast



Current Proposal – Redwood on Yonge -View from Southeast



The exception identifies 4 blocks on the site based on the schedule contained in the OMB order and provide a maximum height on Blocks B and C, adjacent to Yonge Street. The remaining parcels would be subject to the height requirements identified in the UCSP. The Blocks identified and their height limits are superimposed on the current development plan below. The site is designated High Density with the exception of a portion located adjacent to George Street which is designated Medium Density identified in blue on the below plan



Block A

- USCP Maximum Height High Density 17 Storeys 53m
 Medium Density 8 Storeys 26m (Blue)
- Proposed Height High Density 17 Storeys – 55.95m
 Medium Density 8 Storeys (28.8m) (Blue)
- Relief requested High Density 2.95m
 Medium Density 2.8m (Blue)

Block B

- OMB/UCSP Maximum Height - 58m
- Proposed Height of 19 Storeys - 61.85m
- Relief requested 2.85m

Block C

- OMB/UCSP Maximum Height 64m
- Proposed Height 3 storey building at Yonge Street and a portion of a 21 Storey Towner - 67.75m
- Relief requested for Tower 3.75m

Block D

- UCSP Maximum Height of 17 Storeys - 53m
- Proposed Height of 17 Storeys - 55.95m
- Relief requested 2.95m

While the proposed height increase will continue to be reviewed, staff are of the opinion the heights are consistent with the general intent of the plan.

The UCSP also contains a number of policies relating to:

Priority Commercial Areas – this property is identified as a Priority Commercial Area, specifically along Yonge Street, in the Secondary Plan. The Priority Commercial Areas are identified to ensure that retail and service uses are provided to support the people who live, work and recreate in the Urban Centres and provides for an active street with a balance of residential and commercial uses. The proposed development includes a total of approximately 2,000 m² of commercial floor area with approximately 1,500 m² adjacent to Yonge Street and 500 m² adjacent to George Street.

Affordable Housing – The UCSP indicates that a minimum of 35% of new housing units in the Provincial Urban Growth Centre shall be affordable to low and moderate income households. This 35% is not intended to be achieved on each individual application, but rather within the PUGC as a whole. Affordable housing shall comprise a range and mix of housing forms, unit sizes and tenure and include a significant number of dwelling units which may accommodate households with children, larger families, people with special needs, and rental households.

The applicant has indicated in their submission that the proposed development is planned to be entirely rental in tenure. The residential units will include a range of unit types and sizes with approximately 50% of all units will have 2 bedrooms, while another 25% will be one bedroom and the balance (25%) will be three bedrooms. Rents for these units have not yet been established and will be determined through a marketing program closer to project completion. Rents will be determined by a number of factors, namely market conditions at that time, size of unit, length of tenancy, etc. This development is not anticipated to be marketed as 'affordable', under the metrics of the Region of York's annually-published benchmark prices. Rather, this development is intended to provide a quality rental alternative to home ownership in a prime

location in the Town of Newmarket, wherein the barrier for entry (ie. a substantial down payment) is completely out of reach.

While the applicant is providing for a range of unit sizes of rental tenure, further discussion is necessary to confirm conformity with the Plan in terms of ensuring Newmarket's affordable housing goals are broadly met.

Urban design – the UCSP has a number of urban design objectives to ensure a high quality of design that is sensitive to the surrounding land uses and create the distinct, livable and vibrant urban place that Newmarket is seeking to achieve. The applicant has submitted an Urban Design Rational identifying the Secondary Plan requirements and how they have been achieved through this proposal. Staff are satisfied that the proposed plans generally conform to the Urban Design policies of the UCSP.

Angular Plane – The policies of the UCSP indicate that to ensure that new development is sensitive to and compatible with the existing or planned context and provides for an appropriate transition in scale, new development located directly adjacent to the rear or side yard of an existing *lowrise* residential area within the Stable and Emerging Residential Areas shall be designed to limit the maximum height, including mechanical units, balconies, railings, overhangs and other projections, to generally not exceed an angular plane of 45 degrees measured from the property line of the adjacent residential or parkland property.

The elevations submitted with the application and appended to this report detail the angular plane from George Street to be less than 37.5%.

Shadow Impact – the submitted Shadow study indicates that the proposed development will have little impact on the adjacent low density residential to the east during the spring, summer and fall months. Shadow impacts during the winter months appear to be similar to the impact from the previously approved proposal, casting shadows over the adjacent residential community in the evening hours. It appears that the new proposal may provide less of an impact due to the additional tower separations however further study would be needed to confirm this.

Sustainability – the UCSP requires the incorporation of certain sustainability measures. The proposal includes water reduction techniques such as rainwater retention and re-use, rain gardens and landscaping on the periphery of the site and terrace/podium. Heated pathways are proposed to reduce salt usage. Staff will insure the sustainability requirements of the Secondary Plan are complied with.

Communication Technology- the Secondary plan requires that all mixed use buildings will be designed to facilitate advanced telecommunication. The submission indicates that the owner and developer is committed to providing a high-quality rental housing product that will be attractive to a large number of groups who wish to reside in this development. By ensuring that leading-edge communication technology is included, the owners will be able to attract a broad range of renters who may rely on and expect high speed data. Detailed working drawings will identify these conduits within the design of the proposed development.

It would appear that the current proposal for this site is in general conformity with the Urban Centre Secondary Plan.

Zoning Bylaw Consideration

The Subject Property is currently zoned with a site specific Provincial Urban Centre Zone with the Holding Provision to be lifted once certain conditions have been fulfilled. The existing zoning on the property was approved by the OMB based on minutes of settlement for the previous development proposal.

As the site specific zoning was based on a specific plan, a zoning by-law amendment is necessary to implement the proposal as it relates to height, parking, coverage and setbacks.

A number of Holding Provisions will be included in any approved zoning by-law to ensure the appropriate studies are updated and accepted by the Town and that servicing allocation has been provided. The existing holding provisions under the OMB approved By-law are being reviewed for appropriateness to include in any new By-law. The comprehensive report following the Statutory Public Meeting will provide Council with a list of conditions to be included if these applications are approved.

Parkland

Parkland dedication will be required in accordance with the Town's By-Law to provide for the conveyance of land and/or cash-in-lieu thereof for park and other purposes (2016-61) through the Site Plan Approval process if these applications are approved.

Engineering Services Review

Traffic and Parking

The most significant changes being proposed in this application which affect roads and traffic are as follows:

- The revised Plan no longer provides a private street connection to Yonge Street (formerly street A) since the Region of York have now programmed a relocation of this intersection to the south to align with a new signalized mall entrance.
- The previously proposed Street B/Yonge Street interim right-in/right-out configuration will now be replaced with a fully signalized intersection as noted above.
- The underground parking previously proposed will be replaced with an above ground structure.

It is recommended that updated Transportation Mobility Plans (TMP) be prepared to support Phase 2 and 3 of this plan, to determine the impacts that the reduction in east west connectivity may have between Yonge Street and George Street. This ongoing study work will determine the impacts that proposed network improvements (e.g widening of Yonge Street) may have on the study area; confirm the trip generation rates and growth assumptions as development occurs; confirm the pedestrian travel operations and ensure that the Level of Service (LOS) for pedestrian movements are maintained as a reasonable LOS in this area. The updated TMP for Phase 2 and 3 is to also review parking and vehicular queuing.

The revised plan appears to be consistent with the requirements of the Minutes of Settlement provided by the OMB.

Stormwater Management and Storm Drainage

The impacts of the proposed zone change will not affect the stormwater management design for the site. The stormwater management design for this site proposes to implement low impact development (LID) measures such as rainwater harvesting, rain gardens and heated pathways in lieu of salting. All practical LID measures will be reviewed at the detailed design stage.

The Holding provision under the existing zoning is to be maintained in any new zoning by-law.

Sanitary Drainage

Engineering Services have noted that at the time the Functional Servicing Report (FSR) had been prepared by the applicant, they did not have the benefit of the recently completed Water and Wastewater Master Plan (WWW) prepared by WSP on behalf of the Town.

The WWW Master Plan concludes that downstream sanitary sewers will likely be surcharged under future development conditions and that there will be a risk of basement flooding. Improvements to the downstream sanitary sewer system will be required to accommodate flows from the development. Improvements identified within the WWW Master Plan are to be implemented prior to this development taking place. The Town is currently reviewing the schedule and funding options to carry out the downstream improvements required to accommodate the proposed development.

The Holding Provision currently in place under the OMB approved zoning with respect to sanitary capacity will be revised to acknowledge that downstream sanitary sewer works are required. The Holding Provision will not be lifted until the required work is completed to the satisfaction of the Town.

Water Servicing

The FSR submitted by the applicant proposes to provide two watermain connections for the proposed development. Only one connection will be permitted.

The Town's WWW Master Plan identifies improvements required to the existing water distribution system. The Town is currently reviewing the schedule and funding options to carry out this work. The developer will be responsible for funding any improvements required to accommodate the proposed development.

The Holding Provision currently in place under the OMB approved zoning with respect to water supply will be revised to acknowledge the watermain replacement that is required. The Holding provision will not be lifted until the required work is completed to the satisfaction of the Town.

Grading

Engineering Services are satisfied that an acceptable Grading Plan can be prepared at the detailed design stage. No special provisions are required with respect to the proposed zone change.

Environmental Review

Engineering Services have advised that the Phase One and Two Environmental Site Assessment Reports have been submitted and Record of Site Conditions (RSC's) have been filed with the Ministry of Environment and Climate Change. No special provisions are required with respect to the proposed zone change.

Region of York

The Region of York has provided no objection to the proposed Official Plan and Zoning By-law amendments. They indicate the site is designated as "Urban Area", "Regional Centre", and along a Regional Corridor and is designated "Yonge Davis Urban Centre" in the Town of Newmarket Official Plan. Combined, these policies contemplate future development that is compact, mix-use, and transit-oriented. The site is within Wellhead Protection Area A, Recharge Management Area, and partially within the boundaries of a Highly Vulnerable Aquifer. The site is also located within the Lake Simcoe watershed and subject to the policies of the Lake Simcoe Protection Plan.

Regional Water Resources and Transportation Planning have a number of technical comments that are to be addressed through the necessary Site Plan process if these applications are approved.

York Region Development Planning staff are of the opinion that proposed OPA and ZBA applications are in keeping with 2010 York Region Official Plan.

Lake Simcoe Region Conservation Authority

This development is considered to be “major development” as defined by the Lake Simcoe Protection Plan (LSPP). Accordingly, the proposed stormwater management plan will be required to be prepared in accordance with Designated Policies 4.8-4.11 of the LSPP. Additionally, current environmental mapping illustrates that the subject lands are within the Recharge Management Area as per the South Georgian Bay Lake Simcoe Source Protection Plan, therefore the Applicant will be required to demonstrate post development water balance on the site. We understand the Applicant will be submitting an application for Site Plan Approval in the future to permit the proposed development. LSRCA technical comments with respect to stormwater management and hydrogeology will be provided at the time of Site Plan Application.

The LSRCA are satisfied from a watershed management perspective that this application is consistent with the intent of the PPS, is in conformity with the Growth Plan and the LSPP, and that the relevant environmental policies would not be offended. On this basis, the LSRCA has no objection to the approval of the proposed Official Plan and Zoning By-law Amendments.

Other Departmental and Agency Comments

Comments from other agencies and departments will be reviewed and addressed throughout the process and summarized in the comprehensive report to come forward after the statutory public meeting.

BUSINESS PLAN AND STRATEGIC PLAN LINKAGES

These applications have linkages to the Community Strategic Plan as follows:

Living Well

- Traffic and growth management strategies

Well Balanced

- Meeting the needs of all life-cycle stages

Well-equipped & managed

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

Well planned & connected

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

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

Attachments

- 1 - Location Map
- 2 - Proposed Site Plan
- 3- Perspective Elevations



Commissioner Development and Infrastructure
Services



Director of Planning and Building Services



Senior Planner – Community Planning

LOCATION MAP
17645 Yonge Street
East Side of Yonge Street
North of Davis Drive

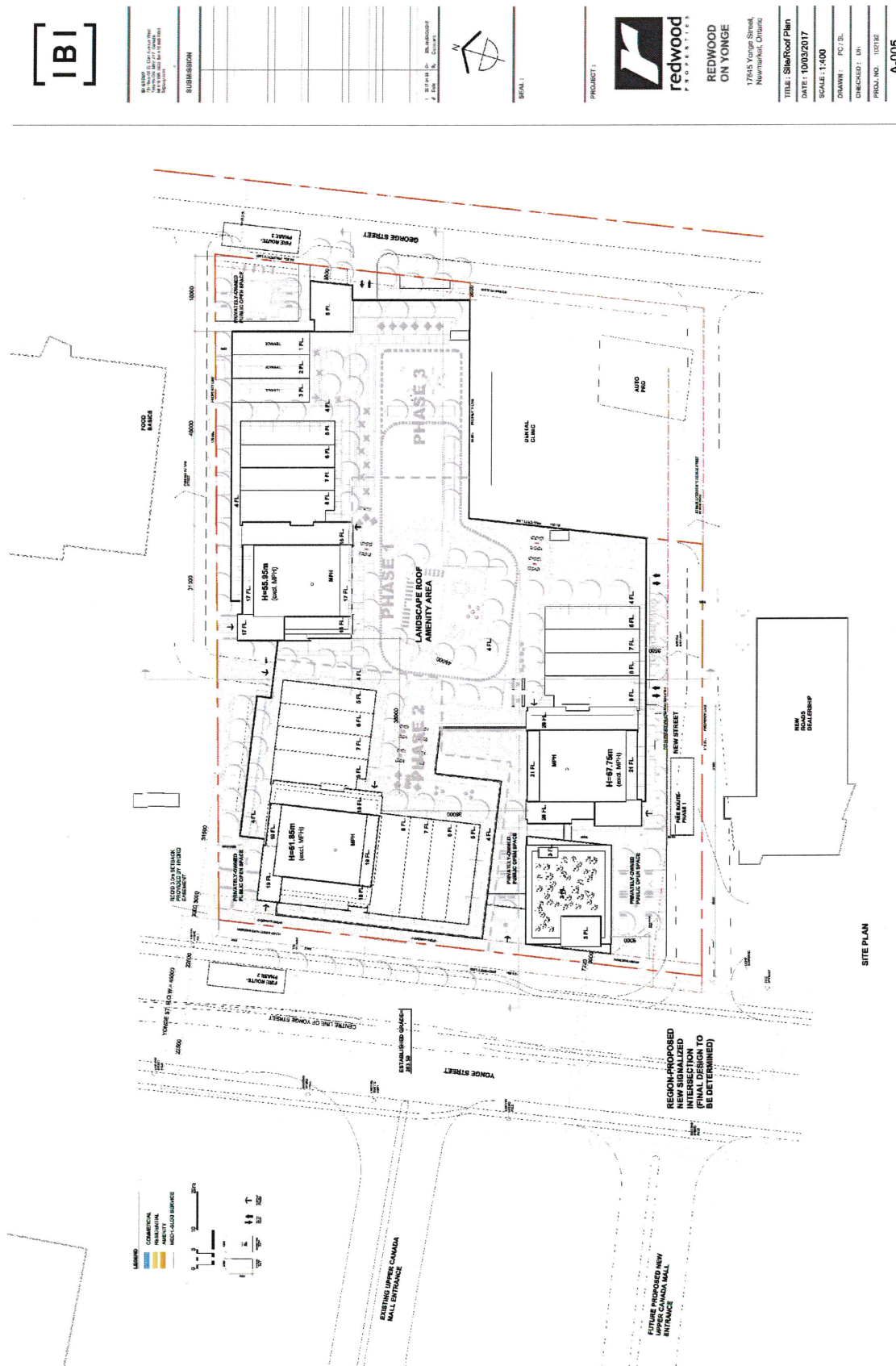


Subject Lands

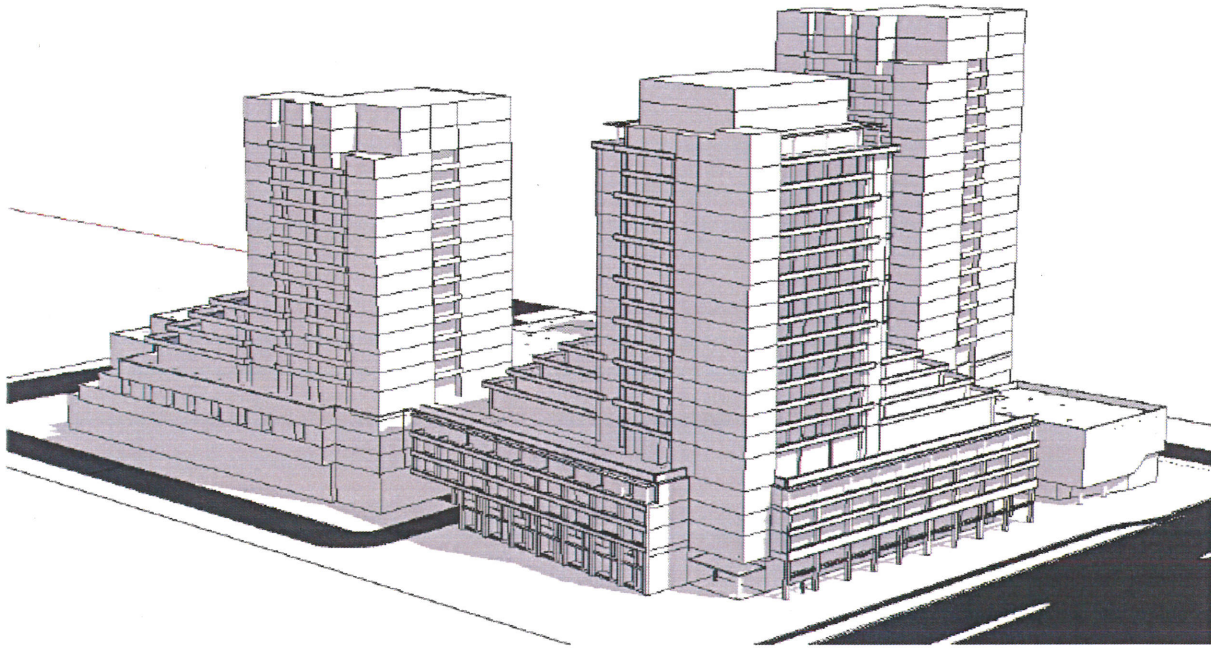
TOWN OF NEWMARKET PLANNING DEPARTMENT

Designed & Produced by Information Technology – GIS Printed June 2017 Land Parcel Boundaries - © Teranet Inc. and its suppliers. All rights reserved. NOT A PLAN OF SURVEY. 2015 Zoning - Town of Newmarket, 2015
 DISCLAIMER This mapping is based on the POLARIS parcel fabric product compiled using Land Registry System records and recent surveys and control points where available. This mapping is a representation of the earth's surface and provides estimates of area and distance. This map has been produced for illustrative purposes only. It is not a substitute for a legal survey.

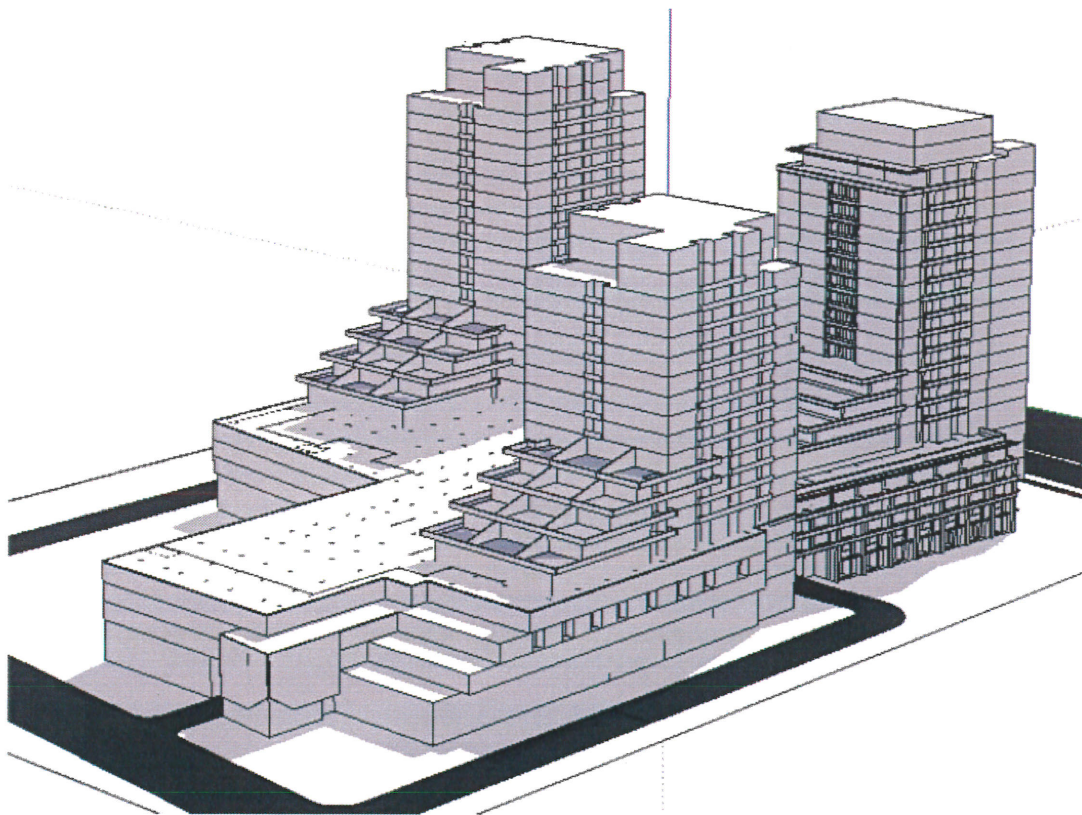
T:\DI Services\Planning\Dave\file related documentation\17645 Yonge Street Redwood Prop (slesor)\Complete application documents\location.m



Perspective Elevation – View from Northwest



Perspective Elevation – View From Northeast





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

Email: info@newmarket.ca | Website: newmarket.ca | Phone: 905-895-5193

Memorandum

Revisions to the Property Standards By-law and Clean Yards By-law

November 2, 2017

This memorandum will provide Members of Council with additional information on the amendments to the Town's existing Property Standards By-law and new Clean Yards By-law following the discussion held at the October 30, 2017 Council Workshop.

Amendments to the revised draft by-laws are noted in red font.

Background

A Council Workshop was held on October 30, 2017, which gave Members of Council an opportunity to ask questions regarding the proposed amendments to the Property Standards By-law and the new Clean Yards By-law presented by Town staff.

Revised Draft Property Standards By-law

- Exterior Lighting and Supports

At the Council Workshop, there was discussion regarding exterior lighting and supports (section 9 of the by-law), and it was suggested that the standard was unreasonable for property owners to maintain. As such, the revised draft by-law now requires exterior lighting and supports to be kept in a safe condition, in good repair, and in good working order. This property standard assists property owners with mitigating their liability associated with inadequate lighting on their property. This section assists occupants or tenants of accessory dwelling units by ensuring adequate exterior lighting as many entrances into accessory dwelling units are the side of a house.

In addition to updating section 9 of the revised draft by-law, staff have amended sections 35.5, and 45.6 to reflect the same exterior lighting and support standards for multiple dwellings and non-residential properties.

Sections in the revised draft by-law have been updated for plain language principles and to reflect the current method for which lighting is measured.

- Unsafe Heritage Properties

Council suggested that staff review section 55.2 of the draft by-law regarding individuals who have received an Order to Comply to rectify all concerns with an unsafe heritage property. It was recommended that the Town review the possibility of having a professional engineer on retainer and require property owners to use the services of the Town-preferred engineer. Subsequent to the Council Workshop, staff have reviewed this section and determined that the Town cannot require a property owner to use a Town-preferred professional engineer.

However, it should be noted that if staff are not satisfied with the professional engineer's report due to deficiencies in the report or if the report is not up to professional engineering standards; the Town has the authority to request the property owner to provide a second, or third report, or have a peer review of the engineer's report conducted.

Furthermore, with regards to unsafe heritage properties, the Town will require a report from a professional engineer licensed to practice in Ontario who is also a Member of the Candidate Association of Heritage Professionals to issue the report.

Staff have consulted with other municipalities that have this provision for unsafe heritage properties in their by-law, and they have stated that they have not experienced any issues with this process.

- **Power of Entry**
Sections 58.2, 58.3, and 58.4 in the revised draft by-law was amended to provide greater clarity that a Property Standards Officer still requires an occupant’s consent prior to entering inside a dwelling, unless a search warrant has been obtained in accordance with the Building Code Act. These additional sections align with the Building Code Act and clarify under what circumstances a Property Standards Officer has the authority to enter inside a dwelling. Town staff will always ask for the permission of the occupant prior to entering into a resident’s home. This is not a new practice or requirement of Town staff; however, it has been included in the revised draft by-law to provide greater clarity and certainty as to when staff can enter inside a resident’s home.

Revised Draft Clean Yards By-law

- **Length of Grass and Weeds**
Based on a review of York Regional municipal by-laws, 6 of the 9 municipalities require a specific length that must be maintained for grass and weeds on all properties. Section 2.6 of the revised draft by-law now requires property owners to maintain their grass and weeds to a length that does not exceed 20 centimetres (8 inches). This length is consistent with by-laws from Aurora, East Gwillimbury, Richmond Hill, Vaughan, and Richmond Hill. The below chart provides the length for which grass and weeds must be maintained in municipalities throughout York Region:

Municipality	Length of Grass and Weeds
Aurora	20 centimetres (8 inches)
East Gwillimbury	20 centimetres (8 inches)
Georgina	No specified length restriction
King	No specified length restriction
Markham	15 centimetres (6 inches)
Newmarket	No specified length restriction
Richmond Hill	20 centimetres (8 inches)
Vaughan	20 centimetres (8 inches)
Whitchurch-Stouffville	20 centimetres (8 inches)

For more information, contact Lesley Long at llong@newmarket.ca or by phone at 905-953-5300 extension 2222.



Corporation of the Town of Newmarket

By-law Number 2017-xx

Revised Draft Property Standards By-law

A By-law to Prescribe **Standards** for the **Maintenance** and Occupancy of **Property** within The **Town** of Newmarket

Whereas Section 15.1(3) of the **Building Code Act**, S.O. 1992, c.23, authorizes Council of a municipality to pass a By-law for prescribing the **Standards** for **Maintenance** and occupancy of **Property**;

And whereas the Official Plan for The **Town** of Newmarket includes provisions relating to **Property** conditions;

And whereas the Council of The **Town** of Newmarket is desirous of passing a Bylaw under Section 15.1(3) of the **Building Code Act**, S.O. 1992, c.23;

And whereas Section 35.3 (1) and 45.1 (1) of the Ontario **Heritage Act**, R.S.O. 1990, c.0.18, as amended provide that a By-law may be passed by the Council of a municipality prescribing minimum **Standards** for the **Maintenance** of the **Heritage Attributes** of Designated **Heritage** Properties within the municipality, and requiring that Designated **Heritage** Properties that do not comply with those **Standards** be Repaired and Maintained to conform with those **Standards**;

And whereas Section 15.6(1) of the **Building Code Act**, S.O. 1992, c.23 requires that a Bylaw passed under Section 15.1(3) of the **Building Code Act**, S.O. 1992, c.23 shall provide for the establishment of a **Property Standards Committee**;

Therefore the Council of the Corporation of the **Town** of Newmarket hereby enacts the following:

1.0 SCOPE

This by-law shall apply to all **Property** in the **Town** of Newmarket save and except **Property** owned by the Corporation of the **Town** of Newmarket or the Regional Municipality of York.

2.0 DEFINITIONS

“Accessory Building” means a detached building or structure, not used for human habitation that is subordinate to the primary use of the same **Property**;

“Basement” means that portion of a building that is partly below **Grade**, which has half or more of its height measured from floor to finished ceiling above the average finished **Grade**;

“Bathroom” means a room which shall contain a water closet and basin and may contain a bathtub or shower;

“Building Code” means the **Building Code Act** 1992, S.O. 1992. c.23, as amended and any regulations made under that Act;

“Certificate of Compliance” means a written opinion of **Property** compliance with the **Standards** contained in this by-law issued under Section 15.5 (1) of the **Building Code**;

“Committee” means the **Property standards Committee** established pursuant to the provisions of this by-law;

“Debris” means any waste material of any kind whatsoever and without limiting the generality of the foregoing includes: inoperative or unlicensed vehicles or boats and mechanical equipment, automobile and mechanical parts, tires, furnaces, water and fuel tanks, furniture, glassware, plastic, cans, garden refuse, grass clippings, trees, tree branches, earth or fill, animal feces, materials from construction or demolition projects, old clothing and bedding, refrigerators, freezers, or similar appliances, whether operable or inoperable, containers of any kind and un-maintained garden fixtures and any objects or conditions that might create a health, fire or accident hazard;

“Dwelling” building or structure, or any part of it, occupied or capable of being lawfully occupied, in whole or in part, for the purpose of human habitation and includes the land and premises appurtenant thereto and all out buildings, **Fences**, and erections thereon or therein

“Dwelling Unit” means a room or group of rooms to be used by one family that functions as a single independent housekeeping unit in which cooking facilities, living quarters and sanitary facilities are provided for the exclusive use of those residing within the **unit** only, and with a private entrance from outside the building or from a common hallway or stairway inside;

“Fees & Charges” means the General Fees and Charges By-law, as amended for the Legislative Services Department.

“Fence” means any structure, wall or barrier, other than a building, erected at **Grade** for the purpose of defining boundaries of **Property**, separating open space, restricting ingress to or egress from **Property**, providing security or protection to **Property** or acting as a visual or acoustic screen.

“Fire Code” means the regulations made under section 12 of the Fire Protection and Prevention Act, 1997, S.O. 1997, c.4, as amended.

“Grade” means the average level of proposed or finished ground adjoining a building at all exterior walls.

“Ground Cover” means material organic or non-organic applied to prevent soil erosion and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping.

“Guard” means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it.

“Habitable Room” means any room in a **Dwelling** or **Dwelling Unit** used or capable of being used for living, sleeping, cooking or eating purposes.

“Heritage Act” means the Heritage Act, R.S.O. 1990, c. O.16, as amended and any regulations made under that Act;

“Heritage Attributes”

- a) the attribute of the **Property**, building or structure that contributes to its cultural heritage value or interest that is defined, described, or can be reasonably inferred:

i.) in a by-law designating a **Property** passed under section 29 of the *Ontario Heritage Act* R.S.O. 1990, c.o.18 as amended and identified as a **Heritage Attribute**, value, reason for designation, or otherwise;

ii.) in a Minister's order made under section 34.5, Part IV, of the *Ontario Heritage Act* and identified as **Heritage Attribute**, value, reason for designation or otherwise;

iii.) in a by-law designating a **Heritage Conservation District** passed under section 41, Part V, of the *Ontario Heritage Act* and identified as a **Heritage Attribute**, value, reason for designation or otherwise; or

iv.) in the supporting documentation required for a by-law designating a **Heritage Conservation District**, including but not limited to a **Heritage Conservation District Plan**, assessment or inventory, and identified as a Heritage Attribute, value, reason for designation or otherwise.

b) The elements, features or building components including roofs, walls, floors, retaining walls, foundations and independent interior structures and structural systems that hold up, support or protect the **heritage** values and attributes and without which the **heritage** values and attributes might be at risk.

"Heritage Property" means **Property**, including all buildings and structures thereon, that has been designated by the **Town** under section 29 or by the Minister under section 34.5 of the *Heritage Act*.

"Heritage Conservation District" means a geographic district established under Part V of the *Heritage Act*, R.S.O. 1990, cO.18, as amended;

"Heritage Conservation District Plan" means a plan adopted by Council under Part V of the *Heritage Act*, R.S.O.1990, and c.0.18, as amended to provide direction in the preservation of the **Heritage Attributes** of a **Heritage Conservation District**.

"Heritage Permit" means a permit issued by Council under section 33, 34 or 42 of the *Ontario Heritage Act*, to alter, erect, demolish or remove a building or structure.

"Injurious" means causing or likely to cause damage or harm.

"Maintenance" means the act of keeping up, preserving or conserving or paying to keep up, preserve or conserve **Property**.

"Means of Egress" means a continuous path of travel provided by a doorway, hallway, corridor, exterior passageway, balcony, lobby, stair, ramp or other egress facility or combination thereof, for the escape of **Persons** from any point in a building, floor area, room or contained open space to an open public thoroughfare or to an exterior open space protected from fire exposure from the building and having access to an open public thoroughfare and includes exits and access to exits.

"Medical Officer of Health" means the **Medical Officer of Health** for the Regional Municipality of York

"Mixed-use Building" means a building containing both **Dwelling Unit** and **Non-Residential Property**.

"Multiple Dwelling" shall mean a building or portion thereof containing three or more **Dwelling Units** and shall include group **Dwellings** either held or maintained under single **ownership** or established and maintained under the provisions of the Condominium Act or as a Co-operative.

"Non-Habitable Room" means any room in a **Dwelling** or **Dwelling Unit** other than a **Habitable Room** and includes **Bathroom**, **Toilet Room**, laundry, pantry, lobby, corridor, stairway, closet, boiler room, or other space for service and

maintenance of the **Dwelling** for public use, for access to and vertical travel between **Storeys**, and a **Basement** or part thereof which does not comply with the **Standards** of fitness for occupancy set out in this by-law.

"Non-Residential Property" means a building or structure or part of a building or structure not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant thereto and all outbuildings, **fences** or erections thereon or therein.

"Noxious Weeds" means any weed classed as noxious by the **Noxious Weeds Act** of the Province of Ontario.

"Nuisance" shall mean an **Injurious**, offensive or objectionable condition and, without limiting the generality of the foregoing, shall include a condition which is of offensive or obnoxious by reason of the emission of gas, fumes, dust, sawdust or objectionable odour or by reason of the unsightly storage of goods, wares, merchandise, rubbish, salvage, refuse matter, waste or other material.

"Occupant" means any **Person** or **Persons** over the age of eighteen years in possession of the **Property**.

"Officer" means a Property Standards Officer or other enforcement **Officer** duly appointed by By-law of the **Town** to administer and enforce the provisions of this By-law.

"Owner" includes the **Person** for the time being managing or receiving the rent of the land or premises in connection with which the word is used, whether on his own account or as agent or trustee of any other **Person**, or who would so receive the rent if such premises were let, and shall also include a lessee or **Occupant** of the **Property** who, under the terms of lease, is required to **repair** and maintain the **Property** in accordance with the **Standards** for the **maintenance** and occupancy of **Property**.

"Person" means an individual, firm, corporation, association or partnership.

"Plumbing Fixture" means a receptacle or equipment that receives water, liquid or sanitary sewage and discharges water, liquid or sanitary sewage directly into drainage piping.

"Property" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile homes, mobile buildings, mobile structures, outbuildings, **Fences** and erections thereon, whether heretofore or hereafter erected, and includes vacant **Property** and Designated **Heritage Property**.

"Repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the **Property** shall conform to the **Standards** established in this by-law.

"Residential Property" means a building or structure or part of a building or structure, that is used or designed for use as a domestic establishment in which one or more **Person's** usually sleep and prepare and serve meals, and includes any lands and premises appurtenant thereto and all outbuildings, **Fences** and erections thereon, whether heretofore or hereafter erected and includes vacant **Residential Property**.

"Sanitary Unit" means a water closet, urinal, bidet or bed-pan washer.

"Sewage System" means the sanitary sewer system or a private sewage disposal system.

"Sign" means any surface, structure and other component parts, which are used or capable of being used as a visual medium to attract attention to a specific subject matter for identification, information or advertising purposes and includes an *advertising device*; this shall include flags, banners, pennants, lights, inflatable devices, or any object intended for advertising purposes;

"**Standards**" means the standards of physical condition and occupancy of **Property** set out in this by-law;

"**Storage Garage**" means a building or part thereof intended for the storage or parking of motor vehicles and which contains no provision for the **repair** or servicing of such vehicles but does not include a garage or carport forming part of a single **Dwelling Unit**.

"**Storey**" means the portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

"**Supplied**" means installed, furnished or provided by the **Owner**.

"**Toilet Room**" means a room in which Sanitary Units are installed.

"**Town**" means the Corporation of the **Town** of Newmarket.

"**Yard**" means the land, other than publicly owned land, around or appurtenant to the whole or any part of a residential or **Non-Residential Property** and used or capable of being used in connection with the **Property**.

3.0 INTERPRETATION / STANDARDS

- 3.1 Imperial measurements in this by-law are provided for convenience only. The requirements of this by-law are set out in metric measurements.
- 3.2 Where a provision of this by-law conflicts with a provision of any other by-law in force in the **Town**, the provision that establishes the higher standard to protect the health, safety and welfare of the general public prevails.
- 3.3 All **repairs** and **maintenance** of **Property** required by the **Standards** prescribed by this by-law shall be carried out in a manner accepted as good workmanship in the trades concerned and with materials suitable and sufficient for the purpose.
- 3.4 No **Person** shall use or occupy or permit the use or occupancy of any **Property** that does not conform to the **Standards** set out in this by-law.
- 3.5 The **Owner** of any **Property** which does not conform to the **Standards** shall **repair** and maintain such **Property** to conform to the **Standards**, or shall clear the site of all buildings, structures, **Debris** or refuse and leave it in a graded and levelled condition.
- 3.6 In the case of Part IV **Heritage** Properties and Part V Properties, those properties shall not be cleared of all buildings and structures that do not conform to the **Standards**.
- 3.7 No **Person** shall remove from any premises any **Sign**, notice or placard placed thereon pursuant to Section 15 of the **Building Code** Act or this by-law.
- 3.8 Following the inspection of a **Property**, the **Officer** may or on the request of the **Owners** shall, issue to the **Owner** a **Certificate of Compliance** if, in his opinion, the **Property** is in compliance with the **Standards** of this by-law.
- 3.9 The **Owner** of every **Multiple Dwelling** shall cause to be posted in a prominent place which is common to and regularly frequented by the residents therein the name, address and telephone number of the manager or a responsible **Person** for such **Property** and the name and

telephone number of an authorised **Person** to contact in the case of an emergency on a 24-hour basis.

4.0 PROPERTY STANDARDS COMMITTEE

- 4.1 A **Property Standards Committee** is hereby established consisting of three members.
- 4.2 The **Property Standards Committee** shall hear appeals pursuant to section 15.3 of the **Building Code Act**, 1992 as amended, or substituted from time to time.
- 4.3 The term of appointment of the **Property Standards Committee** shall be for the term of Council.
- 4.4 A member shall be at least 18 eighteen years old, Canadian citizens or landed immigrants and either residents or municipal taxpayers of the **Town**.
- 4.5 Members shall not act as agents for any **Person** on their appeal of an order to the **Property Standards Committee**.
- 4.6 **Property Standards Committee** members will immediately cease to be a member where before the expiry of his or her term:
 - 1) Resigns
 - 2) Is unable for any reason to perform the duties of the **Committee** for a period of ninety days or more;
 - 3) Cease to be a resident of the **Town** or the **Owner** or tenant of land in the **Town**; or Canadian citizen
 - 4) Becomes disqualified by statute or otherwise prohibited by law from voting in an election for Council; or
 - 5) dies, before the expiry of his or her term of office the member will immediately cease to be a member of the **Committee** and Council shall appoint in his or her place another eligible **Person** for the unexpired portion of the term.
- 4.7 The Clerk shall keep on file the records of all official business of the **Committee**, including records of all applications and minutes of all decisions respecting those applications.
- 4.8 **Property Standards Committee** Appeal Hearings are governed by the Statutory Powers and Procedures Act, R.S.O. 1990, c.S22, as amended, or substituted from time to time.

5.0 ADMINISTRATION

- 5.1 The **Town** shall appoint **Property Standards Officer(s)** and such staff to carry out the administration and enforcement of this By-law.
- 5.2 Any Building, Housing, Plumbing, Heating or Public Health Inspector or Fire Prevention **Officer** of the **Town** is hereby authorised and directed to act as an assistant to the **Officer** from time to time.

STANDARDS FOR ALL PROPERTIES

6.0 MAINTENANCE OF YARDS

- 6.1 Every **Yard** shall be kept clean and free from:
 - 1) Rubbish, garbage, brush, waste, litter or other **Debris**;
 - 2) Holes, excavations, or any unprotected wells that create a hazard;

- 3) Vehicles, boats and trailers that are wrecked, dismantled, abandoned, unused, inoperative, or not affixed with a valid plate displaying a valid permit registered to the Vehicle , boat or trailer;
- 4) Vehicles used for the storage of garbage, rubbish, waste, **Debris** inoperative equipment, materials, appliances or similar items.
- 5) Vehicles parked shall be parked in any **Yard** except on a maximum permitted driveway under the designated Zoning by-law.
- 6) No machinery or parts thereof, or other object, or material, not associated with the normal occupancy and use of a **Property**, including among other things, appliances, fixtures, paper, cartons, boxes, or building materials such as lumber, masonry material or glass, other than that intended for immediate use on the **Property**, shall be stored or allowed to remain in an exterior **Property** area.
- 7) **Noxious Weeds** pursuant to the Weed Control Act, R.S.O. 1990, c.W.5, as amended;
- 8) Excessive growth of other weeds, grass and bushes; grass shall be kept cut to a reasonable length and the cuttings are to be removed and disposed of in an appropriate manner;
- 9) Dilapidated, collapsed or unfinished structures and from the storage or accumulation of materials that create a **Nuisance**;
- 10) Rodents, vermin, insects, termites, and other pests and any condition which may encourage the infestation or harbouring of such pests;
- 11) Dead, decayed or damaged trees or other natural growth and the branches or limbs thereof which create an unsafe or unsightly condition;
- 12) Hedges and bushes which are unsightly or unreasonably overgrown;
- 13) No hedge shall be erected in a location which will, does, or may, in the opinion of the **Officer**;
 - 1) adversely affect the safety of the public
 - 2) affect the safety of vehicular or pedestrian traffic; or
 - 3) constitute an obstruction of view for vehicular or pedestrian traffic, but this does not prevent the erection of a hedge in the location that is one metre or less in height.
- 14) (i) areas used for vehicle traffic parking and loading in institutional, commercial, industrial and multiple **residential** zones requiring five (5) or more parking spaces, shall be paved with concrete or equivalent surfacing or shall be constructed of crushed stone or gravel and paved with two (2) inches of asphalt over six (6) inches of granular A material and shall be free from ponding and puddles and otherwise in good **repair**.
- (ii) areas used for driveways and parking spaces within **residential** zones requiring less than five (5) parking spaces shall be paved with concrete or equivalent surfacing or shall be constructed of crushed stone or gravel and shall be kept free from ponding and puddles and otherwise kept in good **repair**. Where an existing driveway or parking area is widened, the material used for the surface of the widened area shall be similar to and compatible with the finished surface of the existing driveway or parking area.
- 15) Construction Bins, unless they are actively being used in connection with the construction or demolition of a building or structure; and
- 16) Any unsafe or unsightly condition out of character with the surrounding environment.

- 17) Any furniture that is manufactured for interior use shall not be placed outside of a **Dwelling**
- 6.2 Any required hedges, planting, trees and other landscaping on a **Property** shall be maintained in a living condition, or shall be replaced with equivalent landscaping to the satisfaction of the **Property Standards Officer**
- 6.3 **Yards** shall be graded, cultivated or protected with a suitable **Ground Cover** in a manner:
- 1) to prevent excessive or recurrent ponding of storm water;
 - 2) to prevent instability or erosion of soil;
 - 3) to prevent the entrance of water into a **Basement**;
 - 4) not to create an unsightly appearance.
 - 5) So as to be free from conditions which would impede the natural flow of water. Catch basins, storm drains and swales shall be maintained in a good state of **repair**.

7.0 PAVING AND SURFACE CONDITIONS

- 7.1 All areas of a **Yard** which are used for vehicular traffic or parking including loading areas or bays, shall be:
- 1) kept free from dirt, surface dust and refuse;
 - 2) maintained in good **repair** and free from large holes and deep ruts;
 - 3) adequately graded and drained to prevent excessive ponding of water;
 - 4) adequately lighted;
 - 5) provided with secured curb stops or other restraining devices to prevent vehicles from damaging **Fences**, lamp **standards**, poles or other structures on the parking lot or adjoining **Property** and from encroaching onto adjoining **Property**;
 - 6) maintained in good condition and **Yards** which have been previously covered with paving materials shall be **repaired** with similar material or renewed when necessary
 - 7) maintained free from conditions which would impede the natural flow of water. Catch basins and storm drains shall be maintained in a good state of **repair**;
 - 8) provided with suitable markings such as painted lines to indicate parking spaces and shall be maintained so as to be clearly visible.
- 7.2 In industrial or commercial zones all required parking areas, loading areas and driveways shall be surfaced and maintained with asphalt, concrete or interlocking stone where required by by-law or site plan agreement.
- 7.3 Exterior steps, walks, loading docks, ramps, curbs, parking spaces, driveways and similar areas of a **Yard** shall be maintained in a good state of **repair**, free from conditions which prevent passage and free from hazard to any **Person** under normal use, and weather conditions.
- ## 8.0 SEWAGE DISCHARGE AND DRAINAGE
- 8.1 Sewage shall be discharged into the **Sewage System**.
- 8.2 Untreated or inadequately treated sanitary sewage shall not be discharged onto the surface of the ground, whether into a natural or artificial drainage system or otherwise.

- 8.3 Roof drainage, storm water, swimming pool or sump pump water discharge shall;
- 1) be drained from lands so as to prevent recurrent ponding or entrance of water into a **Basement**, cellar; or any impervious road allowance; and
 - 2) not be discharged on walkways, stairs, or neighbouring **Property**.
- 8.4 Subsurface drainage shall be installed where there is recurring excessive ponding caused by surface water.
- 8.5 The storm water run-off from all downspouts or impervious surfaces shall be contained within the limits of the premises from which it originated until absorbed by the soil or drained to a storm sewer or to a natural or artificially created swale or watercourse.

9.0 **EXTERIOR LIGHTING AND SUPPORTS**

~~9.1 Exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a **Yard** shall be adequately lighted at all times.~~

~~9.2 Lighting shall be considered adequate if there is sufficient light to provide an average level of illumination of at least 11 lux (1 foot-candle) at ground or tread level at all exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a **Yard**.~~

~~9.3 For the purpose of establishing the average level of illumination, at least one measurement of the intensity of illumination shall be made in a grid pattern and at ground or tread level. The measurements shall be made at equally spaced intervals not exceeding 3 metres in any direction.~~

9.1 In all **Yards**, standards supporting artificial lights and all exterior lighting and the connections thereto shall be kept in a safe condition, in good **repair** and in good working order.

10.0 **FENCES**

10.1 All **Fences** shall be:

- 1) maintained in good **repair** and free from hazards;
- 2) maintained in a structurally sound condition and plumb, unless specifically designed to be other than vertical;
- 3) protected from deterioration by the application of paint or other suitable protective materials of uniform colour, and constructed of a material that is inherently resistive to such deterioration;
- 4) constructed with suitable materials and shall be designed and erected in workmanlike manner and maintained so as not to create an unsightly appearance;
- 5) free from posters, **Signs**, notices, advertising material, words, pictures, drawings or other defacement;
- 6) capable of performing safely the function for which they were constructed.

11.0 **RETAINING WALLS**

11.1 Retaining walls shall be maintained in a state of good **repair**.

12.0 **SIGNS**

12.1 All **Signs**, including their supporting members, shall be maintained in good **repair** and any **Signs** which are excessively weathered or faded or those upon which the paint has excessively peeled or cracked shall, be removed or put into a good state of **repair**.

13.0 ACCESSORY BUILDINGS

13.1 The foundations, walls, roofs and all parts of **Accessory Buildings** and other structures appurtenant to the main building shall be:

- 1) constructed with suitable materials;
- 2) maintained in good **repair**;
- 3) maintained to prevent an unsafe condition or an unsightly appearance.

13.2 The exterior of any **Accessory Building** or other structure appurtenant to the main building on a **Property** shall be protected from deterioration by the application of paint or other suitable protective material of uniform colour.

14.0 STRUCTURAL ADEQUACY

14.1 Every part of a **Property** shall be maintained in good **repair** and in a structurally sound condition so as:

- 1) to be capable of sustaining safely its own weight and any load to which normally it might be subjected;
- 2) to be capable of safely accommodating all normal structural movements without damage, decay or deterioration;
- 3) to prevent the entry of moisture that would contribute to damage, decay or deterioration;
- 4) to be capable of safely and adequately performing subject to all reasonable design requirements.

14.2 If, in the opinion of the **Officer** there is doubt as to the structural adequacy or condition of a building or structure or parts thereof, the **Officer** may order that such building or structure or parts thereof be examined and a written report be prepared by a professional engineer licensed to practice in Ontario, and employed by the **Owner** of the building or his authorised agent. The written report may include drawings, signed and stamped by the engineer and giving details of the findings and proposed **repair** methods, shall be submitted to the **Officer**.

14.3 Examination and testing of any building or structure or parts thereof required by Section 14.2 shall be conducted in a manner acceptable to the **Officer** and at the **Owner's** expense.

14.4 Details, drawings and specifications pertaining to all temporary shoring and other work deemed necessary by the professional engineer shall be included with the report required by Section 14.2.

14.5 All work specified by the professional engineer shall be completed in the manner and within the time which shall be specified by the engineer. The time specified shall be acceptable to the **Officer**.

14.6 No structural element may be added, removed, **repaired** or modified in any manner until a permit therefor has been obtained from the Chief Building Official.

14.7 Upon completion of all of the work, a report, signed and stamped by the professional engineer that all of the work has been completed to his satisfaction and specifications shall be submitted to the **Property Standards Officer**.

15.0 FIRE DAMAGE

15.1 A building or structure damaged by fire, storm or by other causes shall be demolished or **repaired**.

15.2 Where a building or structure is damaged by fire, storm or by other causes, immediate steps shall be taken to prevent or remove a condition which might

endanger **Persons** on or near the **Property** and the building or structure shall be properly supported and barricaded until the necessary demolition or **repair** can be carried out.

15.3 Defacement by smoke or by other causes on the exterior wall and surface of the building or structure or of the remaining parts of the building or structure shall be removed and the defaced areas refinished in a workmanlike manner.

16.0 FOUNDATIONS, WALLS, COLUMNS, BEAMS, FLOORS, ROOF SLABS, BALCONIES AND OPENINGS

16.1 The foundations, walls, columns, beams, floors, roof slabs and balconies of a building including **Storage Garages** shall be maintained:

- 1) in good **repair** and structurally sound;
- 2) free from decayed, damaged or weakened sills, piers, posts or other supports;
- 3) in a manner so as to prevent the entry of moisture and rodents into the building;
- 4) in a manner so as to prevent settlement of the building by restoring or replacing of the foundation, walls, columns, beams, floors and roof slabs and where necessary shall be so maintained by the shoring of the walls and floors, installing sub-soil drains at the footings, grouting masonry cracks waterproofing the walls and by other methods which are practical and necessary for the purposes mentioned above.

16.2 The exterior walls of a building shall be maintained;

- 1) in good **repair** free from cracked or broken masonry **units**, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, weather- tight, free from loose or unsecured objects and in a manner to prevent deterioration due to weather or insects.
- 2) without limiting the generality of the foregoing, the **maintenance** of an exterior wall includes the finish with a weather resistant material of all exterior wood and metal work and restoring, **repairing** or replacing of the wall, brick and mortar, the stucco lathing and plaster, the cladding, the coping and the flashing, and the waterproofing of the walls and joints.

16.3 Where the masonry **units** forming an exterior wall, or part of an exterior wall, of a building are faced with a glazed or other decorative surface, all of those **units** from which the surface has spalled or broken shall be removed and replaced with **units** having a facing similar to that of the original wall so that the wall presents a uniform and neat appearance or finished with other approved materials.

16.4 All exterior surfaces which have been previously covered with paint or other protective or decorative materials shall be maintained in good **repair** and the covering renewed when it becomes damaged or deteriorated.

16.5 The cladding on the exterior walls of all buildings shall consist of masonry stucco, wood, plywood, metal or other approved materials of equivalent strength, durability and fire endurance.

16.7 Unsightly chalk marks, painted slogans and similar markings or defacements on the exterior surfaces of buildings shall be removed and the surfaces refinished when necessary.

16.8 Balconies, porches, canopies, marquees, awnings, screens, grills, stairways, fire escapes, pipes, ducts, air conditioners and all other similar equipment, attachments, extensions and their supporting members shall be maintained:

- 1) in good **repair** and free from unsafe conditions;

- 2) free from rubbish and **Debris**;
- 3) properly and safely anchored;
- 4) protected against deterioration and decay by the periodic application of a weather resistant material such as paint;
- 5) free from broken or missing glass.

16.9 Exterior doors, windows, skylights, **Basement** hatchways including storm and screen doors and storm windows shall be:

- 1) maintained in good **repair** and weather- tight;
- 2) free from rotted or defective members;
- 3) free from torn, damaged or missing screens;
- 4) free from defective or missing weather-stripping or caulking;
- 5) free from defective storm or screen doors;
- 6) free from broken or missing glass.

16.10 Openings in exterior walls shall be effectively protected by suitable materials to prevent entry of rodents, vermin and insects.

16.11 Section 16.10 does not apply where it can be shown to the satisfaction of the **Officer** that the implementation of this section would adversely affect the normal operations in a **Non-Residential Property**.

16.0 AIR CONDITIONERS AND WATER COOLED EQUIPMENT

16.1 Air conditioners shall be equipped with adequate devices for the prevention of condensation drainage onto entrance areas, sidewalks or pathways.

16.2 Cooling water from water-cooled equipment shall not be discharged on driveways, walkways or other areas used for pedestrian or vehicular traffic, or in such manner that it may cause damage to the walls, foundations or other parts of a building. The discharge of cooling water from all water-cooled equipment shall be connected to a proper drainage system. The connections of the drainage system shall be made to comply with all applicable governmental regulations.

17.0 ROOFS

17.1 All roofs shall be maintained:

- 1) in a watertight condition;
- 2) free from loose or unsecured objects or materials;
- 3) free from dangerous accumulation of snow or ice or both;
- 4) free from all other accident, fire or health hazards;
- 5) so that roof decks and related **Guards** are in a good state of **repair**; and
- 6) free from conditions causing or contributing to leaks or being detrimental to the appearance of the building.

17.2 Soffit and fascia components shall be secured and maintained in good **repair** and properly painted or otherwise treated.

17.3 Where eavestroughs, roof gutters and downspouts are installed they shall be kept in good **repair**, free from leaks, and securely fastened to the building.

- 17.4 Metal eaves troughs, rainwater pipes, flashing and all exterior metal ducts shall be kept free from rust by application of a suitable protective material such as paint, and shall be renewed when such application is impractical or ineffective.

18.0 STAIRS, HANDRAILS AND GUARDS

- 18.1 All stairs, porches and landings, all treads and risers, all **Guards** and handrails, and all supporting structural members thereof, shall be maintained free from defects and accident hazards and capable of supporting all loads to which they might be subjected.
- 18.2 All ramps, stairs, stairs within Dwelling Units having more than 2 risers and exterior stairs having more than 3 risers, shall be provided with a handrail in accordance with the requirements of the *Ontario Building Code*.
- 18.3 **Guards** shall be installed securely in accordance with the requirements of the *Ontario Building Code* and maintained in good **repair**. Without limiting the generality of the foregoing:
- 1) all open sides of interior and exterior stairs of multiple **residential** buildings shall be protected by a **Guard** in accordance with *the Building Code*;
 - 2) all landings, balconies, galleries, mezzanines, porches, decks, floor openings and roofs to which access is provided for other than **maintenance** purposes of a multiple residential building shall be protected by a non-climbable **Guard** in accordance with the *Building Code*;
 - 3) **Guards** around exterior balconies of a multiple residential building shall be designed so that no member, attachment or opening located between 100 mm (4") and 900 mm (35") above the balcony floor will facilitate climbing;
 - 4) openings through a **Guard** on interior and exterior balconies, stairs, landings, galleries, mezzanines, porches, decks, floor openings and roofs to which access is provided for other than **maintenance** purposes of a multiple residential building shall be such as to prevent the passage of a spherical object having a diameter of 100 mm (4");
 - 5) all exterior landings, porches, decks, raised walkways, balconies and roofs to which access is provided for other than **maintenance** purposes serving not more than one **Dwelling Unit** shall be protected by a **Guard** having a minimum height of 1070 mm (42") except that **Guards** for porches, decks, landings and balconies serving not more than one **Dwelling Unit** and which are not more than 1.8m (5'-11") above the finish ground level may be a minimum of 900 mm (35") high;
 - 6) **Guards** on all exterior stairs serving not more than one **Dwelling Unit** shall be not less than 900 mm (35") high measured vertically above a line drawn through the outside edges of the stair nosing;
 - 7) all open sides of interior stairs within a **Dwelling Unit** shall be protected by a **Guard** not less than 900 mm (350 ") high measured vertically above a line drawn through the outside edges of the stair nosing;
 - 8) **Guards** on all interior landings, balconies and on all open sides where the difference in elevation between adjacent levels exceeds 600 mm (24") within a **Dwelling Unit** shall be not less than 900 mm (35") high;
 - 9) openings through a **Guard** on a balcony, stair, landing and the floor level around a stairwell serving not more than one **Dwelling Unit** shall be of a size so as to prevent the passage of a spherical object having a diameter of 100 mm (4");
 - 10) **Guards** around porches, decks, and exterior balconies of a **Dwelling Unit** shall be designed so that no member, attachment or opening located

between 100 mm (4") and 900 mm (35") above the balcony floor will facilitate climbing;

- 11) all open sides of interior and exterior stairs of a non-residential building shall be protected by a **Guard** having a minimum height of 900 mm (35") measured vertically above a line drawn through the outside edges of the stair nosing;
- 12) all interior and exterior balconies, landings, galleries, mezzanines, decks, porches, floor openings and roofs to which access is provided for other than **maintenance** purposes of a non-residential building shall be protected by a **Guard** having a minimum height of 1070 mm (42");
- 13) openings through a **Guard** on all stairs, balconies, landings, galleries, mezzanines, decks, porches, floor openings and roofs to which access is provided for other than **maintenance** purposes shall be of a size so as to prevent the passage of a spherical object having a diameter of 100 mm (4") in residential occupancies, day care centres, nurseries or other similar occupancies where children may be present and 200 mm (8") in other non-residential buildings;
- 14) except as provided in 18.3 (5), all retaining walls and other locations where the vertical distance to the surface or horizontal plane below exceeds 600 mm (24") shall be protected by a **Guard** in accordance with the **Building Code**;

18.4 Fire escapes shall be of metal, concrete or wood, of the stair type extending to ground level, constructed in a substantial manner and securely fixed to the building in accordance with the **Building Code**.

18.5 **Guards** on fire escapes and landings shall be in accordance with the **Building Code**.

19.0 FLOORS AND FIRE PROTECTION

19.1 Floors shall be maintained in a clean and sanitary condition and free from stains, rubbish and **Debris**.

19.2 The floors of rooms in which **Plumbing Fixtures** are installed shall be maintained reasonably impervious to water and in such a condition as to permit easy cleaning.

19.3 Floors shall be maintained reasonably smooth and level and free from warped or decayed boards, large cracks, depressions, protrusions, deterioration or other defects which are fire, health or accident hazards.

19.4 Wall, floor, ceiling and roof construction, fire protective closures, sprinkler systems and other means of fire protection shall be maintained in such a manner as to afford the fire protective properties required by all relevant governmental regulations.

19.5 Floor covering when removed, deteriorated or damaged, shall be replaced so that the flooring presents a uniform and neat appearance.

20.0 CHIMNEY, FLUES AND RELATED EQUIPMENT

20.1 Heating equipment, vent pipes, exhaust hoods, chimneys, smoke stacks, flues, ducts and similar equipment shall be constructed, installed and maintained free from obstructions and to comply with all applicable governmental regulations and to prevent:

- 1) obstruction to the free passage of **Persons** within a building;
- 2) the heating of adjacent combustible materials, walls and structural members to unsafe temperatures;

- 3) the entrance of smoke or gases into a building;
 - 4) fire and accident hazards.
- 20.2 Where a heating system, heating equipment or any auxiliary heating **units** burn solid or liquid fuel a place for such fuel shall be provided and maintained in a safe condition and in a convenient location so as to be free from fire or accident hazards.
- 20.3 All piping for gas or oil fuel and all electrical connections to a heating system shall be installed and maintained in accordance with the requirements of all applicable governmental regulations.
- 20.4 Fuel burning heating equipment shall be effectively connected to a chimney or flue which leads to the exterior of the building in which the equipment is installed and shall be furnished with an adequate supply of air to ensure proper combustion of the fuel.
- 20.5 Every chimney, smoke-pipe, flue and gas vent in use or available for use in a building shall be:
- 1) installed and maintained so as to prevent the escape of smoke or gases into the building;
 - 2) clear of obstructions;
 - 3) free from open joints;
 - 4) free from broken and loose masonry;
 - 5) in good **repair** and plumb.
- 20.6 A prefabricated chimney or flue shall be of a type suitable for the appliance for which it is being used and shall be kept in good **repair**, properly secured and free from fire, health and accidental hazards.
- 21.0 NUISANCE**
- 21.1 On **Property** which, because of its condition or because of its use or occupancy or for other reason, creates a **Nuisance** to **Occupants** of adjacent **Property** or to **Persons** in the neighbourhood or to the user of streets or parks, every reasonable precaution shall be taken to prevent such **Nuisance**. Without limiting the generality of the foregoing such precautions shall include:
- 1) providing and maintaining an effective barrier to prevent the light from lamp **standards**, **Signs**, vehicle head lamps and other sources from shining directly into a **Dwelling Unit**;
 - 2) providing and maintaining an effective barrier to prevent waste, wrappings, **Debris** and the like from encroaching an adjacent **Property**;
 - 3) the removal of excessive accumulation of materials from a **Yard** unless such materials are required for a business being lawfully conducted on the **Property**;
 - 4) providing and maintaining an effective barrier to prevent dumping, placing or depositing any **Debris** of any kind onto the **Property**;
 - 5) employing all means necessary and sufficient for the purpose.
- 21.2 The place for temporary storage and disposal of garbage and refuse shall be maintained;
- 1) in a litter free condition;
 - 2) in a manner that will not attract pests or create a health or safety hazard;
 - 3) screened from a public highway, street, walkway, park or **Residential Property** so as not to be visible from such locations.

- 21.3 All properties shall be provided with sufficient containers or receptacles to safely contain all garbage, rubbish, waste and other refuse.

22.0 VACANT PROPERTY

- 22.1 Where any **Property** is unoccupied the **Owner** or his agent shall protect every such **Property** against the risk of fire, accident or other danger and shall effectively prevent the entrance thereto of all unauthorised **Persons**.
- 22.2 Vacant building shall be boarded up to the satisfaction of the **Officer** by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inch) weatherproof sheet plywood securely fastened to the building and painted a colour compatible with the surrounding walls.
- 22.3 Where a building remains vacant for a period of more than ninety days (90), the **Owner** or his agent, shall ensure that all utilities serving the building are properly disconnected or otherwise secured to prevent accidental or malicious damage to the building or adjacent **Property**.
- 22.4 Section 22.3 does not apply where such utilities are necessary for the safety or security of the building.

23.0 STORAGE GARAGES

- 23.1 All **Storage Garages** shall be adequately lighted at all times.
- 23.2 The interior walls, ceilings, and columns of the **Storage Garage** area painted white,
- 23.3 The materials used to provide a white surface on the walls, ceiling and columns of **Storage Garages** shall:
- a) be suitable for application to the material of which the walls, ceilings and columns are formed;
 - b) shall be washable and shall be washed or renewed as is necessary to maintain a reasonably clean and bright surface.
- 23.4 No machinery, boats, vehicles including trailers, or parts thereof which are in an unusable, wrecked, unlicensed, discarded or abandoned condition shall be stored or allowed to remain in a **Storage Garage**.
- 23.5 Every floor, wall, ceiling and stairwell of a **Storage Garage** shall be kept clean and free from rubbish and **Debris** and from objects or conditions that might create a fire, health or accident hazard.
- 23.6 All **Means of Egress** within a **Storage Garage** shall be provided with clean, clear, unobstructed and readily visible exit **Signs** for every required exit and maintained in good **repair**.

24.0 DEMOLITION

- 24.1 Where a building, **Accessory Building**, **Fence** or other structure on a **Property** is demolished, the site shall be cleared of all rubbish, **Debris**, refuse, masonry, lumber and other materials and left in a graded and levelled condition.
- 24.2 Where part of a building or structure has been demolished, the exterior walls of the remaining part of the building or structure shall comply with the requirements of this by-law and the walls shall be parged or otherwise treated to prevent the entry of water into the building and to present a neat and uniform appearance, free from the outlines of partitions, stairs, doors, and from areas of multi-coloured paint or wallpaper.
- 24.3 Where a building, **Accessory Building** or other structure is being demolished, every precaution shall be taken to protect adjoining **Property** and members of the public. Such precaution shall include the erection of

Fences, barricades, covered ways for pedestrians and all other means of protection necessary for the purpose.

SUPPLEMENTARY STANDARDS FOR RESIDENTIAL PROPERTIES

25.0 DUTIES OF OCCUPANTS

25.1 Every **Occupant** of a **Dwelling** in that part of the **Dwelling** that he or she occupies or controls shall:

- 1) limit the number of **Occupants** thereof to the maximum number permitted by this by-law;
- 2) maintain all plumbing, cooking, refrigerating appliances and fixtures and all storage facilities and other equipment therein in a clean and sanitary condition;
- 3) keep all exits unobstructed;
- 4) maintain the same in a clean condition;
- 5) co-operate with the landlord in complying with the requirements of this by-law.

26.0 CLEANLINESS

26.1 A **Dwelling** shall at all times be kept free of rodents, vermin and insects which may be deleterious to safety, health, and comfort from conditions which may encourage infestation by such pests.

26.2 In **Multiple Dwellings** every garbage chute, garbage disposal room, garbage storage area, garbage container or receptacle shall be washed and disinfected as often as is necessary to maintain a clean and odour free condition.

26.3 Garbage chutes and garbage disposal rooms must be kept in use and maintained in working order at all times.

27.0 OCCUPANCY STANDARDS

27.1 A **Non-Habitable Room** shall not be used as a **Habitable Room**.

27.2 A bedroom shall be a **Habitable Room** and no kitchen, **Bathroom** or hallway shall be used as a bedroom.

27.3 The maximum number of **Persons** residing in a **Dwelling Unit** shall not exceed one **Person** for each 9 square meters (97 square feet) of **Habitable Room** floor area.

27.4 The minimum area of a room used by only one **Person** for sleeping shall be 6 square metres (64.5 square feet). The minimum dimension of any **Habitable Room** shall be 2 metres (6.5 feet).

27.5 The minimum area of a room used by two or more **Persons** for sleeping shall be 4 square metres (43 square feet) for each **Person** so using the area.

27.6 Every **Habitable Room** shall have a ceiling height in accordance with the requirements of the *Ontario Building Code*.

27.7 Any **Dwelling Unit** or portion thereof shall not be used as a **Dwelling** unless it meets the requirements of this by-law, the requirements of the *Ontario Building Code* and *Fire Code*.

27.8 Each kitchen in a **Dwelling Unit** shall be provided with an approved gas or electrical supply for cooking purposes.

- 27.9 Each kitchen in a **Dwelling Unit** when equipped with refrigerator, cooking stove, kitchen fixture and fittings shall have such appliances, fixtures and fittings maintained in good **repair** and good working order.
- 27.10 Every **Dwelling Unit** shall be equipped with a carbon monoxide detector if the building is equipped with a fuel fired appliance or an interconnected attached garage.
- 27.11 Every **Dwelling Unit** shall be equipped and maintained with a smoke detector in accordance with the requirements of the Ontario **Building Code**.

28.0 GENERAL MAINTENANCE

- 28.1 Every **Supplied** facility, piece of equipment or appliance shall be so constructed and installed that it will function safely and effectively and shall be maintained in a safe and satisfactory working condition.
- 28.2 A mail box or mail receptacle shall be **Supplied** for every **Dwelling Unit** in a building and maintained in good **repair**.

29.0 DISCONNECTING UTILITIES

- 29.1 No **Owner**, nor anyone acting on his behalf, shall disconnect or cause to be disconnected any service or utility providing light, heat, refrigeration, water or cooking facilities for **Residential Property** occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of **repairing**, replacing or altering such service or utility.
- 29.2 A **Person** liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility is disconnected or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance and is therefore guilty of an **offence** under Section 28.1.

30.0 DOORS, WALLS AND CEILINGS

- 30.1 Interior door and door frames including automatic door closets and all necessary hardware shall be maintained in good **repair** to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.
- 30.2 Doors connecting **Dwelling Units** to the exterior or to an entrance or exit system shared in common with other **Dwelling Units** shall have locking devices and other necessary hardware installed and maintained in good **repair**. Access doors, as above, shall afford the **Occupants** of the **Dwelling Unit** with a reasonable degree of privacy and safety and prevent the entry of draughts into the **Dwelling Unit**.
- 30.3 In the public parts of **Multiple Dwellings**, missing, cracked and broken glass in door panels, glass screens, and windows shall be replaced with approved glass or similar materials.
- 30.4 Every wall and ceiling in a **Dwelling** or in a **Dwelling Unit** shall be maintained so as to be free of holes, cracks, damaged and deteriorated plaster or other material and finished to match the existing wall or ceiling.
- 30.5 **Repairs** made to the walls and ceiling of a **Dwelling** or in a **Dwelling Unit**, shall be completed in a workmanlike manner and each **repair** shall be finished to match the existing wall or ceiling.
- 30.6 Previously finished wall and other surfaces in the public parts of **Multiple Dwellings** shall be maintained in good **repair** and shall be renewed or refinished when necessary to maintain an attractive appearance. Unsightly chalk marks, painted slogans and similar markings or defacements on walls or other surfaces shall be removed and the surface refinished when necessary.

30.7 In **Multiple Dwellings**, glazed doors, windows and other transparent surfaces in those parts of the building used by the tenants in common shall be kept in reasonably clean condition.

30.8 Every wall, ceiling, staircase and landing, furnishing, fixture and appliance in a **Dwelling** shall be maintained in a clean and sanitary condition and the **Dwelling** shall be kept free from rubbish and **Debris**.

30.9 Garbage chutes and garbage disposal rooms shall have fire doors fitted with self-closing devices and all necessary hardware and every such door shall be a good fit in its frame and maintained in good **repair**.

31.0 **HEATING**

31.1 Every **Dwelling** and every **Dwelling Unit** shall be provided with a heating system capable of maintaining a room temperature of 21 degrees C (70 degrees F) at 1.5 metres (5 feet) above the floor level in all **Habitable Rooms, Bathrooms and Toilet Rooms**.

31.2 Every heating system shall be constructed, installed and maintained to comply with the requirements of all applicable governmental regulations and shall be maintained in good working condition so as to be capable of heating a room safely to the temperature referred to in Section 31.1.

31.3 Fireplaces and other solid-fuel burning appliances shall be connected to a smoke pipe, chimney flue or gas vent and shall be installed in accordance with the current standards of the Underwriters Laboratory of Canada and the manufacturer's instructions.

31.4 If, in the opinion of the **Officer** there is a reason to believe that the heating system of a building has been constructed, installed or maintained not in compliance with the requirements of all applicable governmental regulations, the **Officer** may order that such heating system be examined and a written report be prepared by a certified heating contractor and employed by the **Owner** of the building or his or her authorised agent. The written report **signed** by the certified heating contractor and giving details of the findings and proposed **repairs** shall be submitted to the **Property Standards Officer**.

31.5 All work specified by the certified heating contractor shall be completed in the manner and within the time which shall be specified by the contractor. The time specified shall be acceptable to the **Officer**.

31.6 A permit shall be obtained from the Building Inspector where the method of operation of an existing heating system is altered, the **repair**, adjustment or component replacements that change the capacity or extent of safety of the system shall conform with the requirements of the *Ontario Building Code*.

31.6 On completion of all work to the heating system, the **Officer** shall be provided with a signed certificate from the certified heating contractor. Where applicable, a Certificate of Inspection signed by the Chief Inspector, Ministry of Consumer and Commercial Relations, pursuant to the Boilers and Pressure Vessels Act shall be provided.

32.0 **SEPARATIONS**

32.1 Every **Dwelling** shall be so constructed and protected as to prevent the passage of noxious fumes and gases from a part of the **Dwelling** that is not used, designed or intended to be used for human habitation into other parts of the **Dwelling**.

33.0 **PLUMBING**

33.1 All plumbing, drainpipes, waterpipes, **Plumbing Fixtures** and every connecting line to the **Sewage System** shall:

- 1) comply with the requirements of all applicable governmental regulations;
- 2) be maintained in good working order free from leaks or defects;

3) be protected from freezing.

33.2 Every **Dwelling** shall be provided with an adequate supply of potable running water from a source approved by the **Medical Officer of Health** for the Region of York.

33.3 Every **Dwelling Unit** shall be provided with at least a water closet, a wash basin, a kitchen sink and a bathtub or shower. All **Plumbing Fixtures** shall be connected to a **Sewage System**.

33.4 A water closet shall be located within and be accessible from within the **Dwelling Unit** and shall be located and equipped to afford privacy to **Persons** using such water closet.

33.5 All **Plumbing Fixtures** and appliances installed within a **Dwelling** shall be maintained in good working condition and in a clean and sanitary condition.

33.6 Every sink, wash basin, bathtub and shower in a **Dwelling Unit** shall be provided with an adequate supply of hot and cold running water.

33.7 All hot water shall be **Supplied** at a temperature ranging from 45 degrees C (113 degrees F) to 60 degrees C (140 degrees F) in accordance with the requirements of the *Ontario Building Code*.

33.8 Every sink, wash basin and laundry facility in a **Dwelling** shall be provided with an adequate supply of hot and cold running water.

33.9 Adequate potable running water shall be **Supplied** to every water closet.

34.0 **MOULD**

34.1 Buildings and structures shall be kept clear and free from mould or any condition that may cause mould or other types of decay.

35.0 **ELECTRICAL SUPPLY AND LIGHTING**

35.1 Every **Dwelling Unit** shall be connected to an electrical supply system and shall be wired for electricity.

35.2 The electrical wiring, pipes for conducting fuel and all equipment and appliances for use in a **Dwelling Unit** or **Accessory Building** shall be installed and maintained in good working order so as not to cause a fire or electrical shock hazard and in accordance with all applicable governmental regulations.

35.3 Adequate artificial light shall be available at all times, in all rooms and in every stairway, hall and **Basement** in a **Dwelling**.

35.4 In **Multiple Dwellings**, every stairway, hall, exit and entrance, and all other parts of the **Dwelling** used by the tenants in common shall be adequately lighted at all times. ~~Without limiting the generality of the foregoing, lighting shall be considered adequate:~~

~~1) if there is sufficient light to provide an average level of illumination of at least 21.6 lux (2 foot candles) at floor levels, in corridors, halls, and at exits and entrances;~~

~~2) where corridors, stairs and stair landings are illuminated by a common system, the average level of illumination provided at tread level on the stairs and at floor level on the landing shall be at least 21.6 lux (2 foot candles);~~

~~3) on stairs and stair landings which are not illuminated by the lighting fixture provided of adjacent corridors, halls, exits or entrance ways, an average level of illumination of at least 16.2 lux (1.5 foot candles) shall be provided.~~

~~35.5 For the purpose of establishing the average level of illumination, at least one measurement of the intensity of illumination shall be made in a grid pattern and at floor level. The measurement shall be made at equally spaced intervals not exceeding 3 metres in any direction.~~

~~35.6 The level of illumination at any location on the floor level in corridors, halls, exits, entrances and stairs of a building shall not be less than 11 lux (1 foot candle).~~

~~35.5 In Multiple Dwellings exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a Yard shall be adequately lighted at all times.~~

35.6 All electrical fixtures, switches, receptacles and connections thereto shall be maintained in a safe and complete condition and in working order.

36.0 **WINDOWS AND WALL OPENINGS**

36.1 Every **Habitable Room** in a **Dwelling** except a kitchen shall contain an outside window or windows which shall be maintained in good **repair**, and which shall:

- 1) have a total light transmitting area of not less than 10 percent of the floor area in living room and dining room and have a total light transmitting area of not less than 5 percent of the floor area in bedrooms and other finished rooms;
- 2) when designed to open, be easily opened and closed at all times and the area of the openable portion shall comply with the requirements of the **Ontario Building Code**;
- 3) be provided with proper and suitable hardware and effective locking devices *so as to properly perform their intended function*.
- 4) have the total light transmitting area of the window wells counted in the calculations referred to in article 4.11.1 (1) provided that one half of the area of such windows is above the top of the window well. Where less than half the light transmitting area of a window is above the top of a window well, only that area of the window above the top of the window well may be counted in the calculations.

36.2 Every opening in an exterior wall which is not protected by a door or window shall be screened with wire mesh, metal grill or otherwise suitably protected to prevent the entry of vermin or rodents.

36.3 All windows in a **Dwelling Unit** designed to be opened shall be fitted with screens so as to prevent the entrance of insects and rodents and maintained in good **repair**.

37.0 **VENTILATION**

37.1 In every **Dwelling Unit**:

- 1) Every kitchen, **Bathroom**, shower room and **Toilet Room** shall be provided with adequate natural or artificial means of ventilation.
- 2) Where any system of mechanical ventilation is provided for any building or accessory structure, room or series of rooms such system, including monitoring devices for air contaminants or operability and supports shall be:
 - i. capable of completely changing the air in the room in accordance with the requirements of the **Ontario Building Code**;
 - ii. regularly cleaned and maintained in working order, good **repair**, and in a safe condition at all times.

- 37.2 In **Multiple Dwellings** every laundry room, garbage room, corridor, boiler room, **Storage Garage** and all parts of the building used by the tenants in common shall be adequately ventilated in accordance with ASHRAE (American Society of Heating, Refrigeration and Air Conditioning Engineers) standards 62, Ventilation for Acceptable Indoor Air Quality.
- 37.3 A mechanical ventilation system in laundry room, garbage room, corridor, boiler room, **Storage Garage** and all parts of the building used by the tenants in common shall be:
- a) maintained in good **repair** and in good working order;
 - b) maintained in a safe condition;
 - c) regularly cleaned.
- 38.0 MEANS OF EGRESS FOR MULTIPLE DWELLING UNITS**
- 38.1 Every **Dwelling Unit** shall have a safe, continuous and unobstructed passage from the interior of the **Dwelling Unit** to an exit at or near **Grade** level.
- 38.2 All **Means of Egress** within a **Multiple Dwelling** shall be provided with clean, clear, unobstructed and readily visible exit **Signs** for every required exit and maintained in good **repair**.
- 38.3 The passage required as egress from one **Dwelling Unit** shall not pass through any other **Dwelling Unit**.
- 38.4 In **Multiple Dwellings** every reasonable precaution shall be taken to prevent unauthorised **Persons** from entering the **Dwelling** or a garage or other building accessory to the **Dwelling**.
- 38.5 In every **Multiple Dwelling** containing 10 or more **Dwelling Units**, a two way voice communication system shall be provided between each **Dwelling Unit** and the main entrance and each **Dwelling Unit** shall be provided with a security locking and release mechanism for the main entrance and such mechanism shall be maintained in a locked position at all times. Such mechanisms shall be maintained in good **repair** and in an operative condition.
- 38.6 In **Multiple Dwellings** where a voice communication system between each **Dwelling Unit** and the front lobby and security locking and release facilities for the entrance have been provided and are controlled from each **Dwelling Unit**, such facilities shall be maintained in good **repair** and in operative condition.
- 38.7 Every door used as an entrance to or **Means of Egress** from a **Multiple Dwelling** where a voice communication system between each **Dwelling Unit** and the front lobby and security locking and release facilities for the entrance have been provided or from a **Storage Garage** which is not open and available for use by the general public shall be kept closed and locked and shall be provided with approved self-closing and self-locking mechanisms and shall not be secured in an open position except in an emergency situation.
- 38.8 Doors used as a **Means of Egress** from a **Multiple Dwelling** or a **Storage Garage** shall be so arranged as to be readily opened without the use of a key, in the direction of exit travel.
- 39.0 WINDOW CATCHES AND GUARDS**
- 39.1 Every window of a **Dwelling Unit** which is located above the first **storey** of a **Multiple Dwelling** shall be equipped with a safety device to prevent the opening of any part of such window to a width in excess of 100 mm (4"), such devices to be to the requirements of the *Ontario Building Code*.

- 39.2 Every window located above the first **storey** in corridors, stairways, and other public areas of a **Multiple Dwelling**, that extends to less than 1070 mm (42") above the floor or landing, shall be protected by a **Guard** of at least 1070 mm (42") in height, having no openings large enough to permit the passage of a spherical object with a diameter of 100 mm (4") and having no member, attachment or opening, which will facilitate climbing, located between 100 mm (4") and 900 mm (35 1/2") above the floor or the bottom of the **Guard**.

40.0 **ELEVATING DEVICES**

- 40.1 Elevating devices in a **Dwelling**, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good **repair** and operational.

SUPPLEMENTARY STANDARDS FOR NON-RESIDENTIAL PROPERTIES

41.0 **DUTIES OF OWNERS AND OCCUPANTS**

- 41.1 Every **Owner**, and every **Occupant** in that part of **Non-Residential Property** that he occupies or controls, shall maintain the **Property**:

- 1) in a clean, sanitary and safe condition, free from litter, refuse and **Debris** including such litter and refuse as may be left by customers or other members of the general public and shall provide containers for the disposal of such litter or refuse;
- 2) free from objects or conditions which are health, fire, or accident hazards;
- 3) free from rodents, vermin and **Injurious** insects.

- 41.2 In a **Mixed-use Building** no **Owner** or **Occupant** thereof, nor anyone acting on behalf of such **Owner** or **Occupant**, shall disconnect or cause to be disconnected, any service or utility providing light, heat, refrigeration, water or cooking facilities serving the **residential** portion therein and occupied by a tenant or lessee, except for such reasonable period of time as may be required for the purpose of **repairing**, replacing or altering such service or utility.

- 41.3 A **Person** liable for rates for gas, water, steam, electric power, fuel oil or other service or utility, who fails to pay such rates with the result that the gas, water, steam, electric power, fuel oil or other service or utility is disconnected or shut off, removed or discontinued, shall be deemed to have caused or permitted such disconnection, shutting off, removal or discontinuance and is therefore guilty of an **offence** under Sub-section 41.2

42.0 **INTERIOR WALLS, CEILINGS AND FLOORS**

- 42.1 Interior walls, floors and ceilings shall be maintained:

- 1) free from health, fire and accident hazards;
- 2) in good **repair** and free from holes, large cracks, broken plaster and loose or broken masonry;
- 3) in a clean and sanitary condition which is reasonable considering the use or operation;
- 4) free from missing, cracked and broken glass in door panels, glass screens and windows. Cracked and broken glass in broken door panels, glass screens and windows shall be replaced with approved glass or other approved material.

- 42.2 In **Mixed-use Buildings** wherein noxious fumes, odours or gases are, or could be present, all surfaces separating the non-**residential** portion from the **residential** portion shall be of gastight construction and maintained in a good state of **repair** so as effectively to prevent the passage of noxious fumes, odours or gases through the separation.

- 42.3 Plaster **repairs** made to the walls and ceilings of non-**residential** properties shall be completed in a workmanlike manner and each **repair** shall be finished to match the existing wall or ceiling.
- 42.4 In non-**residential** buildings, glazed doors, windows and other transparent surfaces shall be kept in a reasonably clean condition.
- 42.5 Interior doors and door frames including automatic door closers and all necessary hardware shall be maintained in good **repair** to ensure the proper operation and integrity of the door and the door shall be a good fit in its frame.
- 42.6 Every **Supplied** facility, piece of equipment or appliance shall be so constructed and installed that it will function safely and effectively and shall be maintained in a safe and satisfactory working condition.
- 43.0 HEATING**
- 43.1 Every **Non-Residential Property** shall be provided with a heating system capable of maintaining an appropriate temperature for the operations carried on within the **Property** and which shall be maintained in a safe and good working condition.
- 43.2 Non-**residential** properties shall be provided with a heating system capable of maintaining a minimum temperature of 18 degrees C (64 degrees F) between the month of September in each year and the month of June of the following year when the premises are occupied.
- 44.0 PLUMBING**
- 44.1 In every non-**residential** building, **Plumbing Fixtures** shall be provided and installed in accordance with the requirements of all applicable governmental regulations.
- 44.2 All plumbing, drainpipes, water pipes and **Plumbing Fixtures** in every non-**residential Property** and every connecting line to the **Sewage System**, shall be maintained in good working order and free from leaks and defects and in compliance with all applicable government regulations; and all water pipes, drain pipes and appurtenances thereto shall be protected from freezing.
- 44.3 All installed **Plumbing Fixtures**:
- 1) shall be kept in good **repair**, in a clean and sanitary condition and every **Sanitary Unit** shall be so located and enclosed as to be easily accessible to and provide privacy for, the **Persons** using such **Sanitary Units**;
 - 2) shall be connected to a **Sewage System**;
 - 3) shall be provided with an adequate supply of running water and such fixtures as washbasins, showers and other fixtures at which hot water is required, shall be provided with an adequate supply of hot water at a minimum temperature of 49 degrees C (120 F).
- 44.4 Rooms in which **Plumbing Fixtures** are installed shall be maintained in a clean and sanitary condition and the walls and ceilings shall be provided with a smooth surface reasonably impervious to water and resistant to chipping or cracking.
- 44.5 The paint on walls and ceilings in rooms in which **Plumbing Fixtures** are installed shall be renewed as often as necessary and maintained in a clean and sanitary condition.
- 44.6 In **Mixed-use Buildings**, **Plumbing Fixtures** installed in connection with the non-**residential** portion of the building and available for use by members of the public, shall be separate from such fixtures required by the **Standards** for the **residential** portion of the building.

45.0 ELECTRICAL SERVICES AND LIGHTING

- 45.1 Non-**residential** properties shall be wired for electricity and connected to an electrical supply system so that an adequate supply of electrical power may be available at all times.
- 45.2 The electrical connection to and the wiring system of a **Non-Residential Property** shall be installed and maintained in good working order, free from fire and accident hazards and in compliance with the requirements of all applicable governmental regulations.
- 45.3 In all parts of a non-**residential** building a level of illumination shall be provided and maintained which will adequately protect all **Persons** within the building from health and accident hazards.
- 45.4 Artificial lighting shall be provided and maintained in good working order at all times in every stairway, hall and passageway, in every room in which **Plumbing Fixtures** are installed, and in every furnace room and boiler room.
- 45.5 All electrical fixtures, switches, receptacles and connections thereto shall be maintained in a safe and complete condition and in working order.
- 45.6 Exterior steps, walks, loading docks, ramps, parking spaces, driveways and similar areas of a Yard shall be adequately lighted at all times.

46.0 VENTILATION

- 46.1 Mechanical ventilating equipment and the supports for such equipment shall be maintained in good **repair** and in a safe mechanical condition.
- 46.2 All non-**residential** properties shall be adequately ventilated by natural or mechanical means and with regard to the operations carried on therein, to ensure that **Persons** within the **Property** are not exposed to conditions deleterious to their health or safety.
- 46.3 Ventilation shall be provided for every room in which **Plumbing Fixtures** are installed, every locker room and clothes drying room either by means of natural ventilation through openings directly to the outside air or by means of mechanical ventilation, which will ensure a complete change of air within the room at least once per hour.
- 46.4 Where a system of mechanical ventilation exhausting noxious fumes, gases, dust or sawdust from a building is installed, the discharge from such a system shall terminate above the roof line of the building and not less than 3.05 metres (10 feet) clear of any skylight, window, ventilation or other opening into a building and shall be operated in such a way as not to constitute a **Nuisance**.

47.0 MEANS OF EGRESS

- 47.1 All **Means of Egress** within a non-**residential** building shall be:
- 1) maintained free from all obstructions or impediments;
 - 2) provided with ~~lighting facilities capable of supplying not less than 11 lux (1 foot candle) of light intensity on the floor surfaces continuously;~~ adequate lighting.
 - 3) provided with clean, clear, unobstructed and readily visible exit **Signs**, for every required exit.
- 47.2 In a **Mixed-use Building**, no **Means of Egress** from the non-**residential** portion of the building shall pass through any part of any **Dwelling Unit** unless the **Occupant** thereof is also the **Occupant** of the non-**residential** portion.

48.0 WINDOW GUARDS

- 48.1 Every window in a non-**residential** building located above the first **Storey** in corridors, stairways and other public areas that extends to less than 1070 mm (42") above the floor or landing shall be protected by a **Guard** at least 1070 mm (42") in height and having no openings large enough to permit the passage of a spherical object with a diameter of 200 mm (8") and be non-climbable.

49.0 ELEVATING DEVICES

- 49.1 Elevating devices in a non-**residential** building, including all parts, lighting fixtures, lamps, elevator buttons, floor indicators and ventilation fans shall be maintained in good **repair** and operational.

HERRITAGE BUILDINGS

50.0 HERITAGE ATTRIBUTES

- 50.1 In addition to the minimum **Standards** for the **Maintenance** and occupancy of **Property** set out elsewhere in this by-law, the **Owner** or **Occupant** of a Part IV or Part V **Heritage Property** shall:

- 1) maintain, preserve and protect the **Heritage Attributes** of the Part IV or Part V **Heritage Property** so as to maintain its **heritage** character as well as its visual and structural **heritage** integrity;
- 2) maintain the Part IV or Part V **Heritage Property** in a manner that will ensure the protection and preservation of its **heritage** values and attributes; and,
- 3) obtain a **Heritage Permit** from Council prior to performing work or causing any work to be performed under this section of this by-law.

51.0 REPAIR OF HERITAGE ATTRIBUTES

- 51.1 Despite any other provision of this By-law, where a **Heritage** Attribute of a Part IV or Part V **Heritage Property** can be repaired the **Heritage** Attribute shall not be replaced and shall be **repaired**:

- 1) in a manner that minimizes damage to the **heritage** values and attributes;
- 2) in a manner that maintains the design, colour, texture, grain or distinctive features of the **Heritage Attributes**; and
- 3) Using the same types of materials as the original and in keeping with the design, colour, texture, grain and any other distinctive features of the original.

- 51.2 Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original materials.

52.0 REPLACEMENT OF HERITAGE ATTRIBUTES

- 52.1 Despite any other provision of this By-law, where a **Heritage** Attribute of a Part IV or Part V **Heritage Property** cannot be repaired, the **heritage** Attribute shall be replaced:

- 1) using the same types of materials as the original;
- 2) Where the same types of material as the original are no longer available, using alternative materials that replicate the design, colour, texture, grain or other distinctive features and appearance of the original materials.
- 3) in such a manner as to replicate the design, colour, texture, grain and other distinctive features and appearance of the **Heritage** Attribute; and

- 4) in a manner that minimizes damage to the **Heritage Attributes** of the **Property**.

53.0 ALTERATION OF HERITAGE ATTRIBUTES

- 53.1 Despite any other provision of this By-law or the **Building Code Act**, 1992, as amended, or as substituted from time to time, no building or structure of a Part IV and Part V **Heritage Property** may be altered or cleared, including but not limited to removed, demolished or relocated except in accordance with the Ontario **Heritage Act**.

54.0 VACANT AND DAMAGED DESIGNATED HERITAGE PROPERTIES

- 54.1 Where a Part IV or Part V **Heritage Property** remains vacant for a period of 90 days or more, the **Owner** shall ensure that appropriate utilities serving the building are connected as required in order to provide, maintain and monitor proper heating and ventilation to prevent damage to the **Heritage Attributes** caused by environmental conditions.

- 54.2 The **Owner** of the vacant Part IV or Part V **Heritage Property** shall protect the building and **Property** against the risk of fire, storm, neglect, intentional damage and damage by other causes by effectively preventing the entrance to it all animals and unauthorized **Persons** and by closing and securing openings to the building with boarding:

1) that completely covers the opening and is properly fitted in a watertight manner within the side jambs, the head jamb and the exterior bottom sill of the door or window opening so the exterior trim and cladding remains uncovered and undamaged by the boarding;

2) that is fastened securely in a manner that minimizes damage to the **Heritage Attributes** and the historic fabric and is reversible, and

3) in a manner that minimizes visual impact.

- 54.3 Despite any of the provisions above, no window, door or other opening on a Part IV or Part V **Heritage Property** shall be secured by brick or masonry **units** held in place by mortar unless required.

- 54.4 Where utilities are available for the safety and security of the building, an exterior lighting fixture shall be installed and maintained in front porch, veranda or an area adjacent to the front entrance of the building or structure and must be left on a timer.

- 54.5 The **Owner** of vacant Part IV or Part V **Heritage Property** shall post **Signs** prohibiting trespassing onto the **Property** and prohibiting removal of materials.

55.0 UNSAFE HERITAGE PROPERTY

- 55.1 Where a building or structure on a Part IV or Part V **Heritage Property** has been deemed unsafe and the necessary remedial measures to address the unsafe condition of the building or structure are being undertaken, the **Owner** shall ensure that all necessary measures are taken to protect **Heritage Attributes** and prevent damage or further damage to the Part IV or Part V **Heritage Property**.

- 55.2 If, in the opinion of the **Property Standards Officer**, there is doubt as to the structural condition and adequacy of a building or structure or parts thereof, the **Officer** may order that such building or structure or parts thereof be examined by a professional engineer, licensed to practice in Ontario and a member of the Canadian Association of **Heritage Professionals** and employed by the **Owner** or authorized agent, and that a written report be submitted to the **Officer**, which report will include drawings for any recommended remedial work designed by an engineer, and details of the findings of such examination.

56.0 DEMOLITION OF HERITAGE PROPERTY

- 56.1 Despite any other provision of this By-law or the **Building Code Act**, 1992, no building or structure located on Part IV and Part V **Heritage Property** that has been designated under Section 29, 34.5 or 41. of the Ontario **Heritage Act** may be altered or cleared including but not limited to remove, demolition or relocation except in accordance with the Ontario **Heritage Act**,
- 56.2 Upon completion of demolitions and removals of structures, the affected site shall be cleared and cleaned of **Debris**, graded, left free from holes or excavations and provided and maintained with suitable **Ground Cover**.

57.0 CONFLICT

- 57.1 If there is a conflict between the **Heritage Act** and the **Building Code** the Act which has the highest standards shall prevail.
- 57.2 If there is a conflict between this section and any other provision in this By-law or any other **Town** By-law, the provision that establishes the highest standard for the protection of **Heritage Attributes** shall prevail.

ENFORCEMENT**58.0 POWER OF ENTRY**

- 58.1 A **Officer** may, upon producing proper identification, enter upon any **Property**, at any reasonable time without a warrant for the purpose of inspecting the **Property** to determine:
- 1) whether the **Property** conforms with the **Standards** prescribed in this by-law, or
 - 2) whether an Order made under the **Act** has been complied with.
- 58.2 In accordance with section 16 of the Building Code, an Officer requires the permission of the Occupant to enter inside a Dwelling.
- 58.3 Despite sections 15, 15.2, and 15.4 of the Building Code, an Officer shall not enter or remain in any room or place actually being used as a Dwelling unless,
- (a) the consent of the occupier is obtained, the occupier first having been informed that the right of entry may be refused and entry made only under the authority of a warrant issued under the Building Code;
 - (b) a warrant issued under the Building Code is obtained;
 - (c) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health or safety of any Person;
 - (d) the entry is necessary to terminate a danger under subsection 15.7 (3) of the Building Code; or,
 - (e) the requirements of section 58.4 are met and the entry is necessary to repair or demolish under subsection 15.4 (1) of the Building Code.
- 58.4 Within a reasonable time before entering the room or place for a purpose described in section 58.3 (e), the Officer shall serve the occupier with notice of his or her intention to enter it.
- 58.5 For the purpose of an inspection, and in accordance with s. 15.8 of the **Act**, an **Officer** may;
- 1) require the production for inspection of documents or things, including drawings, or specifications, that may be relevant to the **Property** or any part thereof:

- 2) inspect and remove documents or things relevant to the **Property** or part thereof for the purpose of making copies or extracts;
- 3) require information from any Person concerning a matter related to the inspection including their name, address, phone number and identification;
- 4) alone or in conjunction with a **Person** possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection; and
- 5) order the **Owner** of the **Property** to take and supply at the **Owner's** expense such tests and samples as are specified in the Order.

58.6 The **Town** may charge the **Owner** of a **Property** a fee or charge pursuant to the **Towns** fees and charges By-law to conduct an inspection, including increased fees for **multiple** inspections.

59.0 **ORDER**

59.1 A **Officer** who finds that a **Property** does not conform with any of the **Standards** prescribed in a by-law passed under section 15.1 may make an order,

- 1) the municipal address or the legal description of the **Property**;
- 2) giving reasonable particulars of the **repairs** to be made or stating that the site is to be cleared of all buildings, structures, **Debris** or refuse and left in a graded and levelled condition;
- 3) indicating the time for complying with the terms and conditions of the order and giving notice that, if the **repair** or clearance is not carried out within that time, the municipality may carry out the **repair** or clearance at the **Owner's** expense; and
- 4) indicating the final date for giving notice of appeal from the order

59.2 An Order shall be served on the **Owner** of the **Property** and such other **Persons** affected by it as the **Officer** determines and a copy of the order may be posted on the **Property**.

59.3 An Order may be registered in the proper land registry office and, upon such registration, any **Person** acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under section 59.2 and, when the requirements of the order have been satisfied, the clerk of the municipality shall forthwith register in the proper land registry office a certificate that such requirements have been satisfied, which shall operate as a discharge of the order

60.0 **APPEALS**

60.1 An **Owner** or **Occupant** who has been served with an order may appeal the Order to the **Committee** by sending a notice of appeal by registered mail to the secretary of the **Committee** within 14 days after being served with the order along with the applicable fee.

60.2 An Order that is not appealed within the time referred to in Section 60.1 shall be deemed to be confirmed.

60.3 The **Committee** shall hear the appeal.

60.4 On an appeal, the **Committee** has all the powers and functions of the **Officer** who made the order and the **Committee** may do any of the following things if, in the **Committee's** opinion, doing so would maintain the general

intent and purpose of the by-law and of the official plan or policy statement:

- 1) Confirm, modify or rescind the order to demolish or **repair**,
- 2) Extend the time for complying with the order.

61.0 FAILURE TO COMPLY WITH AN ORDER

- 61.1 If an Order is not complied with the **Town** may cause the **Property** to be repaired, cleaned, cleared or demolished, as the case may be.
- 61.2 For the purpose of the section 61.1 of this by-law. Employees or agents of the **Town** may enter the **Property** at any reasonable time, without a warrant, in order to **repair**, clean, clear or demolish the **Property**.
- 61.3 The **Town** or a **Person** acting on its behalf is not liable to compensate the **Owner**, **Occupant** or any other **Person** by reason of anything done by or on behalf of the **Town** in the reasonable exercise of its powers under Section 61.1 of this by-law.
- 61.4 The **Town** shall have a lien on the land for the amount spent on the **repair**, cleaning, clearing or demolition under Section 61.1 of this by-law and the amount shall have priority lien status as described in section 1 of the **Municipal Act**, 2001.

62.0 SERVICE

- 62.1 An Order shall be served personally or by registered mail sent to the last known address of the **Person** to whom notice is to be given or that **Persons** agent for service.
- 62.2 An order served by registered mail shall be deemed to have been served on the 5th day after the date of mailing.
- 62.3 A copy of the Order may be posted on the **Property**.

63.0 CERTIFICATE OF COMPLIANCE

- 63.1 An **Officer** who, after inspecting a **Property**, is of the opinion that the **Property** is in compliance with the **Standards** established in this by-law may issue a **Certificate of Compliance** to the **Owner**.
- 63.2 An **Officer** shall issue a **Certificate of Compliance** to an **Owner** who requests such a certificate and who pays the fee set out in fees and charges by-law if, after inspecting the **Property**, the **Officer** is of the opinion that the **Property** is in compliance with this by-law.

64.0 PENALTIES

- 64.1 Every **Person** who fails to comply with an order, direction or requirement made under the **Building Code Act** is guilty of an **offence**.
- 64.2 A **Person** who is convicted of an **offence** is liable to a fine pursuant to the **Building Code Act** of not more than \$50,000 for a first **offence** and to a fine not more than \$100,000 for a subsequent **offence**.
- 64.3 If a corporation is convicted of an **offence**, the maximum penalty that may be imposed upon the corporation is \$100,000 for a first **offence** and \$200,000 for a subsequent **offence**.
- 64.4 For the purpose of section 64.2 and 64.3 an **offence** is a subsequent **offence** if there has been a previous conviction under this by-law.
- 64.5 Every **Person** who fails to comply with an order made by a **Officer** under section 64.2 is guilty of an **offence** and on conviction, in addition to the penalties mentioned in sections 64.2 and 64.3 is liable to a fine of not more

than \$10,000 per day for every day the **offence** continues after the time given for complying with the order has expired

64.6 If a conviction is entered, in addition to any other remedy and to any penalty imposed by this by-law, the court in which the conviction is entered, and any court of competent jurisdiction thereafter, may make an order prohibiting the continuation or repetition of the **offence** by the **Person** convicted on the same **Property**.

65.0 TRANSITION

65.1 After the date of passing of this by-law, By-law 1999-34, as amended, applies only to properties in respect of which an Order has been issued prior to the date of passing of this by-law, and then only to such properties until such time as the work required by such Order has been completed or any enforcement proceedings in respect of such Order, including demolition and **repair** by the **Town**, has been concluded.

66.0 REPEAL

66.1 Bylaw 1999-34 and 2001-96 as amended is hereby repealed.

67.0 SHORT TITLE

671 This by-law may be referred to as the “**Property Standards By-law**”

68.0 EFFECTIVE DATE

Enacted this day of , 201x.

Tony Van Bynen, Mayor

Lisa Lyons, **Town** Clerk



Corporation of the Town of Newmarket

By-law Number 2017-xx

A By-law to provide for maintaining land in a clean and clear condition

Whereas Sections 8, 9 and 11 of the *Municipal Act, 2001*, c.25 as amended (the "Act") permits a municipality to pass By-laws necessary or desirable for municipal purposes, and in particular paragraphs 5, 6 and 8 of Subsection 11 (2), authorize By-laws respecting the economic, social and environmental well-being of the municipality, the health, safety and well-being of persons, and the protection of persons and property;

And whereas Section 127 of the *Municipal Act, 2001* permits a municipality to pass By-laws requiring an owner or occupant of land to clean and clear the land, not including buildings; to clear refuse or debris from the land, not including buildings; for regulating when and how such matters shall be done; for prohibiting the disposal of refuse or debris on land without the consent of the owner or occupant of the land; and for defining "refuse";

And whereas Section 129 of the *Municipal Act, 2001* permits a municipality to pass By-laws to prohibit and regulate with respect to odour, dust, and outdoor illumination including indoor lighting that can be seen outdoors;

And whereas the Council of the Town of Newmarket deems it advisable to pass such a by-law;

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

1.0 DEFINITIONS:

"BOULEVARD" means that portion of every road allowance within the limits of the *Town* which is not used as a *sidewalk*, driveway access, traveled roadway or shoulder;

"COSTS" means all monetary expenses incurred by the *Town* during and throughout the process of any *remedial work*, including interest and may include an administrative surcharge amount as determined by the *Towns Fees and Charges By-law*;

"COUNCIL" The elected municipal officials of the Town of Newmarket;

"COMPOSTING" means the biological degradation or breakdown of organic material into a dark soil-like material called humus;

"DEBRIS " means any waste material of any kind whatsoever and without limiting the generality of the foregoing includes: inoperative or unlicensed vehicles or boats and mechanical equipment, automobile and mechanical parts, tires, furnaces, water and fuel tanks, furniture, glassware, plastic, cans, garden refuse, grass clippings, trees, tree branches, earth or fill, animal feces, materials from construction or demolition projects, old clothing and bedding, refrigerators, freezers, or similar appliances, whether operable or inoperable, containers of any kind and un-maintained garden fixtures and any objects or conditions that might create a health, fire or accident hazard;

"DIRECTOR" means the *Director, Legislative Services* of the *Town* and his/her designate;

“DWELLING” means a house, apartment, or other place of residence;

“FILL” means any type of material capable of being removed from or deposited on lands, such as soil, stone, sod, turf, concrete, and asphalt either singly or in combination;

“GRAFFITI” means one or more letters, symbols, figures, etchings, scratches, inscriptions, stains or other markings that disfigure or deface or object, howsoever made or otherwise affixed on the structure or object;

“GROUND COVER” means material organic or non-organic and includes concrete, flagstone, gravel, asphalt, grass or other form of landscaping;

“INVASIVE ” means a invasive plant designated by or under the *Invasive Species Act*, S.O. 2001, c. 22, including any *weed* designated as a local or noxious *weed* under a *By-law*;

“MEDICAL OFFICER OF HEALTH” refers to the *Medical Officer of Health* for the Region of York.

“MOTOR VEHICLE” means an automobile, truck, motorcycle, snowmobile, utility trailer, recreational vehicle and any other vehicle propelled or driven by other than muscular power;

NATURAL BODY OF WATER

“NATURAL GARDEN” means a defined area of vegetation that has been deliberately planted or cultivated with species of wildflowers, shrubs, perennials, ornamental grasses or combinations of them, consistent with a managed and natural landscape.

“NOXIOUS WEEDS” means a noxious *weed* designated by or under the *Weed Control Act*, R.S.O. 1990, c. W.5, including any *weed* designated as a local or noxious *weed* under a *By-law*;

“ODOUR” mean any odour which may be detected at a point of reception and has an adverse effect.

“OFFICER” means a Police Officer as defined under the *Police Services Act*, R.S.O. 1990, c. P15, as amended, an individual appointed by the Town as a Municipal Law Enforcement Officer pursuant to section 15 of the *Police Services Act*, as amended, or any other individual designated by the Town to enforce this By-law;

“OWNER” means the Owner, authorized agent, leasee or the occupier of the premises,

“PERSON” includes an individual, association, firm, partnership, corporation, trust, organization, trustee, agent or legal representative of an individual;

“POINT OF RECEPTION” means any point on the premises of any person where odour, originating from premises other than those premises, is detected.

“POOL” means any body of water, which is located outdoors on private property; wholly or partially contained by artificial means; capable of holding water in excess of 0.61m (2 feet) in depth at any point; an open exposed water surface of at least 1m² (10.7ft²) and includes a hot tub or landscape/decorative pond meeting the above criteria;

"PROPERTY" means a building or structure or part of a building or structure and includes the lands and premises appurtenant thereto and all mobile structures, outbuildings, fences and erections thereon, whether heretofore or hereafter erected, and includes vacant property;

"RECREATIONAL VEHICLE" means a vehicle or trailer which may provide short term occupancy that is intended and used exclusively for travel, recreation and vacationing, designed to be towed or propelled by a motor vehicle or self-propelled, and includes such vehicles commonly known as travel trailers, camper trailers, truck campers, motor homes or other similar travel vehicles but does not include a *mobile home*; and/or boats, personal watercraft, all-terrain vehicles and other similar vehicles used for recreational pursuits; and a trailer designed to carry any of the items listed above.

"REMEDIAL WORK" means all work necessary for the correction or elimination of a contravention of this *By-law* as cited in any order issued under this *By-law*, including any such condition or health hazard, actual or potential, that the contravention may pose.

"SIDEWALK" means a municipal or regional *sidewalk* located on a *boulevard*;

"SIGHT TRIANGLE" means in the case of a corner lot, the triangular space formed by the street lines and a line drawn from a point in one street line to a point in the other street line, measured 5m along the street from the point of intersection of the street lines.

"STANDING WATER" means any water, other than a natural body of water that exists on a permanent basis or contained within a municipality owned storm water management facility, that is found either on the ground, on a structure, in a *pool* or in debris as defined in this by-law;

"UTILITY TRAILER" means a vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and is capable of being used for the transport of goods, materials, equipment or livestock notwithstanding that such vehicle is jacked up or that its running gear is removed;

"TOWN" means The Corporation of the *Town of Newmarket*;

"WASTE" means any *waste* of any kind whatsoever and without limiting the generality of the forgoing includes; *debris*, *sewage*, effluent, garbage, or litter of any type including household *waste*;

"YARD" means an open, uncovered space on a *lot* appurtenant to a *building* and unoccupied by *buildings* or *structures* except as may be expressly permitted by this By-Law but does not include a court yard. In determining *yard* measurements the minimum horizontal distance from the respective *lot line(s)* shall be used;

"ZONING BY-LAW" means the Zoning By-law of the Town of Newmarket passed under the Planning Act, as amended, from time to time.

2.0 PROPERTY MAINTENANCE

- 2.1 Every owner of property shall keep the property maintained free of, debris, discarded objects, and shall also keep their property free from conditions such as holes or excavations that might create a health, safety, or accident hazard.

- 2.2 Every *owner* shall ensure suitable ground cover be provided to prevent erosion of the soil and where grass forms part of the ground cover, it shall be sodded or seeded as often as required to maintain the grass in a living condition and cut so as not to be unreasonably overgrown in relation to the neighbouring environment.
- 2.3 Notwithstanding section 2.2 where a natural garden forms part of the ground cover, it shall be maintained in a living condition.
- 2.4 Every *owner* shall ensure that vegetation on the *property* be kept trimmed and from becoming unreasonably overgrown in a fashion that may affect safety, visibility, or the passage of the general public.
- 2.5 Every owner shall maintain the property clean and free from Heavy undergrowth and noxious weeds.
- 2.6 Every owner shall maintain weeds and grass on the property ~~to a reasonable length~~ that does not exceed 20 centimetres (8 inches) and remove and dispose of the cuttings in an appropriate manner.
- 2.7 Every owner shall maintain the property free from dead, decayed or damaged trees, shrubs, and all trees on the property shall be pruned so as to be free from dead or decayed or damaged branches.
- 2.8 Every owner shall maintain his/her property in a manner to prevent dust or dirt from spreading to neighbouring properties.
- 2.9 Every owner of property containing a pool, hot tub, wading pool or artificial pond shall maintain such pool, hot tub, wading pool or artificial pond in good repair and working condition.
- 3.0 **DERELICT MOTORVEHICLES**
- 3.1 No *owner* shall use any *property* for the parking, storage, keeping or placement of the following:
- a) motor vehicle having missing bodywork components or parts, including tires or damaged components, parts, bodywork, glass or deteriorated or removed adjuncts, which prevent its mechanical function;
 - b) motor vehicles that are not currently licensed for operation pursuant to the provisions of the Highway Traffic Act;
 - c) motor vehicles parts or components unless otherwise expressly permitted;
 - d) wrecked, dismantled, discarded, inoperative, or abandoned motor vehicles and machinery.

4.0 COMPOSTING

- 4.1 No *owner* shall permit *composting* of any kind other than in accordance with this *By-law*.
- 4.2 All composting shall be carried out in accordance with the following requirements:
- a) Composting is permitted only in a rear yard of a property;
 - b) Composting shall take place only in a container, or digester and only on land from which the compost material originated;
 - c) any compost containers or digesters used for composting shall be kept covered tightly at all times, except when being emptied or filled;
 - d) no domesticated animal feces shall be placed in a compost container, or digester used for composting;
 - e) no odour shall be permitted to emanate from the compost container, or digester used for composting;
 - f) maintained in such a manner as not to attract animals, rodents or vermin;
 - g) any compost container, pile or digester used for composting shall be set back at least 0.6 meters (2 feet) from any lot line.

- 4.3 Section 4.2 does not apply to a property if composting is necessary for the operation of a permitted 'use' lawfully situated on the property pursuant to the Zoning By-laws and/or respective site plan agreements.

5.0 FIREWOOD

- 5.1 No *owner* shall keep fire wood on the *property* unless actually used for wood burning on the *property*.
- 5.2 Firewood shall be kept, stored or placed in a rear or side *yard* provided the following provisions are met:
- a) The firewood is used for wood burning on the *property* or in the dwelling;
 - b) The area of *property* occupied by the firewood is not more than the (15%) of the total area of the *yard* area where it is situated;
 - c) The firewood shall be neatly piled in the rear yard, does not exceed more than 8ft in height and shall have a minimum setback back of 1 meter;
 - d) The firewood shall be neatly piled in the side yard, does not exceed more than 6ft in height and shall have a minimum setback back of 0.6 meter (2 feet); and
 - e) The firewood shall not be piled along a fence which might facilitate climbing where a pool is located on an adjacent property.
- 5.3 Section 5.1 does not apply to a *property* if the storage of firewood is necessary for the operation of a permitted 'use' lawfully situated on the *property* pursuant to the *Zoning By-laws*.

6.0 GRAFFITI

- 6.1 No *person* shall place, cause or permit *graffiti* to be placed on any *property* within the *Town*.
- 6.2 Every *owner* shall at all times maintain *property* free of *graffiti*.

7.0 STANDING WATER

- 7.1 No *owner* shall permit *standing water* on a property for a period in excess of three (3) days when the outside temperature remains above 10 Celsius (50 Fahrenheit), including but not limited to on the ground, in waste, *debris*, *pools*, accessory structures or *property*.
- 7.2 Any *person* owning a *property* in the *Town* where a natural body of water exists, shall when ordered by the *Medical Officer of Health* that significant medical hazard exists, shall take the steps outlined by the *Medical Officer of Health* to remedy the situation. Not limiting the foregoing, it may include the filling or draining of the body of water or the treatment of the same with a larvicide.

8.0 BOULEVARD MAINTENANCE

- 8.1 Every *owner* of a *property* shall maintain the *boulevard* free of long grass and weeds, *materials*, debris and maintain the boulevard to be free and clear from damage, holes and ruts.
- 8.2 All permitted boulevard gardens shall be limited to perennial or annual plant material up to 0.6m (2ft) in height. On any property located adjacent to an intersection and which may have a wide side yard, the Owner shall ensure that there are no plantings within the 5.0 metres (16.4 feet) **Sight Triangle**. Property

owners are not permitted to plant trees, noxious weeds and invasive species on the boulevard;

- 8.3 All plantings shall be kept trimmed so that they do not encroach on any sidewalks, curbs or driveway edges.
- 8.4 Property owners shall maintain the municipal sidewalk free and clear of debris.
- 8.5 The property owner shall not place any plantings other than ground cover having a maximum height of 152 millimetres (6 inches) within a 1.5 metre (4.9 feet) radius of any fire hydrant and other utility infrastructure.

9.0 ORDER

- 9.1 Where the Town is satisfied that a contravention of this by-law has occurred, the Town may make an order requiring the person who contravened this by-law, or who caused or permitted the contravention, or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.
- 9.2 An order under Section 9.1 of this by-law shall set out:
 - a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
 - b) and the work to be done and the date by which the work must be done.
- 9.3 An order under Section 9.1 may require work to be done even though the facts which constitute the contravention of this by-law were present before this by-law came into force.
- 9.4 Any person who contravenes an order under Section 9.1 of this by-law is guilty of an offence.
- 9.5 The order may be served personally on the person to whom it is directed or by registered mail to the last known address of the person, in which case it shall be deemed to have been given on the 5th day after it is mailed.

10.0 FAILURE TO COMPLY WITH ORDER

- 10.1 Where an *Owner* contravenes an Order issued under section 9.1, the *Officer* may, without notice to any *Owner*, cause the work to correct the contravention to be done at each *Owner's* expense. Without limitation, the *Officer* may retain such *persons* to assist in completing the work as the *Officer* determines appropriate.
- 10.2 Upon completion of the work to correct the contravention by or on behalf of the *Town*, the municipality shall have a lien on the land for the amount spent on the work to correct the contravention, plus administration fee and the amount shall be deemed to be municipal *property* taxes and may be added to the tax roll and collected in the same manner and with the same priority as municipal *property* taxes as provided for by statute.
- 10.3 Each *Owner* is jointly and severally liable to the *town* for all costs incurred in any way related to work done to correct the contravention for the purpose of section 10.2 including, without limitation, interest as per *Town* policy.

11.0 POWERS OF ENTRY

- 11.1 The Town may enter on land at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - a) the provisions of this By-law;
 - (b) an Order issued under this By-law; or
 - (c) an Order made under Section 431 of *the Act*.
- 11.2 Where an inspection is conducted by the *Town*, the *person* conducting the

inspection may:

- (a) require the production of documents or relevant items for inspection;
 - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies and extracts;
 - (c) require information from any *person* concerning a matter related to the inspection including their name, address, phone number and identification; and,
 - (d) alone or in conjunction with a *person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of inspection.
- 11.3 The *Town* may undertake an inspection pursuant to an Order issued under Section 438 of the *Act*.
- 11.4 The *Town's* power of entry may be exercised by an employee, *inspector* or agent of the *Town* or by a member of a police force with jurisdiction, as well by any *person* under his or her direction.
- 11.5 No *person* shall hinder or obstruct, or attempt to hinder or obstruct, a *Municipal Law Enforcement Officer*, or a Police Officer from carrying out inspections of land to ensure compliance with this By-law.

12.0 PENALTY PROVISION

- 12.1 Every *person* who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
- 12.2 Any person who is in contravention of any provision of this By-law, or who fails to comply with an order issued under this By-law shall be deemed to be committing a continuing offence for each day or part of a day that the contravention remains uncorrected.
- 12.3 If an Order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
- 12.4 Any *person* who is guilty of an offence under this By-law shall be subject to the following penalties:
- a) Upon a first conviction, the minimum fine shall be \$350.00 and the maximum fine shall be \$100,000.00;
 - b) Upon a second or subsequent conviction for the same offence, a fine shall be a minimum of \$500.00 and the maximum fine shall be \$100,000.00;
 - c) Upon conviction for a continuing offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00 for each day or part of a day that the offence continues; and
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, the minimum fine shall be \$500.00 and the maximum fine shall be \$10,000.00.
- 12.5 For the purposes of this By-law, "multiple offences" means an offence in respect of two (2) or more acts or omissions each of which separately constitutes an offence and is a contravention of a provision of this By-law.
- 12.6 For the purposes of this By-law, an offence is a "second or subsequent offence" if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.
- 12.7 Where a person is convicted of an offence under this by-law, the court in which the conviction has been entered, and any court of competent jurisdiction

thereafter, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

13.0 SEVERABILITY

13.1 Where a Court of competent jurisdiction declares any section or part of a section of this By-law invalid, the remainder of this By-law shall continue in force unless the Court makes an order to the contrary.

14.0 SHORT TITLE

14.1 This By-law shall be referred to as the “Clean Yards By-law”;

Enacted this day of , 201x.

Tony Van Bynen, Mayor

Lisa Lyons, Town Clerk



**Newmarket Public Library Board
Regular Board Meeting
Wednesday, June 21, 2017
Newmarket Public Library Board Room**

Present: Joan Stonehocker, Chair
Tara Brown, Vice Chair
Kelly Broome
Darcy McNeill
Venkatesh Rajaraman
Jane Twinney

Regrets: Tom Vegh

Staff Present: Todd Kyle, CEO
Linda Peppiatt, Deputy CEO
Lianne Bond, Administrative Coordinator

The Library Board Chair called the meeting to order at 5:35 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.

Motion 17.06.210

Moved by Venkatesh Rajaraman

Seconded by Kelly Broome

That Agenda items 1) to 3) be adopted as presented.

Carried

Declarations

None were declared.

Consent Agenda Items:

4. Adoption of the Regular Board Meeting Minutes for Wednesday, May 17, 2017
5. Adoption of the Closed Session Minutes for May 17, 2017
6. Strategic Operations Report for May, 2017
7. Library Statistical Data for May, 2017
8. Monthly Bank Transfer

Motion 17.06.211

Moved by Jane Twinney

Seconded by Kelly Broome

That Consent Agenda items 4) to 8) be received and approved as presented.

Carried

Closed Session

9. Motion to move into Closed Session

No Closed Session items at the time of agenda distribution.

Reports

10. IdeaMarket – Revised Concept

A revised concept for the IdeaMarket program to make it more community driven was reviewed with the Library Board.

Motion 17.06.212

Moved by Tara Brown

Seconded by Darcy McNeill

That the Library Board receive the report on IdeaMarket – new concept.

Carried

Business Arising

11. Leadership by Design e-Learning

a) Board Organization

The Library Board reviewed and discussed the Board Organization and Planning sections that were identified in the Board governance knowledge gap analysis.

12. Library Board Action List

The Library Board reviewed the Action list.

Motion 17.06.213

Moved by Jane Twinney

Seconded by Kelly Broome

That the Library Board receive the Library Board Action List.

Carried

New Business

13. 2018 Capital and Operating Budget

Considerations for the 2018 Capital and Operating Budget were reviewed by the Library Board.

Motion 17.06.214

Moved by Darcy McNeill

Seconded by Venkatesh Rajaraman

That the Library Board receive the report on 2018 Capital and Operating Budget.

Carried

Date(s) of Future Meetings

14. The next regular Library Board meeting is scheduled to September 20, 2017 at 5:30 in the Library Board room.

Adjournment


Motion 17.06.215

Moved by Tara Brown

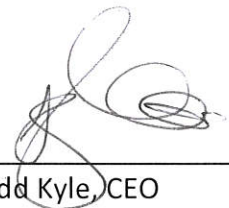
Seconded by Jane Twinney

That there being no further business meeting adjourned at 6:35 pm.

Carried



Joan Stonehocker
Chair



Todd Kyle, CEO
Secretary/Treasurer