



## **Committee of the Whole Agenda**

**Tuesday, October 8, 2019  
Immediately Following the Council Meeting  
Town Hall Council Chambers**

Please silence all electronic devices.

### **Pages**

**1. CALL TO ORDER**

**2. APPROVAL OF AGENDA**

**Suggested Motion:**

THAT the agenda be accepted as presented.

**3. DECLARATION OF PECUNIARY/CONFLICT OF INTEREST AND GENERAL NATURE THEREOF**

**4. MINUTES TO BE APPROVED AND RECEIVED**

**a. Committee of the Whole Minutes**

**7**

**Suggested Motion:**

THAT the Committee of the Whole Minutes dated September 24, 2019 be accepted as presented.

**5. DELEGATIONS/PRESENTATIONS**

**6. REPORTS**

**PLANNING AND PROTECTION**

**a. DP3-08-2019, Revera Long Term Care Facility**

**13**

**(Communication 130179)**

Joanna Bowes, Manager of Development Services

**Suggested Motion:**

THAT Committee hereby approves application DP3-08-2019 and authorizes staff to issue a development permit upon receipt of all required information, fees and securities. The development permit will include standard clauses to address servicing, grading, landscaping and utilities requirements as well as the following site-specific conditions:

1. Conditions relating to the removal of snow and garbage will form part of the site-specific conditions in the Development Permit Agreement.

**b. Update on Shipping Containers**

22

**(Communication 130180)**

Joanna Bowes, Manager of Development Services  
Lennox Smith, Chief Building Official

**Suggested Motion:**

THAT the deadline for commercial and industrial property owners who would like to address their expansion plans for their property as well as any existing shipping containers be granted an extension to the deadline until April 30, 2020 on the provision that:

- A DP3 application with all supporting documentation/studies and payment in full is submitted by December 31, 2019 and deemed complete by Planning Staff.

**c. Amendment to Sign By-law – Business Improvement Area**

23

**(Communication 130181)**

Stacey Blair, Clerk

**Suggested Motion:**

THAT Council approve amending Schedule B (Business Improvement Area) to By-law 65-2008, the Town's Sign By-law.

**PHYSICAL ENVIRONMENT**

**d. 2018/2019 Winter Maintenance Review**

27

**(Communication 130182)**

Dave Young, Director of Public Works

**Suggested Motion:**

THAT the Public Works Department continue to provide sidewalk winter maintenance as follows:

- on sidewalks and/or trails adjacent to Arterial and Collector Streets, including the Ottawa Valley Recreation Trail (OVRT);
- on sidewalks leading to public institutions;
- on sidewalks in residential areas where there is adequate storage areas and no permanent obstructions in the roadway; and

THAT the level of service on winter-maintained sidewalks be consistent with Ontario Regulation 239/02 Minimum Maintenance Standards for Municipal Highways; and

THAT a by-law be passed identifying municipal sidewalks that are to be closed from November 15<sup>th</sup> of any given year to April 1<sup>st</sup> of the following year.

**Suggested Motion:**

THAT Council support Option 1 - Change Overnight Winter Parking to Pre 2011 System; and

THAT By-law 50-2011 pertaining to winter parking restrictions be rescinded which would result in the winter parking restrictions of By-Law 46-2003 Section 9. 2) being reinstated as follows:

*No person shall park a vehicle or permit a vehicle to remain parked on any highway between 12:00 a.m. midnight to 7:00 a.m. from November 15 to April 1 of any year.*

CORPORATE SERVICES

e. **Addressing Municipal Liability and Insurance Costs**

33

(Communication 130183)

Trisa McConkey, Treasurer

**Suggested Motion:**

THAT the Council of the Town of Carleton Place supports the Association of Municipalities of Ontario (AMO) in its submission to the Attorney General entitled *“Towards A Reasonable Balance: Addressing growing municipal liability and insurance costs”*; and

THAT the Town endorses the AMO’s recommendations to address these issues as follows:

1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations, and whether a 1-year limitation period may be beneficial.
3. Implement a cap for economic loss awards.
4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.
5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, and municipal arguments as to the fiscal impact of joint and several liability.
7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.

**f. Hospital Foundation Advertising**

53

**(Communication 130184)**

Trisa McConkey, Treasurer

**Suggested Motion:**

THAT Council provide direction regarding the Carleton Place & District Memorial Hospital Foundation’s request to include an advertising insert with our June water bills.

## COMMUNITY ISSUES

- g. **Community Enrichment Grants – Intake 2** 54

(Communication 130185)

Joanne Henderson, Manager of Recreation and Culture

**Suggested Motion:**

THAT Council approve the allocation of Community Enrichment Grants to various organizations under Intake 2 in the amount of \$2,525.00.

**7. NEW/OTHER BUSINESS**

- a. **Resignation of Dave Young, Director of Public Works** 56

**Suggested Motion:**

THAT Council accept the resignation of Dave Young, effective April 30, 2020, with regrets.

**8. COMMITTEE, BOARD AND EXTERNAL ORGANIZATION UPDATES**

- a. **Committee Resignations**

**Suggested Motion:**

THAT the resignations of Doreen Donald and Leslee Brown from the Environmental Advisory Committee be accepted with regrets; and

THAT a letter of thanks be sent to Ms. Donald and Ms. Brown on behalf of the Town and Council.

- b. **Advisory Committee Minutes and Updates** 57

**Suggested Motion:**

THAT the following minutes be received as information:

- Environmental Advisory Committee, September 16, 2019

**9. INFORMATION LISTING** 60

**Suggested Motion:**

THAT the Information Listing dated October 8, 2019 be received as information.

**10. NOTICE OF MOTIONS**

## **11. CLOSED SESSION**

### **Suggested Motion:**

**THAT** the Committee move into closed session at \_\_\_\_\_ p.m. to discuss matters subject to Section 239 (2):

- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;
- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

**AND THAT** Diane Smithson, CAO (items 1 and 2), and Stacey Blair, Clerk, remain in the room.

- a. **Sale of Land - Bridge Street**
- b. **Procurement Tender**
- c. **Employment Contract**

## **12. RISE AND REPORT**

## **13. ADJOURNMENT**

## **Committee of the Whole Minutes**

**Tuesday, September 24, 2019  
Immediately Following the Council Meeting  
Town Hall Council Chambers**

**COUNCIL PRESENT:** Mayor Black, Deputy Mayor Redmond, Councillor Fritz,  
Councillor Seccaspina, Councillor Randell, Councillor Tennant,  
Councillor Atkinson

**STAFF PRESENT:** Diane Smithson, CAO, Stacey Blair, Clerk

### **1. CALL TO ORDER**

The meeting was called to order by Chair Randell at 7:14 p.m.

### **2. APPROVAL OF AGENDA**

**Moved by:** Deputy Mayor Redmond

**Seconded by:** Councillor Tennant

THAT the agenda be accepted as presented.

**CARRIED**

### **3. DECLARATION OF PECUNIARY/CONFLICT OF INTEREST AND GENERAL NATURE THEREOF**

None.

### **4. MINUTES TO BE APPROVED AND RECEIVED**

#### **1. Committee of the Whole Minutes**

**Moved by:** Councillor Fritz

**Seconded by:** Councillor Tennant

THAT the Committee of the Whole Minutes dated September 10th, 2019  
be accepted as presented.

**CARRIED**

### **5. DELEGATIONS/PRESENTATIONS**

None.

## 6. REPORTS

### PLANNING AND PROTECTION

1. Ocean Wave Fire Company (OWFC) and By-law Monthly Activity for August 2019

**Moved by:** Deputy Mayor Redmond

**Seconded by:** Councillor Tennant

**THAT** the Director of Protective Services' Report on the activities of the Ocean Wave Fire Company (OWFC) and the By-law Department for the month of August 2019 be accepted as information.

**CARRIED, CONSENT**

2. Agreement for County Medical Tiered Response Program

**Moved by:** Councillor Fritz

**Seconded by:** Councillor Seccaspina

**THAT** Council pass the necessary by-law to authorize the Mayor and Clerk to execute a Tiered Response Agreement with the County of Lanark which permits the Ocean Wave Fire Company to provide emergency response to certain specific emergency calls for assistance to Lanark County Paramedic Services (LCPS).

**CARRIED, BY LAW PREPARED**

### CORPORATE SERVICES

3. 2020 Water and Sewer Budget

**Moved by:** Councillor Atkinson

**Seconded by:** Deputy Mayor Redmond

**THAT** staff be authorized to present the draft 2020 Water and Sewer budget to the public for comment at the Committee of the Whole meeting on October 8, 2019.

**CARRIED**

## 7. NEW/OTHER BUSINESS



1. Proposed Motion - Advisory Committees

**Moved by:** Councillor Atkinson

**Seconded by:** Councillor Tennant

**THAT** all appointments made to the various Committees/Boards shall stand through to the end of the current Council term in November 2022; and

**THAT** at that time, all positions for the Town's Committees/Boards shall be advertised and subject to an application process to be considered by the new Council.

**CARRIED, MOTION PREPARED**

2. Proposed Dates for All Day Budget Meeting

**Moved by:** Councillor Tennant

**Seconded by:** Deputy Mayor Redmond

**THAT** an all-day budget meeting be held on November 1, 2019.

**CARRIED**

3. Launch Date for Ride the LT

**Moved by:** Councillor Seccaspina

**Seconded by:** Councillor Fritz

**THAT** Wednesday, October 9th, 9:30 a.m. be set as the launch date for Ride the LT.

**CARRIED**

## **8. COMMITTEE, BOARD AND EXTERNAL ORGANIZATION UPDATES**

1. Committee Resignations

**Moved by:** Councillor Tennant

**Seconded by:** Deputy Mayor Redmond

**THAT** the resignations of Bernard De Francesco and David Robertson from the Municipal Heritage Committee be accepted with regrets; and

**THAT** a letter of thanks be sent to Mr. De Francesco and Mr. Robertson on behalf of the Town and Council.

**CARRIED, CONSENT**

2. Advisory Committee Minutes and Updates

**Moved by:** Councillor Fritz

**Seconded by:** Councillor Seccaspina

**THAT** the following minutes be received as information:

- Parks and Recreation Committee, September 9, 2019

**CARRIED**

3. Motions Received from the Parks and Recreation Committee

1. Motion 1. (Communication 130175)

**Moved by:** Councillor Fritz

**Seconded by:** Mayor Black

**THAT** Majore Landscaping be retained to reconstruct a portion of the interlock patio at the Town Hall Square Park at a price of \$5,200.00 plus HST with the budget deviation for this project to be funded from the Town Hall exterior upgrades budget.

**CARRIED, MOTION PREPARED**

2. Motion 2. (Communication 130176)

**Moved by:** Deputy Mayor Redmond

**Seconded by:** Councillor Fritz

**THAT** the Adult Swim from 12 p.m. – 1 p.m. and the Public Swim from 1 p.m. - 2:30 p.m. be cancelled on Saturday, November 30, 2019 and Saturday, February 29, 2020 to accommodate the Carleton Place Water Dragons' swim meets.

**CARRIED, CONSENT**

3. Motion 3. (Communication 130175)

**Moved by:** Deputy Mayor Redmond

**Seconded by:** Councillor Tennant

**THAT** Olympia Homes provide more details regarding plans for the park in Pegasus Subdivision North including:

- Dimensions of play structure, splash pad and open play area
- Details of splash pad components
- An alternate option on the play structure
- References for Jambette playgrounds
- Cost breakdown of each feature
- Details on benches, garbage cans and picnic tables
- Details on trees (species, sizes, etc.); and

**THAT** Olympia Homes be invited to attend the next Parks and Recreation meeting scheduled for Monday, October 7, 2019.

**CARRIED**

**9. INFORMATION LISTING**

**Moved by:** Councillor Atkinson

**Seconded by:** Deputy Mayor Redmond

**THAT** the Information Listing dated September 24, 2019 be received.

**CARRIED**

**10. NOTICE OF MOTIONS**

None.

**11. CLOSED SESSION**

None.

**12. ADJOURNMENT**

**Moved by:** Councillor Atkinson

**Seconded by:** Deputy Mayor Redmond

**THAT** the meeting be adjourned at 7:44 p.m.

**CARRIED**

---

CoW Chair

---

Clerk

**COMMUNICATION 130179**

**Received from** Joanna Bowes, Manager of Development Services  
**Addressed to** Committee of the Whole  
**Date** October 8, 2019  
**Topic** DP3-08-2019, Revera Long Term Care Facility

**SUMMARY**

An application has been submitted for a Class 3 Development Permit for the property legally described as Part of Lot 16, Concession 11, Parts 1 and 2 on Plan 27R-11259, in the Geographic Township of Beckwith, now in the Town of Carleton Place and locally known as 29 Costello Drive. The property is designated as Employment Lands in the Town of Carleton Place Official Plan and Employment Lands - Health Campus in the Development Permit By-law. The applicant is proposing to construct a two storey, 128 bed, long-term care residence comprised of 76 private rooms and 26 basic rooms (2 beds). The proposal is to have surface level parking.

Site access is provided from Costello Drive, while fire access will be from Lake Avenue. The development includes amenity areas, services for the residents (beauty salon/barber, health club and clinic, dining rooms, administrative offices and other similar uses.

The V shaped building allows for a secure courtyard and for more windows throughout the building providing views and sunlight for the residents.

**The applicant is requesting relief from the following Development Permit****Provisions:**

1. A variation to the 30m setback from the municipal drainage easement to 3.0m in concert with Low Impact Development (LID) measures;
2. A variation for parking location due to the property being a through lot.

**COMMENT**

Higher level documents, such as the Provincial Policy Statement, the County Official Plan and the Town of Carleton Place Official Plan include policies and directions to consider while evaluating any development proposal. The development generally meets the requirements of these documents.

**Provincial Policy Statement:****Section 1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns**

This project meets the requirements of Section 1.1. This project is appropriate for, and efficiently uses, existing infrastructure and prevents the need for expansion of the Town's boundaries. It further, provides housing for older persons, employment for the Town, and provides institutional uses in the form of a long-term care home.

### **1.3 Employment**

This project meets Section 1.3 Employment lands by providing a range of employment and institutional uses to meet long-term needs.

### **1.4 Housing**

This project meets the requirements of Section 1.4 of the PPS by providing an appropriate range of housing types and densities for current and future residents by permitting and facilitating forms of housing required to meet social, health and well being requirements, including special needs requirements.

This project is in compliance with the Provincial Policy Statement.

### **Lanark County Sustainable Communities Official Plan:**

#### **2.3 Settlement Area Policies**

##### **Section 2.3.1 General Policies**

“Lanark County is home to many thriving Towns, Villages and Hamlets which provide a plan to live, work and play. The following shall apply:

- 5) Efficient development patterns will be encouraged in Settlement Areas to optimize the use of land, resources, infrastructure and public service facilities....”

This project meets these requirements.

#### **8.2.9 Affordable Housing**

This proposed project allows Council to provide affordable housing by enabling a full range of housing types to meet the requirements of current and future residents of the County by monitoring the need for social assisted housing for households and seniors.

The County of Lanark’s Objectives respecting development in Settlement Areas are as follows:

- 1) “To ensure the provision of an adequate supply of residential land;
- 2) To provide a range and mix of low, medium and high-density housing types in accordance with servicing capacity;
- 3) To provide for neighbourhood facilities and amenities which are appropriate to a residential living environment;
- 4) To ensure the provision of roads and other municipal services necessary to the development of functional neighbourhood areas;
- 5) To provide for mixed use communities with appropriate commercial, institutional and employment uses.”

This project meets the requirement for servicing capacity and provides institutional and employment uses.

This project complies with the Lanark County Sustainable Official Plan.

## **Town of Carleton Place Official Plan**

### **Section 1.3 Guiding Principles**

This section of the Town's Official Plan lists principles to guide development. One of this is that the Town is directed to maintain and increase the employment base through supporting commercial, institutional and industrial opportunities.

The guiding principles also note that the Town is to ensure that effective infrastructure services will be provided in a cost-efficient manner. This project meets the guiding principles.

### **Section 2.3 General Design Policies**

#### **The General Design Policies outlined in Section 2.3 state:**

1. "Proposed developments shall enhance the image of the Town of Carleton Place by complementing and contributing to:
  - The character of the area;
  - Local landmarks;
  - The consistency and continuity of the area within its surroundings;
  - The edges of the area;
  - Linkages within, too and from the area"

The proposed structure maintains some consistency with the building surrounding it. The original elevation plan submitted had the building entirely clad with vinyl siding. Staff and developer had discussed the need for some brick or stone where the building was visible from the roadway. The developer noted that the property is visible from multiple vantage points and from this perspective adding brick or stone to the majority of this large building would considerably increase the cost on a budget which is limited by the Province of Ontario. They asked to maintain solely vinyl siding. A visit to the site and the area by staff in the Planning Department was performed where either brick or stonework was noted on every building within the area. The developer agreed to add brick around the main entrance as well as on the sign for the building. They further noted that considerable landscaping would break up the appearance of the building. With the added brick in the locations noted, this building will now provide some consistency and continuity with the area and surroundings.

10. "The Town shall promote and encourage building facades to be visually interesting through extensive use of street level entrances and windows. Functions that do not directly serve the public such as loading bays and blank walls, should not be located directly facing the street."

This building has an interesting building façade broken up with windows both at street level and on the second storey. The main entrance is to be bricked. No portion of the building has blank walls. Loading spaces and garbage areas are hidden from roadways.

### **3.4 Employment District**

The Employment District is broken up into three (3) separate districts: one being the Health Campus which is intended to provide opportunities for health care related or health care compatible employment. Institutional uses are listed as one of the permitted uses in the Official Plan.

This project meets the above.

### **4.1 Green Infrastructure**

#### **4.1.2 Objectives**

One of the objectives listed in the green infrastructure section is to protect the natural heritage features from negative impacts of development through the use of appropriate management and mitigative techniques.

Although the development is adjacent to the man-made drainage ditch, Low Impact Design techniques are being suggested for implementation to mitigate any development impacts.

#### **4.1.5 Fish Habitat**

(3) "Although stormwater management and drainage measures are often located some distance from a water course these measures can impact the water quality and quantity of the watercourse and affect fish habitat. When evaluating stormwater management and drainage activities, consideration shall be given to impacts upon fish habitat."

The developer has noted that Low Impact Design will be used. Further, the Mississippi Valley Conservation Authority was circulated and has not made comment with respect to this issue.

The stormwater management and drainage plans have been reviewed by the Town's Engineering Department.

#### **4.1.6 Street Trees**

This section of the Official Plan is looking to both preserve trees where possible and to plant a sufficient number of trees in order to maintain a high standard of amenity space and appearance. The landscape plan presented shows a variety of trees throughout the property and has been reviewed by the Urban Forest Committee.

### **Town of Carleton Place Development Permit By-law:**

#### **5.1 Health Campus**

The intent of this designation is to provide uses that will serve and complement health related land uses. 5.1.1 specifically lists Long Term Care Facility as a permitted use.

Below is the site plan for the proposed project:





Site Provisions	Requirements	Provided
Lot Area	Nil	✓
Lot Coverage (maximum)	70%	✓
Lot Frontage	Nil	✓
Front Yard (minimum)	6.0 m	✓ for both Costello Dr and Lake Ave
Exterior Side Yard (minimum)	6.0 m	none
Interior Side Yard (minimum)	3.5 m	✓
Rear Yard Depth (minimum)	8 m	none
Usable Landscaped Open Space (minimum)	10% of the lot area	✓
Building Height (maximum)	24m (78 ft)	✓
Parking	0.25 spaces/dwelling unit or rooming unit plus 1 per 100 square metres of gross floor area used for medical, health or personal services	✓
Setback from natural watercourse	30m	3m
Parking location (section 14.2)	Parking to be located at rear or side of building	No rear yard exists.

This proposal generally meets the requirements found under the Development Permit By-law. The two (2) areas that require a variation are the setback from a natural water course and the location of parking.

Section 3.39 of the Development By-law entitled “Setbacks from a Natural Watercourse” require a setback of 30 m be provided between all development and a natural watercourse. In this case, the watercourse in question is a man-made municipal drainage ditch, which, nonetheless, drains into a natural watercourse. Correspondence from the Mississippi Valley Conservation Authority notes that the watercourse is not of sufficient significance to warrant a setback. A tributary to the Mississippi River was noted to the south east of the subject lands and as such Low Impact Design measures in the form of an enhanced bioswale is proposed to the north of the parking lot. No further comments have been received from the Mississippi Valley Conservation Authority.

With respect to the required parking not being permitted in the front yard as per Section 14.2, it should be noted that in this case the lot is deemed to be a through lot (two front yards). Frontage in this case is along both Lake Avenue and Costello Drive. Section

14.2 states “Where property fabric will not lend itself to the provision of parking except at the front of the building, parking will be buffered and screened by landscaped materials providing an element of all-season screening.” The property meets these criteria. The parking along Costello Drive is mitigated through a 6m wide landscaped buffer.

Section 13 and 14 of the Development By-law review the built form inventory and the built form design criteria for the Town. The look and feel of the project should complement the area in which it is built. As examined above, it should also meet the requirements of Section 2 of the Town of Carleton Place Official Plan.

The project will appear as below:



As part of the completed application, studies included were: a planning rationale report, tree preservation plan, site servicing and stormwater management plan, and a scoped Environmental Impact Statement with Species at Risk Assessment. Drawings include elevation drawings, coloured perspective drawings, landscape plan, site plan, servicing plan, grading plan and erosion and sediment control plan.

These studies have been reviewed and deemed acceptable with minor standard conditions by Bell Canada and Enbridge Gas.

The Urban Forest Committee requested more specific details related to the location of two (2) honey locust trees and to indicate details related to planting. A condition to be included in the agreement will be that fencing will be placed around trees to remain and that guidelines with respect to working around trees will be followed.

The Building Department has stated that the project must be in conformity with the Ontario Building Code prior to issuance of a permit.

The Engineering Department has approved all engineering plans and reports.

The Fire Department has indicated that they are satisfied with the project as currently outlined.

The Urban Forest Committee has noted that the tree preservation plan was very well done. They note that they would like to see the Bur Oak be retained if possible. This is supported by the Environmental Impact Statement. All steps should be taken to protect trees prior to construction taking place, as outlined in the report. The Committee also notes that they would like to see more native species trees planted as there is sufficient area. They further note that the naturalizing of areas should be looked at by a professional forester. The Committee has offered their help to the developer to work through this process.

A member of the public has noted issues related to stormwater management and water quality. These items will be examined through the Engineering Department and conditions will be put into place where appropriate.

No comments from Council were received.

All comments and concerns relating to this project received by August 21<sup>st</sup> for the first circulation and October 4, 2019 for the second circulation. The Developer's responses to those who commented by the deadline were provided by the Town.

Other comments received in this case were similar concerns to others who provided comments before the deadline.

As with any Development Permit application, Committee has the option of the following decisions:

- (a) refuse the application;
- (b) approve the application and issue a development permit with no conditions attached;
- (c) approve the application and require that conditions be met before issuing a development permit;
- (d) approve the application and issue a development permit with conditions attached; or
- (e) approve the application, require that conditions be met before issuing a development permit and, when the conditions have been met, issue a development permit with conditions attached.

#### **STAFF RECOMMENDATION**

THAT Committee hereby approves application DP3-08-2019 and authorizes staff to issue a development permit upon receipt of all required information, fees and securities. The development permit will include standard clauses to address servicing, grading, landscaping and utilities requirements as well as the following site-specific conditions:

1. Conditions relating to the removal of snow and garbage will form part of the site-specific conditions in the Development Permit Agreement.

**COMMUNICATION 130180**

Received from: Joanna Bowes, Manager of Development Services  
Lennox Smith, Chief Building Official  
Addressed to: Committee of the Whole  
Date: October 8, 2019  
Topic: Update on Shipping Containers

**SUMMARY**

Letters from the Town have been mailed to residential, commercial and industrial property owners who have shipping containers. For the most part, property owners are taking the necessary steps to meet with Planning and Building Department staff to undertake the required work to bring these units into compliance on their property. Concerns have been raised from property owners who have expansion plans for their properties about duplication of work and fees related to obtaining the necessary development permit approvals. Staff is proposing a solution to Council to address these instances.

**COMMENT**

When Planning staff has been meeting with commercial and industrial property owners regarding their shipping containers, they are inquiring about whether the owner has any expansion plans for their property in the near future which would be more appropriately addressed together in one application. For commercial and industrial property owners who already have an approved Development Permit (site plan) for their property, a DP1A application is required to address the shipping container(s). For larger expansion projects, a DP3 application is required.

The current deadline for completing the necessary Planning and Building approvals for existing shipping containers is December 31, 2019. For property owners who want to proceed with submitting a DP3 application and addressing their expansion and shipping container matters in one application, the December 31, 2019 deadline for a Planning and Building approval would be difficult, if not impossible to meet. Staff is therefore proposing that for these situations, Council could agree to extend the deadline but only if a completed DP3 application along with all required supporting documentation is submitted by December 31, 2019. If this is not possible, then Staff is recommending that they apply for their DP1A to address their shipping container(s) and when ready, submit their DP3 application for their expansion plans.

**STAFF RECOMMENDATION**

THAT the deadline for commercial and industrial property owners who would like to address their expansion plans for their property as well as any existing shipping containers be granted an extension to the deadline until April 30, 2020 on the provision that:

- A DP3 application with all supporting documentation/studies and payment in full is submitted by December 31, 2019 and deemed complete by Planning Staff.

**COMMUNICATION 130181**

Received from Stacey Blair, Clerk  
Addressed to Committee of the Whole  
Date October 8, 2019  
Topic Amending the Sign By-law – Business Improvement Area

**SUMMARY**

The Town's Sign By-law (No. 65-2008) establishes specific guidelines for signs located within the Town's Business Improvement Area (BIA). The BIA is shown on a map found in schedule B of the By-law. The map establishing the BIA area in the sign By-law only includes Bridge Street from Central Bridge to Lake Avenue. It does not reflect the true BIA area as established by By-law 54-1992, which is as shown in the attached draft By-law.

**COMMENT**

This matter was brought to the attention of Staff's attention by both By-law staff and the BIA Coordinator. The map used in the current Sign By-law is the same map that has been used in previous Sign By-laws dating back to 2002 (By-law 71-2002). Interestingly, the 1995 Sign By-law (repealed by 2002) accurately depicted the correct BIA area. Because of the way the 1995 map looks (old photocopy of a zoning map with cross hatching), it is Staff's conclusion that the subsequent versions of the By-law mistakenly reduced the area. The amendment to the current By-law seeks to correct this error.

**FINANCIAL IMPLICATIONS**

There are no financial implications resulting from this report.

**ATTACHMENTS**

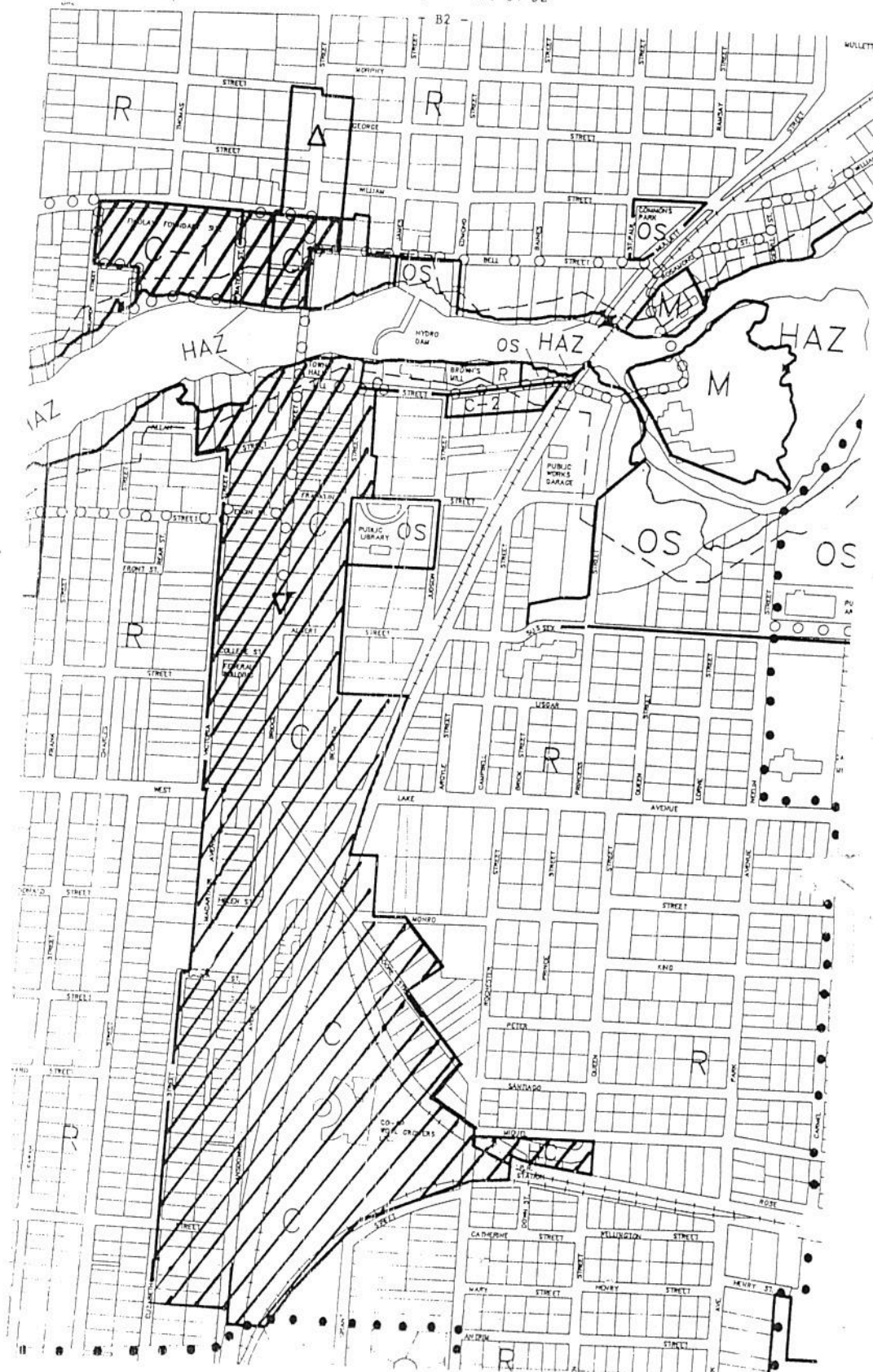
- Schedule A to BIA By-law 54-1992
- Draft By-law Amendment
- New Schedule B to Sign By-law

**STAFF RECOMMENDATION**

**THAT** Council approve amending Schedule B (Business Improvement Area) to By-law 65-2008, the Town's Sign By-law.



Schedule 'A' to By-law No. 54-92





## **BY-LAW NO. XX-2019**

### **A BY-LAW OF THE CORPORATION OF THE TOWN OF CARLETON PLACE TO AMEND THE SIGN, MERCHANDISE DISPLAY, AND AWNING BY-LAW NO. 65-2008**

**WHEREAS**, pursuant to subsection of Section 99 of The Municipal Act, 2001, c. 25 as amended, a municipality may pass by-laws for prohibiting or regulating signs and other advertising devices, may define a class or classes of signs or other advertising devices, and may specify a time period during which signs or other advertising devices in a defined class may stand or be displayed in the municipality, and may require the removal of such signs or other advertising devices which continue to stand or be displayed after such time period has expired;

**AND WHEREAS** the Council of the Town of Carleton Place adopted By-law 65-2008, the Sign, Merchandise Display and Awning By-law;

**AND WHEREAS** it is deemed expedient and necessary to amend By-law 65-2008 to correct an error in the mapping included on Schedule B;

**NOW THEREFORE** the Council of the Corporation of the Town of Carleton Place hereby enacts as follows:

1. THAT Schedule B to Parking By-law No. 65-2008 (Sign, Merchandise Display and Awning) be replaced with the attached map.

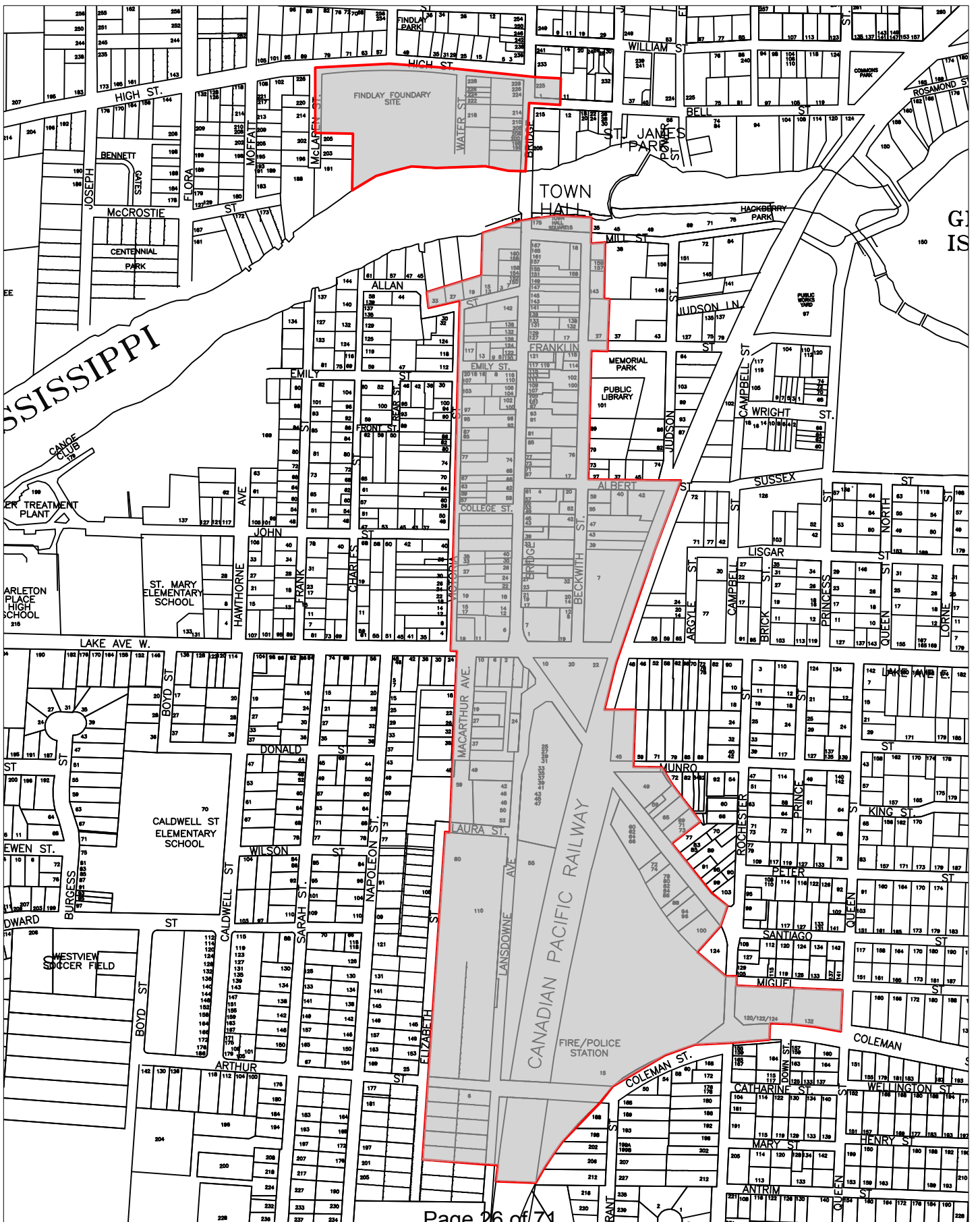
READ A FIRST TIME, SECOND TIME AND A THIRD TIME AND FINALLY PASSED THIS 22<sup>nd</sup> DAY OF OCTOBER, 2019.

---

Doug Black, Mayor

---

Stacey Blair, Clerk



**COMMUNICATION 130182**

Received From: Dave Young, Director of Public Works  
Addressed To: Committee of the Whole  
Date: October 8, 2019  
Topic: 2018/2019 Winter Maintenance Review

**SUMMARY**

This is a further report to Communication 130123 presented at the Committee of the Whole meeting on June 11, 2019.

The 2018/2019 winter season presented a number of challenges in terms of winter maintenance operations for the Carleton Place Public Works Department, along with other municipal departments.

In our area, this was a record setting season in terms of snowfall amounts (approximately 300cms) and number of days (150+) that snow of at least 1cm was present on the ground. Along with the snowfall, there were significant fluctuations in temperatures (freeze /thaw cycles) which led to ice buildup, road salt supply shortages, increased vehicular and pedestrian networks for Carleton Place Public Works to maintain, and loss of snow storage areas due to volume of snow.

In spite of all these challenges, targets were consistently met in terms of response times and timeframe for completion of clearing operations. This past season saw the most hours spent on snow removal operations of any season in memory and in fact, along with regular daytime snow removal activity there 24 nights of snow removal operations undertaken by Public Works Staff over the course of the past season.

The events of this past season raised a number of issues that staff feels should be reviewed such as confirmation of desired levels of service, in particular in relation to sidewalk maintenance. Staff feels that timing for this review is critical as the sidewalk network in Town is about to expand significantly with ongoing housing developments that could increase the network by 25 to 30%.

**BACKGROUND**

The current Overnight Winter Parking Policy was changed in 2011 to a system that permits overnight parking in the winter other than when the ban is imposed due to the forecast or if streets are posted for removal operations. Although this system provides the benefit of access to overnight on-street parking for residents, it also presents a number of ongoing challenges for both the Public Works Department and the By-Law Enforcement staff such:

- as changing or incorrect weather forecasts that led to having to undertake operations without having a ban in place;
- towing vehicles to a municipal facility; and
- the Town absorbing towing costs and having to dedicate all By-Law Staff to winter parking enforcement.

In addition, the Province has amended the Maintenance Standards that provide guidelines to Municipalities in terms of inspection frequency, timeframes to repair deficiencies and winter maintenance relating to roads, sidewalks, bridges, signs, and roadway lighting. Winter maintenance of sidewalks is now a component of this regulation which had not been included previously. Although the amendments to the regulation came into effect in 2018, Carleton Place, along with many municipalities are still working through the implementation of these changes.

At the June 11, 2019 Committee of the Whole meeting, Staff presented an initial report on the matter and identified that they wanted to develop to proceed with a comprehensive review of winter maintenance activities with a focus on sidewalk winter maintenance, winter on-street parking, and implementation of new Provincial regulations. The following motion was passed:

**Moved by Deputy Mayor Redmond**

**Seconded by Councillor Tennant**

**THAT** staff undertake a comprehensive review of winter maintenance operations with a focus on sidewalk winter maintenance, Overnight Winter Parking Policy, and implementation of new Provincial Regulations and present a report to Committee.

**CARRIED - CONSENT**

## **COMMENT**

This report provides further information for Council to consider regarding winter maintenance activities.

## **Sidewalk Winter Maintenance**

The existing policy relating to Sidewalk Winter Maintenance states that the Town will winter maintain sidewalks on arterial and collector streets and sidewalks leading to Public Institutions.

In recent years the Public Works Department, at Council's direction, has expanded sidewalk winter maintenance coverage to include newly developed areas that have sidewalks adjacent to the road and as long as there are no obstructions to impede this service. This increase was as a direct response to residents' desire to have a safe travelling network for active transportation all year long.

Areas that are not winter maintained by the Town are in older neighbourhoods where there are homes with little to no setback from the street and where there are utility poles located on the roadway portion of the sidewalk. This layout results in there being no available snow storage and in fact the sidewalk has been utilized as a snow storage area for the roadway. In the past, there had been efforts to attempt to winter maintain these areas, but it quickly became evident that the only way to keep these sidewalks open would be to conduct snow removal operations after every snowfall event. It was

then deemed that this level of service could not continue due to the financial impact involved.

The Town's current sidewalk winter maintenance policy is similar to other nearby municipalities.

Staff has in place the resources required to maintain the existing level of service for the 2019/2020 winter season. However, in the next couple of years, there are a number of new developments where if the existing policy remains, the Town will become responsible for maintenance of many new kilometres of sidewalk; as noted above, an increase of 25-30%. This will require a significant increase in funding level related to new equipment and staff to accommodate. Should Council wish to review the level of service for sidewalk winter maintenance, it should be undertaken in advance of new developments with sidewalk networks coming online.

The Government of Ontario has passed amendment 366/18 for Ontario Regulation 239/02 Minimum Maintenance Standards for Municipal Highways. Contained within these amendments is a requirement for a municipality to close a municipal sidewalk that is not winter maintained by by-law and indicate within the by-law the timeframe that the closure is in effect.

### **Winter Parking Restrictions**

Prior to the current system of imposing on-street parking bans when weather forecasts call for more than 7 cm of snow, the Town's previous By-law No. 46-2003 stipulated that overnight on-street parking was restricted from November 15<sup>th</sup> of any given year to April 1st of the following year between the hours of 12 o'clock midnight and 7:00 a.m.

Although the current winter parking by-law has been in place for seven (7) years, the issues that arise from the current system continue to create issues for Staff and residents during the winter season.

From a Public Works perspective, issues to the current system relate to:

- staff resources to post signage for snow removal operations and then collect signs after removal operations. Although this may not seem like a significant task, it has to occur when there is minimal staff available as the Town has legislative requirements to meet regarding operator rest periods. Snow removal operations occur overnight after staff have already been out plowing the night before.
- forecasts which are inaccurate and/or don't meet the threshold to impose parking restrictions, yet plowing operations are required because of the amount of snow which actually falls. For example, in the 2017/2018 winter season, there were three (3) nights that the ban was imposed, but there were 13 nights that plowing operations were required.
- Staff either has to return when possible to deal with windrows left on the travelled portion of the road (these windrows are created by vehicles parked on the road due to no ban being put in place, so plows plow around them and when the vehicles

leave in the morning, we have to clear away the snow left behind) when plowing operations are required but the ban wasn't imposed or they remain in place and can create a potential hazard.

From a By-law Enforcement perspective, the issues with the current system include:

- challenges in unplanned staffing requirements as By-law Enforcement staff is dependent on weather forecasts. Having a consistent winter parking restriction allows for planned enforcement efforts.
- organizing towing operations has continued to become more of a challenge with limited private sector towing resources being available and the fact that the timeframe when they are required by the Town is when there is a demand for their services through CAA and other clients.
- when this system was adopted in 2011, the Town agreed to cover towing costs on a trial basis. This issue has not been revisited since it was originally implemented. During the 2018/2019 season, the Town's towing costs were in excess of \$5,000.
- Although considerable staff efforts continue with respect to notification when the ban is imposed, By-law staff continually deal with complaints when tickets are issued as individuals indicate they were not aware of the ban.

Upon review of other Eastern Ontario communities' strategies relating to winter parking restrictions, Staff was only able to find the City of Ottawa which operates in a similar fashion to the Town of Carleton Place. This outreach included all types (urban and rural) and sizes of communities.

Discussions with City of Ottawa staff revealed that when plowing operations are required but the ban was not imposed that they have multiple crews available and will revisit routes in order to cleanup areas where there were numerous vehicles impeding plowing operations. Plowing operations in Carleton Place are undertaken by a combination of Town staff and contract resources but there is only a single shift and available resources are not available for around the clock coverage.

The same issue is relevant for the By-Law Enforcement Department, in that there are finite resources available and the current Winter Parking By-law can strain available staff resources.

Options available for Council to consider in this regard include:

### **Option 1 – Change Overnight Winter Parking to Pre 2011 System**

Under this Option, Council would revert to the system in place similar to other Eastern Ontario Municipalities which would require that there would be no on street parking between certain dates and times. In the Town's By-law 46-2003 these timeframes were established as being between 12 o'clock midnight to 7:00 a.m. from November 15 of any given year to April 1<sup>st</sup> the following year. If Council agreed to proceed with Staff's recommendation, Staff would commit to an intensive communications strategy leading up to the November 15 implementation date of:

- Use of the waste management app to provide details of the changes

- Extensive use of social media i.e. Facebook, Instagram, etc.
- Weekly CP Scoop releases
- Information on Town's website
- Messaging on electronic sign boards and tv screens in facilities

In addition to the above, By-law Enforcement Staff would commit to issuing warnings to people parked overnight between November 1 and the implementation deadline of November 15 to warn of the changes to the Town's winter maintenance system.

### **Option 2 – Retain the Current Winter Parking Ban System**

Under this Option, Council would retain the current system of warning of overnight parking bans when weather forecasts predict 7 cm or greater. This system would not address Staff's current concerns with the system.

### **Option 3 – Hybrid Option**

Under this Option, Council would retain the current system of warning of overnight parking bans when weather forecasts predict 7 cm or greater for the upcoming 2019-2020 winter season. The system would then be changed to the pre-2011 system for the 2020-2021 and ongoing winter seasons. This option would allow for significant time to communicate with the public about the proposed changes.

Given the number of issues identified by Staff and the public, it is recommended that Council revert to the previous winter maintenance provisions of By-law No. 46-2003 for the 2019-20 and ongoing winter seasons.

### **FINANCIAL IMPLICATIONS**

An additional \$50,000 was included in the 2019 budget to accommodate the expanded sidewalk network bringing the budget for this area to \$90,717. Should staff continue to provide winter maintenance on all sidewalks in new residential subdivisions as they come online, operational budgets will continue to require increasing adjustments in future years.

### **STAFF RECOMMENDATIONS**

1. THAT the Public Works Department continue to provide sidewalk winter maintenance as follows:
  - on sidewalks and/or trails adjacent to Arterial and Collector Streets, including the Ottawa Valley Recreation Trail (OVRT);
  - on sidewalks leading to public institutions;
  - on sidewalks in residential areas where there is adequate storage areas and no permanent obstructions in the roadway; and

THAT the level of service on winter-maintained sidewalks be consistent with Ontario Regulation 239/02 Minimum Maintenance Standards for Municipal Highways; and

THAT a by-law be passed identifying municipal sidewalks that are to be closed from November 15<sup>th</sup> of any given year to April 1<sup>st</sup> of the following year.

2. THAT Council support Option 1 - Change Overnight Winter Parking to Pre 2011 System; and

THAT By-law 50-2011 pertaining to winter parking restrictions be rescinded which would result in the winter parking restrictions of By-Law 46-2003 Section 9. 2) being reinstated as follows:

No person shall park a vehicle or permit a vehicle to remain parked on any highway between 12:00 a.m. midnight to 7:00 a.m. from November 15 to April 1 of any year.



## **COMMUNICATION 130183**

Received from Trisa McConkey, CPA, CGA, Treasurer  
Addressed to Committee of the Whole  
Date October 8, 2019  
Topic Addressing Municipal Liability and Insurance Costs

### **SUMMARY:**

The AMO Board made a submission to the Attorney General entitled "*Towards A Reasonable Balance: Addressing growing municipal liability and insurance costs*". AMO is encouraging municipalities to endorse the report and its recommendations by passing a resolution and submitting it to the Attorney General before November 1, 2019.

### **COMMENT:**

Under joint and several liability, parties with a relatively minor share of the fault bear the risk of full liability. Therefore, under this arrangement, parties with "deep pockets" may be exposed to huge risks in a law suit. As a result, from a business perspective it is important to limit joint and several liabilities because it may obligate the business to liabilities far beyond its share of responsibility

The following is an excerpt from the report:

"Municipal governments accept the responsibility to pay their fair share of a loss. Always. Making it right and paying a fair share are the cornerstones of our legal system. Citizens expect nothing less of their local governments.

But what is a challenge for municipalities and property taxpayers alike, is being asked to assume someone else's responsibility for someone else's mistake. Municipal governments should not be the insurer of last resort. For municipalities in Ontario, however, the principle of joint and several liability ensures that they are just that. Joint and several liability means higher insurance costs. It diverts property tax dollars from delivering public services. It has transformed municipalities into litigation targets while others escape responsibility. It forces municipal government to settle out-of-court for excessive amounts when responsibility is as low as 1%."

AMO has examined the issue of growing municipal liability and insurance costs. The AMO report includes the following seven (7) key recommendations on actions which the government could take to reduce the negative impact of joint and several liability on municipalities:

1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations, and whether a 1-year limitation period may be beneficial.

3. Implement a cap for economic loss awards.
4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.
5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, and municipal arguments as to the fiscal impact of joint and several liability.
7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.

The report builds on previous reports and resolutions submitted in 2010, 2011, and 2014. Please see the full report attached for more details.

## **FINANCIAL IMPLICATIONS**

There are no financial implications resulting from this report.

## **STAFF RECOMMENDATION**

**THAT** the Council of the Town of Carleton Place supports the Association of Municipalities of Ontario (AMO) in its submission to the Attorney General entitled *"Towards A Reasonable Balance: Addressing growing municipal liability and insurance costs"*; and

**THAT** the Town endorses the AMO's recommendations to address these issues as follows:

1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations, and whether a 1-year limitation period may be beneficial.
3. Implement a cap for economic loss awards.
4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.
5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, and municipal arguments as to the fiscal impact of joint and several liability.
7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.

# Towards a Reasonable Balance:

Addressing growing municipal liability and insurance costs

---

Submission to the Attorney General of Ontario

October 1, 2019

## Table of Contents

<b>Letter to the Attorney General of Ontario</b> .....	3
<b>Executive Summary</b> .....	5
<b>Recommendations</b> .....	7
<b>Insurance Cost Examples</b> .....	8
<b>Joint and Several in Action - Recent Examples</b> .....	9
<b>Joint and Several Liability in Action - Other notable cases</b> .....	11
<b>2011 Review of Joint and Several Liability – Law Commission of Ontario</b> .....	11
<b>2014 Resolution by the Ontario Legislature and Review by the Attorney General</b> .....	12
<b>Options for Reform – The Legal Framework</b> .....	13
<b>The Saskatchewan Experience</b> .....	15
<b>Insurance Related Reforms</b> .....	17
<b>Conclusion</b> .....	18

---

Sent via email to: [doug.downeyco@pc.ola.org](mailto:doug.downeyco@pc.ola.org)  
[magpolicy@ontario.ca](mailto:magpolicy@ontario.ca)

October 1, 2019

The Honourable Doug Downey  
Attorney General of Ontario  
McMurtry-Scott Building, 11th Floor  
720 Bay Street  
Toronto, Ontario  
M7A 2S9

Dear Attorney General Downey,

Municipal governments accept the responsibility to pay their fair share of a loss. Always. Making it right and paying a fair share are the cornerstones of our legal system. Citizens expect nothing less of their local governments.

But what is a challenge for municipalities and property taxpayers alike, is being asked to assume someone else's responsibility for someone else's mistake. Municipal governments should not be the insurer of last resort. For municipalities in Ontario, however, the principle of joint and several liability ensures that they are just that.

Joint and several liability means higher insurance costs. It diverts property tax dollars from delivering public services. It has transformed municipalities into litigation targets while others escape responsibility. It forces municipal government to settle out-of-court for excessive amounts when responsibility is as low as 1%.

There must be a better way. There must be a better way to help ensure those who suffer losses are made whole again without asking municipalities to bear that burden alone. There must be a better way to be fair, reasonable, and responsible.

AMO welcomes the government's commitment to review joint and several liability. It is a complex issue that has many dimensions. Issues of fairness, legal principles, "liability chill", insurance failures and high insurance costs are all intertwined. Many other jurisdictions have offered additional protection for municipalities and AMO calls on the Ontario government to do the same.

What follows is a starting point for that discussion. Our paper reasserts key issues from AMO's 2010 paper, AMO's 2011 insurance cost survey, provides more recent examples, and details some possible solutions of which there are many options.

Municipalities are in the business of delivering public services. Municipal governments exist to connect people and to advance the development of a community. It is time to find a reasonable balance to prevent the further scaling back of public services owing to joint and several liability, "liability chill", or excessive insurance costs.



Together with the provincial government, I am confident we can find a better way.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. McGarvey', is written over a horizontal line.

Jamie McGarvey  
AMO President

## Executive Summary

AMO's advocacy efforts on joint and several liability in no way intends for aggrieved parties to be denied justice or damages through the courts. Rather, municipal governments seek to highlight the inequity of how much "deep pocket" defendants like municipalities are forced to pay, for both in and out of court settlements.

It is entirely unfair to ask property taxpayers to carry the lion's share of a damage award when a municipality is found at minimal fault or to assume responsibility for someone else's mistake.

Municipal governments cannot afford to be the insurer of last resort. The principle of joint and several liability is costing municipalities and taxpayers dearly, in the form of rising insurance premiums, service reductions and fewer choices. The *Negligence Act* was never intended to place the burden of insurer of last resort on municipalities.

As public organizations with taxation power and "deep pockets," municipalities have become focal points for litigation when other defendants do not have the means to pay. At the same time, catastrophic claim awards in Ontario have increased considerably. In part, joint and several liability is fueling exorbitant increases in municipal insurance premiums.

The heavy insurance burden and legal environment is unsustainable for Ontario's communities. Despite enormous improvements to safety, including new standards for playgrounds, pool safety, and better risk management practices, municipal insurance premiums and liability claims continue to increase. All municipalities have risk management policies to one degree or another and most large municipalities now employ risk managers precisely to increase health and safety and limit liability exposure in the design of facilities, programs, and insurance coverage. Liability is a top of mind consideration for all municipal councils.

Joint and several liability is problematic not only because of the disproportioned burden on municipalities that are awarded by courts. It is also the immeasurable impact of propelling municipalities to settle out of court to avoid protracted and expensive litigation for amounts that may be excessive, or certainly represent a greater percentage than their degree of fault.

Various forms of proportionate liability have now been enacted by all of Ontario's competing Great Lakes states. In total, 38 other states south of the border have adopted proportionate liability in specific circumstances to the benefit of municipalities. Many common law jurisdictions around the world have adopted legal reforms to limit the exposure and restore balance. With other Commonwealth jurisdictions and the majority of state governments in the United States having modified the rule of joint and several liability in favour of some form of proportionate liability, it is time for Ontario to consider various options.

There is precedence in Ontario for joint and several liability reform. The car leasing lobby highlighted a particularly expensive court award made in November of 2004 against a car leasing company by the victim of a drunk driver. The August 1997 accident occurred when the car skidded off a county road near Peterborough, Ontario. It exposed the inequity of joint and several liability for car leasing companies. The leasing companies argued to the government that the settlement had put them at a competitive disadvantage to lenders. They also warned that such liability conditions would likely drive some leasing and rental companies to reduce their business in Ontario. As a result, Bill 18 amended the *Compulsory Automobile Insurance Act*, the *Highway Traffic*

*Act* and the Ontario *Insurance Act* to make renters and lessees vicariously liable for the negligence of automobile drivers and capped the maximum liability of owners of rental and leased cars at \$1 million. While Bill 18 has eliminated the owners of leased and rented cars as “deep pocket” defendants, no such restrictions have been enacted to assist municipalities.

A 2011 survey conducted by AMO reveals that since 2007, liability premiums have increased by 22.2% and are among the fastest growing municipal costs. Total 2011 Ontario municipal insurance costs were \$155.2 million. Liability premiums made up the majority of these expenses at \$85.5 million. Property taxpayers are paying this price.

These trends are continuing. In August of 2019, it was reported the Town of Bradford West Gwillimbury faces a 59% insurance cost increase for 2019. This is just one example. AMO encourages the municipal insurance industry to provide the government with more recent data and trends to support the industry’s own arguments regarding the impact joint and several has on premiums.

Insurance costs disproportionately affect small municipalities. For 2011, the per capita insurance costs for communities with populations under 10,000 were \$37.56. By comparison, per capita costs in large communities with populations over 75,000 were \$7.71. Property taxpayers in one northern community are spending more on insurance than their library. In one southern county, for every \$2 spent on snowplowing roads, another \$1 is spent on insurance.

In 2016, the Ontario Municipal Insurance Exchange (OMEX), a not-for-profit insurer, announced that it was suspending reciprocal underwriting operations. The organization cited, a “low pricing environment, combined with the impact of joint and several liability on municipal claim settlements” as reasons for the decision. Fewer choices fuels premium increases.

Learning from other jurisdictions is important for Ontario. The Province of Saskatchewan has implemented liability reforms to support its municipalities. As a municipal lawyer at the time, Neil Robertson, QC was instrumental in laying out the arguments in support of these changes. Now a Justice of the Court of Queen’s Bench for Saskatchewan, AMO was pleased to have Neil Robertson prepare a paper and address AMO conference delegates in 2013. Much of the Saskatchewan municipal experience (which led to reforms) is applicable to the Ontario and the Canadian municipal context. Summarised below and throughout this paper are some of Robertson’s key findings.

Robertson found that, regardless of the cause, over the years municipalities in Canada have experienced an accelerating rate of litigation and an increase in amounts of damage awards. He noted these developments challenge municipalities and raise financial, operational and policy issues in the provision of public services.

Robertson describes the current Canadian legal climate as having placed municipalities in the role of involuntary insurer. Courts have assigned municipal liability where liability was traditionally denied and apportioned fault to municipal defendants out of proportion to municipal involvement in the actual wrong.

This increased exposure to liability has had serious ramifications for municipalities, both as a deterrent to providing public services which may give rise to claims and in raising the cost and reducing the availability of insurance. The cost of claims has caused insurers to reconsider not only



what to charge for premiums, but whether to continue offering insurance coverage to municipal clients.

Robertson also makes the key point that it is reasonable for municipal leaders to seek appropriate statutory protections. He wrote:

“Since municipalities exist to improve the quality of life for their citizens, the possibility of causing harm to those same citizens is contrary to its fundamental mission. Careful management and wise stewardship of public resources by municipal leaders will reduce the likelihood of such harm, including adherence to good risk management practices in municipal operations. But wise stewardship also involves avoiding the risk of unwarranted costs arising from inevitable claims.”

And, of course, a key consideration is the reality that insurance premiums, self-insurance costs, and legal fees divert municipal funds from other essential municipal services and responsibilities.

It is in this context that AMO appreciated the commitments made by the Premier and the Attorney General to review the principle of joint and several liability, the impact it has on insurance costs, and the influence “liability chill” has on the delivery of public services. Now is the time to deliver provincial public policy solutions which address these issues.

## Recommendations

AMO recommends the following measures to address these issues:

1. The provincial government adopt a model of full proportionate liability to replace joint and several liability.
2. Implement enhancements to the existing limitations period including the continued applicability of the existing 10-day rule on slip and fall cases given recent judicial interpretations, and whether a 1-year limitation period may be beneficial.
3. Implement a cap for economic loss awards.
4. Increase the catastrophic impairment default benefit limit to \$2 million and increase the third-party liability coverage to \$2 million in government regulated automobile insurance plans.
5. Assess and implement additional measures which would support lower premiums or alternatives to the provision of insurance services by other entities such as non-profit insurance reciprocals.
6. Compel the insurance industry to supply all necessary financial evidence including premiums, claims, and deductible limit changes which support its, and municipal arguments as to the fiscal impact of joint and several liability.
7. Establish a provincial and municipal working group to consider the above and put forward recommendations to the Attorney General.

## Insurance Cost Examples

The government has requested detailed information from municipalities regarding their insurance costs, coverage, deductibles, claims history, and out-of-court settlements. Municipalities have been busy responding to a long list of provincial consultations on a wide range of topics. Some of the information being sought is more easily supplied by the insurance industry. AMO's 2011 survey of insurance costs produced a sample size of 122 municipalities and assessed insurance cost increases over a five-year period. The survey revealed an average premium increase which exceeded 20% over that period.

All of the same forces remain at play in 2019 just as they were in 2011. Below are some key examples.

**Ear Falls** - The Township of Ear Falls reports that its insurance premiums have increased 30% over five years to \$81,686. With a population of only 995 residents (2016), this represents a per capita cost of \$82.09. This amount is a significant increase from AMO's 2011 Insurance Survey result. At that time, the average per capita insurance cost for a community with a population under 10,000 was \$37.56. While the Township has not been the subject of a liability claim, a claim in a community of this size could have significant and long-lasting financial and service implications. The Township has also had to impose stricter insurance requirements on groups that rent municipal facilities. This has had a negative impact on the clubs and volunteers' groups and as a consequence, many have cut back on the service these groups provide to the community.

**Central Huron** – For many years the municipality of Central Huron had a deductible of \$5,000. In 2014, the deductible was increased to \$15,000 to help reduce insurance costs. The municipality also increased its liability coverage in 2014 and added cyber security coverage in 2018. The combined impact of these changes represents a premium cost of \$224,774 in 2019, up from \$141,331 in 2010. Per capita costs for insurance alone are now \$29.67.

**Huntsville** – Since 2010, the Town of Huntsville reports an insurance premium increase of 67%. In 2019 this represented about 3.75% of the town's property tax levy. At the same time, Huntsville's deductible has increased from \$10,000 to \$25,000. The town also reports a reluctance to hold its own events for fear of any claims which may affect its main policy. Additional coverage is purchased for these events and these costs are not included above.

**Ottawa** - In August 2018, the City began working with its insurance broker, Aon Risk Solutions ("Aon"), to prepare for the anticipated renewal of the Integrated Insurance Program in April 2019. As the cost of the City's insurance premiums had risen by approximately 25% between 2017 and 2018, this early work was intended to ensure that any further increase could be properly accounted for through the 2019 budget process. Early indications of a possible further 10% premium increase prompted the City and Aon in late 2018 to explore options for a revised Program, and to approach alternative markets for the supply of insurance.

On January 11, 2019, an OC Transpo bus collided with a section of the Westboro Station transit shelter, resulting in three fatalities and numerous serious injuries. This was the second major incident involving the City's bus fleet, following approximately five years after the OC Transpo – VIA train collision in September 2013.

The January 2019 incident prompted insurance providers to re-evaluate their willingness to participate in the City Program. Despite Aon's work to secure an alternative provider, only Frank Cowan Company ("Cowan"), the City's existing insurer, was prepared to offer the City an Integrated Insurance Program. Cowan's offer to renew the City's Program was conditional on revised terms and limits and at a significant premium increase of approximately 84%, or nearly \$2.1 million per year. According to Cowan, these changes and increases were attributable to seven principle factors, including Joint and Several Liability:

1. Escalating Costs of Natural Global Disasters;
2. Joint and Several Liability;
3. Claims Trends (in the municipal sector);
4. Increasing Damage Awards;
5. Class Action Lawsuits;
6. New and/or Adverse Claims Development; and,
7. Transit Exposure.

Cowan also indicated that the primary policy limits for the 2019-2020 renewal would be lowered from \$25 million to \$10 million per occurrence, thereby raising the likelihood of increased costs for the City's excess liability policies.

## Joint and Several in Action - Recent Examples

The following examples highlight joint and several in action. The following examples have occurred in recent years.

**GTA Municipality** – A homeowner rented out three separate apartments in a home despite being zoned as a single-family dwelling. After a complaint was received, bylaw inspectors and Fire Prevention Officers visited the property. The landlord was cautioned to undertake renovations to restore the building into a single-family dwelling. After several months of non-compliance, charges under the fire code were laid. The owner was convicted and fined. A subsequent visit by Fire Prevention Officers noted that the required renovations had not taken place. Tragically, a fire occurred which resulted in three fatalities. Despite having undertaken corrective action against the homeowner, joint and several liability loomed large. It compelled the municipality to make a payment of \$504,000 given the 1% rule.

**City of Ottawa** - A serious motor vehicle accident occurred between one of the City's buses and an SUV. The collision occurred at an intersection when the inebriated driver of the SUV failed to stop at a red light and was struck by the City bus. This collision resulted in the deaths of the SUV driver and two other occupants, and also seriously injured the primary Plaintiff, the third passenger in the SUV. The secondary action was brought by the family of one of the deceased passengers.

The Court ultimately concluded that the City was 20% liable for the collision, while the SUV driver was 80% at fault. Despite the 80/20 allocation of fault, the City was required to pay all of the approximately \$2.1 million in damages awarded in the primary case and the \$200,000 awarded in the secondary case, bringing the amount paid by the City to a total that was not proportionate to its actual liability. This was due to the application of the principle of joint and several liability, as well as the interplay between the various automobile insurance policies held by the SUV owner and

passengers, which is further explained below. Although the City appealed this case, the Ontario Court of Appeal agreed with the findings of the trial judge and dismissed it.

This case was notable for the implications of various factors on the insurance policies held by the respective parties. While most automobile insurance policies in Ontario provide for \$1 million in third party liability coverage, the insurance for the SUV was reduced to the statutory minimum of \$200,000 by virtue of the fact that the driver at the time of the collision had a blood alcohol level nearly three times the legal limit for a fully licensed driver. This was contrary to the requirements of his G2 license, which prohibit driving after the consumption of any alcohol. Further, while the Plaintiff passengers' own respective insurance provided \$1 million in coverage for underinsured motorists (as the SUV driver was at the time), this type of coverage is triggered only where no other party is in any way liable for the accident. As a result, the primary Plaintiff could only effectively recover the full \$2.1 million in damages if the Court attributed even a small measure of fault to another party with sufficient resources to pay the claim.

In determining that the City was at least partially responsible for the collision, the Court held that the speed of the bus – which according to GPS recordings was approximately 6.5 km/h over the posted limit of 60 kilometres an hour – and momentary inattention were contributing factors to the collision.

To shorten the length of the trial by approximately one week and accordingly reduce the legal costs involved, the parties had earlier reached an agreement on damages and that the findings regarding the primary Plaintiff would apply equally to the other. The amount of the agreement-upon damages took into account any contributory negligence on the part of the respective Plaintiffs, attributable to such things as not wearing a seat belt.

**City of Ottawa, 2<sup>nd</sup> example** – A Plaintiff was catastrophically injured when, after disembarking a City bus, he was struck by a third-party motor vehicle. The Plaintiff's injuries included a brain injury while his impairments included incomplete quadriplegia.

As a result of his accident, the Plaintiff brought a claim for damages for an amount in excess of \$7 million against the City and against the owner and driver of the third-party vehicle that struck him. Against the City, the Plaintiff alleged that the roadway was not properly designed and that the bus stop was placed at an unsafe location as it required passengers to cross the road mid-block and not at a controlled intersection.

Following the completion of examinations for discovery, the Plaintiff's claim against the Co-Defendant (the driver of the vehicle which struck the plaintiff) was resolved for \$1,120,000 comprising \$970,000 for damages and \$120,000 for costs. The Co-Defendant's policy limit was \$1 million. The claim against the City was in effect, a "1% rule" case where the City had been added to the case largely because the Co-Defendant's insurance was capped at \$1 million, which was well below the value of the Plaintiff's claim.

On the issue of liability, the pre-trial judge was of the view that the City was exposed to a finding of some liability against it on the theory that, because of the proximity of the bus stop to a home for adults with mental health issues, the City knew or should have known that bus passengers with cognitive and/or physical disabilities would be crossing mid-block at an unmarked crossing. This, according to the judge, could have resulted in a finding being made at trial that the City should

either have removed the bus stop or alternatively, should have installed a pedestrian crossing at this location.

The judge assessed the Plaintiff's damages at \$7,241,000 exclusive of costs and disbursements which he then reduced to \$4,602,930 exclusive of costs and disbursements after applying a reduction of 27.5% for contributory negligence and subtracting the \$970,000 payment made by the Co-Defendant's insurer.

Settlement discussions took place and the judge recommended that the matter be resolved for \$3,825,000 plus costs of \$554,750 plus HST plus disbursements.

## Joint and Several Liability in Action - Other notable cases

**Deering v Scugog** - A 19-year-old driver was driving at night in a hurry to make the start time of a movie. She was travelling on a Class 4 rural road that had no centerline markings. The Ontario Traffic Manual does not require this type of road to have such a marking. The driver thought that a vehicle travelling in the opposite direction was headed directly at her. She swerved, over-corrected and ended up in a rock culvert. The Court found the Township of Scugog 66.7% liable. The at-fault driver only carried a \$1M auto insurance policy.

**Ferguson v County of Brant** - An inexperienced 17-year-old male driver was speeding on a road when he failed to navigate a curve which resulted in him crossing the lane into oncoming traffic, leaving the roadway, and striking a tree. The municipality was found to have posted a winding road sign rather than a sharp curve sign. The municipality was found 55% liable.

**Safranyos et al v City of Hamilton** - The plaintiff was leaving a drive-in movie theatre with four children in her vehicle at approximately 1 AM. She approached a stop sign with the intention of turning right onto a highway. Although she saw oncoming headlights she entered the intersection where she was struck by a vehicle driven 15 km/h over the posted speed limit by a man who had just left a party and was determined by toxicologists to be impaired. The children in the plaintiff's vehicle suffered significant injuries. The City was determined to be 25% liable because a stop line had not been painted on the road at the intersection.

**Mortimer v Cameron** - Two men were engaged in horseplay on a stairway and one of them fell backward through an open door at the bottom of a landing. The other man attempted to break the first man's fall and together they fell into an exterior wall that gave way. Both men fell 10 feet onto the ground below, one of whom was left quadriplegic. The trial judge determined both men were negligent, but that their conduct did not correspond to the extent of the plaintiff's injuries. No liability was attached to either man. The building owner was determined to be 20% and the City of London was found to be 80% liable. The Court awarded the plaintiff \$5 M in damages. On appeal, the City's liability was reduced to 40% and building owner was determined to be 60% liable. The City still ended up paying 80% of the overall claim.

## 2011 Review of Joint and Several Liability – Law Commission of Ontario

In February 2011 the Law Commission of Ontario released a report entitled, *"Joint and Several Liability Under the Ontario Business Corporations Act"*. This review examined the application of

joint and several liability to corporate law and more specifically the relationship between the corporation and its directors, officers, shareholders and stakeholders.

Prior to the report's release, AMO made a submission to the Law Commission of Ontario to seek to expand its review to include municipal implications. The Law Commission did not proceed with a broader review at that time, but the context of its narrower scope remains applicable to municipalities. In fact, many of the same arguments which support reform in the realm of the *Business Corporations Act*, are the same arguments which apply to municipal governments.

Of note, the Law Commission's<sup>1</sup> report highlighted the following in favour of reforms:

**Fairness:** "it is argued that it is unfair for a defendant, whose degree of fault is minor when compared to that of other defendants, to have to fully compensate a plaintiff should the other defendants be insolvent or unavailable."

**Deep Pocket Syndrome:** "Joint and several liability encourages plaintiffs to unfairly target defendants who are known or perceived to be insured or solvent."

**Rising Costs of Litigation, Insurance, and Damage Awards:** "Opponents of the joint and several liability regime are concerned about the rising costs of litigation, insurance, and damage awards."

**Provision of Services:** "The Association of Municipalities of Ontario identifies another negative externality of joint and several liability: municipalities are having to delay or otherwise cut back services to limit exposure to liability."

The Law Commission found that the principle of joint and several liability should remain in place although it did not explicitly review the municipal situation.

## 2014 Resolution by the Ontario Legislature and Review by the Attorney General

Over 200 municipalities supported a motion introduced by Randy Pettapiece, MPP for Perth-Wellington which called for the implementation a comprehensive, long-term solution in 2014. That year, MPPs from all parties supported the Pettapiece motion calling for a reform joint and several liability.

Later that year the Ministry of the Attorney General consulted on three options of possible reform:

### 1. The Saskatchewan Model of Modified Proportionate Liability

Saskatchewan has adopted a modified version of proportionate liability that applies in cases where a plaintiff is contributorily negligent. Under the Saskatchewan rule, where a plaintiff is contributorily negligent and there is an unfunded liability, the cost of the unfunded liability is split among the remaining defendants and the plaintiff in proportion to their fault.

<sup>1</sup> Law Commission of Ontario. "Joint and Several Liability Under the Ontario *Business Corporations Act*." Final Report, February 2011 Pages 22-25.



## 2. Peripheral Wrongdoer Rule for Road Authorities

Under this rule, a municipality would never be liable for more than two times its proportion of damages, even if it results in the plaintiff being unable to recover full damages.

## 3. A combination of both of the above

Ultimately, the government decided not to pursue any of the incremental policy options ostensibly because of uncertainty that insurance cost reductions would result. This was a disappointing result for municipalities.

While these reviews did not produce results in Ontario, many other common law jurisdictions have enacted protections for municipalities. What follows are some of the options for a different legal framework.

## Options for Reform – The Legal Framework

To gain a full appreciation of the various liability frameworks that could be considered, for comparison, below is a description of the current joint and several liability framework here in Ontario. This description will help to reader to understand the further options which follow.

This description and the alternatives that follow are taken from the Law Commission of Ontario's February 2011 Report entitled, *"Joint and Several Liability Under the Ontario Business Corporations Act"* as referenced above.<sup>2</sup>

### Understanding the Status Quo and Comparing it to the Alternatives

Where three different defendants are found to have caused a plaintiff's loss, the plaintiff is entitled to seek full payment (100%) from any one of the defendants. The defendant who fully satisfies the judgment has a right of contribution from the other liable parties based on the extent of their responsibility for the plaintiff's loss.

For example, a court may find defendants 1 (D1), 2 (D2) and 3 (D3) responsible for 70%, 20%, and 10% of the plaintiff's \$100,000 loss, respectively. The plaintiff may seek to recover 100% of the loss from D2, who may then seek contribution from D1 and D3 for their 70% and 10% shares of the loss. If D1 and/or D3 is unable to compensate D2 for the amount each owes for whatever reason, such as insolvency or unavailability, D2 will bear the full \$100,000 loss. The plaintiff will be fully compensated for \$100,000, and it is the responsibility of the defendants to apportion the loss fairly between them.

The descriptions that follow are abridged from pages 9-11 of the Law Commission of Ontario's report. These are some of the key alternatives to the status quo.

---

<sup>2</sup> Ibid. Page 7.

## 1. Proportionate Liability

### a) Full Proportionate Liability

A system of full proportionate liability limits the liability of each co-defendant to the proportion of the loss for which he or she was found to be responsible. Per the above example, (in which Defendant 1 (D1) is responsible for 70% of loss, Defendant 2 (D2) for 20% and Defendant 3 (D3) for 10%), under this system, D2 will only be responsible for \$20,000 of the \$100,000 total judgement: equal to 20% of their share of the liability. Likewise, D1 and D3 will be responsible for \$70,000 and \$10,000. If D1 and D3 are unable to pay, the plaintiff will only recover \$20,000 from D2.

### b) Proportionate Liability where Plaintiff is Contributorily Negligent

This option retains joint and several liability when a blameless plaintiff is involved. This option would cancel or adjust the rule where the plaintiff contributed to their loss. As in the first example, suppose the plaintiff (P) contributed to 20% of their \$100,000 loss. D1, D2 and D3 were responsible for 50%, 20% and 10% of the \$100,000. If D1 and D3 are unavailable, P and D2 will each be responsible for their \$20,000 shares. The plaintiff will remain responsible for the \$60,000 shortfall as a result of the absent co-defendants' non-payment (D1 and D3).

### c) Proportionate Liability where Plaintiff is Contributorily Negligent with a Proportionate Reallocation of an Insolvent, Financially Limited or Unavailable Defendant's Share

In this option of proportionate liability, the plaintiff and remaining co-defendants share the risk of a defendant's non-payment. The plaintiff (P) and co-defendants are responsible for any shortfall in proportion to their respective degrees of fault.

Using the above example of the \$100,000 total judgement, with a shortfall payment of \$50,000 from D1 and a shortfall payment \$10,000 from D3, P and D2 must pay for the missing \$60,000. P and D2 have equally-apportioned liability, which causes them to be responsible for half of each shortfall - \$25,000 and \$5,000 from each non-paying defendant. The burden is shared between the plaintiff (if determined to be responsible) and the remaining defendants.

### d) Proportionate Liability with a Peripheral Wrongdoer

Under this option, a defendant will be proportionately liable only if their share of the liability falls below a specified percentage, meaning that liability would be joint and several. Using the above example, if the threshold amount of liability is set at 25%, D2 and D3 would only be responsible for 20% and 10%, regardless of whether they are the only available or named defendants. However, D1 may be liable for 100% if it is the only available or named defendant. This system tends to favour defendants responsible for a small portion of the loss, but the determination of the threshold amount between joint and several liability and proportionate liability is arbitrary.

### e) Proportionate Liability with a Reallocation of Some or All of an Insolvent or Unavailable Defendant's Share

This option reallocates the liability of a non-paying defendant among the remaining defendants in proportion to their respective degrees of fault. The plaintiff's contributory negligence does not



impact the application of this reallocation. Joint and several liability would continue to apply in cases of fraud or where laws were knowingly violated.

### f) Court Discretion

Similar to the fraud exception in the option above, this option includes giving the courts discretion to apply different forms of liability depending on the case.

For example, if a particular co-defendant's share of the fault was relatively minor the court would have discretion to limit that defendant's liability to an appropriate portion.

## 2. Legislative Cap on Liability

Liability concerns could be addressed by introducing a cap on the amount of damages available for claims for economic loss.

## 3. Hybrid

A number of jurisdictions provide a hybrid system of proportionate liability and caps on damages. Co-defendants are liable for their portion of the damages, but the maximum total amount payable by each co-defendant is capped to a certain limit.

## The Saskatchewan Experience

As referenced earlier in this paper, the Province of Saskatchewan responded with a variety of legislative actions to assist municipalities in the early 2000s. Some of those key developments are listed below which are abridged from *"A Question of Balance: Legislative Responses to Judicial Expansion of Municipal Liability – the Saskatchewan Experience."* The paper was written by Neil Robertson, QC and was presented to the annual conference of the Association of Municipalities of Ontario in 2013. Two key reforms are noted below.

### 1. Reforming joint and several liability by introducing modified proportionate liability: "The Contributory Negligence Act" amendments

The *Contributory Negligence Act* retained joint and several liability, but made adjustments in cases where one or more of the defendants is unable to pay its share of the total amount (judgement). Each of the parties at fault, including the plaintiff if contributorily negligent, will still have to pay a share of the judgement based on their degree of fault. However, if one of the defendants is unable to pay, the other defendants who are able to pay are required to pay only their original share and an additional equivalent share of the defaulting party's share.

The change in law allows municipalities to reach out-of-court settlements, based on an estimate of their degree of fault. This allows municipalities to avoid the cost of protracted litigation.

Neil Robertson provided the following example to illustrate how this works in practise:

"...If the owner of a house sues the builder for negligent construction and the municipality, as building authority, for negligent inspection, and all three are found equally at fault, they would each be apportioned 1/3 or 33.3%. Assume the damages are \$100,000. If the builder has no funds, then the municipality would pay only its share (\$33,333) and a 1/3 share of the builder's defaulting share

(1/3 of \$33,333 or \$11,111) for a total of \$44,444 (\$33,333 + \$11,111), instead of the \$66,666 (\$33,333 + \$33,333) it would pay under pure joint and several liability.”

This model will be familiar to municipal leaders in Ontario. In 2014, Ontario’s Attorney General presented this option (called the Saskatchewan Model of Modified Proportionate Liability) for consideration. At the time, over 200 municipal councils supported the adoption of this option along with the “Peripheral Wrongdoer Rule for Road Authorities” which would have seen a municipality never be liable for more than two times its proportion of damages, even if it results in the plaintiff being unable to recover full damages. These two measures, if enacted, would have represented a significant incremental step to address the impact of joint and several to Ontario municipalities.

## **2. Providing for uniform limitation periods while maintaining a separate limitation period for municipalities: “The Limitations Act”**

This act established uniform limitation periods replacing many of the pre-existing limitation periods that had different time periods. The Municipal Acts in Saskatchewan provide a uniform one-year limitation period “from time when the damages were sustained” in absolute terms without a discovery principle which can prolong this period. This helps municipalities to resist “legacy” claims from many years beforehand. This act exempts municipalities from the uniform two-year discoverability limitation period.

Limitation periods set deadlines after which claims cannot be brought as lawsuits in the courts. The legislation intends to balance the opportunity for potential claimants to identify their claims and, if possible, negotiate a settlement out of court before starting legal action with the need for potential defendants to “close the books” on claims from the past.

The reasoning behind these limitations is that public authorities, including municipalities, should not to be punished by the passage of time. Timely notice will promote the timely investigation and disposition of claims in the public interest. After the expiry of a limitation period, municipalities can consider themselves free of the threat of legal action, and continue with financial planning without hurting “the public taxpayer purse”. Municipalities are mandated to balance their budgets and must be able to plan accordingly. Thus, legacy claims can have a very adverse affect on municipal operations.

Here in Ontario, there is a uniform limitations period of two years. Municipalities also benefit from a 10-day notice period which is required for slip and fall cases. More recently, the applicability of this limitation deadline has become variable and subject to judicial discretion. Robertson’s paper notes that in Saskatchewan, courts have accepted the one-year limitations period. A further examination of limitations in Ontario may yield additional benefits and could include the one-year example in Saskatchewan and/or the applicability of the 10-day notice period for slip and fall cases.

## **Other Saskatchewan reforms**

Saskatchewan has also implemented other reforms which include greater protections for building inspections, good faith immunity, duty of repair, no fault insurance, permitting class actions, and limiting nuisance actions. Some of these reforms are specific to Saskatchewan and some of these currently apply in Ontario.

## Insurance Related Reforms

### Government Regulated Insurance Limits

The April 2019 provincial budget included a commitment to increase the catastrophic impairment default benefit limit to \$2 million. Public consultations were led by the Ministry of Finance in September 2019. AMO wrote to the Ministry in support of increasing the limit to \$2 million to ensure more adequate support those who suffer catastrophic impairment.

In 2016, the government lowered this limit as well as third-party liability coverage to \$200,000 from \$1 million. This minimum should also be increased to \$2 million to reflect current actual costs. This significant deficiency needs to be addressed.

### Insurance Industry Changes

In 1989 the Ontario Municipal Insurance Exchange (OMEX) was established as a non-profit reciprocal insurance provider for Ontario's municipalities. It ceased operations in 2016 citing, "[a] low pricing environment, combined with the impact of joint & several liability on municipal claim settlements has made it difficult to offer sustainable pricing while still addressing the municipalities' concern about retro assessments."<sup>3</sup> (Retro assessments meant paying additional premiums for retroactive coverage for "long-tail claims" which made municipal budgeting more challenging.)

The demise of OMEX has changed the municipal insurance landscape in Ontario. That joint and several liability is one of the key reasons listed for the collapse of a key municipal insurer should be a cause for significant concern. Fewer choices fuels cost. While there are other successful municipal insurance pools in Ontario, the bulk of the insurance market is dominated by for-profit insurance companies.

Reciprocal non-profit insurers are well represented in other areas across Canada. Municipalities in Saskatchewan, Alberta, British Columbia are all insured by non-profit reciprocals.

The questions for policy makers in Ontario:

Are there any provincial requirements or regulations which could better support the non-profit reciprocal municipal insurance market?

What actions could be taken to better protect municipalities in Ontario in sourcing their insurance needs?

How can we drive down insurance costs to better serve the needs of municipal property taxpayers?

---

<sup>3</sup> Canadian Underwriter, August 11, 2016 <https://www.canadianunderwriter.ca/insurance/ontario-municipal-insurance-exchange-suspends-underwriting-operations-1004098148/>

## Conclusion

This AMO paper has endeavoured to refresh municipal arguments on the need to find a balance to the issues and challenges presented by joint and several liability. It has endeavoured to illustrate that options exist and offer the reassurance that they can be successfully implemented as other jurisdictions have done.

Finding solutions that work will require provincial and municipal commitment. Working together, we can find a better way that is fair, reasonable, and responsible. It is time to find a reasonable balance.

**COMMUNICATION 130184**

Received from Trisa McConkey, CPA, CGA, Treasurer  
Addressed to Committee of the Whole  
Date October 8, 2019  
Topic Hospital Foundation Advertising

**SUMMARY:**

The Carleton Place & District Memorial Hospital Foundation has requested that we include an insert in our water bills that they would provide asking for donations towards the Hospital.

**COMMENT:**

The Town typically includes inserts regarding Town services such as dog tag reminders with the January bills; advertising for the Home Show in April and advertising both Waste Reduction Week and Pumpkin Fest in October. This leaves the June water bills with no insert.

We did include an insert for the Foundation in a water billing a few years ago. Staff received over 200 complaints by phone and many more on social media. Customers felt we were asking too much from them, and they didn't feel the Town should be asking for funding for an outside organization. The Town has never advertised for any other organization in this way.

**FINANCIAL IMPLICATIONS**

There are no financial implications resulting from this report.

**STAFF RECOMMENDATION**

**THAT** Council provide direction regarding the Carleton Place & District Memorial Hospital Foundation's request to include an advertising insert with our June water bills.

**COMMUNICATION 130185**

Received from Joanne Henderson, Manager of Recreation and Culture  
Addressed to Committee of the Whole  
Date October 8, 2019  
Topic Community Enrichment Grants – Intake 2

**SUMMARY**

The attached chart summarizes the 2nd intake of applications for the Community Enrichment Grant and includes recommendations.

**COMMENT**

Each year, Council approves a budget to allocate funding to various community groups to assist them in their endeavours. Council approved a budget of \$30,000.00 for 2019. The funding program is known as the Community Enrichment Program.

There are two (2) application intakes under the program: February 28 for the 1<sup>st</sup> intake and August 31<sup>st</sup> for the second intake. Applications not received by the 1<sup>st</sup> intake deadline are considered with other applications received for the 2<sup>nd</sup> intake. If any funds remain after the 2<sup>nd</sup> intake, individual applications are considered until the end of the year and/or until the annual funds are utilized.

Staff reviewed the 2<sup>nd</sup> intake applications and reviewed them against the program criteria. Attached is a chart summarizing applications received and staff's recommendations in terms of funding allotments.

**FINANCIAL IMPLICATIONS**

Below is a summary of Community Enrichment Grant Funding available:

2019 Budget	\$30,000.00
Less:	
Intake 1 Applications	<u>\$18,910.67</u>
Sub-Total	<u>\$11,089.67</u>

Total Requests- Applications Received at August 31, 2019	\$ 5,375.00
--	-------------

Staff Recommendation – Award of Intake 2 Applications	<u>\$ 2,525.00</u>
Remaining Balance	<u>\$ 8,564.67</u>
	=====

The total funding request by organizations based on applications received is \$5,375.00. The total funding available is \$11,089.67. Staff is recommending that Council allocate \$2,525.00 of the remaining monies. This will leave contingency funds available for any remaining requests for 2019 in the amount of \$8,564.67.

**STAFF RECOMMENDATION**

THAT Council approve the allocation of Community Enrichment Grants to various organizations under Intake 2 in the amount of \$2,525.00.

## **2019 Community Enrichment Program Applications- Second Intake**

<b>Applicant</b>	<b>Date</b>	<b>Amount Requested</b>	<b>Details</b>	<b>Recommended</b>
Brett Pearson Run for Your Life	Sept 28, 2019	\$500	Requesting in kind support to assist in the delivery, set up and pick up of tents, tables, chairs, picnic tables, no parking signs, barricades, stage.	\$500.00 in-kind support towards facility rental & staffing
Lanark County – March for Consent Walk	Oct 19, 2019	\$750	Requesting financial support to assist in covering rental space fees, food and beverages, honorariums for guest speakers, craft supplies for poster making, and printing costs	Up to \$200 for the cost of the insurance for the road use permit.
Carleton Place Area Homeschooler/ Home Educators	2019 – 2020 School year	\$800	Requesting in-kind support to assist in providing an indoor space with equipment for their group to use once a week as part of their “meet up”.	Not Recommended. Does not fit criteria of grant.
Royal Canadian Legion	Sept 15, 2019	\$100	Requesting in-kind support to assist in proving safety for the event with barricades and town tents	\$100.00 in-kind support towards staffing
Lanark County Empowerment Advocacy & Navigation Services (LEAN)	Ongoing	\$1500	Requesting financial support for business cards, pamphlets, signs and car magnets to develop and promote LEAN services.	Not Recommended. Does not fit criteria of grant.
Carleton Place Lions Club	June 23, 2019	\$1000	Requesting financial support in assisting in covering to cost of portable washrooms for the day of the event and delivery and pick up of tents, garbage cans, etc	\$1000 in-kind support for portable toilet rental and staffing
Kids Fishing Derby	July 6, 2009	\$200	Requesting financial support to assist in covering the insurance for the day of the event	\$200 in-kind support for the insurance for the event.
Loyal Orange Lodge	July 12, 2019	\$525	Requesting in-kind support to provide the rental space of the Arena Hall including staff for set up and tear down	\$525.00 in-kind support towards facility rental & staffing

**Total Amount Available: \$11,089.33**

**Total Amount Requested: \$5,375.00**

**Total Suggested: \$2,525.00**

Dave Young  
655 Upper Scotch Line Rd  
Perth, ON K7H 3C5

September 25, 2019

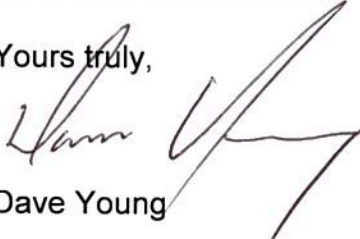
Diane Smithson,  
Chief Administrative Officer,  
Town of Carleton Place,  
175 Bridge Street,  
Carleton Place, ON K7C 2V8

Dear Diane:

Further to our conversation, please accept this as confirmation that I plan on retiring from my position as Director of Public Works for the Town of Carleton Place effective April 30, 2020. I am also planning on using the remaining holidays and/or banked time leading up to this date so I would anticipate being out of the office around mid-April.

I hope that this is helpful in terms of the planning process for the future and as I have indicated I will gladly provide any assistance I can to make the transition to my successor a smooth one.

Yours truly,

A handwritten signature in black ink, appearing to read 'Dave Young', with a large, stylized flourish extending to the right.

Dave Young



# CPEAC Meeting | MINUTES

---

September 16, 2019 | 6:30pm | Meeting location Carleton Place Library

Meeting called by Bill Slade (Chair)  
Type of meeting Committee Meeting  
Facilitator  
Secretary Tracy Kwissa

Present: Bill Slade, Tracy Kwissa, Kyle McCullouch, Jeff Atkinson, Jack Havel, Randy Martin, Colin MacDuff (Guest)

Regrets: Jamie DeBaie, Leslee Brown

## AGENDA TOPICS

---

5 minutes | 6:30 | Agenda topic Approval of Agenda and Minutes | Presenter Bill Slade

Meeting called to order.

Motion to approve Agenda seconded by Tracy Kwissa

Motion to approve minutes of meeting on July 15, 2019 brought forward by Dena Comley. Seconded by Kyle McCulloch

Introduction of a guest; Mr. MacDuff is interested in volunteering with our committee. We offered him a role on the sub-committee for the Anti-Idling education campaign. Welcome!

## Action items

## Person responsibleDeadline

None

---

Time allotted 20 minutes | Time 6:35 pm | Agenda topic Council Rep Update | Presenter Jeff Atkinson

Mayor Doug Black has put a Motion to the COW to have the current Committees to stay as is and serve on those Committees for the full term of the existing Council (until 2023) Current Committees of Council will not have to re-apply to sit on the Committees they are currently on.

## Action items

## Person responsibleDeadline

None

---

Time allotted 15 minutes | Time 6:55 | Agenda topic Sub-Committee Updates | Presenter

**Tracy:** Looking in to organizing a bus to go to Montreal September 27, 2019 to participate at the Fridays for the Future Global Walkout with Greta Thunberg. More details to come.

**Randy:** Trip to India. India produces 20,000 tons of plastic waste per day. He suggests we Sister with a community in Asia or India to share ideas and information about Climate Change initiatives.

**Dena:** We need to know what is going to happen at the Federal Level before we decide what we are going to do regarding single-use plastics. We can attack the issue of garbage and recycling by having more receptacles at parks, Municipal properties etc. We need to have policies and procedures in place to have Recycling and Garbage bins put in parks and public areas. Recreation Master Plan is coming next year and we need to be on this committee. We need to push for bottle filling stations.

## Action items

## Person responsibleDeadline

Inform Committee of details about bus trip

Tracy

asap

Follow up on leads to connect with a "Sister City"

Randy

October 7/19

---

Time allotted 20 minutes | Time 7:10 | Agenda topic Anti-Idling Education | Presenter Kyle McCulloch

Signage regarding signs for downtown core will be supported by BIA. The signs will be purchased by Joanne Henderson and installed by Public Works. Stickers, pamphlets etc. are pre-printed and we could purchase them. Jack suggests that we give info to driving instructors to talk about the by-law during Driver's Ed. Town Staff has offered to put information in the water bill and in the Property Tax bills. Looking for suggestions on a campaign that drives home the dangers of emissions to children and other vulnerable persons. Send a letter to restaurants and ask them to allow a no idling by-law sign on their property. We need to have a budget proposal for the Town regarding how much money we will need to purchase materials for our Campaign. Could we contact ETFO and CDSBEO and have them talk to bus drivers and tell them not to idle. Town will put up a banner across Bridge Street and on Electronic signs. Kyle will do a budget proposal.

## Action items

## Person responsible

## Deadline

Budget Proposal for Campaign

Kyle McCulloch

October 7/19

Action items	Person responsible	Deadline
--------------	--------------------	----------

Time allotted 20 minutes | Time 7:30 | Agenda topic Other Business | Presenter Bill Slade

- October 18 Chamber Gala the CPEAC will give the Green Business Award at the Grand Hotel. Dena is presenting the award. Tracy will attend with Deana.
- Hometown News is looking for content. We could also submit content to The Gazette and to Lake 88.1
- Doreen Donald has resigned from the Committee. We now have an empty seat.
- Three people have emailed us to enquire about volunteer opportunities with the Committee
- Corporate Strategic Plan for 2019- 2023 has nothing in it about Climate Change, Environmental Challenges. We suggest that the Staff Review would include Staff Members that have a Green Lens for future initiatives such as development, recreation, business etc.
- Jeff Atkinson: Town Appreciation Dinner is December 14<sup>th</sup> at the Arena. All Committee members are invited.
- Federal Politics: Committee
- www.CBDisnatural.ca Dena wants help promoting this website and getting the Feds to allow CBD to be separated from Marijuana so that CBD can be sold as a homeopathic medicine.
- Look at "Loop" regarding reducing food waste

Meeting adjourned at 7:53 pm

## Committee of the Whole – Information list

October 8, 2019

Date	Originator	Department	Subject	Pages
2019 09 16	Lanark County	Physical Environment	Invasive Plants	
2019 09 16	Leeds, Grenville & Lanark District Health Unit	Community Issues	Board of Health Meeting Summary	
2019 09 20	Eastern Ontario Regional Network (EORN)	Policy Review	EORN Mobile/Cell Gap Project	
2019 09 20	Ministry of Municipal Affairs and Housing	Corporate Services	Financial Information Return Award	
2019 09 24	Ministry of Municipal Affairs and Housing	Planning and Protection	Building Code Services Transformation	
2019 09 24	Leeds, Grenville & Lanark District Health Unit	Community Issues	Emerging Issues in Recreation, Tourism and Culture	
2019 10 01	Ontario SPCA	Planning and Protection	Future of Animal Welfare	



**Public Information Session on Invasive Plants including Wild Parsnip and Phragmites, Site Restoration and Monarch Recovery Efforts**

**Public Workshop: Milkweed Seed Collection & Pollinator Patch Seeding**

Hosted by Lanark County Public Works

**Saturday October 19<sup>th</sup>, 2019**

Public Information Session: **10:00am – 12:30pm**

Public Workshop: **1:00pm – 2:30pm**

Lanark County Administration Building, 99 Christie Lake Rd, Perth  
**Council Chambers**



To register for the **Public Information Session** and/or the **Public Workshop** please fill in the registration form available on our [website](#) and send it to [mvala@lanarkcounty.ca](mailto:mvala@lanarkcounty.ca).

**Are you looking for answers to some of the following questions?**

- Why are Wild Parsnip and Phragmites invasive plants?
- How do Wild Parsnip and Phragmites impact agriculture?
- What are the public health risks associated with Wild Parsnip?
- Why is controlling invasive plants important for conservation efforts?
- What is Lanark County doing to control invasive plants like Wild Parsnip and Phragmites?
- What pollinator restoration projects are happening in Lanark County?
- What is the status of the Monarch Butterflies in Canada and what is being done to help preserve Monarch habitat?
- How can I or my community get involved with pollinator projects in Lanark County?

Then join us for a free **Public Information Session** starting promptly at **10:00am**. There will be opportunities for questions and speakers are to be determined.

## Are you looking to...

- Get involved in pollinator projects in Lanark County?
- Learn how to harvest milkweed seeds by participating in a milkweed seed collection?
- Create pollinator patches to promote pollinator habitat in your community?



Then join us for a free **Public Workshop** to participate in a milkweed seed collection and pollinator patch seeding lead by Lanark County and the Canadian Wildlife Federation. The workshop starts promptly at **1:00pm**. Individuals only attending the public workshop can meet in the Council Chambers in the Administration Building at 1:00 pm.

Please be aware that the milkweed seed collection and pollinator patch seeding will occur outdoors, rain or shine. Please dress appropriately for the weather. Indoor washrooms will be accessible in the Lanark County Administration building.

For accommodation reasons, **please register** for the information session and/or the workshop by completing the registration form on our [website](#).

If you have any other questions about the information session, please email us at [mvala@lanarkcounty.ca](mailto:mvala@lanarkcounty.ca) or contact our office at 613-267-1353.

Toll Free: 1-888-952-6275

## **Board of Health Meeting September 19, 2019**

### **Summary**

#### **Budget**

The Ministry of Health has notified us that the provincial grant will be the same for 2019 as in 2018, with the addition of funding for the Seniors Dental Program. One time grants have been provided to purchase 2 new vaccine fridges, fund a student public health inspector practicum, and additional funding for the needle exchange program.

Work is underway to develop the 2020 Public Health Budget which will be brought to the Finance, Audit, Property and Risk Management Committee for their review prior to the November Board meeting. Letters have been sent to obligated municipalities with the estimated 2020 levy amounts based on the change in the provincial/municipal funding ratio announced by Minister Elliott for 2020.

#### **Program Update**

This fall, the Health Unit will be conducting a community program to raise awareness about the possible impact of significant exposure to radon gas in homes, and the importance of testing and remediation. According to a Health Canada survey, 19% of the homes in the Leeds, Grenville and Lanark region had levels of radon that over time could increase the risk of lung cancer.

The Leeds, Grenville & Lanark District Health Unit, in partnership with active school travel stakeholders, was successful in receiving \$60,000 over one year from Green Communities Canada. The objectives of the “North Grenville Way” project are to work with the North Grenville community to raise awareness for active school travel, develop an active school travel community charter, and conduct a professional assessment of walk zones in hopes of increasing opportunities for sustainable active school travel.

Planning is underway for the 2019-20 influenza season with our health care providers, hospital, and long-term care and retirement home partners. The flu vaccine supply will be a little later than in previous years. We hope to have vaccine out to our local health care providers by early October for high risk individuals. The general population supply will be readily available by early November.

All children in senior kindergarten will be assessed for any vision problems in the 2019-2020 school year. Health Unit Staff will provide 3 screening tests done at every school, which takes about 10 minutes per child. Each child will get a results letter with next steps to be taken depending on the screening outcome. Free annual eye exams are available for children and youth up to 19 years of age with a valid OHIP card by an Optometrist.

The Health Unit has entered into partnership with the Municipality of North Grenville to provide well water sample bottle pick up and drop off at their municipal office as of August 6<sup>th</sup>. This improves access to well water testing which ideally occurs three times a year.

September 20, 2019



Dear EOWC, EOMC municipality,

As you are aware the Provincial and Federal governments have announced their commitment to fund the EORN mobile/cell gap project.

EORN is presently in the midst of negotiating the contribution agreement with the Province and has received a letter from the Honourable Laurie Scott the Minister of Infrastructure in this regard. The EORN team, in partnership with Peterborough County procurement has commenced the procurement process for the project.

Our goals are to ensure an Honest, Open and Transparent process for all providers. As such, the EORN Board has supported direction to staff and Board members not to engage in dialogue or show support for any project of, or any one provider that may have an interest in bidding on the EORN project. The project may have multiple procurement opportunities as well and may extend for some time. We are committed to ensuring this process is fair to all proponents. We are respectfully suggesting that EOWC and their local municipalities and EOMC members not show support for any particular provider on any project related to cellular or mobile broadband at this time. Any inquiries or requests can be forwarded to EORN staff David Fell [dfell@eorn.ca](mailto:dfell@eorn.ca) or Lisa Severson [lseverson@eorn.ca](mailto:lseverson@eorn.ca) or address directly to: Sheridan Graham, EORN Procurement Specialist at [sgraham@ptbocounty.ca](mailto:sgraham@ptbocounty.ca)

EORN appreciates your continued support as we work to move this initiative forward.

Regards,

Sheridan Graham, Procurement Specialist

David Fell, CEO

Lisa Severson, Communications Director



Ministry of  
Municipal Affairs  
and Housing

Office of the Minister

777 Bay Street, 17<sup>th</sup> Floor  
Toronto ON M5G 2E5  
Tel.: 416 585-7000

Ministère des  
Affaires municipales  
et du Logement

Bureau du ministre

777, rue Bay, 17<sup>e</sup> étage  
Toronto ON M5G 2E5  
Tél. : 416 585-7000



19-3785

Ms. Trisa McConkey  
Treasurer  
Town of Carleton Place  
175 Bridge Street  
Carleton Place, ON, K7C 2V8

Dear Ms. McConkey: *Trisa*

I am pleased to inform you that you are one of the 16 winners of the 2018 Financial Information Return (FIR) Award. Thank you for your efforts and contribution in ensuring that timely, reliable, and accurate financial information was submitted for the Town of Carleton Place's 2018 Financial Information Return. Your municipality will be identified on the FIR website (<https://efis.fma.csc.gov.on.ca/fir/Welcome.htm>) as one of the winners of this award.

As you know, the FIR reports capture important financial and statistical information for each municipality in the province. This assists the Ministry of Municipal Affairs and Housing in providing the most current information to the growing number of users of our municipal database and provides important information to inform government decision making.

Thank you for the leadership and diligence your municipality has demonstrated in this important area.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Clark', written over the word 'Sincerely' and the name 'Steve Clark' in the typed text.

Steve Clark  
Minister

c: Mayor Doug Black



September 24, 2019

**RE: Building Code Services Transformation**

Dear Head of Council,

I am writing today to announce that my ministry is launching a consultation on potential changes to the delivery of building code services. On September 24, 2019, I released a discussion paper: *Transforming and Modernizing the Delivery of Ontario's Building Code Services*.

Our government has heard from stakeholders about the need for better, modern, and timely services to support the building sector's ability to understand and apply building code requirements. To do this, the ministry is proposing to establish a new administrative authority to deliver a suite of enhanced and new user-driven services. Modernized service delivery will ensure that the sector has the supports it needs to continue growing Ontario's economy, while protecting public health and safety.

Your feedback is important and will help inform enhancements to current building code services and the development of new services, which would:

- strengthen public safety
- streamline customer service and approval processes
- deliver sector-driven services
- provide timely and modern tools and products
- promote consistency across the province
- enhance integrity in the system.

.../2

We will also be hosting regional information sessions that will include an informational session for the sector earlier in the afternoon (1:00 - 3:00 p.m.) and a public open house in the evening (5:30 - 7:00 p.m.). Sessions will be held on the following dates:

1. City of Belleville: Friday, October 4, 2019  
Belleville Lions Club, 119 Station St., Belleville
2. City of North Bay: Monday, October 7, 2019  
North Bay Memorial Gardens, 100 Chippewa St. W., North Bay
3. Municipality of Chatham-Kent: Wednesday, October 9, 2019  
Chatham-Kent Cultural Centre, 75 William Street, Chatham-Kent
4. City of Vaughan: Wednesday, October 16, 2019  
Vellore Hall, 9541 Weston Road, Woodbridge

For more information about this consultation and for additional ways to participate, please visit [www.ontario.ca/buildingtransformation](http://www.ontario.ca/buildingtransformation) where you will find:

- A link to the discussion paper
- Information about how to provide feedback
- A short optional survey

The consultation will close on November 25, 2019.

I look forward to your feedback on the transformation of building code service delivery. Please note that Chief Building Officials will also receive notification of this transformation initiative and associated opportunities for engagement.

If you have any questions about the consultation, please contact ministry staff at [buildingtransformation@ontario.ca](mailto:buildingtransformation@ontario.ca).

Sincerely,



Steve Clark  
Minister

c: Municipal Clerks

Good Afternoon!

Please share with your Recreation Staff as appropriate:

**The Rural Recreation Association invites to you reserve 14-NOV-19 in your calendar for our annual Fall Summit.**



---

**This year's theme will be *Emerging Issues in Recreation, Tourism and Culture.***

**Location: Smiths Falls Memorial Community Centre 71 Cornelia St. W,  
Smiths Falls, ON  
9:00am to 2:45pm**

**Registration by Eventbrite and Agenda will be coming soon.**

Have a great afternoon!

Heather

Heather D. Campbell  
Administrative Assistant  
Healthy Living & Development Department  
Leeds, Grenville & Lanark District Health Unit  
25 Johnston St. Smiths Falls, ON K7A 0A4  
613-283-2740 x 2266 /613-283-1679 (Fax)  
1800 660 5853  
[heather.campbell@healthunit.org](mailto:heather.campbell@healthunit.org)

[Click here](#) to view this email in your browser

October 1, 2019

To all Ontario Mayors, CAO's and Clerks:

Municipalities can have a positive impact on the lives of animals.

What does the future of animal welfare look like? It's a question on the minds of pet owners, animal advocates, police and municipalities. Provincial animal welfare legislation is in the midst of a significant transition, and it requires a collaborative approach in order to be successful.

Historically, the Ontario SPCA and Humane Society was contracted to enforce the Province of Ontario's animal welfare legislation. In January 2019, a Superior Court judge ruled that it was unconstitutional for the Government of Ontario to permit a charity to provide law enforcement services. That ruling was a catalyst behind the Ontario SPCA and Humane Society's decision not to renew its contract with the government, which expired on March 31, 2019.

To help ensure a smooth transition period, the Ontario SPCA offered the provincial government a three-month transition phase and continued to enforce the legislation until June 28, 2019. After that date, enforcement services transitioned back to the government.

As Ontario's Animal Charity since 1873, the Ontario SPCA understands first hand how no one organization can do this work alone. The Ontario SPCA presented to the government a model of animal protection where the organization provides animal support services to the province and its enforcement agencies. Through the expertise of all agencies involved, this model will maximize resources for the best possible protection of animals.

So what does this mean for municipalities and their law enforcement officers? It means that you have the capacity to have a significant impact on the lives of

animals. Ensuring the pets in your community are protected requires a unified effort, at the heart of which are animal bylaws.

To put the significance of bylaws in perspective, the Ontario SPCA received approximately 14,000 calls last year concerning animal well-being. Of those, 56% related to standards of care issues alone. The Ontario SPCA estimates that as much as 65% of its annual call volume could be addressed at the municipal level through bylaws. With comprehensive bylaws in place across the province at the municipal level, those numbers could be further reduced.

Implementing or enhancing existing bylaws relating to animals left unattended in vehicles, standards of care, tethering, and other areas of common concern can prevent such incidents from escalating to cases of serious neglect. As municipal law enforcement officers are familiar with compliance-based enforcement, they have the skills and expertise to provide early intervention and education that can resolve a situation before it escalates to a level where police need to become involved, or animals need to be removed, which can become quite resource intensive.

The Ontario SPCA continues to support police and municipalities. The Ontario SPCA and Humane Society's province-wide 310-SPCA (7722) hotline remains active, offering support to municipalities and officers who need information or access to resources.

With over 145 years of experience, the Ontario SPCA has the skills, knowledge and infrastructure needed to provide support to government agencies, like municipal law enforcement. Through Ontario SPCA Enforcement Support Services, the Ontario SPCA provides expertise in animal care, veterinary medicine, animal transportation and understanding of the collection and processing of forensic evidence to help build cases against animal abusers.

Animal protection is much bigger than any one organization or enforcement agency. It will take a collaborative effort to make our communities a better place for animals and people.

To learn more about the Ontario SPCA and how it can support animal welfare efforts at the municipal level, visit [ontariospca.ca](http://ontariospca.ca) or contact:

Central & South - Darren Grandel, Senior Director, Animal Protection, Ontario SPCA, at [dgrandel@ospca.on.ca](mailto:dgrandel@ospca.on.ca),

East - Bonnie Bishop, Director, Animal Protection, Ontario SPCA, at

[bbishop@ospca.on.ca](mailto:bbishop@ospca.on.ca),

North - Arista Wogenstahl, Director, Animal Protection, Ontario SPCA, at  
[awogenstahl@ospca.on.ca](mailto:awogenstahl@ospca.on.ca).

Sincerely,



Daryl Vaillancourt  
Chief, Humane Programs and Community Outreach  
Ontario SPCA and Humane Society

CC: Ontario Association of Chiefs of Police

---

Ontario SPCA and Humane Society, Provincial Office  
16586 Woodbine Ave. Stouffville, ON L4A 2W3  
1-888-668-7722 [info@ospca.on.ca](mailto:info@ospca.on.ca)

---

[Privacy Policy](#) [Email Preferences](#)  
© 2019 Ontario SPCA and Humane Society

